



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
19 FEBRUARY 2020**

Application Number	19/01225/FUL
Location	The Old Cutting Rooms Church Walk Maldon
Proposal	Conversion of commercial premises to 1No. live/work unit and 2No. self-contained maisonettes.
Applicant	Mr Mark Salisbury – Bright Ideas
Agent	Mr Ashley Robinson – A R Property Designs
Target Decision Date	31.01.2020
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call-in: Councillor C Mayes - Policy reason: D1 (3), H4, SDP

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

[illegible]

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Malden District Council 100010500 2014

Scale:	1:625
Organisation:	Maldon District Council
Department:	Department
Comments:	Central Area Committee
Date:	17/01/2020
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is located on the northern side of the High Street within a predominantly commercial area. The property faces All Saints Church to the west and there is understood to be access to the site from the rear via Bull Lane but for limited purposes. Along the majority of the eastern boundary of the site is land which appears to be in use as residential garden associated with a neighbouring property.
- 3.1.2 The site is located within the Maldon Conservation Area and within the area covered by the Maldon and Heybridge Central Area Masterplan. The property is also a Grade II listed building. Therefore, in addition to needing planning permission for the conversion proposed, listed building consent would be required for works to the building to facilitate the new use (which are subject to application reference 19/01226/LBC).
- 3.1.3 The building is currently vacant but, it is understood that the ground floor of the building was last used as a hairdresser and that the first floor was used as offices unrelated to the hairdressing use at ground floor level.
- 3.1.4 The proposal is part conversion of the commercial premises (stated as extending to 191.9sq.m.) to 1no. live/work unit and 2no. self-contained maisonettes. The residential units would all have one double bedroom each and the commercial floorspace would extend to 27.8sq.m. As part of the application it is not stated what the nature of the commercial use proposed would be but the application form submitted suggests that this would be Class A1 retail use.
- 3.1.5 The works required to the building would be largely internal and include the removal of existing partitions, the blocking of existing doorways and new partitions. Bathrooms and kitchens will also need to be installed. Externally, the alterations would be limited to a new doorway on the eastern elevation and alterations to some external doors and windows. There would be no provision of private amenity space or off-street parking for the occupiers of the proposed residences. Pedestrian access to Units A and B would be accessed off Church Walk. Unit C would be accessed via Bull Lane.
- 3.1.6 The application is accompanied by a 'Design and Access Statement Incorporating General Heritage Asset Statement'.

3.2 Conclusion

- 3.2.1 The proposal would not be acceptable in principle as it would result in the unjustified loss of retail and employment floorspace in the town centre. However, no objections are raised with respect to the impact of the development on the character and appearance of the Conservation Area, the historic character and integrity of the listed building, the amenity of the occupiers of neighbouring dwellings, the quality of life for the occupiers of the proposed dwellings, highway safety/car parking and nature conservation.

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
- 117-118 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
- E1 Employment
- E2 Retail Provision
- 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)
- Car Parking Standards

- Maldon District Design Guide SPD(MDDG)
- Maldon and Heybridge Central Area Masterplan

5. MAIN CONSIDERATIONS

5.1 The main issues which would require consideration as part of determination of this application are the principle of the development, the impact on the character and appearance of the Conservation Area, the impact of the works required on the historic character and integrity of the listed building, any impact on the amenity of the occupiers of neighbouring dwellings, the quality of life for the occupiers of the proposed dwellings and highway safety/car parking. The impact of the development on nature conservation would also require consideration.

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 Policy S5 states that proposals for retail, office, housing, community, leisure uses and other town centre uses will be supported where they contribute to the regeneration and diversification of Maldon Town Centre.

5.2.3 Policy E1 of the local plan states that development which would cause the loss of an employment site will not be permitted unless:

1. The present use and activity on site significantly harms the character and amenity of the adjacent area; or
2. The site would have a greater benefit to the local community if an alternative use were permitted; or
3. The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site's existing and potential long-term market demand for an employment use.

5.2.4 There are a mix of uses within the town centre area and, therefore, the principle of the mix of commercial and residential development proposed is not unacceptable in principle, subject to an assessment of the proposal as set out below. However, the development proposed would result in the loss of retail floorspace which is of concern as this could have a negative impact on the vitality and viability of the town centre given the location of the site in the heart of the town retail centre (Policy E2) and the proposal would also result in the loss of the employment floorspace within the first-floor offices (Policy E1).

- 5.2.5 The proposal does not result in the entire loss of the existing commercial uses as a live/work unit is proposed and it is acknowledged that residential use can be an acceptable use within the town centre. However, there is no evidence that sufficient efforts have been made to market the site or that the current use is no longer required which is a requirement of the Council's adopted Policy.
- 5.2.6 No information or justification has been submitted for the proposed loss of the existing commercial floorspace (163.6sq.m.) and only around 28sq.m. of commercial floorspace would be retained. The commercial floor space which would remain would be small in nature and concerns are raised in relation to the likelihood of this being a useable and commercially viable unit. Therefore, it cannot be concluded that the loss of retail floorspace which would result would not be harmful to the retail function of Maldon Town Centre and that the loss of the employment floorspace would not have a detrimental economic impact. It is recommended below that planning permission is refused for this reason.
- 5.2.7 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 one-bedroom flats proposed would contribute positively to the identified housing need and be responsive to local circumstances.

5.3 Design and Impact on the Character of the Area

- 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 Local Development Plan (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. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

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 provided the following specialist advice with respect to the development proposed:

This is a grade II listed building in the Maldon Conservation Area. It adjoins the eastern side the churchyard to All Saints' Church (which is a grade I listed building). It is a long 1 ½ storey range with (mainly) rendered walls and a gambrel roof clad in clay tiles. It is primarily of two phases; the timber-framed southern end which dates from the late-18th or early-19th century, and the rendered brick northern end which dates from the early-20th century. While from the outside the building is domestic in character, neither part appears to have been built for residential use. There is no evidence for original fireplaces, and the earlier part had no windows looking onto All Saint's Churchyard. It is possible that the Georgian timber-framed range may have been built as stables. The first-floor structure of this part of the building is supported by a very large pine spine beam, suggesting that the upper floor may have been intended to store considerable weight. The primary architectural features of interest are the Georgian timber-framed structure and a Georgian ground-floor window on

the east elevation. The whole building is an attractive example of Vernacular architecture, making an important contribution to a very attractive part of the Maldon Conservation Area.

I raise no objection to the change of use to part residential and part 'live-work'. The range already has the appearance of a typical row of Georgian cottages. The submitted drawings indicate no loss of valuable historic structure or character. The reinstatement of missing sections of lead-glazing would achieve a modest improvement.

I advise that this proposal will cause no harm to the significance of the listed building or that of the conservation area. It is therefore compliant with the policies set out in Chapter 16 of the NPPF, Policy D3 of the Maldon LDP and the requirements of section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

For these reasons, I raise no objection to these applications subject to the following condition being attached to the listed building consent:

- Large-scale drawings of new external doors - illustrating elevations at 1:20 and section details at 1:2 - shall be submitted for approval prior to their installation.

- 5.3.8 Based on this advice and as the development would result in minimal alterations to the external appearance of the building, it is concluded that the proposal would not have an adverse impact on the character or appearance of the existing building, which is a listed building, or the surrounding area, which is a Conservation Area.

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 There would be limited external changes to the building but converting the building from commercial uses to residential uses could provide opportunities for material levels of overlooking of the adjacent residential garden area which adjoins the eastern elevation of the building. A degree of overlooking currently exists from the existing commercial use of the building but a residential use would materially increase the level of overlooking and associated loss of privacy for the neighbouring occupiers.
- 5.4.3 Reference is made in the application to a proposal to obscure the first floor bathroom windows on the eastern elevation with film or frosted spray. However, views of the neighbouring amenity area could be gained from nearly all of the windows on the eastern elevation of the building, even the ground floor windows as they are located on the boundary of the site. Therefore, it is considered that all the windows which adjoin the neighbour's amenity area would need to be obscure glazed and fixed closed below eye level to ensure that harm would not be caused. The addition of a film or frosted spray would not normally be considered to be sufficient to ensure that overlooking is prevented in perpetuity. However, the details of measures which could

be used to reduce the level of overlooking satisfactorily could be required and secured by condition if planning permission were to be granted.

- 5.4.4 Based on the above, no objections are raised with respect to the impact of the proposal on the residential amenity of neighbouring occupiers.

5.5 Quality of Life for the Occupiers of the Proposed Residences

- 5.5.1 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 Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.5.2 The proposed residential units proposed are stated as being 34.9sq.m (Unit A), 59.5sq.m (Unit B) and 56.8sq.m (Unit C).
- 5.5.3 The occupiers of the proposed dwellings would not have access to any external amenity space. This matter would weigh against granting planning permission for the dwellings proposed which would reduce the quality of life for the occupiers of the proposed dwellings. However, the dwellings would only have one bedroom each, the site is within the town centre and there are areas of public open space within a short walk of the site. Therefore, it is not considered that this matter would justify a refusal of planning permission.
- 5.5.4 The floorspace for Units B and C is considered sufficient for one bedroom, two storey dwellings. However, at 34.9sq.m., the floorspace of Unit A would be small for a two person, one bedroom flat. However, all habitable rooms would have access to external light, ventilation and outlook and this local planning authority has not adopted the National Space Standards or other policies or design guidance which would justify a refusal of planning permission on the basis of the limited floorspace of this flat proposed.
- 5.5.5 Each unit would be provided with a bin store. A store for Unit C would be created within the unit adjacent to the front door. The submitted drawings suggest that a bin store would be provided for Units A and B within the right of way to the building from Church Walk. Details of this external bin store have not been provided but could be required by condition if planning permission were to be granted.
- 5.5.6 Based on the above, no objections are raised to the proposed on the basis of the quality of life for the occupiers of the residential units proposed.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to 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 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.

- 5.6.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.6.3 Even though the site is located within the town centre, it would be expected that off-street parking would be provided to serve the development. The off-street parking requirement for a one-bedroom flat would be a minimum of one parking space but the adopted parking standards does not require the provision of off-street parking for retail uses in the town centre. The lack of adequate provision of off-street parking for the residential use proposed weighs against the application being recommended for approval. However, only three small residential units are proposed, and the site is within the town centre (which would mean that the site is accessible by means other than the private car). Furthermore, the occupiers of one of the units (the live/work unit) would have less of a need to own their own vehicle. Details of provision for cycle storage have been provided in the form of a single cycle storage space within each unit proposed.
- 5.6.4 A recent appeal relating to 197-199 High Street, Maldon (reference 18/01320/FUL) was partly dismissed due to the lack of off-street parking provision. However, it is considered that the current scheme differs from that the subject of the appeal as it is for less units (three rather than five) and is located within the core of the Maldon town centre.
- 5.6.5 Based on the above, it is concluded that a refusal of planning permission due to the lack of off-street parking provision could not be sustained. One of the objectors to the proposal raises the concern that the proposal would result in an increase of unauthorised parking within Bull Lane but, as Bull Lane is a private road, this would be a civil matter which would need to be resolved privately between the relevant parties and would not be justifiable reason for refusal.

5.7 Nature Conservation

- 5.7.1 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.
- 5.7.2 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).
- 5.7.3 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.
- 5.7.4 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.

- 5.7.5 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.
- 5.7.6 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.
- 5.7.7 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 sites 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.
- 5.7.8 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 an HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.9 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.

- 5.7.10 To accord with Natural England’s requirements, an 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 have a likely significant effect on the sensitive interest features of the European designated sites without mitigation and that, therefore, a financial contribution is necessary, in this case.

- 5.7.11 The applicant has submitted a signed Unilateral Undertaking to secure this payment. Provided that this document is found to be sound, it is not recommended below that planning permission is refused for this reason.

6. ANY RELEVANT SITE HISTORY

- **19/01226/LBC** – Works required as part conversion of commercial premises to 1No. live/work unit and 2No. self-contained maisonettes – undetermined.

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 due to the harm caused by the loss of a commercial asset in the town. No amenity space would be provided as part of the development which would be materially harmful to the amenity of future occupiers contrary to policies D1 & H4 of the Maldon District Local Development Plan. There is no parking provided and due to the very	Noted – refer to sections 5.2, 5.5 and 5.6 of report

Name of Parish / Town Council	Comment	Officer Response
	limited access to the property.	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No response	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection in principle to the proposed development but conditions (details of foul drainage to be submitted, the live/work unit being occupied only as a single unit for residential/ employment purposes and only for Class B1(a) or (b) uses) and informatives recommended.	Noted – consideration would be given to the imposition of these conditions if planning permission were to be granted
Conservation Officer	No objections subject to the imposition of a condition requiring further details to be submitted.	Noted – refer to section 5.3 of report

7.4 Representations received from Interested Parties

7.4.1 **Two** 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
Would encourage more unauthorised parking in Bull Lane which is an already congested private road	This is a civil matter which would need to be resolved privately between the relevant parties. Parking provision is covered in section 5.6 of the report.
Would be precarious emptying the bins in the bin store as located in front of a parking space for the owner of ‘Spindles’	This is not a material planning consideration.
Only one bin store proposed which will result in waste being left on others’ land causing health risks and hazards.	Bin storage is discussed in section 5.5 of report

8. REASON FOR REFUSAL

1. The proposed residential development would result in the partial loss of employment and retail uses. Insufficient justification or evidence has been provided to demonstrate that the present use and activity significantly harms the character and amenity of the adjacent area, the proposed use would be of greater benefit to the local community or that the continuous use of the site for employment purposes is no longer viable. The development would therefore have an adverse impact on the limited supply of employment generating land. Insufficient justification or evidence has also been provided for the local planning authority to be able to conclude that the loss of retail floorspace which would result from the development would not be harmful to the vitality and viability of the retail function of Maldon Town Centre. The development is, therefore, contrary to policies E1 and E2 of the Maldon District Approved Local Development Plan, and the National Planning Policy Framework.