

MALDON DISTRICT COUNCIL

Princes Road, Maldon, Essex CM9 5DL

Telephone: 01621 854477

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION REFERENCE

FUL/MAL/21/00343

PROPOSAL

Proposed development of 9 No. 2, 3 and 4 bedroom houses including access, landscaping and associated works.

LOCATION

The Go-Ahead Group Plc 62 New Road Tollesbury Essex
(UPRN - 200000913163)

NAME OF APPLICANT:

Mr Mike Bradburn - Saltmarsh Developments
Ltd

NAME AND ADDRESS OF AGENT:


Mr Adam McLatchie - FRONT.
Architecture
8 South Street
Rochford
SS4 1BQ

DECISION DATE 11 November 2021

In pursuance of the powers exercised by them as Local Planning Authority this Council having considered your application to carry out the above development in accordance with the submitted drawing(s) referenced 20.657 200 Rev P6, 20.657 HT-1P Rev P5, 20.657 HT-4P Rev P5, 20.657 HT-4E Rev P4, 20.657 HT-1E Rev P5, LS 4965/1, 20.657 201 Rev P4, 20.657 202 Rev P4, 20.657 203 Rev P4, 20.657 CP Rev P3, 20.657 HT-6E Rev P1, 20.657 HT-6P Rev P2, 20.657 HT-7E Rev P1, 20.657 HT-7P Rev P2, 20.657 HT-8E Rev P1, 20.657 HT-8P Rev P1, do hereby give notice of their decision to:

REFUSE PERMISSION

for the said development for the reasons appended to this Notice.



RICHARD HOLMES
DIRECTOR OF SERVICE DELIVERY

IMPORTANT: PLEASE REFER TO THE NOTES ATTACHED TO THIS DOCUMENT

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The Go-Ahead Group Plc 62 New Road Tollesbury Essex

REASONS FOR REFUSAL

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

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant/Agent. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

NOTES:

Your Right of Appeal

If you disagree with the decision of the Local Planning Authority to refuse permission for the proposed development you can appeal to the Secretary of State. If you want to appeal, you must do so within six months of the date of this notice, using a form that you can get from:

The Planning Inspectorate, Appeals Registry, Room 3/15A, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

The Secretary of State can allow a longer period for giving notice of an appeal, but this will only be done where there are special circumstances that excuse the delay in giving notice beyond the six month period.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development, having regard to the relevant statutory provisions and any relevant directions. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notice

If following this decision of the Local Planning Authority to refuse permission to develop land, or any decision of the Secretary of State, the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that the Council purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.