

12 March 2014

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Lambert Smith Hampton
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Our Ref: RM/CMP

Dear Sir

**MALDON DISTRICT PRE- SUBMISSION LOCAL DEVELOPMENT PLAN 2014-2029
REPRESENTATION**

Lambert Smith Hampton act on behalf of the Baltic Consortium in respect of a parcel of land known as Sadds Wharf located off Station Road in Maldon. Our client wishes to make representations in respect of a number of policies contained within the Pre-Submission LDP.

In summary, our client considers policies S1, S2, S4 and S5, and the draft Proposals Map to be unsound. Again in summary, our client seeks the specific acknowledgement within the local plan that the Sadds Wharf site has been found to be a suitable and sustainable location in which to build new homes. Without such an acknowledgement our view is that the local plan in its current form is "unsound".

The suitability of the site to accommodate housing has been subject of three separate Public Inquiries; first into the objections to the draft Maldon District Replacement Local Plan, and then subsequently under Section 78 of the Town and Country Planning Act in relation to a specific scheme which envisaged the development of the site for a mixed use comprising 93 dwellings, office accommodation and leisure space. These Inquiries considered at length not only the principle of housing on the site, but also the technical issues relating to the development of such a use in this location.

Should you have any questions regarding this representation or wish clarification of any matter contained in the submitted forms, please do not hesitate to contact our Mr Richard Moffat.

Yours faithfully

LAMBERT SMITH HAMPTON

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Part 2 - Regulation 19 and 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012 "Pre-Submission LDP" consultation

Please note that all comments on the Pre-Submission LDP consultation should be provided by completing Part 2 of this form. A separate completed Part 2 should be provided for each comment made within a representation.

2.1 To which part of the Maldon District Pre-Submission Local Development Plan (LDP) does this representation relate?

a. Paragraph number

b. Policy reference

c. Proposals map

d. Other section (please specify)

2.2 Do you consider the Maldon District Pre-Submission LDP to be ... (✓ as appropriate)

a. Legally compliant

YES ☐

NO ☐

To be legally compliant the LDP has to be prepared in accordance with the Duty to Co-operate and legal and procedural requirements. This is required by Government guidance.

b. Sound

YES ☐

NO ☐

To be 'sound' a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance.

If you do not consider the LDP to be sound, please complete section 2.3 below

2.3 Do you consider the Maldon District to be unsound because it is not ... (✓ as appropriate)

a. Positively prepared

☐

To be positively prepared the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements

b. Justified

☐

To be justified the Plan must be:

- Founded on a robust and credible evidence base
- The most appropriate strategy when considered against the reasonable alternatives

c. Effective

☐

To be effective the Plan must be:

- Deliverable;
- Flexible;
- Able to be monitored

d. Consistent with National Policy

☐

The Plan must be consistent with Government guidance as set out within the National Planning Policy Framework

On the following pages, please explain why you think the Plan is unsound or not legally compliant, and set out any changes you feel should be made to the Plan to make the Plan sound or legally compliant.

Please note: As there will not normally be a subsequent opportunity to make further representations, please include all the information, evidence and supporting information necessary to support/justify your representation and the suggested change(s) to the Plan. After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues the Inspector identifies for examination.

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2.4 If you consider the Maldon District LDP to be unsound or not legally compliant please explain why in the box below. Please be as precise as possible. Please also use this space for any comments in support of the LDP.

If the box is not big enough for your comments, please attach another page marked appropriately.

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2.5 Please explain in the box below what change(s) you consider necessary to make the Maldon District LDP legally compliant and sound.
Please be as precise as possible. Please explain why this change will make the Maldon District LDP legally compliant and sound. It will be helpful if you are able to put forward any suggested revised wording of the policies or supporting text.

If the box is not big enough for your comments, please attach another page marked appropriately.

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2.6 Do you consider it necessary to attend and give evidence at the hearing part of the examination? (✓ as appropriate)

NO, I wish to communicate through written representations

☐

YES, I wish to speak to the Inspector at the hearing sessions

☐

Please note: The Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the hearing part of the examination

2.7 If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary

If the box is not big enough for your comments, please attach another page marked appropriately.

This is the end of Part 2 (Regulation 19 and 20) of the response form. Please complete this form for each representation you wish to make. You only need to complete Part A once. Please submit all of your response forms together.

2.4 If you consider the Maldon District LDP to be unsound or not legally compliant please explain why in the box below.

The Baltic Consortium own the land known as Sadds Wharf off Station Road in Maldon. The site, the subject of this representation, enjoys the benefit of an extant planning consent to allow it to be redeveloped to provide a mix of housing, including 1, 2 and 3 bedroom apartments and houses, office accommodation and leisure accommodation.

The Baltic Consortium is actively seeking to bring the site forward for redevelopment and thereby regeneration of the area and have already discharged a number of pre-commencement planning conditions. In determining the appeal, the inspector appointed to deal with the outline application concluded specifically that he accepted the appellant argument that:-

“The development could be expected to raise local investor confidence in the overall causeway industrial area”.

He further concluded that:-

“there is no evidence that any other form of development would be likely to take place in the foreseeable future that could bring about more substantial regeneration benefits.”

The Consortium have considered the Pre-Submission emerging Maldon District Local Plan and believe it to be “unsound”. In reaching the conclusion that the plan is unsound the Consortium have done so on the basis that:-

- It has not been positively prepared, in that it fails to recognise the contributions specifically identified by the planning inspector who dealt with the planning Inquiry in respect of the proposals to redevelop the Sadds Wharf site is able to make towards the regeneration of the area and the delivery of new homes in Maldon;
- The plan has not been justified by a credible evidence base in that the site specifically enjoys the benefit of an extant planning permission. The Baltic Consortium is working to bring the site forward for redevelopment. The site is available now, is clearly in a suitable location in which to provide housing (this is the

specific finding of the Inspector appointed to determine the appeal which considered the principle of redeveloping the site); and there is a reasonable prospect that the site will deliver development within the plan period. The development of housing on the Sadds Wharf site is deliverable. For the local plan to not include such a site within its housing land supply and at the same time contemplate greenfield development is fundamentally unsound;

- The failure to allocate the Sadds Wharf site in such a way that reflects the extant consent renders the pre-submission plan ineffective; and
- The plan is contrary to national planning guidance in particular the national planning policy framework in that it appears to favour the release of large greenfield sites over the redevelopment of a urban previously developed site, the development of which for housing has been found by a planning Inspector to be likely to foster regeneration.

Whilst the Consortium accept that, due to the chronic undersupply of housing land within Maldon District, in order to meet housing need within the it may be necessary to provide within the plan period for greenfield release, it is not appropriate for the plan to fail to recognise that such an approach should only be considered after existing previously developed sites which have been found as a matter of fact to be capable of contributing to the regeneration of the area have been incorporated into the policies within the plan.

It should be noted that the outline planning consent granted on appeal has been the subject of a reserved matters application which resolved that the site could accommodate 93 dwellings 1480sqm of office accommodation and 680sqm of leisure floorspace. We are mindful that the table contained with Policy S2 identifies a number of sites, where the total number of dwellings is less than 93. It is accordingly wholly appropriate that a site which enjoys the benefit of full planning permission to provide 93 units.

The development of the Sadds Wharf site to provide housing has been the subject of three independent Public Inquiries. The first into the preparation of the Maldon District

Replacement Local Plan found that as a matter of principle, the site was a suitable one upon which to develop housing. The second two Inquiries held under Section 78 of the TCPA 1990 dealt with the specific technical considerations relating to the redevelopment of the site to provide housing. The outcome of these appeals concluded that the site was a safe, sustainable and suitable location in which to provide housing

We are mindful that the local planning authority has a significant shortfall in its “five year supply” as housing land. It is also apparent from the table which follows paragraph 2.39 of the pre-submission plan that even allowing for windfall sites the council will not be able to achieve its annualised LDP Target of 294 dwelling per annum until 2017 at the earliest.

The Baltic Consortium question the rate at which the strategic sites shown in both Policy S2 and Policy S4 will be capable of delivering dwellings, it is clear that significant infrastructure is required to allow the sites to be developed, including *inter alia* new relief roads, expansion of existing schools and in the case of the North Heybridge Garden Suburb, the provision of a strategic flood alleviation scheme. The suggestion that together the North Heybridge Garden Suburb and the South Maldon Garden Suburb will be capable of producing 725 units in the 0- 5 year period lacks credibility. By contrast the Sadds Wharf site is immediately available. In our view the Councils’ assessment of the ability of the Strategic Growth areas to deliver housing is over optimistic and the site are unlikely to be able to deliver until at least 2019, leaving a significant and substantial shortfall in the immediate housing land supply within Maldon. As such; we believe that the Sadds Wharf site is capable of providing 100% residential development. The allocation of the site for residential development will ensure that the site is brought forward to the benefit of the area as identified by the appeal Inspector. The allocation of the site as a housing scheme would not preclude the delivery of the consented scheme, but the allocation of the site on the basis of the consented scheme is the minimum needed for the plan to be considered sound.

In summary Policy S1 should be revised to incorporate a general presumption in favour of the development of housing on urban land within the settlement boundary, this is particularly the case as greenfield release is contemplated. Policy S2 should be revised to

specifically refer to Sadds Wharf as a housing site and to reduce to a realistic level the contributions that the greenfield site will make to housing provision during the 0 – 5 year period of the plan , Policy S4 should be revised to provide for a realistic assessment of the contribution of the Garden Suburb sites; and Policy S5 is unsound on the basis that it fails to acknowledge the suitability of the Sadds Wharf site for housing development in line with the extant planning permission. The Proposals Map should be revised to show Sadds Wharf as a specific housing allocation.

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