



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
8 APRIL 2019**

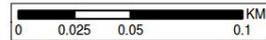
Application Number	OUT/MAL/18/01387
Location	Red Lyons Business Centre, Burnham Road, Latchingdon, Essex
Proposal	Erection of buildings to be used as mixed B1 (business) and B8 (storage or distribution) use, demolition of existing units 1 and 2 and relocation of existing access.
Applicant	Mr & Mrs Umran Khan - CVC Chelmervalve Co Ltd
Agent	Mr Mark Jackson - Mark Jackson Planning
Target Decision Date	27 th February 2019 (EOT agreed: 12.04.2019)
Case Officer	Anna Tastsoglou
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Major Application Not Delegated to Officers Councillor R P Dewick has asked this application to be presented at South Eastern Area Planning Committee on the grounds that the decision should be made by Members.

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	25/03/2019
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The site is located off the southern side of Burnham Road, outside the settlement boundaries of Latchingdon. The northern part of the site forms part of an existing, undesignated employment site, whilst the southern part is undeveloped countryside. The existing business estate comprises a variety of buildings that have office, workshop or storage uses. There are residential properties adjacent to the industrial estate, along Burnham Road. Those closest to the application site are Red Lyons Farm and Red Lyons Lodge. It is also noted that an adjacent site to the east of the application site benefits from planning permission (FUL/MAL/16/01484) or a replacement dwelling.
- 3.1.2 The existing business centre is occupied by a number of buildings of commercial/industrial nature, predominantly of single storey height, with associated large areas of hard standing, typical to the use of the site. Most of the units are of a small footprint and vary in terms of external appearance and finishing materials.
- 3.1.3 The northern part of the site is currently occupied by two single storey buildings of industrial character. Part of the site also forms the access and service road to the existing businesses, which provides access onto Burnham Road and runs in a north south direction. To the south the site is mainly covered by shrubs and grass. There are also two small ponds central and to the southwest of the application site. A caravan is located to the southwest of the site. The south, east and part of the west boundaries of the site are bounded by hedgerows.

Description of proposal

- 3.1.4 Outline planning permission is sought to demolish the existing units to the north of the site, relocate the existing access, and erect new buildings to the south of the existing business centre to be used as a mixture of B1 (business) and B8 (storage and distribution) uses. Access is the only detailed matter to be assessed under the current outline application.
- 3.1.5 Although the application is outline in nature, details of the proposed business (B1) and storage (B8) uses have been submitted within the application form. It is noted that an area of 1210sqm of B1 and 798sqm of B8 uses are proposed.
- 3.1.6 The two buildings at the entrance of the site will be demolished to allow relocation of the access onto Burnham Road. The access would be made wider (7.3m wide) with two 2m wide footpaths.
- 3.1.7 In support of the application an indicative site plan showing the potential layout of the development and indicative floor plans and elevations of some of the units has been submitted. The layout plan shows that the proposed buildings would be located predominantly along the eastern and southern boundaries of the application site. A total of 56 off-street parking spaces are proposed to the front of the proposed buildings, centrally to the application site and adjacent to the proposed extended service road. The proposal would also provide 5 motorcycle and 11 cycle spaces to

serve the development. Refuse areas have been shown in four different locations around the site.

- 3.1.8 The indicative plans show that the units would be split in small B1 units of 95sqm, 100sqm and 150sqm, whilst the B8 units would have a floor area of 149sqm and 100sqm.
- 3.1.9 The submitted details and elevations show that in order to achieve the floor area proposed, one-and-a-half and two storey buildings would be erected.
- 3.1.10 The details on the submitted application form state that the development would create 21 full time jobs, but this is somewhat speculative given the outline nature of the application.
- 3.1.11 It is noted that during the assessment of the application, additional information in relation to the noise impact of the development has been submitted. Minor changes to the indicative site plan have also been incorporated to create additional off-street parking spaces.

3.2 Conclusion

- 3.2.1 Having taken all material planning consideration into account, an objection is raised to the principle of the proposed development, due to its location outside the defined settlement boundaries and unjustified provision of employment land outside the designated employment sites listed in policy E1. The development would result in an unjustifiable employment use outside the designated areas for employment purposes, posing a threat to the delivery of the allocated employment sites. Furthermore, due to the unjustifiable encroachment of the built form onto the countryside, the development would substantially alter the open character and intrinsic beauty of the countryside. Due to its location and limited access to sustainable and public transportation, the site would be disconnected from existing settlements resulting in a dependency on private vehicle ownership by future staff and visitors. Whilst subject to appropriate conditions, no objection is raised to the impact of the development on the amenity of the neighbouring occupiers, the capacity of the highway network, the parking provision, the impact on ecology and protected species and land contamination receptors, for the reasons stated above the development is considered unacceptable and contrary to the aims of the Local Plan and National Guidance and it is recommended for refusal.

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 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications

- 80-84 Building strong, competitive economy
- 85-90 Ensuring the vitality of town centres
- 91-101 Promoting healthy and safe communities
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 117-123 Meeting challenges of climate change, flooding and coastal change
- 170-183 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 S2 – Strategic Growth
- Policy S7 – Prosperous Rural Community
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1– Design Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy E1 – Employment
- Policy E4 – Agricultural and Rural Diversification
- Policy N2 – Natural Environmental and Biodiversity
- Policy T1– Sustainable Transport
- Policy T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG) SPD (2017)
- Maldon District Vehicle Parking Standards SPD (2018)
- Essex Design Guide (1997)
- Employment Land Review Update (2015)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The proposal is to demolish two existing units to the north of the site, relocate the existing access and erect new buildings to the south of the existing business centre to be used for a mix of B1 (business) and B8 (storage and distribution) uses. The site is located outside the defined settlement boundaries and also outside the defined Employment Land Areas.

5.1.2 The nearest village to the application site is Latchingdon, which is approximately 300m away to the west of the application site and it is therefore relevant to note that policy S1 of the Local Development Plan (LDP) states that “*When considering development proposals the Council will take a positive approach that reflects the*

presumption in favour of sustainable development contained in the NPPF and will apply, inter alia, the following key principles in policy and decision making:

2) Ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District

3) Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;

4) Support growth within the environmental limits of the District;

5) Emphasise the importance of high quality design in all developments;

8) Ensure new development is either located away from high flood risk areas (Environment Agency defined Flood Zones 2 and 3) or is safe and flood resilient when it is not possible to avoid such areas;

12) Maintain the rural character of the District without compromising the identity of its individual settlements;

13) Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”

- 5.1.3 The requirement to focus strategic growth to the District’s main settlements is also reiterated in Policy S2. The reason given is that these areas constitute the most suitable and accessible locations in the District. It is also noted that *“Strategic growth in the rural villages will be related to the settlement hierarchy, reflect the size, function and physical capacity of the settlement and will not result in unsustainable spatial patterns to the detriment of the wider area.”*
- 5.1.4 In conjunction with policies S1 and S2, Policy S8 of the approved Maldon District Local Development Plan (MDLDP) seeks to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.5 Policy S8 makes exceptions for developments that are to be located outside the settlement boundaries, including those relating to employment generating proposal in accordance with policy E1. This is only allowed though when it can be demonstrated that the development would not adversely impact upon the countryside. The north part of the site is currently occupied by commercial/industrial units and the industrial estate spine road, while to the south is open countryside which is mainly grassed over with shrubs and hedgerows along the boundaries. On that basis and although the impact of the development on the countryside and the surrounding area are assessed in greater detail below, it is noted that initial concerns are raised in relation to the encroachment of the development onto the open countryside and the intensification of the use of the site and the built form.
- 5.1.6 Support of sustainable economic growth to create jobs and prosperity is one of the core principles of the NPPF. On that basis, the provision of new employment opportunities is not objected to. One of the requirements of the NPPF is to secure that local policies set criteria or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period. It is noted that

the approved LDP has set the need of the District and strategic sites for Employment Uses have been identified. As noted above, the application site is outside the boundaries of the existing or allocated employment land areas.

- 5.1.7 Policy E1 of the approved LDP states that *“The Council will encourage employment generating developments and investment in the District to support the long-term growth vision outlined in the Council’s Economic Prosperity Strategy (EPS)”*. It further continues stating that *“This will be achieved through the regeneration, modernisation and expansion of existing employment sites, and through the provision for new employment sites at the strategic allocations and South Maldon Garden Suburbs and other high quality and sustainable locations, including town centres, education and health facilities and with regard to other policies in this Plan”*. Although part of the application site (northern part) forms part of a small sized business centre, it is noted that this is not located within one of the existing employment sites or those that have been allocated through the LDP.
- 5.1.8 Policy E1 also states that *‘new proposals for employment uses will generally be directed to the designated employment areas prior to considering other sites within the District.’* The LDP identifies a need for 11.4ha of employment land over the plan period; however, this need is addressed in full within the allocated sites. In that respect it is noted that a total of 7.9ha benefit from planning permission and are still undeveloped and also another 2.3ha remain without consent. As a result, there is a total of 10.2ha of designated employment land that remains undeveloped and no justification as to why the proposed development cannot be located in the employment allocated sites has been submitted.
- 5.1.9 It should be made clear that the approval of unexpected new employment land could potentially jeopardise the delivery of the allocated employment sites and therefore, should be well justified. Furthermore, there is no evidence to suggest that there have been attempts to accommodate the development in one of the allocated sites which, as stated above, have not yet been developed. Thus, it has not been demonstrated why the site is sequentially preferable from the allocated sites. The application is not supported by evidence of businesses that have formally expressed their interest in moving to the site and therefore, the need of such development in this location has not been justified. The applicant suggests that the proposal, if developed, would provide accommodation for small and medium enterprises. This need is expected to be met at the allocated sites and therefore, approval of this development, which need has not been justified, could potentially prejudice the delivery of the LDP and in particular the allocated employment sites.
- 5.1.10 Policy E1 states that *“Additional employment land is allocated within the Strategic Allocations and Garden Suburbs as set out in Policies S4 and S6. Outside the designated employment allocations, new provision for high quality employment space or the expansion of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations”*. The application has been submitted in outline and thus, the development cannot be fully assessed in design terms. However, in terms of the impact on the environment, as stated above, the development would significantly intrude onto what is currently considered to be open countryside and positively contributes to the surrounding area and thus, an objection is raised in that respect. This matter is further assessed below. In terms of the impact of the development on the existing infrastructure, it is noted that no objection has been

raised by the Lead Local Flood Authority, the Highway Authority or Anglia Water and thus, the impact of the development on the existing infrastructure is not considered to be detrimental. These matters are further assessed below in the relevant section of the report.

5.1.11 In light of the above, whilst the benefits of supporting employment generating development is afforded some weight, by reason of the insufficient justification in relation to the need for such development outside the designated settlement boundaries and designated employment land areas, an objection is raised to the principle of the development which would be contrary to the local policies and national guidance stated above.

5.1.12 Other materials planning considerations, including flood risk and the impact of the development on the character of the area, the landscape and neighbouring occupiers are assessed below.

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 (2018). 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 local design standards, style guides in plans or supplementary planning documents”.

5.2.3 The above principle is also set out in the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of: -

- 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 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.5 The application site lies outside the defined settlement boundaries. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that 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 the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.6 The site is partially developed with built form directed to the northern part of the site, but with no built form on the undeveloped part of the site to the south. To the east and west of the proposed spinal road, the site abuts commercial/industrial units, while the southern part of the site is bounded by open countryside. To the north of the site is a large agricultural field.
- 5.2.7 This section of Burnham Road southeast of the Latchingdon settlement boundary is characterised by dispersed and sporadic development including large residential properties on large plots, and some recreational and light industrial uses in buildings of a range of styles and designs. Between developed sites, grass fields, large open agricultural fields, hedges and dense vegetation surrounding existing development create a more rural character.
- 5.2.8 As noted above, a large area to the south of the existing built form is open grassed land, with shrubs and two ponds and it is bounded by hedgerows. It is therefore considered that this part of the site currently contributes positively to the countryside. If developed, the built form would further encroach to the open countryside to the detriment of the rural character of the area.
- 5.2.9 At present, the business centre is largely contained to the north of the application site, adjacent to the Burnham Road. This is with the exception of a long single storey brick building which is located further to the south; however, still further northern than the proposed development (57 m to the north of the southern boundary of the site). It is therefore considered that the development, which would result in large commercial/industrial buildings, of large footprint and height within the countryside, would result in loss of openness and significantly harm the rural nature and character of the site.
- 5.2.10 Although the scale, appearance and layout of the development are matters reserved for future determination, it is considered that proposed development of approximately 2,008sqm commercial floorspace would result in a development of intensive commercial/industrial character and urban nature to the detriment of the current rural character of the site and the surrounding area to the south, east and west. Whilst the development would result in the demolition of two existing buildings to the north of the site, given that it would still result in a large expanse of hardstanding to provide the altered vehicle and pedestrian access it is not considered that this element of the proposal would positively weigh in favour of the development. Furthermore, these

buildings are of limited height and located in line with the neighbouring dwellings creating a logical built pattern. On that basis, it is not considered that the demolition of these buildings would be to the benefit of the proposed development.

- 5.2.11 The proposed buildings would be of single, one-and-a-half and two storey heights, would cover a significant area and would be positioned adjacent to the soft boundaries of the site with the countryside. This taken together with the associated large expanse of hardstanding to provide the vehicle access and off-street parking provision, would result in harmful discordance with the character of the area, resulting in a development of urban nature, out of keeping with the surrounding area.
- 5.2.12 Although no objection is raised to the proposed new access to the site, it is considered that the development would have a discordant impact on the rural character of the area and in the absence of evidence demonstrating the need of the proposed use on site, an objection is raised to the development, which will be contrary to the policies of the Local Plan.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policies D1 and H4 of the approved LDP seek 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).
- 5.3.2 The site abuts both residential properties (Red Lyons Farm and Red Lyons Lodge) and the commercial/industrial units of the Red Lyons Business Centre. The southern part of the site abuts the countryside.
- 5.3.3 Based on the indicative plans provided, in terms of overbearing, overshadowing or overlooking impact, it is considered that the development would not be detrimental to the amenities of the neighbouring residential occupiers due to the suggested position of the proposed buildings away from the nearest residential properties (minimum 75m separation distance). It is noted though that the neighbouring site to the east of the application site benefits from an extant planning permission (FUL/MAL/16/01484) for a replacement dwelling with associated detached garage. According to the approved details, this dwelling would be located closer than the Red Lyons Farm and Red Lyons Lodge houses. However, a minimum distance of around 35m would be maintained between the application site and the approved dwelling, which is likely to be sufficient to prevent unacceptable overshadowing or domination. In any case, the development has been submitted in outline and thus, the impact of the development, in terms of loss of light, privacy and sense of enclosure, on neighbouring occupiers would be more appropriate to be fully assessed at reserved matters stage.
- 5.3.4 The proposed development would intensify the use of the site and would result in increased vehicle movements and noise generation due to the increased number of B1/B8 uses on site, vehicle movements and also potential noise from plant installations. Concerns have initially been raised by the Environmental Health Team in relation to the lack of sufficient information demonstrating that the development would not adversely impact on the amenities of the neighbouring occupiers.

- 5.3.5 To address these issues an amended Noise Assessment has been submitted and also the originally proposed opening hours have been revised to avoid working on Sundays and Bank Holidays. The survey was to determine the underlying ambient and background noise at the boundary of the site with the closest residential properties. The outcome of the survey was that the predicted noise from the increased vehicle movements will result in almost no change to the ambient noise level at all receptors. However, for the Saturday afternoon proposed operation times it is predicted that there will be a 1dB noise level change. The report also identifies that the impact from loading and unloading of HGVs would be limited and consideration has been given to potential installation of plants to ensure that will not cause detrimental impacts to the nearby residents.
- 5.3.6 The Environmental Health Team has been consulted on the amended information submitted and acknowledged that alternative operating hours are proposed to be applied (Monday to Saturday). Nevertheless, it is suggested that a condition is imposed to further reduce the hours of operation on Saturdays (until 13.00 hours).
- 5.3.7 Although an objection in relation to traffic and delivery impact is no longer raised by the Environmental Health team, there are still areas of concern in relation to the potential installation of plant/equipment to each proposed unit and also the potential impact on neighbours due to the increased activity on site from the additional units. However, it is noted that due to the established industrial nature of the site, statutory nuisance action would be unlikely and thus, no further objection is considered reasonable to be raised in relation to the intensified use of the site. In relation to external plant/equipment, a condition is suggested to be imposed to control the noise levels from installation of external plant.
- 5.3.8 On the basis of all the above, and given that subject to conditions, no further objection is raised from the Environmental Health team, it is considered that the impact of the development on the neighbouring occupiers would not be detrimental to such an extent to warrant refusal of the application.

5.4 Access, Parking and Highway Safety

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

Access

- 5.4.2 An amended access onto Burnham Road is proposed to be formed as part of the proposed development. This would be wider than the existing access including pedestrian footpaths of two metres width on either side of the vehicle access. The development was assessed by the Highways Authority and no objection is raised to the proposed amended access to the site, subject to conditions securing sufficient visibility splays and construction of the access at right angle with the highway to allow safe access and egress from the site. Subject to the imposition of the suggested

conditions from the Highways Authority, no objection is raised in relation to the proposed access.

Parking

- 5.4.3 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 recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.4 The proposed development is for 1,210 square metres of B1 office and light industrial buildings and a further 798 square metres of buildings for self-storage purposes. The Maldon District Council Vehicle Parking Standards (VPS) states that B1 (c) light industrial uses require a minimum of 1 parking space per 50 sqm, while B1(a) offices require 1 space per 20sqm. For B8 (warehouse storage) uses the off-street parking requirement is 1 space per 150sqm.
- 5.4.5 The application is outline in nature and therefore the split between B1(a) and B1(c) uses has not been specified. Taken the worst case scenario, considering that all floor area would be occupied by B1 units then the requirement would be 40 parking spaces for B1(a) uses. An additional 5 parking spaces would be required for the proposed B8 (warehouse storage) use. The layout submitted has been amended to show 56 off street parking spaces, which exceeds the minimum vehicle parking requirements. On that basis no objection is raised to the proposed off-street parking provision.
- 5.4.6 The submitted indicative layout plan shows 11 cycle parking spaces. To meet the District's cycle parking standards, 1 cycle parking space per 100sqm for staff and 1 cycle parking space per 200sqm for visitors should be provided for the B1 uses and 1 cycle space per 500sqm for staff and 1 per 1000sqm for visitors should be provided for the B8 uses. On that basis, 21 cycle parking spaces would be required to meet the Council's standards. Given that the application is outline in nature, it is considered that these matters could have been secured by condition, should permission be granted.

Trip Generation and Impact on Highway Network

- 5.4.7 To assess the trip generation and impact of the development on the capacity of the highway network, a Transport Statement has been submitted with the application. Data from 2006 TRICS assessment has been used taking into consideration the existing and proposed use of the site (following demolition of two existing units and

the erection of 1210sqm of B1 and 798sq of B8 uses). The assessment suggests that 43 trips are expected to be generated at am and pm peak hours, which will not materially increase traffic on Burnham Road.

- 5.4.8 The Highways Authority has been consulted and although they do not fully concur with the methodology used to determine the likely trip generation associated with the proposal, it is advised that the development can be accommodated on the local highway network without a detrimental impact on the highway safety, efficiency and capacity. As such, no objection is raised with regard to the impact of the development on the highway network.

Sustainable Transport

- 5.4.9 LDP Policy T2 requires all new development proposals to include “*safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate*”. Criterion 6 of policy D1 also encourages maximizing 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. In addition, paragraph 110 of the NPPF sets out that '*applications for developments should a) give priority to pedestrian and cycle movements ... and second – so far as possible – to facilitating access to high quality public transport*'.
- 5.4.10 The application site is located around 600m away from the nearest bus stop. The bus stop is served by four service routes connecting Latchingdon with Burnham-on-crouch, Althorne, Maldon, Danbury and Chelmsford. The links are not very frequent; however, on balance, they can provide a level of connection with main settlements. However, it is noted that the site has no direct access by footpath to these links with the nearest footpath being approximately 300m away from the site. The future staff and visitors would therefore be required to walk along Burnham Road in order to reach the entrance point of the footpath, which is a 60mph stretch of public highway. Therefore, although the distance to public transportation may be at the limit of what is considered to be an appropriate walking distance, by reason of the unsafe route, it is considered that future staff and visitors would be discouraged from walking, cycling or using public transport. The nearest train station is located more than 7.5km away from the site and thus, it would be unlikely that future staff or visitors would use this public transport as an alternative to private vehicle. An objection is therefore raised in relation to the poor sustainability credentials of the site.

5.5 Flood Risk and Sustainable Urban Drainage System

- 5.5.1 The National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. To assess that, a Sequential Test should be applied.
- 5.5.2 Policy D5 of the LDP states that the Council’s approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.

5.5.3 The site is located within Flood Zone 1 and therefore, there is no requirement for the development to pass the sequential or exception tests.

5.5.4 The application is supported by a Flood Risk Assessment (FRA), which includes information in relation to the site-specific flood risk. The Environment Agency and Lead Local Flood Authority have been consulted in relation to the proposed development and although no site specific response was received from the Environment Agency, given that the site is located in flood zone 1, a holding objection was originally raised by the Lead Local Flood Authority for the following reasons:

- Further evidence was requested to be submitted in relation to discharge rates.
- The amount of treatment for water quality was considered insufficient.
- Further evidence was requested to demonstrate that the potential storage capacity of the site is sufficient to absorb intense storm.

5.5.5 Additional information to address the abovementioned concerns raised by the Lead Flood Authority has been submitted. With regard to outflow rates it is noted that the site at this location has a runoff rate of less than 1 litre/second and that due to the nature of the site and the limitation of its surroundings to provide further attenuation storage, it is impossible and unviable to further reduce outflow rates. With regard to water quality improvements it is suggested that mitigation indices for permeable paving accords with the advice given at SuDS manual Chapter 20 Table 26.2 on pollution from various sources. It is also noted that the linear layout of the site will allow water to flow through extended permeable paving which will increase treatment. In relation to storm intensity and attenuation capacity of the site, it is advised that a 100 years plus climate change critical storm us 60 minutes long and results from the calculation are included on the submitted FRA.

5.5.6 Following clarification being received from the Engineering Consultants, the Lead Local Flood Authority has withdrawn the holding objection. This is subject to the imposition of conditions requesting the submission of details of a surface water drainage scheme and details of a scheme to minimise the risk of offsite flooding. Should permission be granted, these details could have been secured by condition.

5.6 Landscaping and Ecology

5.6.1 The southern part of the site is mainly grassed over with significant vegetation along its boundaries. The submitted planning statement advises that landscape planting to the east, south and west boundaries to mitigate potential landscape impact would be introduced. The application was submitted in outline with matters of landscaping, layout and scale being reserved for future submission and no development would be able to go ahead without those details having been agreed with the Local Planning Authority (LPA) first. On that basis, no objection is considered reasonable to be raised at this stage in relation to landscaping.

5.6.2 As noted above, a large part of the site is currently grassed over, containing dense vegetation along the boundaries and two ponds. Although the site does not fall within any of the designated national or local conservation sites, it has potential of providing habitat for protected species. Whilst it is accepted that the intensive use of the adjacent business centre reduces the likelihood of protected or priority species being

present on site, it is considered that a walkover ecological survey should be carried out prior to the commencement of the development, in order to make sure that environment and wildlife are protected in accordance with LDP policy N2 requirements. Should permission have been recommended, this would have been secured by condition. This would prevent any development being carried out prior to ensuring that no species are identified on site or any impact to them can be substantially mitigated.

5.7 Other Matters

Contamination

- 5.7.1 The application site includes part of the industrial/business centre. Given the nature of the existing Red Lyons Business Centre, which is partly contained within the site and partly neighbours it, a Phase One Desk Study Report accompanies the application. Within the report it is advised that various different businesses have previously occupied the site, including a repair garage, motorcycle workshop and tyre business, which would potentially be sources of contamination.
- 5.7.2 There are several contamination receptors, including current and future staff, visitors, construction workers, and the fauna and flora within the site in the immediate area and therefore, any potential land contamination shall be assessed and mitigated prior to the commencement of the development. The Council's Environmental Health team has been consulted and consider necessary to impose conditions in relation to the submission on an investigation and risk assessment report, including remediation measures based on its findings, which should be implemented prior to the commencement of the development. These conditions would have been imposed, if the granting of permission had been recommended by officers.

6 ANY RELEVANT SITE HISTORY

Relevant planning history to the application site and the immediate surrounding area:

- **FUL/MAL/14/00417** (Unit 15 Red Lyons Farm) - Retrospective permission for the change of use of agricultural land to scaffolding storage area, and associated buildings. Planning permission granted.
- **ESS/MAL/09/00560** and **09/00284/ESS** (Unit 15 Red Lyons Farm) - Change of use of an existing storage area as a waste transfer station with associated access and the use of 3 storage bins for the separation of waste for recycling and disposal of off the site. Essex County Council applications withdrawn.
- **FUL/MAL/07/00481** (Unit 1, Red Lyons Business Centre) - Change of use of unit 1 from B8 to B1(c). Planning permission granted.
- **FUL/MAL/16/01484** (Land South Of Red Lyons Lodge) - Demolish existing dwelling house, store, 2 stable buildings, hay barn and erect replacement dwelling house and detached garage/cart lodge. Planning permission granted.
- **FUL/MAL/14/00418** (Unit 10 Red Lyons Farm) - Change of use of unit 10 from a restricted B8 use (Household Storage) to B1. Planning permission granted.
- **FUL/MAL/06/01238** (Unit 6 Red Lyons Farm) - Proposed Workshops. Planning permission granted.

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	Object to the proposed development for the following reasons: <ul style="list-style-type: none"> - Overdevelopment of the site - Residential properties in close proximity - Noise generation from the vehicles and industrial use - Increase in industrial waste 	The matters raised are addressed in the main body of the report.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways Authority (ECC)	The proposals include plans to improve the existing access. And whilst the Highway Authority would not wholly agree with the methodology used to determine the likely trip generation associated with the proposals, it is considered that the development can be accommodated on the local highway network without detriment to highway safety, efficiency and capacity. No objection is therefore raised, subject to conditions.	Noted and discussed within the main section of the report.
Natural England	No comments.	Noted
Anglia Water	No objection is raised to the propose development; however, informatives in relation to proximity to	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	existing assets, wastewater treatment, water network and surface water disposal are suggested.	
Environment Agency	No comments. The application does not fall within the developments that trigger a consultation response	Noted
Lead Local Flood Authority	No objection, subject to the agreement of conditions in relation to details of the surface water drainage scheme and scheme to minimise the risk of flooding.	Noted and addressed within the main body of the report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Some of the initial concerns of the Environmental Health team have been addressed following the submission of additional information in relation to noise generation. Whilst there are still concerns in relation to associated additional activity on site caused by the increased employment floor space and from the potential installation of plants and equipment, given the established nature of the proposed development and subject to the imposition of appropriate conditions, no objection is raised in relation to the noise impact of the development on the neighbouring residential occupiers.	Comments noted and addressed within sections 2.3 and 5.7 of the report.

Name of Internal Consultee	Comment	Officer Response
	Conditions in relation to land contamination are also suggested to be imposed.	
Emergency Planner	The site falls within flood zone 1 and thus, no comments are raised.	Noted
Economic Development	Support the application, as it would provide better quality and flexible local employment space and potentially 50 new jobs	Noted and addressed within the main body of the report.

7.4 Representations received from Interested Parties

- 7.4.1 The neighbouring occupiers have been consulted and site notices posted on site and three representations have been received, objecting to the proposed development.

Objection Comment	Officer Response
Objection to the proposed change of use of the agricultural land to industrial uses.	Noted and addressed within the 'principle' section of the report.
Impact on residential amenity due to the increased activity on site.	Noted and addressed in the 'Impact on Residential Amenity' section of the report.
The proposed building would be encroaching further into the greenfield land.	Comment noted and addressed in the 'Design and impact on the character of the area' section of the report.
No objection to the improved access; however, concerns are raised in relation to the increased activity, including that generated by traffic.	Noted and addressed in the 'Impact on Residential Amenity' section of the report.
Objection is raised to extended hours of operation.	Noted and addressed in the 'Impact on Residential Amenity' section of the report.
Loss of privacy from lorry vehicles overlooking amenity area over the existing boundary wall.	Comment noted. However, it is considered that the amended vehicle access would reduce the length of vehicle crossing along the boundary with the neighbouring property and thus,

Objection Comment	Officer Response
	any potential impact would be minimised.
Vehicles would potentially be parked along the frontage of the neighbouring property.	The site would be served with sufficient off-street parking and thus, on street parking is not expected to be encouraged.
The storage buildings could potentially result in constant and high level of illumination.	With the exception of the approved, but not yet erected dwelling, to the east of the site, the development would be erected further away from the existing residential properties. Furthermore, the application is outline in nature and there are limited details to consider the potential lighting issues arising from the position and orientation of the proposed buildings. These matters would be more relevant to be assessed at reserved matters stage.
The development would decrease the value of the neighbouring property.	It is noted that this is not a material planning consideration.

8 **REASON FOR REFUSAL**

- 1 The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The site has not been identified by the Council to meet the needs of the District in terms of Employment Land and insufficient evidence has been submitted to demonstrate the need for additional of employment land outside the designated sites listed in policy E1. The development would result in an unjustifiable employment use outside the designated areas for employment purposes posing threat to the delivery of the allocated employment sites. The site, by reason of its location and poor quality and limited access to sustainable and public transportation, would be disconnected from existing settlements resulting in an increased need of private vehicle ownership of the future staff and visitors contrary to policies S1, D1 and T2 of the Maldon District Local Development Plan (2017). Furthermore, due to the unjustifiable encroachment to the countryside the development would substantially alter the open character and intrinsic beauty of the countryside. The development would be therefore unacceptable and contrary to the policies S1, S2, S8, D1, E1 and T2 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).