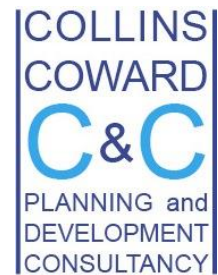


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Our Ref: CC/1906

26 October 2016

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Dear Mr Tofts

LAND TO THE REAR OF 50-58 LONDON ROAD, MALDON – LOCAL PLAN CONSULTATION

The Council is consulting on its latest documents as requested by the Inspector in his letter of 14 July 2016. On behalf of Linden Limited we make the following representations.

Linden Limited is promoting the above land for residential development through the Local Plan. The site has been subject to two planning applications which have been refused by the Council primarily on the basis of the Council's five-year housing supply. The site is identified under SHLAA reference 4499 and extends to 2.78 hectares and can accommodate up to 70 residential units. You will be aware the results of the SHLAA in respect of site S12 (SHLAA Ref 4499) were:

“No obvious constraints to development, other than Policy. Meets sustainability, availability, achievability criteria. Capacity estimate developer's own”

The site has been available for development for many years but the Council has not included the site in its policy H2 as an allocated site. The site has therefore been promoted as an omission site for inclusion as main allocated site.

I understand all the previous representations and submissions in respect of the site remain before the Inspector under the Local Plan for consideration as a proposed residential development site.

1. Objectively Assessed Need

It is clear that an annual need of at least 310 is required to meet OAN and growth of London.

2. Sustainability Appraisal

The Council has reviewed its Sustainability Appraisal of alternative sites to those proposed as allocated under Policy H2. The Linden omission site is given reference S12. The assessment is flawed both in its content and by comparison to other sites. There is no direct assessment of alternative sites against allocated sites. The allocated sites were assessed as part of the submission documents.

The Council's assessment of alternative sites is conducted by reference to the social, environmental and economic dimensions as set out in the NPPF. My comments below refer to the relevant assessment criteria as numbered. My assessment of Site S12 is as follows:

(i) Social

1. Agreed;
2. Agreed;
3. There are proposed noise attenuation measures submitted with the applications that provide suitable living environment for residents. Air quality was not raised as an objection to the applications;
4. Agreed;
5. The site is within walking and cycling distance of the town centre and all other public services. There is a bus service along London Road. This must be a plus not neutral particularly when compared to other sites.

(ii) Environmental

6. The applications demonstrated there was no impact on listed buildings. The archaeology report accompanying the applications confirmed there was no potential for archaeology. This should be scored as a plus;
7. The ecology report submitted with the applications confirmed the site has no ecological value. Again this should be scored as a plus as the site can create suitable habitat;
8. Agreed;
9. The Flood Risk Assessment and SUDs details in the application confirmed no increase in flood risk or run-off rates;
10. The site is not agricultural. It has been uncultivated for many years(set aside) and had a single horse grazing the land. The use of residential development should be assessed as a plus;
11. Agreed;
12. Agreed – however this contradicted the Council's earlier assessment under (3) above;
13. The land is not agricultural and should be neutral score;
14. Any development of greenfield land will have an effect on countryside;

(iii) Economic

15. The premise that residential development does not contribute to the economy is fundamentally flawed. There is the construction jobs and economic benefits of residents shopping and working locally – the score should be a plus;
16. Residents will support local tourism - should be scored as a plus;
17. Residents will support local employment needs.

Overall, it can be seen that the assessment is fundamentally flawed. There has been no reference to the considerable technical information submitted with the two applications for the site. The site is one of the most sustainable site in Maldon for residential development.

For comparison purposes the table below compares S12 and S12 (corrected) with other local sites including South Maldon Garden Suburb (GO2or M1).

Criteria	S12	S12 (corrected)	S1	S7	S13	M1	Comment re S12
1	+	+	0	++	0	+	
2	+	+	++	+	++	+	
3	--	0	-	0	-	+	The assessment is incorrect based on evidence submitted to Council
4	+	+	+	0	+	-	
5	0	+	-	+	++	++	The site is highly accessible by all modes
6	-	+	--	---	--	0	The assessment is incorrect based on evidence submitted to Council
7	-	+	0	0	0	0	The assessment is incorrect based on evidence submitted to Council
8	0	0	0	0	0	0	
9	0	0	0	0	0	0	
10	-	0	-	0	0	+	The assessment is incorrect based on evidence submitted to Council
11	0	+	-	+	0	+	The assessment is incorrect based on evidence submitted to Council
12	0	0	-	+	0	-	
13	-	0	-	0	0	0	The assessment is incorrect based on evidence submitted to Council
14	-	+	-	--	-	+	The assessment is incorrect based on evidence submitted to Council
15	0	+	0	0	--	+	The assessment is incorrect based on evidence submitted to Council
16	0	+	0	0	0	0	The assessment is incorrect based on evidence submitted to Council
17	0	+	0	0	--	0	The assessment is incorrect based on evidence submitted to Council

It is clear that the sites in the table above have not been subject to any comparative analysis and the basic assessment is flawed. Critically, there is no direct assessment against the sites provisionally allocated in the Local Plan under Policy H2. However, I have made a assessment against the nearest allocated site (M1 South Maldon).

What becomes apparent is the extent of positive bias given to the allocated site when compared to the alternative sites including my client's site S12. Only two criteria have a negative score. The loss of agricultural land is scored as a negative on S12 but is neutral on M1 despite S1 being in the open countryside. Likewise, the A414 is scored as a double negative on Site S12 but a positive on M1 despite the latter being in close proximity to the same bypass road. In conclusion, I am of the view that the process has failed to properly assess both allocated and non-allocated sites because there is no cross-checking. A simple comparison as set out above identifies clear errors and anomalies. The assessment cannot be relied upon for the current site allocations.

Notwithstanding this, Site S12 when corrected, scores very highly and therefore should be allocated.

This assessment is confirmed by the Council Officer's Report to the Council's Development Control Committee on the outline application for the site. This contained the following statement on sustainability:

Sustainability

With regard to sustainability paragraph 14 of the NPPF applies the presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's changes to the planning system and emphasizes the need to plan positively for appropriate new development. It is necessary to assess whether the proposed development is 'sustainable development' with regard to the three dimensions to sustainable development as defined in the NPPF, which are the economic, social and environmental roles.

The NPPF replaces Local Plan policies that do not comply with the requirements of the NPPF.

Paragraph 37 of the NPPF states that planning policies (and hence planning decisions) should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities. The NPPF also requires local planning authorities to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

This location is considered to be a sustainable location with good access to the facilities, services and transport modes in Maldon Town Centre. The High Street can be reached within 10 minutes' walk and within the area there are medical facilities, education facilities, employment opportunities and recreation venues.

3. Main Modifications

Main modification 043 should be amended to include site S12 in the sites allocated for residential development. It can be developed immediately and provide up to 70 units.

I trust this is satisfactory. Please contact me if I can be of further assistance.

Yours sincerely



Tony Collins MRICS MRTPI CMCIT CMILT MEWI
Director