



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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to  
**CENTRAL AREA PLANNING COMMITTEE**  
**29 MAY 2019**

<b>Application Number</b>	<b>FUL/MAL/19/00080</b>
<b>Location</b>	Former Mill, Station Road, Maldon, Essex
<b>Proposal</b>	Demolish existing buildings, erect 10 dwellings and 5 commercial units, layout parking and landscaping
<b>Applicant</b>	Mr Allan Wiseman
<b>Agent</b>	Mr Phillip McIntosh - Melville Dunbar Associates
<b>Target Decision Date</b>	07.06.2019
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

**1. RECOMMENDATION**

**REFUSE** for the reasons as detailed in Section 8 of this report.

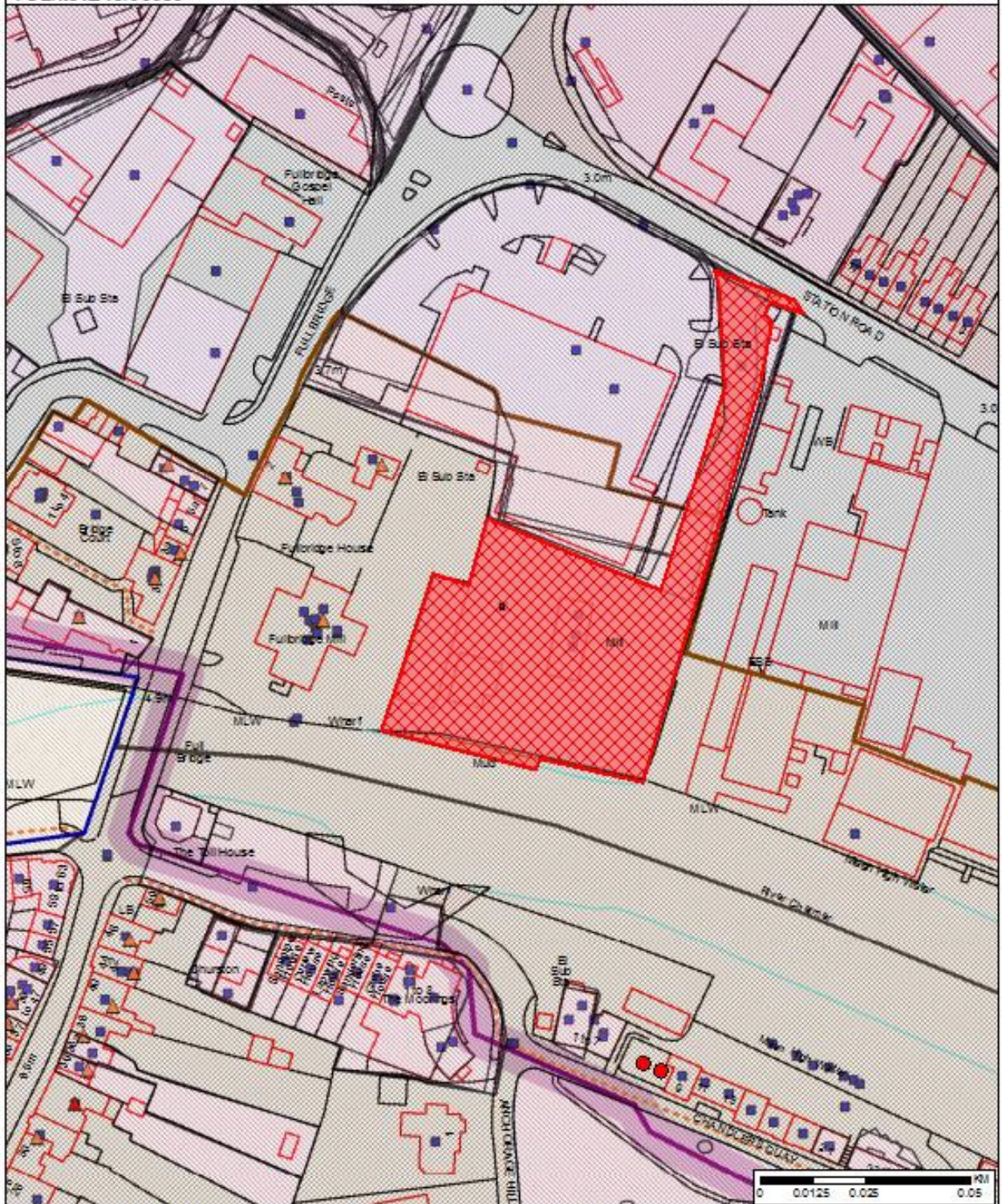
**2. SITE MAP**

Please see overleaf.

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**Former Mill Station Road Maldon**  
FUL/MAL/19/00080



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: Central Area Committee

Date: 18/03/2019

MSA Number: 100018588



### **3. SUMMARY**

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

- 3.1.1 The main part of the application site is bounded by Lidl on its northern boundary, Fullbridge Mill (a Grade II listed building converted to offices with a car park) and Fullbridge House (also Grade II listed along with a bakehouse/ outhouse) to the west and Carrs Flour Mill to the east. The southern boundary abuts the River Chelmer at the North Quay. Existing access to the site (vehicular and pedestrian) is via an accessway from Station Road to the north shared with Lidl. On the northern side of Station Road is a mix of commercial, industrial and residential uses.
- 3.1.2 The site is located within the Causeway Regeneration Area and within the area that is the subject of Maldon and Heybridge Central Area Masterplan Supplementary Planning Document (SPD). The Causeway Regeneration Area is allocated as employment land in the Local Development Plan (LDP) as part of Policy E1 Employment (E1(l) The Causeway, Maldon and Heybridge) and is identified to be used for Class B1, B2 and B8 uses.
- 3.1.3 The site lies within the Maldon Conservation Area.
- 3.1.4 The site is approximately 0.36ha and accommodates a disused tower mill, associated storage building and waterside granary. It is understood that the site was used historically as a granary but, more recently, has been used for maritime activities such as boat building and repairs and is currently vacant.
- 3.1.5 On 8 May 2019, a response to the objections to the proposal raised by the Conservation Officer/Historic England and the Environmental Health Officer was received which included a revised proposal for the Granary reducing the number of flats proposed in this building from 2no. one-bedroom flats to 1no. two-bedroom flat. The report below has assessed the revised proposal.
- 3.1.6 The site would be re-developed to provide a residential development of 10 apartments, 5 commercial units (c.570sq.m. of employment floorspace), 40 parking spaces (including 11 garages) and cycle parking. The proposal is for the existing buildings, except for the granary, to be removed and three new buildings constructed. The waterside granary (c.1830s) is proposed to be refurbished and converted into a mix of employment (ground floor) and residential use (1no. two bedroom apartment at first floor level). Vehicular and pedestrian access to the site would continue to be from the north, via an existing access onto Station Road. Pedestrian access would be via a roadside footpath along the access road from Station Road. The submission also refers to a potential pedestrian access via Fullbridge along the northern side of the River Chelmer, but this would require land that is outside the applicant's control and, therefore, cannot be guaranteed and should be given limited weight. As part of the noise mitigation proposed, 3m high masonry walls are recommended to be built along the eastern boundary of the site at both ends of the new building proposed adjacent to the eastern boundary, up to the corners of the site.
- 3.1.7 The proposed buildings adjacent to the northern and eastern boundaries would accommodate employment floorspace at first floor level and garages (parking) at ground floor level. The third new building, towards the south-western corner of the

site, would be 5/6 storeys and accommodate 9 apartments with balconies on the southern elevation. 9 parking spaces would be provided at ground floor level within this apartment block. The materials proposed for the external surfaces of the new buildings would include a mixture of red multi clay stock bricks, timber boarding and profiled metal cladding for the walls, blue/black slate and profiled metal cladding for the roofs, timber/aluminum windows and doors, aluminum gutters and downpipes and brick boundary treatments. The vehicle access and hard standing areas would be finished with blockwork/paviors.

- 3.1.8 It is noted that the plans imply that balconies would be provided on the northern elevation of the building but the elevations demonstrate that the only balcony would be at first floor only. Plots 5 and 6 are the only flats above first floor that show doors accessing the balcony, this is assumed to be a drafting error. This matter could be addressed and clarified through the use of a condition.
- 3.1.9 As part of the application it is stated that the proposal would result in a net loss of 15sq.m. of non-residential floorspace but no floor plans of the existing buildings to be removed have been submitted.
- 3.1.10 The residential units would be a mix of 2 (8no.) and 3 (2no.) bedroom apartments. Flexibility is requested with respect to the employment floorspace but that this is likely to be light industrial/offices (Class B1). No explanation is provided regarding what 'flexibility' is being sought.
- 3.1.11 The application is accompanied by a number of supporting documents:
- Planning Statement
  - Design and Access Statement
  - Heritage Statement
  - Phase 1 – Desk Study and Preliminary Risk Assessment
  - Ecological Assessment
  - Highways Access Design Statement
  - Environmental Noise Assessment
  - Bat Roost Assessment
  - Flood Risk Assessment
  - BNP Paribas Real Estate Affordable Housing and Economic Viability Assessment December 2018 with following appendices: BNP Paribas Real Estate Development Appraisal December 2018, Daniel Connal Partnership Approximate Estimate of Construction Costs October 2018; Nicholas Percival Report Upon Sales Prices October 2018.
  - Sustainable Urban Drainage Assessment – Richard Jackson Engineering Consultants - March 2019

## **3.2 Conclusion**

- 3.2.1 The development proposed would not be acceptable in principle, would have an adverse impact on the local economy, would cause harm to the character and

appearance of the area (which is within a Conservation Area), harm the setting of the neighbouring listed buildings. Whilst the development would not cause harm to local residents, the quality of life for the occupiers of the proposed residential units would not be satisfactory. The development would also not be acceptable from a flood risk and nature conservation perspectives. No objections are raised with respect to access and highway safety, but the provision of parking spaces and cycle storage would not be sufficient.

- 3.2.2 As a result, the proposal would not be sustainable development and would not result in economic, social and environmental benefits as claimed by the applicant.

#### **4. MAIN RELEVANT POLICIES**

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

##### **4.1 National Planning Policy Framework 2019 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 80-82 Building a strong, competitive economy
- 85-90 Ensuring the vitality of town centres
- 102-111 Promoting sustainable transport
- 117-121 Making effective use of land
- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment
- 184-202 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S5 Maldon and Heybridge Central Area
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk
- E1 Employment
- H1 Affordable Housing

- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

#### 4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Vehicle Parking Standards (SPD)
- Essex Design Guide
- Maldon District Design Guide (MDDG)
- Maldon and Heybridge Central Area Masterplan

### 5. MAIN CONSIDERATIONS

- 5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, affordable housing provision, the impact of the development on the character and appearance of the area (including the Conservation Area and the setting of neighbouring listed buildings), any impact on the occupiers of neighbouring residential properties, the quality of life for the occupiers of the proposed flats and highway safety/access/parking. Other material considerations in this case are the impact of the development with respect to drainage, flood risk and nature conservation.

#### 5.2 Principle of Development

- 5.2.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.

#### 5.2.2 Employment Land Designation

- 5.2.3 The Causeway Regeneration Area is allocated employment land in the LDP (Policy E1) under site reference E1(l) - The Causeway, Maldon and Heybridge. The 'appropriate use' for this site is B1, B2 and B8. Policy E1 states that 'employment generating developments and investment in the District to support the long term growth vision outlined in the Economic Prosperity Strategy (EPS)' are encouraged. Policy E1 'Existing Employment Use' states employment sites: 'will be reserved for employment development. Planning applications for development will only be permitted for employment purposes if they accord with the use class specified.'

- 5.2.4 The North Quay at Fullbridge is a priority area within the Causeway Regeneration Area to *'ensure new developments and regeneration proposals deliver new jobs through employment generating mixed use development.'* Strategic Policy S5 states the development and regeneration strategy for the Central Area comprises a number of aspects including *'3) Renewal of the Causeway Regeneration Area to improve the supply of high quality Use Class B floorspace (commercial and industrial) and increase employment. This will include the provision of: modern workspaces suitable for small and medium sized enterprises; start-up units; support for existing businesses that are seeking to expand and mixed use developments which enable significant numbers of jobs to be created.'*
- 5.2.5 The proposal is a residential-led scheme of 10 residential units and 5 commercial units. The application states that 25 full time jobs would be provided at the site. Policy E1 states under 'Mixed Use Proposals' that *'Mixed-use development on existing employment land and premises will only be considered appropriate where it includes a substantive Class B employment element that will support economic growth within the District'* and *'Mixed-use redevelopment will not be considered acceptable in employment areas where it will detrimentally impact upon the quality of the site for employment uses.'* The Maldon and Heybridge Central Area Masterplan also allows for some mixed-use development and enhanced river access is encouraged.
- 5.2.6 As part of the NPPF (paragraph 182), local planning authorities are advised that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 5.2.7 It is stated that the development would make provision for 25 jobs and only result in the net loss of 15sq.m. of non-residential floorspace. However, the employment floorspace proposed would not be a 'substantive Class B employment element' of this predominantly residential scheme, contrary to Policy E1 referred to above. It has also not been possible to check the level of employment floorspace which would be lost as a result of the development proposed in the absence of floorplans for all of the existing buildings.
- 5.2.8 A further key consideration in this case is the compatibility of the residential uses proposed with the existing employment uses within the Causeway Regeneration Area, especially where a fully operational working flour mill adjoins the application site. The MDDG SPD was adopted by the Council in December 2017 and its supporting Technical Documents ('Planning and Noise' and 'Assessing Air Quality and Emissions Impacts from Development') need to be considered along with the 'design guidance' as a whole. The Environmental Health Officer has advised that the proposed residential development would have a potentially adverse impact upon pre-existing businesses in the vicinity of the site.

## 5.2.9 Principle of Residential Element of Development

5.2.10 Policy S2 identifies the Council's housing supply to 2029. On 19 February 2019 the Government published the results of the first Housing Delivery Test, which stated that Maldon District had passed the HDT (101%) and as a result does not need either an Action Plan or 20% buffer. Consequently, the buffer in the 2017/18 Five Year Housing Land Supply Statement (5YHLS) has been amended to 5%. This change results in the Council being able to demonstrate 6.34 years' worth of housing supply against its identified housing target. As there is a sufficient supply of housing land in the District and the Council's housing provision policies are not out-of-date, NPPF paragraph 11d is not engaged in this case.

5.2.11 The Council 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. The proposed residential development would accord with this mix which weighs minimally in favour of the proposal. However, as the Council can currently demonstrate a 5-year supply of housing land, this matter can only be afforded very limited weight particularly when considering the small number of dwellings proposed.

5.2.12 To accord with Policy H1 of the LDP, at least 40% of the residential units proposed would need to be provided as affordable dwellings on this site. No affordable units are proposed as part of the current application on the basis of viability and financial information has been submitted to support this claim. It is considered that it has not been demonstrated to the satisfaction of the local planning authority that the development would not be financially viable if provision of affordable housing were to be made. The Housing Officer supports this view. The proposal would, therefore, not make the necessary contribution towards meeting the District's affordable housing needs, contrary to the NPPF and Policy H1. Even if it had been demonstrated that the provision of affordable housing would result in the scheme being unviable, there is no reason for a relaxation of the affordable housing requirement to be considered in this case as the limited benefits of the development would not outweigh the failure of the development to make any contribution towards meeting the District's affordable housing needs.

## 5.2.13 Overall Principle of Development

5.2.14 Whilst the proposal includes elements of employment floorspace which would accord with the site's allocation for employment purposes, the proposed residential element of the proposal, particularly of the scale proposed, does not accord with the allocation. The Masterplan SPD does identify the site for potential mixed-use development but the current proposal would be predominantly residential and it has not been demonstrated that the residential development proposed would not limit the current operation of the adjoining flour mill to the potential detriment to the local economy. Furthermore, it has not been demonstrated that the development would only be viable if no affordable housing was provided.

5.2.15 It is recommended below that planning permission is refused on the basis of the concerns raised above.



### 5.3 Design and Impact on the Character of the Area and Impact on Setting of Listed Buildings

5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

*“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.*

5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- Height, size, scale, form, massing and proportion;
- Landscape setting, townscape setting and skylines;
- Layout, orientation, and density;
- Historic environment particularly in relation to designated and non-designated heritage assets;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- Energy and resource efficiency.

5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area.

5.3.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the Planning

(Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, policy D3 of the approved Maldon District Local Development Plan (MDLDP) states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

5.3.7 The Conservation Officer has identified that the following heritage assets would be affected by the proposal:

- the Maldon Conservation Area as the main buildings on the site – a 1930s asbestos-clad mill and an early-19th-century timber-framed former granary - are judged to make a positive contribution to the character of the area.
- The timber-framed former granary on the site is a locally listed building and is, therefore, a ‘non-designated heritage asset’ for the purposes of paragraph 197 of the NPPF.
- three Grade II listed buildings immediately to the west of the application site (Fullbridge Mill, Fullbridge House and a bakehouse to the rear of Fullbridge House).

5.3.8 The Conservation Officer has assessed the significance of these heritage assets and advised that the proposed development would have an impact on the current view of the north of Fullbridge House and the Maldon Conservation Area which is an important part of the experience of entering the historic town. The significance of the Grade II listed Fullbridge House and its bakehouse, and Fullbridge Mill partly arises from the setting provided by their surroundings, the latter building also being prominent, fronting Fullbridge and the river. The remains of a roller mill within the application site, whilst not particularly old – or even of good quality construction – is a distinctive feature of this area, reflecting the long history of continuous industrial activity in this part of the town and makes a positive contribution to the special character of this part of the conservation area. However, the Conservation Officer advises that it possesses little significance in its own right and the fact that the building is redundant and in poor condition diminishes its heritage value. Moreover, adaptation and reuse of the structure is clearly not practical.

5.3.9 With respect to the granary, the Conservation Officer advises that this building has experienced several alterations which have eroded its architectural interest including several new openings on the north and west elevations, particularly at ground-floor level, and the clay roof tiles have been replaced by a modern profiled metal roof covering. There have also been internal changes including the removal of most of the first-floor structure and the installation of a late-20th-century steel support system and the lower half of the walls has been faced internally with breezeblocks. However, the building does retain its essential form and still has the recognisable character of a waterside granary. This building is on Maldon District Council’s list of local heritage assets, and it clearly has local architectural and historic interest as part of the 19th-century industrial townscape of Fullbridge. It is the oldest surviving structure on the north side of the river; a timber-framed remnant of the period before brick became the predominant building material for industrial structures.

5.3.10 To the east of the application site stands Carr's Flour Mill. Although the buildings are not listed, the Conservation Officer identifies that the industrial architecture is highly characteristic of the area and in this sense reinforces the special character of this part of the Conservation Area.

5.3.11 In conclusion, the Conservation Officer advises that the buildings within the vicinity of the application site reveal some strong, unifying architectural themes which contribute to the special character and appearance of this part of the Conservation Area. He goes on to advise that the early-19th-century waterfront buildings tend to be vernacular in character with weatherboarded walls and clay tiled roofs. By contrast, the Victorian industrial buildings on the waterfront are characterised by large expanses of yellow stock brickwork interrupted by regularly-spaced and equally-sized windows, centrally-located loft doors and lucarnes associated with lifting equipment, prominent gables facing the river, simple classically-themed articulation to the external walls, and slate roofs. In the 20th century the architecture of the industrial buildings became more utilitarian, finished with cheaper materials such as a corrugated iron and asbestos, presenting monotonous unrelieved facades containing few openings. These more modern buildings have their own functionalist aesthetic, but on the whole are less attractive than their Victorian predecessors.

5.3.12 With respect to the impact of the development on the significance of the heritage assets identified, the Conservation Officer provides the following specialist advice:

*'I have serious reservations about the scale of units 1-9. While I recognise that the height reflects that of the 1930s silo which would be replaced, the silo is a tower-shaped structure on a comparatively small footprint. The footprint and the bulk of units 1-9 would be considerably greater, and would result in a more imposing presence on the waterfront. ... Moreover, in my view, units 1-9 would fail to reinforce the unique special character of this part of Maldon. The choice of materials, fenestration and balconies result in a building which has an 'anywhere' look about it. The modern materials to be used on the tallest part of the scheme are likely to appear flat and characterless, and will appear quite alien in relation to the textured brickwork of Fullbridge Mill and Fullbridge House. The riverside elevations of units 1-9 are crammed with French doors and balconies and, as a result, appear poorly composed in contrast to nearby historic buildings. ...*

*The other proposed buildings seem unobjectionable from a conservation perspective. They are modestly scaled and broadly traditional character. I raise no objection to these parts of the scheme, subject to the use of appropriate materials which could be managed through condition.'*

5.3.13 Historic England also objects to the development proposed, raising similar concerns.

5.3.14 Whilst it is acknowledged that the visual mass of the main building would be broken up through the stepped nature and roof line, the excessive scale, crude materials, and poor composition of units 1-9 would harm the character and appearance of the area. As part of the noise mitigation, 3m high masonry walls are recommended to be built along the eastern boundary of the site at both ends of the new building proposed adjacent to the eastern boundary, up to the corners of the site. Whilst these walls would be greater in height than standard 2m high boundary treatments, the sections of



wall would be relatively short and attached to new buildings and so, in the context of the site, would not be visually incongruous.

- 5.3.15 Based on the specialist advice of the Conservation Officer, it is also considered that the development would not preserve or enhance the character or appearance of the Conservation Area, and would not preserve the setting of the three neighbouring listed buildings.
- 5.3.16 As a result, the development would be contrary to Policies D1, D3 and H4 of the Maldon District Approved Local Development Plan, the NPPF and the Maldon District Design Guide SPD. Whilst the harm to the heritage assets would fall below the high threshold of 'substantial harm', the harm caused would still be considerable and unjustified, and would not be outweighed by any public benefits, including the provision of additional residential units and employment floorspace. It is recommended below that planning permission is refused for these reasons.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The nearest residential properties to the application site (excluding the access) would be properties on the northern side of Station Road to the north-east located around 85m away at their closest point and residential properties located on the southern side of the River Chelmer around 80m to the south.
- 5.4.3 As a result of these distances, and the nature and scale of the development proposed, it is not considered that the development would have an adverse impact on the amenity of the occupiers of these existing residential properties by reason of privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

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

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to include sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and to maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards.
- 5.5.3 The transport statement submitted concludes that the development will generate 18 two-way traffic movements in the AM and PM peaks which will be different times to the peaks associated with the neighbouring Lidl store, and that the number of vehicle movements generated per day would reduce from around 140 to just over 100 per day.

- 5.5.4 The parking provision is proposed as 1 space per apartment, 3 spaces per employment unit, 2 disabled bays for residents/visitors/staff and 13 flexible spaces (visitors, staff or residents).
- 5.5.5 The Highways Officer has advised that the application includes suitable plans to take access from the Station Road junction that currently serves the Lidl foodstore. The Highway Authority is also satisfied that the expected number of development trips can be accommodated on the local highway network without detriment to highway safety and efficiency. However, the Highways Officer recommends that conditions are imposed on any planning permission granted requiring a Construction Management Plan to be submitted for approval, cycle parking to be provided in accordance with adopted standards and Residential Travel Information Packs to be provided to each dwelling. On the basis of this advice, no objection to the proposal is raised with respect to means of access to the site.
- 5.5.6 With respect to parking provision, the adopted standards would require the provision on site of a minimum of 2 spaces per 2-3 bed as well as visitor parking at a rate of 1 per 4 dwellings or 1 per 2 dwellings where car parking is allocated. A 5% provision for parking for people with disabilities would also be required. Cycle parking would be required at a rate of 2 per dwelling (2+ bedrooms) and 1 per 8 units for visitors.
- 5.5.7 Therefore, to comply with the adopted standard, a total of 20 parking spaces would be required to serve the proposed flats plus at least 3 visitor parking spaces (6 if the parking spaces are to be allocated) including 2 spaces for people with disabilities. The proposed development would provide a total of 10 residential parking spaces along with 13 flexible spaces. The parking spaces proposed do not appear to be allocated but all of the flexible spaces would need to be available for residents to use for the level of on-site parking provision for the residential units proposed to comply with the adopted parking standard.
- 5.5.8 For Class B1 uses, the car parking standard is 1 space per 20sq.m. for offices, and 1 space per 50sq.m. for research and development/light industry. A 5% provision for parking for people with disabilities would also be required. Cycle parking for Class B1 uses is required at a rate of 1 per 100sq.m. for staff and 1 per 200sq.m. for visitors.
- 5.5.9 The proposed offices range from 100sq.m (2no.), 122sq.m. (1no.) and 125sq.m. (2no.) which would require between a minimum of four spaces for the 100sq.m. units and six spaces for all the other units. Therefore, for the 5 offices proposed, a total of 24 spaces is required but only 15 dedicated parking spaces are proposed.
- 5.5.10 A total of 13no. cycle storage spaces are proposed for the whole development but a total of 22 spaces would be required to comply with the adopted standard for the residential element and a further 6 for the Class B1 element; a significant under-provision.
- 5.5.11 The provision of off-street parking proposed would not be sufficient to comply with the adopted standards as the provision would be significantly less than the minimum 47 car parking and 28 cycle parking spaces required. It is acknowledged that the site is located within an urban area where access to services and facilities by means other than the private car would be available. However, even taking this into account, it is

considered that the development would not provide sufficient off-street parking, failing to accommodate the demand which, in turn, will lead to cars parking off-site in adjoining streets causing conditions of obstruction, congestion and danger to residents and other road users. It is recommended that planning permission is refused based on the insufficient off-street parking and cycle parking spaces proposed.

- 5.5.12 There is reference in the application to land along the southern boundary of the site being safeguarded for a future riverside walk. The Maldon and Heybridge Central Area Masterplan SPD encourages and supports improvements to access and links for pedestrians but, whilst the current proposal would not preclude the creation of a riverside walk in the future, that currently proposed would be piecemeal and not connected. Therefore, it is considered that limited weight can be given to this element of the submission.

## 5.6 Quality of Life for the Occupiers of the Proposed Apartments

- 5.6.1 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 MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.

- 5.6.2 With respect to outdoor amenity space, nine of the ten flats proposed would have private balconies (at least around 18sq.m. for each flat – this includes balconies to the south elevation and two first floor balconies to the north elevation) and reference is made by the applicant to the parks in the centre of Maldon within 800m walking distance of the site.

- 5.6.3 In terms of internal floorspace, residential Plots 1, 2, 3, 4, 5, 6, 8 would be two-bedroom flats with a minimum of 136sq.m. of floorspace. Plots 7 and 9 would have three bedrooms and each be provided with a minimum of 193sq.m. of floorspace. Plot 10 would be two-bedroom flat and would have 144sq.m. of floorspace. A bin store is proposed attached to the rear elevation of apartment block 1-9.

- 5.6.4 Whilst it is considered that Plots 1-9 would be provided with an adequate amount of private, outdoor amenity space and internal floorspace, the outdoor amenity space would not be of an adequate quality due to the impact of external noise (see below). Furthermore, the occupiers of Plot 10 would not have access to any private external amenity space and the small, communal area proposed in the north-western corner of the site would not be a satisfactory alternative as it would be located on the other side of the block accommodating units 1-9.

- 5.6.5 With respect to the impact of noise on the future residential occupiers of the site, an Environmental Noise Assessment has been submitted with the application which concludes that noise (from the adjacent flour mill and traffic from Fullbridge) will have a low impact on future occupiers and a scheme of glazing and ventilation has been submitted in relation to internal noise levels. It is also proposed to use mechanical ventilation and enhance the building fabric with acoustic plasterboard to the ceilings of the top floor bedrooms of the two new residential blocks to 'mitigate impulsive external noise'. Noise within the balconies would exceed WHO recommendations by up to 2-3dB but the applicant considers this will not result in



adverse living conditions for future occupiers given the urban context of the site. The Assessment notes that two commercial blocks on the north and east boundaries will have a significant shielding effect to activities on industrial sites adjoining the development. Windows facing the Carrs site have been minimized and outside balconies face the river frontage. 3m high masonry walls are recommended to be built along the eastern boundary of the site at both ends of the new building proposed adjacent to the eastern boundary, up to the corners of the site. The report concludes that, provided that the recommendations of the report are incorporated into the development design, the site is suitable for the mixed-use development proposed in terms of environmental noise, to be secured through imposition of conditions. With respect to outside amenity space, the report states that traffic and commercial noise would be audible in outside spaces on all parts of the development but there would be a 'quiet' area to the north-west of the main new block where noise levels would be below WHO recommended maximums.

5.6.6 The Environmental Health Officer recommends that planning permission is refused on the ground of the potential impact upon the amenity of the occupiers of the proposed residential units as a result of noise from existing businesses in the vicinity of the site with particular reference to the adjacent mill which operates on a 24-7 basis and is not subject to any planning conditions/restrictions such as days and hours of work or noise controls. The main points raised by the Environmental Health Officer in their consultation response are as follows:-

- The Loven Acoustics report dated 7th January 2019 (ref: LA/1549/02aR/ML) affirms that there could be margin for error on the assessment, that there will be some impact to residents (even with mitigation measures proposed) and considers the BS8233:2014/WHO thresholds.
- The data in table 2 summarises logarithmic averages to facilitate the BS8233/WHO assessment. However, it is not considered reasonable to do this for L<sub>Amax</sub> values as these are independent "spikes" in noise level for which assessment should really be considering the worst case impact each time.
- It is reasonable to expect people to open their windows both by day and at night and, as set out in the Council's Supplementary Noise Guidance, "closed windows will not normally be accepted as a noise control measure". With open windows, the new residents may be exposed to noise levels which could be disturbing to sleep.
- There would be a lack of decent amenity space for the development that would be at or below the WHO thresholds, albeit only by around 2-3dB. Mitigation is suggested by the acoustician in the form of the grassed area to the north-west of the development.
- The acoustician is correct that the Mill site's operation is a twenty-four hour one. Because of the age of the site its use pre-dates the planning process and is not therefore subject to any planning conditions/restrictions such as days and hours of work or noise controls. The survey has confirmed the audibility of reversing beepers and other activities from the operations
- By introducing new noise-sensitive receptors adjacent to the Mill, and to the rear of Lidl, there is real potential for those residents to make complaints to this Department of nuisance – complaints that we may not be able to formally deal with.

- With reference to the Council's Supplementary Noise Guidance, the development would not ensure that new residential developments or other noise sensitive receptors are not introduced in areas where existing business or leisure facilities that emit noise are restricted or likely to have complaints made against them as a result of the new development and would not ensure that new residential properties are not exposed to levels of noise that will impact on the future occupier's quality of life or health.

5.6.7 Based on the above assessment, it is considered that it has not been demonstrated that the proposed development would provide an adequate quality of life for the occupiers of the flats proposed due to the lack of outdoor amenity space serving Plot 10, and as the residential occupiers of the site would be adversely affected by noise and disturbance from existing businesses within the vicinity of the site, in particular the flour mill which adjoins the site's eastern boundary. It is recommended below that planning permission is refused on this basis.

## 5.7 Flood Risk

5.7.1 The site where the development is proposed lies within Flood Zone 3a defined by NPPG as having a high probability of flooding. The development is classified as a 'more vulnerable' development as defined in Table 2: Flood Risk Vulnerability Classification of the NPPG. Therefore, to comply with national policy the proposal is required to pass the Sequential and Exception tests and be supported by a site specific Flood Risk Assessment.

5.7.2 The National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. To assess that, a Sequential Test should be applied.

*"The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding."*

5.7.3 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.

5.7.4 Following the application of the Sequential Test, if not possible for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied. In accordance with the NPPF in order for the Exception Test to be passed the following should be demonstrated:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and

- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

#### 5.7.5 Sequential and Exceptions Tests

In terms of the Sequential Test, the Council can demonstrate a 5-year housing land supply. Therefore, there are sites available in the District as a whole where land falls outside the highest risk Flood Zone and where permission could be obtained for residential development. The applicant argues that, as the site has been identified as being appropriate for mixed use as part of the Masterplan, it is not necessary to carry-out a Sequential Test, and non-habitable accommodation has been placed at ground floor level. The site is suggested as a potential site for mixed use development in the Maldon and Heybridge Central Area Masterplan but the site is allocated for solely employment uses within the LDP and the criteria for appropriate mixed uses within this area in Policy E1 have not been met (refer to section 5.2 above). In this respect, the applicant has failed to meet the requirements of the Sequential Test, contrary to Policy S1 and D5 of the Maldon District Approved Local Development Plan.

- 5.7.6 As a result of the failure of the proposal to satisfy the Sequential Test, the proposed development would not be acceptable from a flood risk perspective and is recommended for refusal on this basis.

#### 5.7.7 Exceptions Test

- 5.7.8 As a result, the local planning authority does not need to go on to determine whether the proposal meets the Exceptions Test.

- 5.7.9 However, the applicant considers that the development meets the Exceptions Test as a result of the regeneration benefits of the proposal, as the risk of flooding (tidal and fluvial) during frequent events is limited and the fact that the finished first floor levels would be above the 1 in 1000-year tidal flood level so providing safe refuge. They also state that the ground floors of the buildings would be designed to allow flood water to enter buildings and flood resilience techniques would be incorporated into the building to reduce the consequences of flooding. A flood warning and evacuation strategy is contained within the FRA.

- 5.7.10 The Environment Agency draws attention to the following key points from the submitted FRA:

*Actual Risk – the modelling data used has been superseded by the ENS Coastal Modelling 2018 which the Agency has used in their response; the site is currently protected by flood defences with an effective crest level of 4.71m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.50m AOD. Therefore the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line SMP policy is followed and the defences are raised in line with climate change, which is dependent on future funding.*

*At the end of the development lifetime with climate change applied to the design 0.5% annual probability flood event, if the SMP policy is not followed then through*



overtopping of the current defences the resulting on-site flood level would be 5.48m AOD. The resulting actual risk depth of flooding on the site using the minimum site level of 3.17m AOD would be 2.31m deep, and in the building using the proposed ground finished floor levels of 3.40m AOD would be 2.08m deep.

#### Residual Risk

Section 5.2 of the FRA explores the residual risk of a breach using the Maldon Strategic Flood Risk Assessment (SFRA). The site could experience breach flood depths of up to 3m during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 3m during the 0.1% (1 in 1000) annual probability including climate change breach flood event (up to the year 2107). Therefore, assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.

Finished ground floor levels have been proposed at 3.40m AOD for commercial units. This is below the 0.5% (1 in 200) annual probability breach flood level including climate change of 5.63m AOD and therefore at risk of flooding by 2.23m depth in this event.

Finished ground floor levels have been proposed at 3.55m AOD for mixed development with commercial development on the ground floor. This is below the 0.5% (1 in 200) annual probability breach flood level including climate change of 5.63m AOD and therefore at risk of flooding by 2.08m depth in this event.

Finished ground floor levels have been proposed at 3.625m AOD for commercial units. This is below the 0.5% (1 in 200) annual probability breach flood level including climate change of 5.63m AOD and therefore at risk of flooding by 2.005m depth in this event.

Finished ground floor levels have been proposed at 3.85m AOD for residential dwellings with non-habitable ground floors. This is below the 0.5% (1 in 200) annual probability undefended on-site flood level including climate change of 5.63m AOD and therefore at risk of flooding by 1.78 m depth in this event.

Flood resilience/resistance measures have been proposed.

Finished first floor levels have been proposed at 6.05m AOD for all commercial units and dwellings. Therefore there is refuge above the 0.1% (1 in 1000) annual probability undefended on-site flood level including climate change of 5.85m AOD.

A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access with internal flooding in the event of a breach flood.

This application site is at risk from reservoir flooding. Reservoir flooding is extremely unlikely to happen providing the reservoir is appropriately managed and maintained.

- 5.7.11 Taking the above into account, even if the development passed the Sequential Test and was going to be safe for its lifetime, the Exceptions Test would not be satisfied as

the development would not provide wider sustainability benefits for the community, as discussed elsewhere in this report, that would outweigh flood risk.

- 5.7.12 As part of their response, the Environment Agency also highlights the proposed development's close proximity to the tidal defence. The defence includes piling, which will have anchors expected to protrude perpendicular to the seawall and into the proposed development area. The exact locations of the anchors however are unknown, and the landowner will need to undertake their own investigations to ensure that these are not damaged or affected by the proposed works. A Flood Risk Activity Permit is also likely to be required. These issues could be the subject of an informative on any planning permission granted.

5.7.13 Other Drainage Matters

- 5.7.14 In terms of drainage, Anglian Water Services has advised that there is capacity in the waste water treatment system but that the surface water strategy/FRA is unacceptable. They recommend that a condition is imposed requiring a surface water strategy.
- 5.7.15 Essex County Council SuDS team have raised no objections, subject to the imposition of conditions requiring details of a surface water drainage scheme based on sustainable drainage principles, a scheme to minimize the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution, a surface water maintenance plan, and clearing of surface water pipes within the site.
- 5.7.16 On the basis of the above advice and as details of foul drainage could be required by condition if planning permission were to be granted for the development proposed, no objections are raised with respect to surface water and foul drainage.

**5.8 Nature Conservation**

- 5.8.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.8.2 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).
- 5.8.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.8.4 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

- 5.8.5 The Ecological Assessment and Bat Survey submitted concludes that the site has no ecological value (provided the tower removal takes places between September and February) and that, until the Essex Coast RAMS is adopted, the proposed development will not harm existing European designated sites.
- 5.8.6 In terms of off-site impacts, Natural England have advised that this development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England advise that Maldon District Council must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.8.7 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'zones of influence' of these sites cover the whole of the Maldon District.
- 5.8.8 Natural England anticipate that, in the context of the local planning authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.8.9 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – Natural England has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.8.10 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England's general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the

development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £122.30 per dwelling.

- 5.8.11 To accord with Natural England's requirements, a Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes

HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

Summary of Appropriate Assessment - as a competent authority, the Local Planning Authority concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account Natural England's advice, it is considered that mitigation, in the form of a financial contribution of £1223 is necessary, in this case, which has not been secured through a completed S106 Agreement. Therefore, it is recommended below that planning permission is refused for this reason.

- 5.8.12 Based on the above, it is considered that the development proposed, without mitigation having been secured, would cause harm to nature conservation.

## **5.9 Other Material Considerations**

- 5.9.1 One of the requirements of Policy D2 of the LDP is that, where appropriate, development will include measures to remediate land affected by contamination.

- 5.9.2 NPPF paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

- 5.9.3 The Phase 1 Contamination Report submitted concludes that there are a number of potential contamination risks and recommends that ground investigations are undertaken to determine the extent of any potential contamination within the



groundwater and soil strata, and that there is a geotechnical investigation of the site to enable a suitable foundation solution to be designed. The applicant's agent suggests that these requirements could be adequately dealt with through the imposition of conditions.

- 5.9.4 The Environmental Health Officer agrees and recommends that conditions relating to contamination are imposed on any planning permission granted. The Environment Agency has also advised that the proposal would not be acceptable in terms of contaminated land issues unless conditions are imposed requiring further information to be submitted for approval before any development commences, the submission of a verification report and future monitoring being carried-out. The Agency also recommends that a drainage system for the infiltration of surface water to the ground and piling (or any other foundation designs using penetrative methods) are prohibited. These conditions are recommended to avoid water pollution and ensure that the development does not pose a risk to human health.
- 5.9.5 It is considered that the imposition of conditions as recommended by the Environmental Health Officer and Environment Agency on any planning permission granted would be adequately address the issue of potential contamination at the site.
- 5.9.6 Policy D3 requires that, where development might affect geological deposits, archaeology or standing archaeology, an assessment from an appropriate specialist source should be carried out.
- 5.9.7 Based on the advice of Essex County Council, Archaeology, the application site is located in an area of known archaeological potential but the matter of archaeology could be adequately addressed through the imposition of a condition requiring historic building recording of the mill, granary building and any associated structures, to be followed by archaeological trial trenching and full excavation if archaeological features are identified.

## **6. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/14/00590** - Planning application for the demolition of existing buildings and the construction of residential development (19 apartments within two blocks) together with vehicular/pedestrian access from Station Road, car-parking, landscaping, reservation of land to accommodate a riverside walk and associated engineering works on land adjacent to the River Chelmer access - Withdrawn

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal – not in keeping with the LDF as proposes residential use which may impact adversely on local existing businesses; the design does not reflect the industrial heritage of the site and the bulk and scale of the main building is inappropriate in this area.	Noted – refer to sections 5.2 and 5.3 of report

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council SuDS Team	No objection subject to conditions requiring details of a surface water drainage scheme based on sustainable drainage principles, a scheme to minimize the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution, a surface water maintenance plan, and clearing of surface water pipes within the site.	Noted – refer to section 5.7.13 of report.
Essex County Council Archaeology	The site is located within an area of known archaeological potential – the imposition of a full archaeological condition is recommended which will comprise historic building recording of the mill, granary building and any associated structures, to be followed by archaeological trial trenching and full excavation if archaeological features are identified.	Noted – refer to section 5.9 of report
Environment Agency	No objection with respect to flood risk. No objection with respect to land contamination subject to imposition of conditions. Informatives recommended.	Noted – refer to sections 5.7 and 5.9 of report

Natural England	Without mitigation, new residential development in this area of this scale is likely to have a significant effect on the sensitive interest features of the coastal European Designated Sites through recreational pressures when considered 'in combination' with other plans and projects.	Noted – refer to section 5.8 of report
Historic England	Objects	Noted – refer to section 5.3 of report
Essex Police Designing Out Crime	Would welcome opportunity to assist the developer achieving a Secured by Design award for both commercial and residential.	Noted – this could be covered by an Informative attached to any planning permission granted
Essex County Highways	The application includes suitable plans to take access from the Station Road junction that currently serves the Lidl foodstore and the expected number of development trips can be accommodated on the local highway network without detriment to highway safety and efficiency, subject to conditions requiring a Construction Management Plan to be submitted for approval, cycle parking to be provided in accordance with adopted standards and Residential Travel Information Packs to be provided to each dwelling.	Noted – refer to section 5.5 of report.
Anglian Water Services	Recommends an informative regarding their assets affected. Waste water treatment has available capacity. The surface water strategy/FRA is unacceptable and so the imposition of a condition requiring a surface water strategy is recommended	Noted – refer to section 5.7.13 of report. The recommended condition could be imposed on any planning permission granted.
Essex Bat Group	No response received	
Maldon Harbour Improvement Commissioners	No response received	

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Officer	Recommends refusal on the grounds of potential adverse impact upon the amenity of the new residents of the proposed residential units from existing uses in the area, as well as on the grounds of potential adverse impact upon pre-existing businesses in the vicinity. Conditions regarding contaminated land are recommended.	Refer to sections 5.2, 5.6 and 5.9 of report
Conservation Officer	Objects	Refer to section 5.3 of report
Housing Officer	It has not been demonstrated that the development would only be viable if no affordable housing was provided.	Noted – refer to section 5.2 of report
Planning Policy	Site part of allocated employment site, within a priority area within the Causeway Regeneration Area with respect to employment, adjacent to a full operational flour mill, within Flood Zone 3, within a Conservation Area and adjacent to listed buildings and there currently is a sufficient supply of housing land in the District.	Noted – refer to sections 5.2, 5.3 and 5.6 of report

### 7.4 Representations received from Interested Parties

7.4.1 53 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Industrial area not suitable location for residential use	Noted – see section 5.2 of report
Inadequate parking provision for residents	Noted – see section 5.5 of report
Building too high	Noted – see section 5.3 of report
Would have potential adverse impact on future operation of adjacent flour mill	Noted – see section 5.2 of report
Would add to existing traffic congestion and access shared with Lidl deliveries unsafe	Noted – see section 5.5 of report



<b>Objection Comment</b>	<b>Officer Response</b>
Lack of affordable housing proposed	Noted – see section 5.2 of report
No need for additional housing	Noted – see section 5.2 of report
In flood risk area	Noted – see section 5.7 of report
Would be harm to history, heritage and character of this area	Noted – see section 5.3 of report
Would harm Conservation Area and neighbouring listed buildings	Noted – see section 5.3 of report
Has not been demonstrated that site could not be developed for wholly employment uses	Noted – see section 5.2 of report
Viability report submitted demonstrates that there is a negative value for development purposes	Noted
Comments that the noise report contains a number of significant errors and assumptions which could affect the validity of the noise levels that are being assessed	Noted – the Environmental Health Officer has reviewed these comments but has not changed their consultation response - see sections 5.2 and 5.6 of report

- 7.4.2 **Two** letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

<b>Supporting Comment</b>	<b>Officer Response</b>
Pleased to see site intended for re-development and would generally support development but affordable housing policy should be upheld	Noted – see section 5.2 of report regarding affordable housing provision
Main block acceptable in this situation	Noted – see section 5.3 of report
Parking not sufficient but recognize attempts to mitigate with some flexible provision	Noted – see section 5.5 of report
Granary would be retained	Noted
Reflects site's heritage	Noted – see section 5.3 of report
Only buildings with no heritage significance would be lost	Noted – see section 5.3 of report
Balances preservation of heritage and developing Maldon as a desirable place to live and work	Noted – see section 5.3 of report

## 8. **PROPOSED REASONS FOR REFUSAL**

- The proposed development would make no provision for affordable housing and it has not been demonstrated to the satisfaction of the local planning authority that the development would not be financially viable if provision of affordable housing were to be made. The proposal would, therefore, not make the necessary contribution towards meeting the District's affordable housing needs contrary to the NPPF and Policy H1 of the Maldon District Approved Local Development Plan.

- 2 The proposed development, as a result of the excessive scale, crude materials, and poor composition of units 1-9, would cause harm to the character and appearance of the area, which is a Conservation Area, and the setting of neighbouring listed buildings. Although the harm would fall below the high threshold of 'substantial harm', it would not be outweighed by any public benefits, including the provision of residential units and employment floorspace. The development would, therefore, be contrary to Policies D1, D3 and H4 of the Maldon District Approved Local Development Plan and the NPPF.
- 3 The proposed development would not provide an adequate quality of life for the occupiers of the proposed flats as a result of noise and disturbance from existing businesses in the vicinity of the site. The occupiers of plot 10 would also not have access to any private external amenity space. The development would, therefore, be contrary to Policy D1 of the Maldon District Approved Local Development Plan and the NPPF.
- 4 The proposed development would have a detrimental impact on the local economy as a result of the loss of allocated employment land to residential uses and the potential limitation of the operation of existing businesses within the vicinity of the site, particularly the adjacent flour mill, as a result of the residential, noise sensitive development proposed. The proposal would, therefore, be contrary to Policy E1 of the Maldon District Approved Local Development Plan and the NPPF.
- 5 The application site is located in Flood Zone 3a which has high probability of flooding. The proposal is for new dwellings which have a high vulnerability to flooding. The proposal fails the Sequential Test as the Council can demonstrate a five-year housing land supply and as the site is allocated for employment purposes in the Maldon District Approved Local Development Plan. Therefore, the flood risk associated with the proposed development is unacceptable, contrary to the NPPF, the National Planning Practice Guide and Policies S1, S5 and D5 of the Maldon District Approved Local Development Plan.
- 6 The development would not provide sufficient cycle parking spaces and off-street parking spaces, failing to accommodate the demand which, in turn, will lead to cars parking off-site in adjoining streets causing conditions of obstruction, congestion and danger to residents and other road users, contrary to Policies T2 and D1 of the Maldon District Approved Local Development Plan.
- 7 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.