



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

**to
NORTH WESTERN AREA PLANNING COMMITTEE
29 OCTOBER 2018**

Application Number	FUL/MAL/18/00966
Location	Land North of Birchwood Farm Birchwood Road Purleigh Essex
Proposal	Erection of building with associated parking and access to be used as a brewery for Maldon Brewing Company.
Applicant	Mr N Farmer - Maldon Brewing Company Ltd.
Agent	Laura Dudley-Smith - Strutt & Parker
Target Decision Date	30 October 2018
Case Officer	Yee Cheung
Parish	PURLEIGH
Reason for Referral to the Committee / Council	The planning application is called in by Councillor Miss S White due to public interest

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site relates to a piece of land located to the east side of Chimney Pot Lane, outside the defined settlement of Cock Clarks village, being located approximately 20 metres to the north of the settlement boundary. The land is currently laid to grass and can be accessed through Birchwood Farm and via an agricultural entrance gate off Chimney Pot Lane. The northern boundary of the site adjoins an agricultural field. The site is enclosed by mature trees to the south and young hedging on the eastern boundary. The western boundary consists of mature hedgerows and the northern boundary of the site is bound by a small-wired fence with infant trees running along it. The site gradient is flat.
- 3.1.2 To the south of the site is Birchwood Farm. A Lawful Development Certificate was granted in 2003 (reference: LDP/MAL/03/00035 dated 15.04.2003) for the site to be used within Use Class B2 (general industrial). The agricultural building and outbuildings within Birchwood Farm is currently home to a variety of small businesses and local services, including Maldon Oyster Company, a Classic Car Restoration business. A further Lawful Development Certificate was granted in 2017 (reference: LDE/MAL/17/01056 dated 14.11.2017) on land to the north east of Birchwood Farm which is immediately to the east of this application site.
- 3.1.3 To the south of Birchwood Farm, houses front onto Birchwood Road, and Hackman's Lane. Houses that are located within the village settlement boundary are clustered together and on smaller plots whereas houses that are located outside the settlement boundary are on spacious plots. There is a dwelling 'Syringa' located approximately 25 metres away from the south western corner of the application site.
- 3.1.4 Planning permission is sought for the construction of a new building and will be occupied by the Maldon Brewing Company (MBC). The submitted application form states that the building would be used for purposes falling within Use Class B2, but the accompanying planning statement indicates that there would be uses falling within Use Class B1. It is noted that the premises will serve as the main brewing and operational premises for MBC and as such the use is considered to fall within Use Class B2, with the other elements of the proposed use being ancillary to that primary use rather than a mixed use.
- 3.1.5 The new building would measure approximately 24.4 metres wide, 15.8 metres deep with a ridge height of 6.5 metres. At ground floor of the building, a brewing area, cask wash / store, a cold store, a reception area, a display / hospitality area and toilets are proposed. A workshop, mess room, two offices, a meeting room, and two further storage areas are proposed at first floor level.
- 3.1.6 It is noted that the applicant's submissions indicate that a flue would be required to be installed, but no details of such an installation have been provided. It is considered that it would be possible to require details of the appearance of these installations to be submitted and agreed under the terms of a condition.
- 3.1.7 The Site Layout Plan (DWG: 550/02E) submitted shows the proposed building located centrally within the application site with visitor and staff parking to the north

side of the building. On the south side of the building, five more staff car parking spaces and a turning area for delivery vehicles are proposed. Delivery vehicles would go through Birchwood Farm where the access point would be off Birchwood Road.

- 3.1.8 It is proposed that the existing landscaping on the northern and western boundary of the site would be retained and strengthened by additional soft landscaping. The Leylandii hedge / trees would be removed from the southern boundary of the site to accommodate staff car parking. The Leylandii hedge / trees will be replaced by a boundary fence and some native planting.

3.2 Conclusion

- 3.2.1 It is considered the above development proposal would support the rural economy in terms of creating some employment opportunities whilst also providing an attraction that would promote rural tourism and leisure development that benefit businesses in rural areas, local communities and visitors.
- 3.2.2 However, the proposed development would have a negative visual impact as a result of the proposal representing the sprawl of built form into the undeveloped countryside and the erection of a large building. Furthermore, it is considered that insufficient evidence has been provided to demonstrate that this site is the most suitable location for the proposed development having regard to the designated employment land of the district and the accessibility of the site.
- 3.2.3 The proposal would be served by adequate parking and access and would not have an unduly harmful impact on ecology interests near the site or the amenities of neighbouring residents.
- 3.2.4 In this context it is considered necessary to make a balanced judgement and in this instance it is considered that the benefits of supporting the local economy and an existing business of the Maldon District do not outweigh the harm that has been identified and it is therefore recommended that the application be refused.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7-14 Achieving sustainable development
- 20 -23 Strategic Policies
- 38 Decision-making
- 39-45 Pre-application engagement and frontloading
- 80-84 Building a strong, competitive economy
- 102-104 Promoting sustainable transport
- 108-111 Considering development proposals
- 117-118 Making effective use of land
- 124-131 Achieving well-designed places
- 170-182 Conserving and enhancing the natural environment

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

- Policy S1 Sustainable Development
- Policy S7 Prosperous Rural Economy
- Policy S8 Settlement Boundaries and the Countryside
- Policy D1 Design Quality and Built Environment
- Policy D2 Climate Change & Environmental Impact of New Development
- Policy E1 Employment
- Policy E5 Tourism
- Policy N2 Natural Environment and Biodiversity
- Policy T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)
- Car Parking Standards
- Maldon District Design Guide (MDDG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).
- 5.1.2 The Local Development Plan (LDP), as approved, has been produced in light of the NPPF's emphasis on sustainable development and preferred policy S1 promotes the principles of sustainable development encompassing the three overarching objectives: economic, social, and environmental, identified in the National Planning Policy Framework 2018.
- 5.1.2 Policy S8 of the LDP defines the settlements of the Maldon District within which development is to be generally directed. The policy goes on to state that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that the development falls within one of thirteen specific, defined categories (Policy S8: a-m). This list of acceptable development includes criterion (b) 'Employment generating proposals (in accordance with Policy E1)' and criterion (f) 'Rural diversification, recreation and tourism proposals (in accordance with Policies E4 and E5)'.

- 5.1.3 Policy S7 states that the Council will actively seek to support and facilitate sustainable economic development within villages through the retention of employment designations and supporting rural diversification, tourism and leisure proposals.
- 5.1.4 Policy E1 of the LDP states that *‘New proposals for employment uses will generally be directed to the designated employment areas prior to considering other sites within the District’*. As the application is located outside the designated employment areas as listed under this policy, it is relevant to note that the policy goes on to state that *‘new provision for high quality employment space or the expansion of existing employment areas will be considered favourably subject to design, environment, and infrastructure consideration’*.
- 5.1.5 Policy E4 relates to ‘agricultural and rural diversification’ and therefore is not applicable to this case. Policy E5 of the LDP seeks to support tourism across the District providing there is an identified need (Policy E5(1)); there are good connections to other tourist destinations (Policy E5(2)); there would be no significant impact upon amenity (Policy E5(3)); and the natural and historic environment (Policy E5(4)). As part of the application submission, the Applicant has provided details in support of the proposal in accordance with Policy E5 which will be discussed in the report below.
- 5.1.6 Other issues to consider when determining this application are the design of development, its impact on the character and appearance of the area, highway safety, and effect on residential amenity.

Employment Generation and the Needs of the Applicant.

- 5.1.7 As set out above, there are policies within the Local Development Plan and the NPPF which provide support for developments that promote local economic growth, in the appropriate locations.
- 5.1.8 The applicant’s submissions highlight the following key points to support their case:
- MBC currently operates from two sites, The Old Stables at the rear of the Blue Boar Hotel, Silver Street Maldon (which is a grade II listed building) and South House Farm, Mundon. Use of the Mundon site commenced in 2012 with those buildings providing a cold store and dry store.
 - Independent breweries have been successful and grown within recent years and provide business and employment opportunities at a local level.
 - MBC consider that there is an opportunity to grow the existing business and take the projected success of the real ale industry. To do so, they require additional space, equipment and storage facilities.
 - MBC also wishes to provide accessibility for visitors and tourists and provide associated facilities for the welfare of visitors and staff.
 - The proposals are being advanced to enable MBC to improve product quality and brewing efficiency.
 - Operating over two sites and the nature of the two sites leads to inefficient practices.
 - Access to the Old Stables site is difficult for HGVs and vans which creates some difficulties.

- MBC consider that damp conditions created by the brewing use is having a harmful impact on the listed buildings at the Old Stables site.
- The existing arrangement has implications on the ability of the applicant to meet demand.
- The applicant and the landowner of the South House Farm site have different intentions for the future of that site.
- Alternative sites have been sought for a number of years and the search for accommodation has led to this proposal.
- The site is considered to be well located to connect to the ‘Grap and Grain Trail’ which is being promoted within the Maldon District.
- The site is also well located in relation to suppliers and customers and there is intended co-operation with Maldon Oyster Company who operates at Birchwood Farm.
- The business model and the character of the business suits a rural location, particularly if it is to be considered as a tourist attraction.

5.1.9 As set out above, policy E1 directs employment development towards allocated sites within the Maldon District. This proposal would have the potential to undermine the delivery of the designated employment sites as it would create additional employment space which would preferably be located within the designated locations. It is noted that the applicant has set out that they have attempted to identify alternative sites, but limited information has been provided about the scope of their search other than a few sites. It has not been demonstrated that the applicant has considered or extensively searched for premises that are designated for employment use or preferable in terms of sustainability and it is therefore considered that inadequate evidence has been provided to support an argument that this is the only site where the development could proceed. It is not believed that there are any specific attributes of this site which make it distinct from the preferred locations for employment development. It is noted that the applicant has held talks with one other landowner in addition to their current landlords and also considers that employment areas are not suitable for their business as the cost of such land is high and such a site would not suit their style of business. They also set out very specific land requirements at paragraph 6.16 of their planning statement, which are considered to be unduly inflexible. This is not however considered to be reasonable justification for the disregarding of the employment designations of the District.

5.1.10 It is noted that the applicant is an existing business within the Maldon District and that local and national planning policies emphasis the importance of supporting local business. It is noted that the application form indicates that 5 employees would be employed at the site, with the potential for this to increase to 8 in the future. It is also noted that the Council’s Economic Development Team supports this application as it contributes to the economic growth, tourism and employment generation within the area. These factors should be given some weight in the assessment of the proposal.

5.1.11 The applicant’s comments about the adequacy of the existing premises are noted and it is acknowledged that vacating those premises would enable new accommodation to be found which could bring about benefits in terms of efficiency, storage and other such operational benefits. Conversely, leaving the existing buildings would result in two buildings of heritage value being vacated and as such this would inevitably lead to the buildings being put to alternative uses or being left vacant, which would have the potential to affect their future maintenance. Furthermore, it has not been

evidenced that the difficulties with the current two site model are likely to immediately impact on the continuation of the business or the retention of the employer within the District.

Tourism

- 5.1.12 The Council supports the development of the tourism industry, particularly in relation to ensuring the vitality of towns and supporting the rural economy. The Council will support sustainable tourism and leisure developments that benefit local businesses, communities and visitors.
- 5.1.13 Policy E5 of the LDP seeks to support tourism across the District providing there is an identified need proposed and subject to the abovementioned criteria.
- 5.1.14 As part of the key evidence based in support of Policy E5, the Maldon District Economic Prosperity Strategy 2013-2029 states that '*Maldon District Council is committed to supporting businesses and creating private sector employment in the local area. This Economic Prosperity Strategy outlines our vision for the future and reflects our determination to create a vibrant and prosperous local economy by responding proactively to changing economic conditions and addressing key drivers of economic growth*'. This documents goes on to say that '*Maldon District is famous for its world renowned Maldon Sea Salt production and is recognised for its vineyards and breweries, seafood and top quality food producers*'.
- 5.1.15 The proposal would, as a brewery, form part of and support the 'Grape and Grain Trail' which is widely promoted and has the involvement of Maldon District Council. As the proposal would form a connection with other rural businesses and tourist destinations, both in the Maldon and Braintree District, it is considered that the proposal would be of some benefit in terms of tourism and would therefore accord with the general principle of criteria 1 of policy E5 which requires there to be a need for the provision.
- 5.1.16 Criteria 2 requires good connections with other tourist destinations. In this case it is noted that there would be a business link with other attractions, but the physical connectivity to other tourist destinations through sustainable modes of transport is limited in this case, as only the Maldon Oyster Company appears to be within close proximity of the application site. In this regard it is not been demonstrated that sites of greater accessibility are not available.
- 5.1.17 Matters relating to impact on residential amenity and natural and historic environment which are also relevant to policy E5 will be assessed further below.

Summary of Principle of Development

- 5.1.18 Overall, it is considered that a balanced judgement is required to be made in respect of the principle of development. The proposed development would represent development in the countryside and therefore erode the character and openness of the countryside, as will be discussed below, and therefore be contrary to policy S8. Furthermore, the proposal is are contrary to policy E1 in the terms that the proposal involves employment development that is not being directed to designated employment sites and would have an environmental impact (as will be discussed

below) that conflicts with the aspect of the policy that allows for high quality new employment space to be erected outside of employment areas.

- 5.1.19 In support of the proposal, it is noted that the proposal would support a local business and enable five jobs to be generated at the site, although these would be transferred from other sites within the District. It is also noted that the brewery would, in part, be a visitor attraction which is consistent with the tourism objectives of the local plan.
- 5.1.20 In this instance, it is considered that other than availability to the applicant, there is no clear reason or justification provided as to why this site is more suitable than any other or that other sites in preferable locations are not available. The proposal would therefore undermine the delivery of the formally designated employment land within the District and represent development in the countryside, with an unacceptable visual impact, that is contrary to policies E1 and S8.
- 5.1.21 For these reasons, having weighed the benefits of the proposal against the negative aspects of the proposal and the conflict with policies that has been identified, it is considered that the proposal should not be supported.

5.2 Design and Impact on the Character of the Area

- 5.2.1 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.
- 5.2.2 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”*.
- 5.2.3 The basis of policy D1 of the LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.

- 5.2.4 The application site lies to the north of Birchwood Farm. Drawings submitted shows that the building would be centrally located within the plot to allow for two separate access points and parking areas: one for the delivery of goods and some staff parking, and the other for visitor parking. The building is equally distanced from both the southern and northern boundaries of the site, with separation distances of approximately 15 metres. The building is situated approximately 5 metres away from the eastern boundary and 3 metres from the western boundary. To a limited extent, the development of this site would appear as an extension of the commercial yard at Birchwood Farm which is immediately to the south of the application site. However, it is noted that there would be a separation distance of 40 metres between the proposed and existing buildings to the south and as such the building would appear detached to some extent.
- 5.2.5 The building would be two-storey in height with a ridge height of 6.5 metres. The building is approximately 24.4 metres wide and 15.8 metres deep. In terms of design and appearance, Drawings 550/05/B and 550/06/B show the building is designed to have a contemporary agricultural appearance. The north facing elevation accommodates the majority of the building's openings/entrance points including the ground floor access/egress with six dark grey aluminium grey windows. The south elevation comprises solely of a dark grey roller shutter door, two dark grey aluminium windows on the west elevation, and the east elevation comprises a dark grey roller shutter door and three dark grey aluminium windows. The bottom half of the building will comprise an exposed brick plinth with the upper half clad in a colour coated horizontal profile metal sheeting. The design includes a shallow pitched roof comprising colour coated profiled metal roof sheeting with translucent sheeting roof lights. The materials are considered to be in-keeping with modern agricultural development in the countryside.
- 5.2.6 The application site is currently undeveloped, grassed land that is enclosed by hedges. The site is within a rural location, outside of the settlement boundaries of the District and as such the proposal is considered to constitute development of the fringe of the settlement. The proposal would therefore have the potential to have a substantial visual impact on the character and openness of the countryside, particularly be representing the sprawl of built form onto undeveloped land.
- 5.2.7 To support the application, the applicant has submitted a Visual Impact Assessment which identifies viewpoints in which the proposed buildings would be visible. It is noted that from certain vantage points the development would appear as an expansion of the existing employment use rather than appearing as an isolated development in the countryside and this would therefore lessen the impression that the development would represent encroachment into the countryside.
- 5.2.8 However, as set out above, this approach has been somewhat undermined by virtue of the 40 metre separation distance which makes the building appear detached from the other buildings. It is also noted that the viewpoints that have been chosen by the applicant are mostly views that have the existing buildings in the background. There would be public vantage points, particularly from within Chimney Pot Lane, where the development would not have the existing buildings as a backdrop and therefore the development would obscure views of the countryside and represent an intrusion into the street scene.

- 5.2.9 Tree and screen planting is indicatively shown on the submitted block plan and it is considered that this will help to mitigate the visual impact of the proposed development. However, the amount of planting proposed would not be sufficient to wholly mitigate the impact of the development.
- 5.2.10 Having taken into account the existing agricultural buildings in close proximity to this site at Birchwood Farm, it is not considered that the overall size and scale of the proposed building would be larger than those existing buildings in the adjacent yard. Therefore, no objection is raised to the design of the building per se.
- 5.2.11 In this case it is considered that the development would represent the sprawl of built form into the countryside and in the context of this site it is considered that the level of harm that would be caused would be significant. As set out above, any policy basis for supporting the proposal is subject to environmental considerations, which includes the visual impact of development. As such it is considered that the visual impact of the development and the harm that has been identified should be given substantial weight when assessing the overall planning balance.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the 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. As set out, this is also an important consideration in respect of the content of policies E1 and E5. It is relevant to note that letters of objection have been received which raise concerns in this regard.
- 5.3.2 The brewery will be located on the edge of the village settlement boundary of Cock Clarks, to the north of Birchwood Farm where the site is used for purposes falling within Use Class B2 as demonstrated by certificate of lawfulness applications: 03/00035/LDP and 17/01056/LDE. This provides a level of background noise and disturbance that is considered to be relevant to the assessment of this application.
- 5.3.3 It is noted that the building at the site would be located approximately 20 metres from the boundary of the closest neighbouring dwelling and 35 metres from the dwelling on that plot and therefore, despite its scale and visual impact which is discussed elsewhere in this report, the proposal would not have a harmful impact on the light that is afforded to neighbouring residents. Moreover, the proposed development would not cause a loss of privacy within neighbouring properties.
- 5.3.4 Letters of representation were received concerning the noise of the operations and productions, and the smell produced by the brewery. As the brewery will be located on the edge of the settlement boundary of Cock Clarks with its nearest neighbouring dwellinghouse being approximately 35 metres from the proposed building, it is important for the Council to ensure that activities carried out on site would not create any environmental health issues relating to smells and odours.

As part of the submission, the Applicant has submitted a statement in relation to 'Airborne Emission' from the proposed brewery. The Applicant confirms the following:-

Source of Emission

The first part of the brewing process is to mash malted barley with water at 65oc. It looks and smells very much like porridge. This part of process is wholly contained within the brew house and there are no emissions to atmosphere. The resulting wort is then pumped into the copper for boiling.

In the next part of the brewing process, it is necessary to extract bitterness from hops. Hops are boiled with the wort in the copper for an hour, so that they undergo a chemical change whereby the acid in the hops becomes soluble. During the boiling process, the hop oils, which are volatile, are boiled off. Other volatile organic compounds are present, but it is the hop oil that makes the smell which is distinctive of a brewery.

Quantification

'For each brew, around 40 litres of liquid is boiled off during the boiling process which is emitted as water vapour. It contains a small quantity of hop oil, less than 20ml per brew. Even allowing for other volatile organic compounds, the emission to atmosphere is around 99% water vapour. The amount varies with atmospheric conditions. The brewery brews up to three times a week and the boiling process takes one hour on each occasion, usually starting at midday'.

Effect on Local Environment

'In the proposed building, the flue will be 100mm diameter and vent to atmosphere through the north facing roof of the brewery at a height of 6 metres. It will be 35 metres from the boundary of the nearest residential property and will be visible only from the north. At this height and distance and aided by the tree screening around the site, the dispersal of the emission will be very good and very little odour will be detected beyond the site. The prevailing wind in the Maldon District is from the south west so that the emissions will be usually over farmland'.

- 5.3.5 The Environmental Health Service has assessed the application and has noted from the information provided within the application that 'a small amount of odour from the brewing process only occurs during wort boiling'. Therefore, the Council considers that suitable and sufficient ventilation must be installed to ensure that the odour is treated and as such will not impact on the amenity of the area. This can be dealt with by condition should the application be approved. With regard to noise from the brewery, details would also be required regarding to insulation should the scheme be approved. The hours of operation for the brewing activities related to the brewery are listed in the table below:

Monday to Friday	Saturday	Sunday and Bank Holidays
Start Time: 07:30 End Time: 17:00	Start Time: 10:00 End Time: 14:00	Start Time: 10:00 End Time: 12:00

- 5.3.6 It is considered that the hours of operation proposed for the brewery are reasonable and would not run late into the evenings where local residents would expect a quieter living environment.
- 5.3.7 It is noted that the application indicates that visitors and tourists will attend the site. The hours when this will occur have not been specified, but it is noted that the application form has stated the above mentioned hours of opening. As such, in the absence of any alternative times, it is considered appropriate and reasonable to impose a condition on any permission to restrict the hours of use of the site, to include on-site brewing operations and visiting times.
- 5.3.8 For these reasons, whilst regard has been had to the concerns that have been raised by neighbouring residents, it is considered that the impact of the proposed development would not be such that the application should be refused on the grounds of the impact on neighbouring residents.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 of the LDP aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 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.
- 5.4.2 The application site will provide two access points for the brewery. One of the access points will be via the existing commercial yard, through the south-eastern portion of the site which will be used primarily for staff and deliveries. The second access point will be created through the existing entrance gate via Chimney Pot Lane. This will be a visitor's access point. Staff members will generally use the rear car park through the commercial yard.
- 5.4.3 As part of the application, a Transport Statement prepared by Journey Transport Planning was submitted in support of the development proposal. The statement concludes that the proposal would not generate a high level of vehicular trips as the proposal will result in a reduction in overall mileage and number of trips by both small and large delivery vehicles between the centre of Maldon and South House Farm, Mundon as a result of MBC being located at one place. This reduction of trips is to be given some weight in the overall assessment of the proposal.
- 5.4.4 The Applicant's business, as well the operations and the production of the brewery will promote tours at the site. For the safety of visitors, this would be arranged either by appointment or certain times during the week before arriving at the site. This controlled manner would not impact on the traffic along Chimney Pot Lane to a demonstrable degree. Five car parking spaces are proposed to the front of the building with five more to the rear. All larger commercial / delivery vehicles would be via Birchwood Farm off Birchwood Road and again would not impact on Chimney Pot Lane to a degree to warrant refusal of this application. The Highway Authority has assessed the proposal and raises no objection to the proposal subject to conditions.

5.5 Parking

- 5.5.1 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport. For Class B2 Use, the Council's parking standard requires 1 space per 50m². The total floor space of the building is 385m² and as such only 8 spaces would be required. On the Block Plan submitted (Drawing No: 550/02E), for parking spaces and five staff parking spaces are proposed to the front of the building with five more additional staff parking spaces to the rear. This exceeds the Council's parking requirement and therefore meets Policies D1 and T2 of the LDP.

5.6 Landscaping

- 5.6.1 Policy D1 of the LDP states that development proposals should respect and enhance the character and local context and make a positive contribution including, amongst other things, *'natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value'*.
- 5.6.2 The Block Plan (Drawing No: 550/02E) include some basic soft landscaping proposal. The application site, which is currently laid to grass and enclosed by hedges on both native and non-native species, will be cleared to make way for the development proposal. The hedges and trees to the north and western boundary would be retained and strengthened. On the eastern and southern boundary of the site where it flanks and backs onto Birchwood Farm, these existing hedges and trees would be removed and replaced with timber fencing and low level planting. The details submitted in relation to both hard and soft landscaping are vague at this stage, but can be conditioned for additional information to be submitted for the Council to be considered at a later stage if the application is approved.
- 5.6.3 The soft landscaping to be retained and strengthened would help to provide screening to the new building, particularly from views looking from the north of the site. The existing hedgerow along the western boundary will be retained while timber fencing proposed will provide a defined boundary where the site meets Birchwood Farm.

5.7 Ecology

- 5.7.1 In accordance with Policy N2 of the LDP, it states that any development which could have an adverse effect on site 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.
- 5.7.2 A Preliminary Ecological Assessment (PEA) has been undertaken by Eco-Planning UK on 21 April 2018. The assessment confirms the freshwater ponds opposite the survey site and arable fields to the north were close enough to the proposed development to require an additional survey to determine the presence of Great Crested Newts. As a result, Eco-Planning has undertaken an additional survey to determine Amphibian- Reptile Presence dated 13 July 2018. Presence of Great Crested Newts was found in two ponds. However the survey confirms that the

proposal would not impact the pond's conservation value or future management as it does not directly restrict amphibian access to or from the ponds. Appropriate mitigations and suitable management regimes are recommended to mitigate impacts on the natural environment, geodiversity and biodiversity. This can be dealt with by condition should the application be approved.

- 5.7.3 Natural England has been consulted and has no further comments to make on this application.

5.8 Other Material Considerations

- 5.8.1 Letters of representation have been submitted objecting to the proposal. The principle objections are relating to smell emitted from the brewery and the increase in traffic movements to and from the site via Chimney Pot Lane which have been addressed in the report. It is considered that the proposal would, subject to conditions, accord with Development Plan Policies and Government advice contained within the National Planning Policy Framework.
- 5.8.2 It is also noted that letters have been submitted which support the proposal. The grounds for supporting the proposal include the perception that the smell of a brewery is welcome, the benefits of supporting local business and the benefits of maintaining traditional business crafts/activities.
- 5.8.3 The applicant has provided details of how waste products at the site will be handled at the site. Following the advice of the Environmental Health Team it is considered appropriate to impose a number of conditions relating to foul water, surface water, mechanical extraction, refuse and noise insulation if the application were to be approved. It is noted that the applicant states that a reed bed system will be used to purify discharge before it reaches an existing drainage details, but it appears that this will be outside the application site and is therefore given minimal weight

6. ANY RELEVANT SITE HISTORY

- **MAL/266/74** – Caravan. Approved: 18.11.1974
- **MAL/8/82** – Change of Use of Barn. Approved: 08.03.1982
- **FUL/MAL/95/00393** - Extension and internal alterations to existing dwelling. Approved: 20.07.1995
- **LDE/MAL/01/00526** – Use of yard/building for the serving, repair, modification and renovation of agricultural plant/machinery, construction plant/machinery, lorries and other vehicles in breach of Condition 2 of MAL/8/82, MAL/397/85 and MAL/646/85, hard surfacing of the yard and erection of portal framed building. Grant lawful certificate: 01.08.2001
- **OUT/MAL/01/00808** - Residential development in lieu of existing industrial land and buildings. Approved: 23.10.2001
- **OUT/MAL/01/01175** - Residential Development in lieu of existing industrial land and buildings. Refused: 06.02.2002. Appeal Dismissed: 30.09.2002
- **FUL/MAL/02/00242** - Retention of planning permission ref: MAL/397/85 without compliance with condition No.5 (Sole benefit of R Emans). Approved: 28.06.2002. Appeal allowed: 30.09.2002

- **FUL/MAL/02/00243** - Retention of planning permission ref: MAL/8/82 without compliance with condition No.10 (Sole benefit of R Emans.) Refused: 28.06.2002. Appeal allowed: 30.09.2002
- **LDP/MAL/03/00035** - Use of site within Class B2 (general industrial). Approved: 15.04.2003
- **FUL/MAL/03/00277** - First floor and ground floor side extensions. Approved: 17.04.2003
- **FUL/MAL/03/00318** - Proposed building to accommodate an oyster hatchery, nursery, holding, grading, depuration & packing facility and hardstanding. Refused: 12.05.2003
- **FUL/MAL/03/00579** - Proposed building to accommodate an oyster hatchery, nursery, holding, grading, depuration & packing facility and hardstanding. Approved: 08.07.2003
- **FUL/MAL/05/00444** - New workshop and storage shed for repair of oyster plant and harvesting machinery, storage oyster packaging. Approved: 16.06.2005
- **LDE/MAL/17/01056** - Claim for lawful development certificate for existing continued B2 general industrial use. Granted: 14.11.2017

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	Object: 1) Access to site is too narrow 2) Increase in traffic movement to and from site 3) Impact on the amenity of neighbouring residential properties	Noted. The Highway Authority has raised no objection the proposal subject to conditions. In terms of impact on the amenity of neighbouring residential properties, the Environmental Health Service has assessed the proposal and has advised that conditions should be imposed should the application be approved.

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England (NE)	NE has no comment to make on this application	Noted in the Section 5.10 in the officer report
Essex County Council Sustainable Urban Drainage System Team	Due to the size of the development, no comments will be made	Noted. No further comments to add.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
(ECC SUDs)	regarding this application	
Essex County Council Highways (ECC)	No objection subject to conditions	Noted in the Section 5.7 in the officer report

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No objection subject to conditions to be imposed should the application be approved	Noted in the Section 5.4 in the officer report
Economic Development	Support this application – it contributes to the economic growth, tourism and employment	Noted in the Section 5.3 in the officer report

7.4 Representations received from Interested Parties

- 7.4.1 18 letters were received at the time of writing the report **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<ul style="list-style-type: none"> • Increase in traffic (cars and HGV) to the site / the single track on Chimney Pot Lane • Increase in traffic in addition to the existing traffic to Birchwood Farm • Noise • The smell from brewery would affect the sale of the houses • Destruction of grass verge • The development would be an eyesore / out of keeping with area • Impact on the drainage system • The brewery should be located in an industrial site • Parking problems • A cheap way to opening a new pub? • The development would destroy the character of the village and severely detract from appearance of the hamlet • How will the waste be disposed? 	<p>Noted. The comments regarding traffic, access, parking, and landscaping are addressed in Sections 5.5, 5.7, 5.8 and 5.9 of the officer report.</p> <p>With regard to the smell from the brewery and affecting on house prices, this is not a material consideration</p> <p>The design of development and its impact on the character and appearance of the area is addressed in Section 5.5 in the officer report.</p> <p>In terms of waste, the Environmental Health service has advised that this can be dealt with by planning condition.</p> <p>With regard to the development and its impact on the drainage system, the Environmental Health service has advised that this can be dealt with by planning condition.</p>

- 7.4.2 10 letters were received at the time of writing the report **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
<ul style="list-style-type: none">• Encourages small businesses and local employment• Keeping traditional crafts alive• Brewery smell is lovely• The building would be alongside Birchwood Farm where some businesses are involved in producing items for the food industry• Proposal supported by Campaign for Real Ale (CAMRA)	The comments are noted.

- 7.4.3 1 letter was received at the time of writing the report **commenting** on the application and summarised as set out in the table below:

Comment	Officer Response
Ensure that the developer includes provision for charging plugs in vehicles for staff or public use	Noted. Having considered the scale and nature of the development, it is considered that the request for the provision for charging plugs in vehicles for staff or public use would be unreasonable and disproportionate.

8. **REASON FOR REFUSAL**

- 1 The development would involve development on land that is outside with settlement boundaries and employment areas of the Maldon District and would represent the sprawl of built form into the countryside with the associated visual impact. It is considered that such development would undermine the delivery of employment land in preferable locations and it has not been adequately justified that this is the most appropriate location for the proposed development. It has been assessed that the benefits of the proposal which relate to employment generation at the site and the provision of a tourist attraction, are not outweighed by the harm caused to the character and appearance of the countryside and the delivery of employment land. The proposal is therefore considered to be unacceptable and contrary to policies S1, S8, E1, E5 and D1 of the Maldon District Local Development Plan and the National Planning Policy Framework.