

Drinkwater Farm, Maldon Road, Bradwell-On-Sea, Essex

## Appeal Statement

5 September 2016

### Introduction

1. This appeal is against the refusal of Maldon District Council to grant planning permission for application FUL/MAL/16/00388. That application, which was submitted and validated on 24 March 2016, sought planning permission for:

*"Variation of condition 6 and 7, and removal of condition 8 on planning permission FUL/MAL/07/00842 (development of 12 new houses with workshops) allowed on appeal APP/X1545/A/08/2064100."*

2. APP/X1545/A/08/2064100 has been commenced as confirmed by a Certificate of Existing Lawful Use dated 6 November 2014 (LDE/MAL/14/00695).
3. Conditions 6, 7 and 8 of APP/X1545/A/08/2064100 read as follows:

*"6. The business floorspace of each live/work unit shall be finished ready for occupation before the residential floorspace for each unit is occupied and the residential use shall not precede commencement of the business use."*

*"7. The business floorspace of the live/work unit shall not be used for any purpose other than for purposes within Class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification."*

*"8. The occupation of the residential floorspace of the live/work unit shall be limited to a person solely or mainly employed, or last employed in the business occupying the business floorspace of that unit, or a widow or widower of such a person, or any resident dependants."*

4. The reason for the application was explained thus in Montagu Evans' covering letter dated 24 March 2016:

*"The proposed changes are requested because of the very low demand for 'live / work' units, a key reason for which is the difficulty for prospective tenants in successfully securing mortgages for such properties; in the current climate lenders will often not approve applications for mortgages for 'live / work' units. The proposed relocation of the employment floorspace from the residential units to a single block would address this issue and in turn result in a more viable development and would facilitate the delivery of new homes for which national planning policy recognises there is a pressing need."*

### Engagement with the Local Planning Authority

5. On the decision notice it is stated that:

*"The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible."*

6. This is not correct. The local planning authority ('LPA') has not acted proactively and has ignored correspondence. No discussions have taken place with the applicant or its agent with a view to identifying issues or possible solutions. Indeed, when the LPA indicated that it was going to refuse the application an explanation was sought by the appellant's agent but not received. The only explanation was in the Officer's report which had to be requested from the Council by the Appellant's agent following the issuing of the decision notice.
7. It is therefore the Appellant's opinion that the LPA has failed in its duty to act positively and proactively.
8. In summary, the attempts that were made to discuss the application with the local planning authority were as follows:
  - following submission of the application and receipt of consultation responses, Montagu Evans emailed the case Officer on 2 June 2016 asking to discuss an objection that had been received with the aim of seeking clarity;
  - it transpired that the Officer was on leave and so a follow-up email was sent on 15 June 2016. No response to the 2 June 2016 or 15 June 2016 emails was ever received from the Council; and
  - a further email was sent of 21 June 2016 at 14:50 chasing for a response. A response was received at 15:00 on 21 June 2016 which said that:

*"I can confirm that I am in the process of writing this application up, and a decision can be expected on Thursday 23<sup>rd</sup> June. At this stage, I do have concerns with the proposed variation to the conditions, and removal of condition 8. My concerns relate specifically to the provision of affordable housing and sustainability. The issues in this regard are so fundamental to the proposal that it not considered possible to negotiate a satisfactory way forward."*
9. A copy of the email exchange is at **Appendix 1**.
10. As is clear from the email of 21 June 2016 at 15:00, the Council did not provide any explanation of the issues or offer an opportunity to respond.
11. The Appellant was incredibly frustrated and disappointed at the Council's failure to engage despite repeated attempts to enter into a dialogue with the case Officer. Because of that frustration, and before the decision was issued, the Appellant's agent wrote to the Officer by way of letter dated 23 June 2016 (sent by email at 10:02; attached at **Appendix 2**). Necessarily, that letter had to second-guess what the Council's issues were.
12. As with other correspondence to the Council, neither an acknowledgement of nor a response to this letter has ever been received. The next event was receipt of the decision notice under cover on an email received on 23 June 2016 at 15:29.

### **Reason for Refusal 1**

13. The first reason for refusal reads as follows:

*"The variation of conditions 6 and 7 and removal of condition 8 from application FUL/MAL/07/00842 is deemed unacceptable as it would result in permanently occupied dwellings outside and remote from a development boundary in an unsustainable location without justification for their siting in this rural area. As such the proposal does not represent sustainable development and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme contrary to policies S2, H1, CC6 and BE1 of the adopted Maldon*

*District Replacement Local Plan, policies S1, S8 and D1 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework."*

14. We simply do not understand the justification for this reason for refusal. There is an extant planning permission for twelve permanently-occupied dwellings on the application site. The proposal is for the same number of dwellings. Whilst the employment space will be separate from the dwellings it will only be a very short walk away and consequently people working in that space and living on the site would not give rise to additional car journeys.
15. This matter is discussed further in the **annexed Transport Note** prepared by Bellamy Roberts. Bellamy Roberts says that when considering the overall traffic movements associated with both schemes it is evident that there would be no material difference in traffic movements associated with the (B1) use. It also noted that when considering the proposals in light of the guidance set out within NPPF it is evident that the scheme accords with paragraph 7 and is sustainable and paragraph 32 where the impact of this change is not significant and would not produce a severe cumulative impact and that, as such, the proposals should be granted planning permission without delay.

### **Reason for Refusal 2**

16. The second reason for refusal reads as follows:

*"The proposed development makes inadequate provision for affordable housing or a financial contribution in lieu of affordable housing contrary to policy H1 of the Maldon District Submission Local Development Plan and guidance and principles contained in the National Planning Policy Framework."*

17. No affordable housing was required by the Council in relation to the scheme that has already been commenced. That scheme proposed the same number of dwellings as the Appeal Scheme. The Council has not provided an explanation of why the situation has changed.
18. Nevertheless, and as signalled in Montagu Evans' letter of 23 June 2016, the Appellant is willing to agree to the provision of affordable housing if it is justifiable in terms of planning policy and, if to, the Appellant is willing to enter into a legal agreement in this regard.
19. The National Planning Practice Guidance notes that: *"Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms."*<sup>1</sup> Given that the Appellant had clearly signalled to the local planning authority before its decision was made that it was prepared to enter into such an agreement we consider that reason for refusal number 2 was unnecessary and unjustified.

### **Reason for Refusal 3**

20. The third reason for refusal reads as follows:

*"The reduction in employment opportunities on the site as a result of the proposed development, would result in the loss of a contribution to the District's employment generating opportunities and economic output, in conflict with policy E6 of the Maldon District Replacement Local Plan, and emerging policies S1 and E1 of the Local Development Plan as submitted and the guidance and provision contained within the National Planning Policy Framework."*

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<sup>1</sup> Paragraph: 001 Reference ID: 23b-001-20150326

21. There would be no reduction in employment opportunities on the site. To assist in people being able to secure mortgages given that it is difficult to obtain mortgages for 'live / work' accommodation in the current climate, it is proposed that the employment floorspace will be consolidated into one building on the site. Exactly the same amount of employment floorspace would be provided.
22. The employment floorspace would be capable of flexible configuration so that the amount of floorspace could meet each individual's needs. We think that this is better than providing a fixed amount of floorspace with each dwelling as the flexibility could enable future growth and easy adaptation of businesses. Having a variety of businesses in one building could also create synergies between those businesses.
23. As we noted to the Council in the application submission and again in our 23 July 2016 letter, the Appellant is happy to link the floorspace to the dwellings by way of a planning obligation and to provide it at favourable rates. As it currently stands, the employment element of each unit could stand vacant if the person living in the dwelling ceased using it for business purposes. In the case where business floorspace was provided in a stand-alone building, however, there would be opportunities for other businesses to occupy that space ensuring that it continued to make an economic contribution to the economy. We consider this to be a positive material consideration and rather than resulting in the loss of a contribution to the District's employment generating opportunities and economic output as alleged by the Council, the change would maximise opportunities to generate employment and economic output.

### **Other Considerations**

24. In the original application submission the applicant recognised that a reduction in the number of dwellings on the site could be an issue given the pressing need for new homes. Our letter to the Council dated 24 March 2016 noted that:

*"The proposed amendment to the scheme will not reduce the amount of employment floorspace on the site – that will still total 480 sq m. It will, however, result in one fewer residential unit. If this is an issue for the Council then the applicant would be willing to explore creating two semi-detached dwellinghouses in place of one detached dwellinghouse."*

25. Submitted Drawing 0275\_PL Rev A showed how this could be achieved – it included a party wall line on the residential building immediately adjacent to the employment floorspace.
26. It had been hoped that raising this point would have prompted discussion with the local planning authority but as with other matters raised in correspondence no discussion was forthcoming.
27. It is still the appellant's preference to achieve 12 dwellings on the site and as noted in the **Transport Note**, this would not be an issue in transport terms.

### **Five-year Housing Land Supply**

28. In a July 2015 document entitled *Five-Year Housing Land Supply Statement 2014/15*, Maldon District Council says that it has a five-year housing land supply. At present, however, the authority's up-to-date full objectively assessed housing needs have yet to be formally demonstrated, tested and endorsed through the thoroughness and robustness of the local plan process. In short, the Council does not have an independently-scrutinised five-year supply of housing land.
29. From our review of the aforementioned document, it appears that there has been slower-than-expected progress in relation to the delivery.

30. Page 2 of the document contains a calculation of the housing requirement, based on the District's Objectively Assessed Need (OAN). Taking into account a 5% buffer, it is stated that the five year requirement is for 1,776 units.
31. The document states that there is extant permission for 944 units on sites considered deliverable within the five year period.
32. In addition to this 1,481 units are identified as deliverable on strategic allocations within the LDP, as well as a further 100 units as a 'windfall allowance'. Factored into this is a 5% buffer and allowance for previous under-delivery amounting to 126 units. Finally, 69 units were completed during the reporting year (2015).
33. This equates to a total of 2,468 deliverable units within the five year period, which the Council says amounts to 6.95 years of housing land supply against its identified housing needs.
34. Appendix G (Phasing of LDP Strategic Locations) of the document is a list of sites identified by MDC within the LDP for the location of new housing. The table sets out information in relation to the net capacity of each site, any relevant planning applications, and the anticipated timescale for the delivery of the housing.
35. Of the total 3,333 potential dwellings identified within Appendix G, only 131 (one out of eleven sites) of these have planning permission in place (ref. 14/00581/FUL). A further 3,112 dwellings are associated with applications which are currently 'Pending Decision'. These include two of the Council's largest sites, accounting for approximately 61% of the total identified capacity of 3,333 dwellings, as we will now explain.

**1) S2(a) – South of Maldon (South of Limebrook Way)**

36. Despite being indicated as approved on MDC's website, the decision is pending until the signing of a S106 Agreement. No agreement has been signed at the time of writing, over a year since the resolution to grant.
37. We therefore think it highly unlikely that the 25 units indicated for 2016/ 2017 will come forward in that timescale. Therefore there is likely to be slippage to the subsequent years and an impact on the Council's five year housing land supply.

**2) S2(d) – North of Heybridge**

38. A hybrid planning application (part outline / part detailed) (ref. 15/00419/OUT) was submitted on 28 April 2015 for residential development with some residential care, retail, commercial and community uses and a primary school. Review of the documents submitted with the application suggests no exact or indicative dwelling figure has been put forward as part of the application. However, the Planning Statement, explains that the site could accommodate 1035 dwellings on the basis of 26 dwellings per hectare over 40 hectares of land.
39. The application is for 1,035 dwellings and is yet to be determined. We therefore think it is highly unlikely that the 62 dwellings indicated for 2016/2017 will come forward in that timescale. There is therefore likely to be slippage to the subsequent years and an impact on the Council's five year housing land supply.

**Other Sites of Relevance**

40. One site in Appendix G, North of Burnham-on-Crouch (East) (LDP ref. S2(k)), was the subject of a refused planning application for residential development. The refused application would have accounted for up to 180 dwellings.
41. A planning application (ref. 14/00356/FUL) was submitted at S2(i) for 180 dwellings. The application is currently 'Pending Decision', having been deferred at planning committee on 31 March 2016. Minutes from the planning committee state that the application was deferred due to concerns relating to the scale and nature of the proposals and the precedent which the application may set for other strategic allocation sites.

Having checked with MDC in July 2016 for the purposes of this Statement, the Council stated that it was 'likely' that the application would be presented to committee in autumn.

42. On review of the relevant planning history for S2(e) North Heybridge (Land to the North of Holloway Road), an application for outline planning permission was identified (ref. 14/00990/OUT). The application was submitted on 14 October 2014 for residential development of up to 100 dwellings. MDC's online planning records for the application state that the application is currently pending decision.
43. The application forms part of the wider allocation within the new North Heybridge Garden Suburb and inspection of the relevant site location plans indicates that the site is located to the south of S2(d) (North of Heybridge).
44. The application went to planning committee on 31 March 2016 with an officer recommendation for approval, subject to the signing of a S106 Agreement. Printed minutes state that committee members resolved to grant planning permission, subject to the signing of a S106 Agreement. At the time of writing no Agreement has been signed between the applicant and MDC.
45. Again, given that all of the above sites are indicated as delivering dwellings in 2016 / 2017, it would appear that this is a very difficult if not impossible aspiration which raises further questions about the soundness of the Council's five year housing land supply.
46. Furthermore, in calculating its five year housing land supply position the Council has included Drinkwater Farm in its schedule of deliverable housing sites. It is listed under 'Appendix F. Deliverable Major Sites with Capacity of 10 or more dwellings' with anticipated 'phased delivery' beyond 2017.
47. In conclusion, and based on our review as explained above, we consider that there is considerable doubt as to whether a number of the Council's most significant housing allocations will come forward as anticipated by the Council in its 2015 and there whether the Council has a robust five-year housing land supply, In our opinion it does not and it is our view that weight should be given to this consideration in the overall planning balance.

### **Concluding Remarks**

48. This appeal relates to changes to an extant (implemented) planning permission.
49. As explained in this Statement we feel that the Council was neither proactive nor positive in dealing with this application. The Council ignored correspondence and would not give any explanation for the issues that it eventually raised. We consider the Council's behaviour towards the applicant to have been unhelpful and regrettable.
50. The changes that were sought to the extant planning permission were to make it easier for prospective purchasers of the dwellings to obtain mortgages. Exactly the same amount of employment floorspace was proposed in the amended scheme as in the extant permission and it was clearly stated that first preference for occupation of that floorspace would be for residents of this site.
51. If the business space was occupied by residents of this site in sustainability terms (primarily travel) this would not be materially different from the situation envisaged in the extant permission.
52. The appeal scheme does have the advantage, however, that if a resident stopped using their workspace it need not lie unused as would be the case with the extant permission; it could be let to other local small businesses, thus maximising the employment potential of the space. We have provided a transport note which explains that occupation of space by non-residents of the housing on the site would not have any

significant harmful effects. We therefore consider that the appeal proposal satisfies reasons for refusal 1 and 3.

53. With regard to affordable housing the applicant clearly stated to the local planning authority before the decision was made that it will satisfy the Council's policy. The affordable housing-related reason for refusal – reason number 2 – was therefore completely unnecessary.
54. Finally we note that this site forms part of the Council's five-year housing land supply. In addition, and having reviewed the Council's 2015 position statement it is clear that there has been significant slippage on a number of the district's major housing sites and that housing is not being delivered as previously envisaged. It is therefore our view that the Council does not have a robust five-year housing land supply and that this should be a consideration that is taken into account in determining this application.
55. Overall, bearing in mind that there is an extant consent and that the proposal will deliver much-needed housing and floorspace that will contribute to the economy of the local area, we respectfully request that the Inspector allows this appeal.

**Appendix 1**  
**Correspondence**



## Adam Price

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**From:** Rebecca Greasley [<mailto:Rebecca.greasley@maldon.gov.uk>]

**Sent:** 21 June 2016 15:00

**To:** Adam Price <[Adam.Price@montagu-evans.co.uk](mailto:Adam.Price@montagu-evans.co.uk)>

**Subject:** RE: PD10505 Drinkwater Farm - Objection on Application for the Variation of Condition 6 and 7 and removal of Condition 8 (ref. 16/00388/FUL)

Dear Mr Price,

I can confirm that I am in the process of writing this application up, and a decision can be expected on Thursday 23<sup>rd</sup> June. At this stage, I do have concerns with the proposed variation to the conditions, and removal of condition 8. My concerns relate specifically to the provision of affordable housing and sustainability. The issues in this regard are so fundamental to the proposal that it is not considered possible to negotiate a satisfactory way forward.

Once my line manager has signed off my report I will be happy to send you a copy, which should outline my concerns in more detail.

Regards,

**Rebecca Greasley | Senior Planning Officer | Planning and Regulatory Services**

Maldon District Council, Princes Road, Maldon, Essex, CM9 5DL

email [rebecca.greasley@maldon.gov.uk](mailto:rebecca.greasley@maldon.gov.uk) | tel 01621 875805 | [www.maldon.gov.uk](http://www.maldon.gov.uk)

### Shortlisted...

- Award for Development Management 2016  
*Development Management Team*
- Local Authority Team of the Year 2016  
*Corporate Enforcement Team*



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**From:** Adam Price [<mailto:Adam.Price@montagu-evans.co.uk>]

**Sent:** 21 June 2016 14:50

**To:** Rebecca Greasley

**Subject:** RE: PD10505 Drinkwater Farm - Objection on Application for the Variation of Condition 6 and 7 and removal of Condition 8 (ref. 16/00388/FUL)

Dear Rebecca

Could you please get back to me in response to my email below, sent on Wednesday 15 June 2016.

We would really appreciate an update on the status of the application.

Kind regards

Adam

**Adam Price**

**Graduate Planner – Planning and Development**

Direct: 020 7866 8674  
Mobile: 07919 545 081



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**From:** Adam Price  
**Sent:** 15 June 2016 10:53  
**To:** 'rebecca.greasley@maldon.gov.uk' <[rebecca.greasley@maldon.gov.uk](mailto:rebecca.greasley@maldon.gov.uk)>  
**Subject:** RE: PD10505 Drinkwater Farm - Objection on Application for the Variation of Condition 6 and 7 and removal of Condition 8 (ref. 16/00388/FUL)

Dear Rebecca

I write with regard to the below.

Am I correct in thinking you are now back from leave? I trust you had a good time.

Are you able to provide me with an update on the status of the application? Is it worth me giving you a call to discuss any comments / queries you may have?

Kind regards

Adam

**Adam Price**  
**Graduate Planner – Planning and Development**

Direct: 020 7866 8674  
Mobile: 07919 545 081



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**From:** Adam Price  
**Sent:** 02 June 2016 15:00  
**To:** 'rebecca.greasley@maldon.gov.uk' <[rebecca.greasley@maldon.gov.uk](mailto:rebecca.greasley@maldon.gov.uk)>  
**Subject:** PD10505 Drinkwater Farm - Objection on Application for the Variation of Condition 6 and 7 and removal of Condition 8 (ref. 16/00388/FUL)

Dear Rebecca

I write in relation to the above application.

I note the objection (attached), dated as received on 10 May 2016 on the scan, raises concerns in relation to the proposed application.

I would appreciate it if we could please discuss this to hopefully provide some clarity on the matter.

I look forward to hearing from you.

Kind regards

Adam

**Adam Price**  
**Graduate Planner – Planning and Development**

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**Maldon District Council**

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PD/AP/PD10505  
email: [paul.burley@montagu-evans.co.uk](mailto:paul.burley@montagu-evans.co.uk)

23 June 2016

Planning Department  
Maldon District Council  
Council Offices  
Princes Road  
Maldon  
Essex  
CM9 5DL

Dear Rebecca,

**DRINKWATER FARM, MALDON ROAD, ESSEX, CM0 7HU  
PLANNING APPLICATION REF. 16/00388/FUL  
RESPONSE TO CORRESPONDENCE FROM PLANNING OFFICER, RECEIVED 21 JUNE 2016**

We write with regard to correspondence received from yourself on 21 June 2016. The correspondence relates to planning application (ref. 16/00388/FUL) that we submitted on behalf of our client Coldunell on 24 March 2016. The application description is as follows:

*“Variation of condition 6 and 7, and removal of condition 8 on planning permission FUL/MAL/07/00842 (development of 12 new houses with workshops) allowed on appeal APP/X1545/A/08/2064100”*

**Planning Officer Concerns**

On Tuesday 21 June 2016 you raised concerns with regard to the provision of affordable housing and the sustainability of the proposals.

**Response to Comments**

Affordable Housing Requirements

Affordable housing provision was not considered to be an issue within the previous application.

The section 73 application results in a new planning permission and, as noted in the National Planning Practice Guidance, an application would be considered against:

*“Development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.”*

If there has been any material change in policy that would give rise to an affordable housing requirement then the local planning authority would be entitled to have regard to this in reaching a decision. It is not the case that a section 73 application would circumvent the requirement to have regard to affordable housing.

In this case there has been no change in development plan policy insofar as relates to affordable housing since the original application was determined. This is confirmed by the Council's *Planning Policy Advice Note V5*, dated May 2016.

Nevertheless, it is usually the case that a section 106 obligation would be used to secure affordable housing (where justified) in a development and it would only be justifiable to refuse planning permission if the applicant declined to enter into such an agreement.

Our client has not declined to enter into such an agreement, however; indeed, the possibility of one has not even been discussed yet.

We would be most grateful if you could elaborate on what specifically is the issue in relation to affordable housing and how this could be addressed. We will then be pleased to put this to our client and to revert at the earliest possible opportunity.

#### Sustainability

We would welcome clarity on the issue of sustainability that was also alluded to in your email.

In relation to the previous application, we understand the proposals were judged to be sustainable due to the relationship between the proposed dwellings and employment floorspace which were to be in the form of 'live work' units. We have explained, however, that that particular form of development is an impediment to seeking a mortgage which in turn is an impediment to the delivery of much-needed housing and the associated employment floorspace.

The proposed solution is provide the employment floorspace in a discrete building within very close proximity to the residential units, and with 'first refusal' given to the residents of the houses. This would not be materially different to the situation that would occur with the consented 'live-work' units.

We would be grateful for an explanation as to why the current proposals are considered to be unsustainable and for our client to have the opportunity to respond to your explanation.

We trust that you will have regard to this representation in making a decision on this application. We look forward to receiving a written response prior to determination of the application being made.

If you have any further queries please do not hesitate to contact Paul Burley or Adam Price of this office in the first instance.

Yours faithfully



**MONTAGU EVANS LLP**

**Appendix 2**  
**Transport Note**

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# TRANSPORT NOTE

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**PROJECT:** DRINKWATER FARM, MALDON ROAD, BRADWELL-ON-SEA, ESSEX  
**APPLICATION REF:** FUL/MAL/16/00388  
**OUR REF:** ITR/4895.TN.  
**DATE:** 10.08.2016  
**PROPOSAL** Variation of Condition 6 and 7, and removal of Condition 8 on Planning Permission FUL/MAL/07/00842, Development of 12 Dwellings and Workshops.

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## Introduction

Bellamy Roberts LLP has been instructed to advise on the highway implications of the application to amend and remove the existing planning conditions 6, 7 and 8 respectively.

The local planning authority refused the application citing three reasons for refusal.

It is understood that the previously consented scheme had a live/work unit attached to each of the 12 dwellings. The scheme now currently being pursued maintains the same total floor area of work space (B1) but contained within two buildings on the same site.

## Consideration of Proposals

Whilst the employment space (B1) will be in a separate building from the dwellings it will be very close and a very short walking distance away from the properties. Consequently, people working in the employment space and living on the site would not give rise to additional car journeys and would be comparable to the consented scheme.

In traffic terms the live/work units could generate traffic movements from visitors and/or employees of that unit. Similarly, if all of the employment units were incorporated into a single or two buildings (as proposed) the same floor space could generate visitors and or employees as well as those who live on site, similar to that of the consented scheme.

Furthermore, it is understood that whilst the total floor area of the employment use will remain the same (480sqm). The current scheme would provide twelve dwellings through the sub-division of one of the larger units.

In traffic terms the current scheme is likely to generate the same or at worst no material difference in traffic flows for the employment floor areas as the consented, and the residential scheme would generate the same movements. It is understood that the Council considered the twelve unit scheme. In addition, consideration has been given to 11 residential units (whereby one of the units is not sub-divided). In this instance the traffic generation would be marginally less (as there would be one less dwelling).

Overall, the differences in traffic movements associated with the current proposal when compared with the consented scheme will not be so material as to cause traffic or sustainability concerns.

NPPF recognises (at paragraph 32) that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It is evident that the current proposal would not have a severe cumulative impact and as such should be granted planning permission.

Furthermore, like the consented scheme the current proposal is of mixed use where those living on the site and elsewhere would be able to work within the employment floor space. As such, the scheme is sustainable and accords with paragraph 7 of NPPF.

### Summary

A scheme for 12 live/work units accommodating some 480sqm of employment use (B1) was granted planning permission Ref FUL/MAL/07/00842.

The current scheme, FUL/MAL/16/00388, seeks permission for the same amount of residential and business floorspace with the B1 element contained within two buildings as opposed to in annexes to 12 dwellings.

When considering the overall traffic movements associated with both schemes it is evident that there would be no material difference in traffic movements associated with the (B1) use. The



scenario where one of the residential units is not sub-divided is likely to generate fewer traffic movements as there is one less residential unit.

When considering the proposals in light of the guidance set out within NPPF it is evident that the scheme is sustainable and accords with paragraph 7, the scheme also results in an insignificant impact in highway terms and as such accords with paragraph 32 of NPPF. As such the proposals should be granted planning permission without delay.