



**REPORT of  
CHIEF EXECUTIVE**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**30 October 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00620</b>
<b>Location</b>	62 New Road Tollesbury Essex CM9 8RE
<b>Proposal</b>	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
<b>Applicant</b>	The Go Ahead Group
<b>Agent</b>	Mr Peter Dines - Gerald Eve
<b>Target Decision Date</b>	11.09.2017
<b>Case Officer</b>	Yee Cheung, Tel: 01621 876220
<b>Parish</b>	<b>TOLLESBURY EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

1. **RECOMMENDATION**


**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

2. **SITE MAP**

Please see overleaf.

**62 New Road, Tollesbury**  
**FUL/MAL/17/00620**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	North West Committee
	Date:	17/10/2017
	MSA Number:	100018588
<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>		

### 3. SUMMARY

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

- 3.1.1 The application site is located to the north of New Road and to the south of Thurstable Road. The site comprises of a large building which was formerly used for the stationing of buses and is now vacant. To the south west of the site is a single-storey office building. Vehicular and pedestrian access to the site is via New Road.
- 3.1.2 The site gradient gently slopes from 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. There are two trees on the northern boundary of the site.
- 3.1.3 The application site is enclosed by palisade fencing and chain link fencing on the northern and southern boundary of the site. Domestic garden fencing is 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.
- 3.1.4 Planning permission is sought for the demolition of the existing structures on site and to construct ten, two and three bedroom houses with landscaping and associated works including access to the site. The houses proposed would be two-storeys and approximately 7.8 metres in height. Four houses would front and have direct access onto Thurstable Road. Three houses would front and have direct access onto New Road. Three houses would be centrally located within the plot fronting onto a new private access road.
- 3.1.5 For ease of reference, the houses proposed are presented in a table below:

	<b>No. of bedrooms</b>	<b>Private Amenity Space (Approx.)</b>	<b>Car Parking Spaces</b>
<b>Houses fronting onto Thurstable Road</b>			
Plot 1 and Plot 4 2 x houses	3 bed	207sqm and 228sqm	4 (2 parking spaces per house)
Plot 2 and Plot 3 2 x houses	Small 2 bed	120sqm and 162sqm	4 (2 parking spaces per house)
<b>Houses fronting onto New Road</b>			
Plot 8 1 x house	3 bed	142sqm	2
Plot 9 and Plot 10 2 x houses	Small 2 bed	111sqm and 139sqm	4 (2 parking spaces per house)
<b>Houses fronting the</b>			

<b>access road</b>			
Plots 5, 6 and 7 3 x houses	Large 2 beds	129sqm, 135sqm and 140sqm	6 (2 parking spaces per house)

- 3.1.6 The three bed houses would have an L-shaped floor plan. An open plan kitchen, dining room and living room area and a W.C is proposed at ground floor. Three bedrooms (one with en-suite) and a family bathroom are proposed at first floor level.
- 3.1.7 The small two bed houses would comprise of an open plan kitchen / dining room and living room area and a W.C at ground floor. Two bedrooms and a bathroom are proposed at first floor level.
- 3.1.8 The large two bed houses would have a have L-shaped floor plan at ground floor level only. There would be an open plan kitchen, dining room and living room area and a W.C at ground floor with two bedrooms (one with an en-suite) and a bathroom at first floor level.
- 3.1.9 It is proposed that the houses would be constructed using external materials such as facing buff coloured brickwork and timber cladding. Dark grey tiles are proposed for the roof.

## **3.2 Conclusion**

- 3.2.1 The proposal has been assessed in accordance with the presumption in favour of sustainable development having regard to the other policies in the framework and the Local Development Plan.
- 3.2.2 The site comprises of a large building which was formerly used for the stationing of buses and is now vacant. The development proposal would therefore result in some job related benefits and support to businesses associated with the construction of the residential units in accordance with the economic role of sustainability. Furthermore, the future occupiers of the units would, in all likelihood, give rise to additional expenditure in the local economy. The site is in close proximity to local services and facilities and therefore considered to be sustainable and accords with the general principles of the National Planning Policy Framework. Moreover, the proposal is considered to be visually acceptable and causes no harm to the amenities of neighbours.
- 3.2.3 While the Council can demonstrate a five year supply of deliverable housing sites, the development would contribute additional two / three bedroom units to the supply of housing which would deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive mixed communities in accordance to the principle 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.

## **4. MAIN RELEVANT POLICIES**

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

- 7, 8, 9, 14, 17, 22, 39, 49, 50, 56, 57, 58, 60

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

- S1 – Sustainable Development
- S8 – Settlement Boundaries and the Countryside
- D1 – Design Quality and Built Environment
- D2 – Climate and Environmental Impact of New Development
- E1 – Employment
- H2 – Housing Mix
- H4 – Effective Use of Land
- N2 – Natural Environment, Geodiversity and Biodiversity
- T1 – Sustainable Transport
- T2 – Accessibility

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

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

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 The Council is now in a position where it can demonstrate an up to date deliverable supply of housing land for a period in excess of 5 years. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.1.2 There are three dimensions to sustainable development as defined in the National Planning Policy Framework (NPPF). They are the economic, social and environmental roles. The Local Development Plan through the preamble to Policy S1 reiterates the requirements of the NPPF.
- 5.1.3 The application site lies within the defined settlement boundary of Tollesbury as identified in the Local Development Plan (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.
- 5.1.4 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 development is acceptable in accordance with Policy S8 of the LDP. This is subject to other material considerations which will be discussed below.

5.1.5 Policy E1 of the Local Development Plan 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.*” In this case it is noted that the site does not currently host any employees as the vacant building has always been used as a bus depot. Although it is not an untidy site or an unattractive building, the bulk, scale, siting of the building is not compatible with the pattern of development in the area and does not contribute positively to the residential character of the surrounding area and therefore it is considered that the proposed use would be of greater benefit to the local community and the character of the area than the existing use and the current buildings at the site. The loss of land that has formerly been used for employment purposes is therefore considered to be in accordance with Policy E1 of the LDP.

## **5.2 Housing Mix**

5.2.1 The proposal would provide a total of up to 10 new dwellings. Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council therefore encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council’s updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.

5.2.2 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 50. Out of the ten dwellings proposed, three dwellings would have three bedrooms and seven would have two bedrooms. It is considered that the seven x two bedroom dwellings would assist in meeting the housing shortfall need as set out in the SHMA and policy H2 of the LDP. Whilst three dwellings would comprise of three bedrooms as proposed, on balance, it is considered the housing mix with the higher proportion of two bedroom dwellings provided would contribute to the identified housing need and responsive to local circumstances and should therefore be given more weight in favour of this proposal.

## **5.3 Affordable Housing**

5.3.1 Policy H1 of the Local Development Plan stipulates that all housing developments of more than 10 units or 1,000 sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council’s strategic objectives on affordable housing.

- 5.3.2 The proposal is no more than 10 units and the total gross floor space of the houses is 992 sqm (Gross Internal Floor area ref PPG Paragraph: 031 Reference ID: 23b-031-20161116). As the number of units and gross internal floor areas falls below the threshold required under policy H1, the proposed development does not trigger the requirement for affordable housing. The Housing Department has no further comment to make on this application.

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

- 5.4.1 National planning policy places great importance on the design of the built environment and states that high quality design should ensure that new development is visually attractive, responsive to local character, helps to promote healthy communities, and creates buildings which are durable, adaptable, and function well within the surrounding area to create a safe and accessible environment. Good design should enable and encourage people to live healthy lifestyles, reduce the risk of crime, create accessible environments which are inclusive for all sectors of society, and increase opportunities for social interaction.
- 5.4.2 Policy D1 of the Local Development Plan states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (b) Height, size, scale, form, massing and proportion; (d) Layout, orientation, and density; (2) Provide sufficient and useable private and public amenity spaces; (4) Protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.3 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.
- 5.4.4 In terms of design and appearance, the proposed dwellings would be of modern design and construction with gable end projections on some buildings fronting onto New Road and Thurstable Road. Based on the drawings submitted, it appears that weatherboarding would be used at first floor level which would create visual interest as well as breaking up the continuity of the built form. The floor space for each dwelling is proportioned to meet the size of the household proposed and is generally commensurate with property sizes in the locality. It is considered that the proposed dwellings would be to a similar height, bulk and scale to the existing properties at Thurstable Road, Genesta Close, Shamrock Close, Endeavour Close and Valkyrie Close.
- 5.4.5 The prevailing pattern of development in the locality is predominantly of two storey detached, semi-detached and terraced dwellings fronting onto the highway (New Road and Hasler Road). The residential properties along Thurstable Road are a mixture of single-storey and two-storey dwellings. It is noted that the older historic properties to the east of the north west and south west of the site are closer together, more compact due to its built form and have deeper private amenity space. Along Thurstable Road, particularly to the north of the site, properties are generally larger in footprint with shallower private amenity space.

- 5.4.6 The proposed scheme incorporates a mix of two-storey terraced dwellings, semi-detached dwellings and detached dwellings (linked by the bin store). The layout of the development has been designed to provide spacious plots, reflecting elements of the locality in terms of garden size and plot depth particularly to the north and east of the site along Thurstable Road and Hasler Road. The four houses on Thurstable Road have been set back from the pavement with a large front garden and large driveway. Again to reflect the position of the surrounding houses on this road.
- 5.4.7 The proposed dwellings fronting New Road are also set back from the highway to reflect and align with the existing residential dwellings immediately next to the site. The development would also conform to the prevailing layout of existing dwellings when viewed at a wider context.
- 5.4.8 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 particularly to the north of the site at Shamrock Close and Genesta Close where the plots and back to back distances are similar in terms of width and depth. In terms of the layout of the proposed development, it is noted that the site is currently occupied by a large, dominating building which is different, out of scale and disproportionate when viewed in context with existing residential properties surrounding the site. It is considered 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.
- 5.4.9 As mentioned in Paragraph 3.1.5 in the report above, each dwelling has sufficient private amenity space to meet the standards of the Essex Design Guide and adequate parking provision to meet the adopted Vehicle Parking Standards. The density of the development equates to approximately 25 dwellings per hectare and has been dictated by the layout of development which is considered to be compatible with the surrounding area. On this basis the density is considered acceptable in this location.
- 5.4.10 In the Design and Access Statement dated May 2017 (Part 2), the Applicant has acknowledged the external materials on neighbouring buildings and traditional local materials used (Paragraph 2.5 and 3.4) however, no details have been submitted to inform the Council what external materials would be used in the construction of the dwellings except with the mentioning of buff bricks, weatherboarding and dark grey roof tiles. In this instance, it is considered reasonable to impose a condition for material samples to be submitted and approved by the Council should the application be approved.

## **5.5 Impact on Residential Amenity**

- 5.5.1 Policies D1 and H4 of the LDP advises that any development should protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight and that any backland / infill development should not result in unacceptable material impact upon the living conditions and amenity of nearby properties.
- 5.5.2 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

15 metres within the site meets policy requirements contained within policy D1 of the Local Development and the Essex Design Guide.

- 5.5.3 Based on the elevational plans submitted, it appears that on Plots 1, 4 and 8, a first floor window is proposed on each flank wall to serve an en-suite. A condition can be imposed on these windows to ensure that they are obscure glazed which would protect the amenity of the existing occupiers next to the site and the future occupiers of the site in accordance with policy D1 of the Local Development Plan.
- 5.5.4 Concerns were raised regarding the loss of light to the windows on the flank wall of No. 64 New Road by the proposal of a detached garage block located to the south western corner of the site which flanks alongside No. 64 New Road. The Applicant has amended the plans to show a communal car parking area without the garage block which has addressed the concerns raised by the neighbouring residential property. Plots 5, 6 and 7 located within the site are positioned approximately 13.8 metres and 23 metres away from the shared boundary with No. 64 New Road and No. 16 Waterworks. It is considered the distances are sufficient to ensure the private amenity spaces / private sitting-out areas are not overlooked by the development proposal in accordance with policy D1 of the LDP and the Essex Design Guide. In terms of noise and disturbance to the existing occupiers at No. 64 New Road, it is considered that the new communal parking arrangement would be an improvement when compared to the previous use of the site where buses were able to park perpendicular to No. 64 New Road and impacting on the private garden area of that property. In this respect, the proposal would accord with policy D1 of the LDP.
- 5.5.5 It is noted that there are window openings on the ground floor and first floor flank wall / west elevation of No. 60 New Road. The ground floor windows are currently screened by the existing boundary treatment and therefore it is considered that the development would not impact on these windows. There are two windows at first floor level. As these windows are positioned further forward than Plot 10, it is not considered that these windows would be affected by this development. Also, having taken into account the proposed development (Plot 10) and its position away from the shared boundary with No. 60 New Road, it is not considered that the development would adversely impact on the existing occupiers of that dwelling to such a degree as to warrant refusal.
- 5.5.6 With regard to the position of Plot 1, the proposed dwelling is positioned some 8 metres away from the eastern flank wall of No. 16 Waterworks. Having noted the distance between the two dwellings, it is considered that the development would not impact on the residential amenity of the existing occupiers at that property to warrant refusal.
- 5.5.7 Plot 4 is positioned approximately 5.7 metres away from the flank wall of No. 69 Thurstable Road. It is noted that there is a small dormer window on the west elevation of the property. At present, this dormer window faces onto the eastern flank wall of the large bus depot. It is considered that the proposal would benefit the existing occupiers at the property by improving the outlook of the site.
- 5.5.8 In this respect, the proposal would accord with policy D1 of the Local Development Plan.

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

- 5.6.1 In order to be considered acceptable, new development would need to comply with policy T2 of the Local Development Plan which ensures the provision of off-street parking in line with Maldon District Vehicle Parking Standards (VPS). For two and three bedroom houses it is advised that a maximum of two spaces should be provided.
- 5.6.2 In Paragraph 3.1.5 of the report above, the table lists the number of parking spaces allocated to each dwelling. The parking areas would be located to the front of properties, some in a tandem arrangement and in a communal parking area which runs parallel to No. 64 New Road.
- 5.6.3 The four houses on Thurstable Road have been set back from the pavement with a large front garden and large driveway. It is noted that each driveway is able to accommodate up to 2 cars and includes a turning point on the driveway to ensure all vehicles are able to enter and leave the highway in a forward gear.
- 5.6.4 The three houses on New Road are pulled forward close to the street with off-street parking spaces provided in the form of communal parking located to the south west of the site.
- 5.6.5 With regard to the three dwellings located centrally within the site, a private access road has been proposed off New Road to allow access to a terrace of three large two bed houses. Each dwelling has a driveway and is capable of accommodating two cars. Two visitor parking spaces and a turning space at the end of this road have also been proposed within the site which meets policy requirements.
- 5.6.6 The Highway Authority has assessed the proposal and has raised no objection to the proposal subject to conditions relating to surface treatment, details of the vehicular access, footway, dropped kerbs and a Construction Method Statement (CMS) have been submitted to and approved by the Council. This can be dealt with by condition should the application be approved.

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

- 5.7.1 With regard to the size of amenity spaces, the Council has adopted the Essex Design Guide (EDG) as guidance to support its policies in assessing applications for residential schemes. The EDG indicates that for dwellings with two bedrooms, at least 50 square metres of amenity space should be provided. For three bedrooms or more 100 square metres should be provided. Policy D1 of the Local Development Plan indicates the need for amenity space in new development and such space must be useable.
- 5.7.2 Based on the drawings submitted it appears that the garden size would meet policy requirements contained within policy D1 of the Local Development Plan and The Essex Design Guide.
- 5.7.3 Minimal hard and soft landscaping details have been submitted to accompany this application. A condition can be imposed for more details to be submitted and approved by the Council should the application be approved.

## 5.8 **Ecology**

- 5.8.1 Paragraph 109 of the NPPF states that ‘the planning system should contribute to and enhance the natural and local environment by..... recognising the wider benefits or ecosystem services.....and minimising impacts upon biodiversity and providing net gains in biodiversity where possible’. Further, Policy N2 of the Local Development Plan states that ‘to protect the District’s natural environment and bio-diversity, developments should not have a detrimental impact on sites of ecological significance both in terms of quantity, quality and connectivity’.
- 5.8.2 In support of the planning application, an Ecological Report Phase 1 Habitat Assessment Bat scoping Survey dated April 2017 was submitted. The report is clear that suitable bat roosting features within Building B1 need to be further inspected through an elevated endoscope inspection. Further bat activity surveys would need to be undertaken if the elevated inspection cannot rule out the use of the features by roosting bats in accordance with national planning guidance. The Coast and Countryside has been consulted and additional information has been submitted in relation to the presence of bats at the site. The detail submitted in an email correspondence dated 19 September 2017 has confirmed that there are no bats present on site. It has been advised that if the demolition of the bus depot is to be undertaken in the winter (Oct-Mar), there is negligible potential for bats to be present and no precautions are recommended, as the building is not considered suitable for hibernating bats. However, If the demolition is scheduled for summer (Apr-Sep), it was recommended a single update pre-demolition bat emergence or return survey would be required to confirm that bats are still absent. This would be to remove any risk of bats being found unexpectedly during works.
- 5.8.3 It is understood from the Applicant that demolition is currently scheduled for the winter (February). As such, this is considered to be acceptable and no further report would need to be undertaken. The Coast and Countryside Officer has assessed the additional information submitted and has no further issue regarding to ecology on site. A condition can be imposed should the application be approved.

## 5.9 **Other Material Considerations**

### 5.9.1 Bus services serving Tollesbury

The Applicant has confirmed that the loss of the bus depot would not affect the existing bus service to Tollesbury. There are no plans to change the bus service and any decisions in relation to the provision of the bus service would not be linked to whether or not the bus depot would be utilised or not.

### 5.9.2 Education

Concerns have been raised regarding the local primary school being at capacity. Essex County Council - Education Department were consulted during the process of this application and no reply has been received at the time of writing this report. Any comments received will be reported to Members at committee.

### 5.9.3 Community Engagement

In the Applicant’s Planning Statement, it appears that discussions were held with the local Parish Council regarding the residential development on this site. The Applicant has also informed the local community of the development proposals as part of the

planning application submission. This is taken into consideration but does not influence the recommendations made on policy grounds. The undertaking of the public events would comply with Development Plan Policy.

#### 5.9.4 Essex County Council - SUDs Team

The SUDs Team submitted a holding objection to the proposed scheme. The Applicant has had discussions with the SUDs Team and has submitted a revised Surface Water Drainage Strategy dated August 2017 for the above site. The SUDs Team have been re-consulted and has now raised no objection to the proposal, subject to conditions and informative to be imposed should the application be approved.

### 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.
- 01/00200/FUL - Proposed demolition of existing office building and erection of a single storey office building. Approved: 25.04.2001

### 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

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

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	Recommend the granting of planning permission as the current housing mix meets the needs identified in the Housing Needs Survey (April 2017).	Noted

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC SUDs Team	Holding Objection on 20 July 2017. The Agent has submitted a new Surface Water Drainage Strategy Report to ECC-SUDs Team. ECC SUDs Team has now raised no objection to the proposal subject to conditions	Noted
ECC Highways	No objection subject to	Noted

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	conditions	
Essex and Suffolk Waters	Our records show that ESW do not have any apparatus located in the proposed development.	Noted
ECC Education Department	No reply at the time of writing this report.	Any comments received will be reported on the Members Update

### 7.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Housing Department	The number of units and gross internal floor areas do not trigger the requirement for affordable housing, therefore no comment to make on this application.	Noted
Environmental Health Services	No objection subject to condition regarding foul drainage and contamination to be submitted to and approved by the Council	Noted
Tree Officer	No comment to make on this application	Noted
The Coast and Countryside Officer	The officer has assessed the additional information submitted regarding to bats. This is satisfactory.	Noted

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

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

- Mrs Tessa Bartlett 64 New Road Tollesbury Maldon
- T Wood 1 Genesta Close Tollesbury Maldon

<b>Objection Comment</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>• Car barn would block light into the kitchen and part garden at No. 64 New Road</li> <li>• The design of the development is out of keeping with the Victorian</li> </ul>	Noted in the officer report.

Objection Comment	Officer Response
<p>properties on New Road</p> <ul style="list-style-type: none"> <li>• The development would block the river view</li> <li>• Questioning whether the village needs more small houses when it is well known that there are many families looking for 4 bedroom properties which are very hard to come by</li> <li>• Increase in traffic, dangerous and limited parking</li> <li>• Local school is at its capacity</li> </ul>	

**8. 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 by Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.  
REASON: To ensure that appropriate external materials are used in the construction of the development in accordance with policy D1 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework
- 4 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The boundary treatment 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: To ensure that appropriate boundary treatment are used in the construction of the development in accordance with policy D1 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework
- 5 No development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and

details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first 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.  
REASON: To ensure that the details of the proposal are acceptable and in the interests of local amenity in accordance with policy D1 of the Maldon District Local Development Plan.

- 6 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary or throughout.  
REASON: To ensure that loose materials are not brought out onto the highway in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.

- 7 Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.  
REASON: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.

- 8 The existing accesses or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.  
REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.

- 9 Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.  
REASON: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.

- 10 The development shall not be occupied until such time as the car parking areas, indicated on the approved plans, has been hard surfaced and sealed. The

car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

REASON: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.

- 11 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.

- 12 Prior to the commencement of the development 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 ensure appropriate drainage for foul water is acceptable for the site in accordance with policy D2 of the adopted Maldon District Local Development Plan.

- 13 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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 adopted Maldon District Local Development Plan.

- 14 The approved remediation scheme 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. 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 adopted Maldon District Local Development Plan.

- 15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition [13], and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition [14]. This must be conducted 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.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition [14].

REASON: To prevent the undue contamination of the site in accordance with policy D2 of the adopted Maldon District Local Development Plan.

- 16 No works 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:
- Infiltration and groundwater testing in line with BRE 365. If infiltration is demonstrated to be unfeasible, discharge rates from the site should be limited to 5l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. Permission from the relevant authority to discharge into the off-site sewer at this rate 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.
  - 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

- 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: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with policies S1, D1 and D5 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

- 17 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: To ensure the development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with policies S1, D1 and D5 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

- 18 No works shall take place until 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 policies S1, D1 and D5 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

- 19 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 policies S1, D1 and D5 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

- 20 Prior to the first occupation of the Plot 1, Plot 4 and Plot 8 hereby permitted, the first floor window in the west elevation of Plot 1, the first floor window in the east elevation of Plot 4, and the first floor window in the west elevation of Plot 8 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 protect the amenity of neighbouring residential properties in accordance with policy D1 of the Maldon District Local Development Plan.

- 21 The development hereby approved shall be carried in complete accordance with the Bat Emergence / Re-entry Surveys 170406-ED-02 dated September 2017 and the Phase 1 Habitat Assessment Bat scoping Survey 170406-ED-01a dated April 2017. No demolition works are permitted during the period October to March inclusive.

REASON: To ensure protected species are not affected by the development proposal in accordance with policy N2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

- 22 No development 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 ensure such infrastructure is available on site in accordance with policy I1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

## **INFORMATIVES**

### Waste Management

- 1 The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.

### Environmental Health Services

- 2 Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings shall be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials. It is recommended that the council's Building Control department is notified of the demolition in order that requirements can be made under the Building Act 1984.
- 3 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - b) No dust emissions should leave the boundary of the site;
  - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
  - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

### Highways

- 4 It would appear that street lighting column numbered 18 on Thurstable Road may require removal or relocation, the applicant is strongly recommended to establish dialogue with the Highway Authority to gain prior consent before any construction, demolition or ground works commence.
- 5 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.
- 6 The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU.

### Essex County Council SUDs Team

- 7 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- 8 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- 9 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- 10 It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- 11 The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- 12 We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

- 13 Please refer to the standing advice note explaining the implications of the Flood and Water Management Act (2010).