



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
11 MARCH 2019**

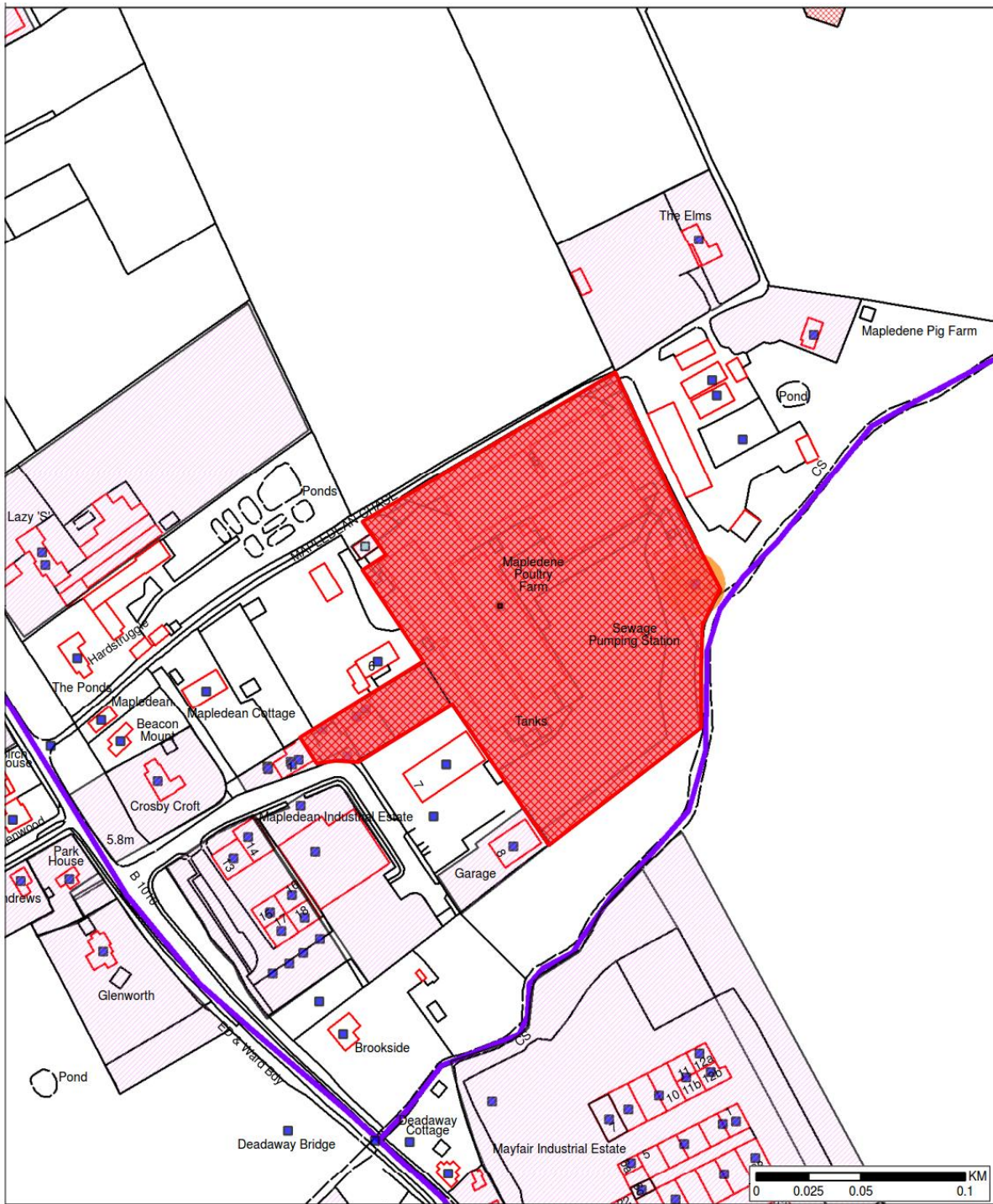
Application Number	OUT/MAL/18/01034
Location	Mapledean Poultry Farm, Mapledean Chase, Mundon, Essex
Proposal	Redevelopment of poultry farm for approximately 5,030m ² of B1 commercial floorspace with associated access arrangements
Applicant	B.J. Rock Ltd & S.P.Bardwell Ltd
Agent	Mr Peter Le Grys - Stanfords
Target Decision Date	28 th November 2018 (EOT agreed: 15.03.2019)
Case Officer	Anna Tastsoglou
Parish	MUNDON
Reason for Referral to the Committee / Council	Major Application Member Call In Councillor R Dewick has called in this application on the grounds of the size of the application site and in order for the Committee to assess whether the previous reasons for refusal have been addressed.


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:	26/02/2019
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The application site is located to the south of Mapledean Chase, east of Mapledean Industrial Estate, outside the designated settlement boundaries. The site is currently accessed off of Mapledean Chase, which also serves residential properties. A watercourse runs along the southeast boundary of the application site and the majority of the site, except of the western part of the entrance to the site is located within flood zones 2 and 3.
- 3.1.2 The site covers an area of approximately 2.4 hectares and is currently occupied by a number of single storey agricultural buildings used in association with a poultry farm, which within the Planning, Design and Access Statement suggested that it accommodates 120,000 birds at a time. Although the buildings have a large footprint, they are sited on the northwest part of the application site, away from the open countryside to the southeast and the watercourse. The southern part of the application site is used as caravan storage, known as the Willow Tree Park; however, there does not appear to be any planning history to demonstrate that this use is authorised. A sewage pumping station is sited within the southeast part of the application site.
- 3.1.3 The site is located in between the Mapledean Industrial Estate to the west, the Essex Pet Crematorium to the east and open fields to the north and south. A bungalow is located adjacent to the northwest corner of the application site. In terms of the built form, the industrial estate is mainly formed by single and two storey buildings of simple industrial design, with shallow hipped roofs. Open car parking areas are sited adjacent to the industrial units to serve the employees as well as other associated industrial paraphernalia, such as shipping containers, large waste collection bins and large equipment.

Description of proposal

- 3.1.4 Outline planning permission with all matters reserved, except for access, is sought to redevelop the existing poultry farm through the demolition of the existing poultry farm structures and the erection of approximately 5,030sqm of new buildings to be used for commercial purposes (Class B1 (b) and (c) uses with ancillary offices).
- 3.1.5 The application constitutes a resubmission following the refusal of a similar application (OUT/MAL/17/01338) on 14th March 2018. A revised planning, design and access statement accompanies the application, which states that the reason for the proposed development is to address the need and demand of expansion of a number of the existing businesses of the Mapledean Estate. Letters from the businesses have been submitted, which are taken into consideration and are assessed below within the main body of the officer report.
- 3.1.6 A new access to the site is proposed via the Mapledean Industrial Estate cul de sac. The access would be 7.3m wide with a 1.8m footpath on the southern side. According to the details provided, 168 parking spaces would serve the proposed development.

- 3.1.7 Although only indicative, a layout plan has been submitted showing a total number of five new buildings, of varying footprints, large areas of associated car parking with turning points. The indicative layout plan is the same as previously submitted for the determination of application OUT/MAL/17/01338. Landscaping is mainly proposed along the boundaries of the application site. Within the submitted planning statement it is suggested that the proposed layout has been informed from the existing infrastructure limitation, mainly the position of the existing main sewers and their easements which traverse the site.
- 3.1.8 It is noted that the application is also accompanied by a Flood Risk Assessment, Health Impact Assessment and an amended Transport Assessment.

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 boundary and unjustified provision of employment land outside the designated employment sites listed in policy E1. The development is located within flood zones 2 and 3 and insufficient information has been submitted demonstrating that there are no other available sites in areas in lower risk of flooding that can accommodate the proposed development. Although revised information has been submitted by the applicant to address the concerns raised by the Highways Authority, in the absence of a completed legal agreement to secure the necessary provision of a pedestrian footway along the eastern side of Maldon Road from a point opposite the northbound bus stop to the main Mapledean Industrial Estate site access and the payment of a Travel Plan monitoring fee as requested by the Highways Authority, the impact of the development cannot be mitigated contrary to Policies S1, D1 and T2 of the LDP. Additional information has been submitted in relation to management of the surface water, which has now overcome the previous concerns. It has been clarified that the proposed development would be for B1 (b) and (c) use classes only and thus, the reason for refusal in relation to provision of office (town centre) use outside the town centre is no longer valid. Whilst some of the concerns previously raised have been overcome, there are still serious concerns in relation to the proposed development as stated above and explained in detail within the main body of the report and thus, the development is considered to be contrary to the aims of the Local Plan (LDP) 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 SPD (MDDG (2018)
- Essex Design Guide 1997
- Employment Land Review Update (2015)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The proposal, which is a resubmission following refusal of application OUT/MAL/17/01338, is to redevelop an existing agricultural business (poultry farm) and erect an approximately 5,030sqm of B1 commercial floor space. 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 1km away from the application site and it is therefore relevant to note that policy S1 of the 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. The site is currently used for agricultural purposes and therefore, it is not considered as developed land. The development would result in an intensive use of the land for employment purposes, with provision of permanent structures and insufficient justification, which is further assessed below, has been given as to why this type of development would be considered acceptable when it is in contrast to the content of the LDP. In the absence of such justification and considering the nature of the proposed development, an objection is raised in terms of the encroachment of the development on the agricultural land and rural area.

5.1.5 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 abuts, but is outside the boundaries of the identified employment land areas.

- 5.1.6 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*”. Within the submitted Planning, Design and Access Statement it is stated that the site would be occupied by existing businesses that need to expand. However, it is noted that although the site abuts an existing industrial site, it cannot be considered as an expansion of an existing employment site, given that the existing site is not included within the boundaries of the application site and consequently the development would form a separate planning unit from the existing established employment site. The proposal does not constitute regeneration or modernisation of existing employment land and it is not included within the new employment strategic allocations. As a result, the proposed development falls outside the thrust of policy E1.
- 5.1.7 The submitted statement suggests that a number of existing businesses of the Mapledean Estate are in need to additional floor space. According to the submitted letters there are currently four companies which have expressed their interest to expand on the site. These businesses appear to fall under B2, B8 and perhaps sui generis uses, including an engineering building and construction company, a geo-environmental drilling company, a diamond cutting tool manufacturing company and a road rescue recovery business. The proposed development is for B1 (b) research and development of products and processes and (c) industrial process appropriate in a residential area and thus, the proposed development would probably not be appropriate to accommodate the businesses that have raised their interest in moving to the site.
- 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. The applicant states that “*the five sites referred to within the Plan are not either currently available, have yet to be developed or are located in unsuitable locations for the various businesses concerned*”; however, no justification or reasoning as to why and which of them is unavailable or unsuitable has been submitted. 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. Whilst it is accepted that an informal interest for some of the existing businesses on the adjacent designated employment site to expand has been expressed, it is considered that this argument on its own cannot demonstrate the need of the proposed development in this location, when none of the allocated sites have been sequentially tested and found to be unsuitable. On the basis of the above, it is considered that it is possible that the unjustifiable delivery of employment land in this

location might undermine the viability of employment land in preferable, allocated locations, thereby affecting the delivery of the LDP.

- 5.1.9 The applicant has carried out research of available sites within a 5 miles distance from the site, given that some of the existing businesses at the adjacent Mapledean Industrial site have shown a desire to remain in Latchingdon. It is stated that the list of properties lacks commercial land or buildings for these companies. However, no justification or reasoning regarding the unsuitability of these properties has been submitted.
- 5.1.10 The Council's Economic Development Team has also been consulted, who has provided a list of sites that meet the criteria given by the applicant, namely sites that can accommodate B1 (c) businesses. From the eight sites given by the Economic Development Team, only two are considered as potentially suitable, but one disregarded because it was located away from the site (16 miles away) and one was unavailable at the time of the application from the vendor. Not only the reasons of the unsuitability of the other sites have not been provided, but also the details of the correspondence between the applicant and vendor to confirm unavailability of the site have not been submitted. It is also noted that unavailability of a site to an applicant does not necessarily constitute unavailability of the site to be developed.
- 5.1.11 It should be made clear that the introduction of a new employment site that would potentially jeopardise the delivery of the allocated employment sites should be well justified. Although it is acknowledged that some businesses have informally expressed their interest in expanding on the application site, it is noted that no formal agreement between the businesses and the applicant has been submitted to justify that these businesses would expand on the site. Therefore, the letters submitted expressing interest can only be given limited weight for the determination of this application, as well as the argument that the development should be positioned within Latchingdon. Furthermore, it cannot be secured that these businesses would not abandon the existing established industrial site and also that other businesses that could potentially occupy the allocated sites would choose to move into this site. As a result, the site, if developed, due to the lack of evidence to ensure a clear need for the proposed development on this particular site, can potentially affect the viability of an existing industrial site and potentially the delivery of the development plan and in particular the designated employment land areas.
- 5.1.12 Whilst it is acknowledged that the site was one of the potential development sites assessed under Employment Land Review Update (2015) and it was disregarded mainly due to the unsuitable and low standards access, it is noted that the site was not included in the allocated employment sites list and due to the insufficient justification demonstrating the need of the proposed use on site, the development would potentially have an effect of existing and designated employment areas and therefore, the delivery of the LDP.
- 5.1.13 Reference is made within the applicant's planning statement to policy E1 *"that proposals to develop vacant employment sites and buildings, or to modernise or redevelop existing employment sites and buildings will be viewed favourably, especially where this supports the retention of existing businesses and/or provides employment space that meets the needs of local businesses in the District"*. The

largest part of the site is used as a poultry farm which is not considered to be in employment (B) use and therefore, it cannot be considered as a previously developed land, in accordance with the definition of the NPPF. As noted above, part of the site is used for storage purposes of mobile caravans. Although in land use terms, mobile caravan storage would fall under use call B8, the site does not appear to benefit from planning permission for such use. Therefore, the B8 use, which appears to have commenced around 2011 and gradually expanded, is not lawful and would not be immune from enforcement action. As such, this use of the site cannot constitute a fallback position, given that the site does not benefit from planning permission. On the basis of the above, the site cannot be considered as previously developed land and thus, it does not fall within the description of sites that would be viewed favourable for redevelopment under policy E1.

- 5.1.14 Policy E4 allows the change of use of existing rural buildings to other employment generating uses. However, the proposal is not for reuse of the site, but for complete demolition and rebuild of the site and thus, policy E4 does not apply in this instance.
- 5.1.15 The proposal would involve B1 uses; however, not B1 (a) office uses and thus, the previously raised objection in relation to the impact of the development on the District's town centres.
- 5.1.16 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 development 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.
- 5.1.17 Other materials planning considerations, including flood risk and the impact of the development on the character of the area, the landscape and neighbouring occupiers is 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 Policy H4 states that *“all development will be design-led and will seek to optimise the use of land having regard to the following considerations:*
- 1) *The location and the setting of the site;*
 - 2) *The existing character and density of the surrounding area;*
 - 3) *Accessibility to local services and facilities;*
 - 4) *The capacity of local infrastructure;*
 - 5) *Parking standards;*
 - 6) *Proximity to public transport; and*
 - 7) *The impacts upon the amenities of neighbouring properties.”*

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

5.2.6 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.

5.2.7 As noted above, the proposed development is outline in nature, with matters of layout, appearance, scale and landscape reserved for future consideration. However, an indicative plan has been submitted with the application which is the same as previously submitted as part of application OUT/MAL/17/01338.

5.2.8 No objection is raised to the proposed access to the site, which is a matter assessed under this application. Access would be gained from Maldon Road, which is the main access to the existing industrial estate and it is considered more appropriate for the

proposed development from the existing access to the site, which is a narrow unadopted road (Mapledean Chase) serving also residential units.

- 5.2.9 The site abuts the industrial estate to the west, but it is sited outside its boundary and also the boundaries of the settlements. To the north and south of the site are open fields, while to the east the site abuts the pets' crematorium. Although scale, layout, and appearance of the development are matters reserved for future determination, it is considered that proposed development of approximately 5,030sqm commercial floorspace would result in a development of intensive commercial/industrial character to the detriment of the current rural character of the site and the surrounding area to the north, south and east. Given that no changes have been incorporated to the previous submission in terms of the amount of development proposed, the officer's position remains unaltered, in terms of the impact of the development on the character of area.
- 5.2.10 The existing poultry farm, by reason of its agricultural nature, is not considered as developed land. The existing structures on site, although of a large footprint, are of a limited height and as their appearance are reflective of their function, are considered to be appropriate in a countryside setting. The site is located adjacent to an industrial estate, but within the countryside and therefore, the proposed unjustified development would result in an unacceptable encroachment of urban development into a rural setting, which contributes to the character of the rural area. It is therefore, considered that in the absence of sufficient evidence demonstrating the need of the proposed use on site and also the acceptability of the impact of the development on the existing rural character of the area, an objection is raised to the development, which will be contrary to the policies of the LDP.
- 5.2.11 The submitted Planning, Design and Assess Statement suggests that the site would be only viewed from Mapledean Industrial Estate and Mapledean Chase, which is a private track and that the development would replace existing poultry buildings and silos. As noted above, the development would result in an urbanising effect to what is currently considered being part of the countryside. The development, would have clear views from public vantage points and its impact would be detrimental to the rural setting beyond the industrial estate.

5.3 **Impact on Residential Amenity**

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The site is located in between an industrial estate and a pets' crematorium to the west and east, respectively. To the south and north of the site are fields. Therefore, the development would not result in a detrimental impact on the users of these adjacent sites.
- 5.3.3 However, a bungalow is located to the northwest of the application site, which is the nearest residential property to the site. Whilst indicative, the layout plan submitted shows that the development can be located a reasonable distance away from this property and the boundary can be landscaped to reduce any potential impacts from

increase in noise disturbance generated by the proposed uses. As such, although matters of layout, scale and landscaping are reserved for future submission, it is considered that there are available options to protect the residential amenity of the occupiers of this dwelling.

- 5.3.4 With regard to the access to the site, it is considered that the proposed access to the site from Maldon Road, rather than from Mapledean Chase, would further protect the amenities of the occupiers of this dwelling, as it would result in reduced vehicle movements adjacent to the residential unit.

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 The site is proposed to be accessed off of Maldon Road which serves the Industrial Estate and not from the existing access of the site from Mapledean Chase which currently serves the poultry farm. The proposed access is considered more appropriate than the existing as, it would direct vehicle movement away from the access to residential units. The proposed access has not been amended from the previously refused application (OUT/MAI/17/01338) and the Highways Authority did not previously raise an objection to the proposed access. The Highways Authority has been consulted and raised no concerns in relation to the access of the site. On that basis, 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 Maldon District Council Vehicle Parking Standards (VPS) states that B1 (b) and (c) business uses require a minimum of 1 parking space per 50 sqm. The development would create an approximate 5,030sqm of floorspace and the indicative plans shown that 168 parking spaces can be accommodated on site, in accordance with the District's vehicle parking standards.
- 5.4.5 To ensure that on-street parking during construction will not occur, a condition securing submission of details of a Construction Method Statement has been requested to be submitted by the Highways Authority. Should permission have been recommended, this would have been secured by condition.
- 5.4.6 No cycle parking has been shown on the indicative layout plan. Should permission be granted, the details of cycle parking to meet the District's standards (1 cycle parking space per 100sqm for staff and 1 cycle parking space per 200sqm for visitors) would have been secured by the imposition of a condition.

Trip Generation and Impact on Highway Network

- 5.4.7 A Transport Assessment has been submitted with the application, including details of the existing situation of the highway network, details of the trip generation and impact of the development on the highway network. Initial concerns have been raised by the Highways Authority in relation to the way that the trip generation has been assessed and the fact that the trips generated by the site at peak hours had been significantly underestimated. The underestimation of the predicted number of trips to the site has resulting in the traffic flows used in the junction assessment to be false. Errors have also been identified in the geometric dimension used in the assessment. Concerns have also been raised in relation to the highest acceptable Ratio of Flow to Capacity (RFC) which is indicative of the satisfactory performance.
- 5.4.8 Following discussion with the applicant in relation to the initial concerns raised by the Highways Authority, an updated Transport Assessment has been submitted. The trips generation has been amended and shows a higher number of trips of a highly basis at peak hours from what was previously stated. Amendment has also been incorporated to the highway network assessment and in particular the highest RFC for each junction.
- 5.4.9 The Highways Authority has been consulted and highlighted that although some minor delays would be caused to the locality at peak hours, it is considered that the proposal can be accommodated on the local highway network without any notable detriment to the highway safety of efficiency of the highway network.

Sustainable Transport

- 5.4.10 Part of the transport assessment submitted includes information regarding public transportation. Although the nearest bus stop is only 2 minutes walking distance from the application site (35m), the links provided are not very frequent or extensive. There are only two bus service routes operating on an hourly basis linking the site with Chelmsford, Maldon and Burnham-on-Crouch. The nearest train station is approximately 3.3 miles away from the application site and it is located in North Fambridge. Therefore, given the limited accessibility of the site to public

transportation, it is likely that the future employees would be dependent on the use of private vehicles.

- 5.4.11 The Highways Authority has been consulted and in order to provide a safe access to both pedestrians and mobility impaired and maximise accessibility in accordance with policy D1, has requested improvement to the pedestrian footway along Maldon Road from a point opposite the northbound bus stop to the main Mapledean Industrial Estate access. The requested works are off site and not under the applicant's ownership or control and therefore, in order to be secured they should be agreed through a legal agreement. In the absence of a signed and completed legal agreement pursuant to S106, the impact of the development would not be able to be mitigated contrary to policies S1, D1 and T2.
- 5.4.12 A Travel Plan Statement has been submitted with the application providing a skeleton of the action plan which full details are reserved for the reserve matters stage. It is stated that the plan, when submitted in full would include information regarding the forecast level of trips by all modes of transport likely to be associated with the development, the need for public to access, hours of working, phasing of the construction, the nature of the vehicles requiring access, information about bus stops, access points, car parks and cycle parking. Should permission have been recommended the details of a travel plan would have been secured by condition. Although the submission of details of the Travel Plan could have been secured by the imposition of a condition, it is noted that a monitoring fee has been requested by the Highways Authority. The fee can only be secured through a legal agreement and thus, in the absence of a signed legal agreement securing the necessary monitoring fee, the impact of the development would not be able to be monitored and mitigated.

5.5 Flood Risk

Sequential test

- 5.5.1 The NPPF 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 Paragraph 158 of the NPPF states that *“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”*
- 5.5.3 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.

- 5.5.4 The site is located within Flood Zones 2 and 3 and therefore, the development should pass the sequential test.
- 5.5.5 The application is supported by a Flood Risk Assessment. Under the section of the sequential test, a table has been included, which indicates the types of development that are appropriate for the various flood zones. Although this table has been gathered from the Planning Practice Guidance and it relates to the Flood Risk vulnerability and flood zone ‘compatibility’, it is clear from the notes related to the table that it does not show the application of the Sequential Test which should be applied first to guide development to Flood Zone 1, then Zone 2, and then Zone 3.
- 5.5.6 The statement concludes that on the basis of the information contained within the table the proposed commercial development is suitable within flood zone 3a. However, it is considered that this is of more relevance to the exception test and not the sequential test. The table shows when different types of development, following the application of the sequential test, are suitable or not to be developed in different flood zones and in which cases the application of an exception test is required.
- 5.5.7 The submitted Planning, Design and Access Statement suggests that the site is sequentially preferable because there are no other sites that are currently available or suitable. As discussed in detail in the ‘Principle’ section of the report, the allocated employment sites have been unreasonably disregarded due to their distance from the existing industrial site and unavailability for which evidence has not been submitted. It is noted that the fact that some businesses have informally expressed their lack of interest in moving to one of the allocated sites, on its own as an argument and without any formal agreement in place for them agreeing to move to that proposed site, it cannot substantiate the disregarding of the allocated sites. Furthermore, the argument that a site is not available to the applicant does not signify unavailability for development.
- 5.5.8 As a result, and for the reasons stated above, it is considered that the proposal does not pass the sequential test, as it has not been demonstrated that the development cannot be accommodated in other sites in areas within lower risk of flooding. Once again it must be noted that a substantial amount of employment generating land will be provided through the sites allocated within the LDP. Thus, the development proposed is unacceptable and contrary to the guidance contained in the NPPF and policies S1 and D5 of the LDP.

Flood Risk Assessment and SUDS

- 5.5.9 The FRA submitted highlights the potential of flooding from surface water and tidal influence of the river the main risks of flooding and suggests mitigation measures including external levels falling away from the entrances of the building, flood warning strategy and flood resilient construction.
- 5.5.10 The Environment Agency has been consulted and raised no objection to the proposed development, which is protected by flood defences. However, it is underlined that the requirement to assess whether the development passes the sequential test is with the Local Planning Authority (LPA) and surface water flood risk should be determined by the Lead Local Flood Authority.

5.5.11 The Lead Local Flood Authority was consulted and raised a holding objection for the following reasons:

- *Discharge rates from the site should be limited as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event for the 1 in 1 year and 1 in 100 year rainfall events, or if reasonably impracticable to achieve then a minimum of 50% betterment on existing runoff rates, with reasoning for this approach. In any case the flow should never exceed the rate of discharge from the development prior to redevelopment for that event.*
- *The principle of the drainage scheme is to drain to an adjacent water body. No information has been given to demonstrate how feasible positive drainage to this feature is in relation to site topography and existing water levels. Flood risk maps illustrate that this area is at risk of flooding. The applicant should provide evidence that potential surcharging of outfall has been taken into account in the drainage strategy.*

5.5.12 Following the Lead Local Flood Authority's response, a surcharge modelling has been submitted to demonstrate that the site can manage the surface water under surcharge conditions, including a drawing showing the drainage layout and the information generated by the model.

5.5.13 The Lead Local Flood Authority has been re-consulted and subject to a condition securing the submission of details of the surface water drainage scheme has withdrawn the previously raised objection. On that basis, an objection in relation to management of the surface water is no longer raised.

5.6 Landscaping and Ecology

5.6.1 In terms of ecology, the site abuts a vegetated stream along its southeastern boundary. There are further areas of hedgerow and scrubs within its boundaries. Concerns have been previously raised by the Countryside Officer in relation to the potential impact of the development on the existing landscape features, contrary to the requirements of Section C02 of the MDDG which states that all developments should make sure that the scheme strengthens and retains existing features of biodiversity and ecological value such as hedgerows, ditches and watercourses and their species. Given that the development is outline in nature and the submitted layout plan is only indicative, although an objection was previously raised in that respect, it is considered that the layout could be re-arranged in a way that would not adversely impact upon the existing landscape features and species. The details of the layout and landscaping are matters that are reserved for future consideration and no development would be able to go ahead without those details having been agreed with the LPA first.

5.6.2 The application is accompanied by an extended Phase 1 Habitat Survey which has been submitted and the report concludes that further species surveys should be carried out to establish that the development would not have an impact on any protected species. Although these surveys have not been carried out, it is considered that the submission of their findings can be secured by a pre-commencement condition. This

would prevent any development being carried out prior to securing that no species are identified on site or any impact to them can be substantially mitigated.

5.7 Other Matters

Health Impact Assessment

- 5.7.1 The NPPF supports that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. A Health Impact Assessment (HIA) is a useful tool to use where there are expected to be significant impacts.
- 5.7.2 According to Health Impact Assessment of Government Policy (2010) the HIA is to produce a set of evidence-based practical recommendations that will inform decision-makers on how best they can promote and protect the health and wellbeing of local communities they serve. The HIA should maximise the positive impacts and minimise the negative impacts of the policy and address health inequalities. Recommendations for action and monitoring should be included within the document submitted.
- 5.7.3 A HIA has been submitted with the application assessing the effects that the development would have on the nearby residents in comparison to the existing use of the site and concludes proposes resources of minimising the impacts of the development.
- 5.7.4 It is stated that the site is currently used by a poultry farm and there are other uses which are both noise and pollutant sources nearby the existing residential properties which result in more significant impacts on the amenities of the neighbouring properties from the proposed use. Furthermore, the proposed B1 use is by definition a type of use that can coexist with residential uses. It is therefore argued that the replacement of the poultry farm with B1 uses would be beneficial to the locality and existing neighbours. It is also suggested that the development would encourage walking and cycling to work to reduce car dependency. Whilst by reason of the location of the site, there are concerns that this may not be able to be fully achieved; it is considered that should permission have been recommended, further details would have been requested to be submitted with Travel Pack Information.
- 5.7.5 It is also stated that in terms of equalities, it is considered that the development would be an opportunity to provide employment with particular benefit to those on a low income who are resident within the rural areas of the Dengie.
- 5.7.6 As part of the application, it is suggested that the redevelopment of the site would be an opportunity to decontaminate the site. Furthermore, the development would promote crime reduction and community safety through design and appropriate advice will be taken from the Secure by Design team. However, this is not considered to be robustly substantiated.
- 5.7.7 The development would significantly increase the vehicle movements in comparison to the movements currently created by the existing use on the site. Although one of the objections raised by officers relate to the limited information submitted regarding the impact of the development on the highway network by reason of this increased

levels of traffic, taking into consideration that the movements would be directed away from the residential properties (there would be no access to the site from Mapledean Chase which is currently shared between the application site and the residential properties), on balance, no objection is raised in terms of the impact of the development on the health of the neighbouring residential occupiers.

- 5.7.8 On balance, in light of the above, it is considered that the development would promote social interaction and it would not result in detrimental impacts on the health of the existing communities. The development is, on balance, considered to minimise the adverse health impacts from the existing use of the site.

Sewage Pumping Station

- 5.7.9 It is noted that a sewage pumping station and existing main sewers will cross the site and these are owned by Anglia Water. Anglia Water has been consulted and suggested the following notice to be added as a reminder for the applicant:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

- 5.7.10 It is noted that this matter is covered by separate legislation and it is not a material planning consideration.

6 ANY RELEVANT SITE HISTORY

- 6.1 The relevant planning history to the application site is as follows:

- **OUT/MAL/17/01338** - Redevelopment of poultry farm for approximately 5,030m² of B1 commercial floorspace with associated access arrangements. Planning permission refused for the following reasons:

- 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 an additional 2.4ha 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 and by reason of its nature in an unjustifiable encroachment to what is currently considered as agricultural land. The development would be therefore unacceptable and contrary to the policies S1, S2 and E1 of the Maldon*

- District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).*
- 2 *According to the NPPF local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The development which would create new office space (which falls within the definition of town centre uses) is located outside the town centre and it has not been demonstrated that sequentially preferable sites have not been considered first as required by national and local planning policy in the interests of maximising accessibility by sustainable modes of transport and ensuring the vitality and viability of more central locations. The development is therefore unacceptable and contrary to guidance contained within the National Planning Policy Framework (2012).*
 - 3 *The proposed development is located within a high-risk flood zone (flood zone 3a) and no evidence has been submitted to demonstrate that there are no other available sites within lower risk of flooding that can accommodate the proposed development. Thus, the development is considered to fail the sequential test and therefore the proposal is unacceptable and contrary to policies S1 and D5 of the Maldon District Local Development Plan (2017), and Government advice contained within the National Planning Policy Framework (2012).*
 - 4 *The proposed development is located within a high-risk flood zone (flood zone 3a) and insufficient evidence has been submitted to demonstrate that sufficient drainage strategy has been considered to reduce risk of flooding. The development is therefore unacceptable and contrary to policies S1 and D5 of the Maldon District Local Development Plan (2017), and Government advice contained within the National Planning Policy Framework (2012).*
 - 5 *The proposed development would be sited in close proximity to ecological and landscape assets, such as a vegetated stream and areas of hedgerows and scrubs, and insufficient information has been submitted to demonstrate that the development would not have a detrimental impact on the existing landscape features. The development is therefore unacceptable and contrary to policies S1 and N2 of the Maldon District Local Development Plan (2017), the guidance contained within the Maldon District Design Guide and Government advice contained within the National Planning Policy Framework (2012).*
 - 6 *The proposed development would materially increase daily trips to and from the site. Insufficient information has been submitted, within the application, to demonstrate that the proposed development would not result in levels of trips that would not have a detrimental impact upon the existing network and infrastructure. The development is*

therefore unacceptable and contrary to policy T2 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).

- **FUL/MAL/06/01364** - (relevant only to the current access of the site) - Change of use of the site to include buildings 4 and 5 for uses falling within Use Class B1 light industrial and office and B2 General Industrial. Relocation of existing portacabin for use as offices. Use of open yard for external storage and car parking ancillary to the use of all buildings. Planning permission granted.

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mundon Parish Council	No comments received at the time of writing the report.	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highway Authority	Initial concerns have been raised in relation to the way that trip generation has been calculated and the potential impact on the capacity of the highway network. At the time of writing of the report, no final consultation response has been received.	Comment noted and addressed in the 'Highway' section of the report. It is noted that the final recommendation would be subject to the consultation response from the Highway Authority.
Essex and Suffolk Water	No objection subject to compliance with their requirement.	Comment noted
Anglia Water	No objection subject to condition in relation to the submission of details regarding a foul water Strategy.	Comment noted
Environment Agency	No objection.	Comment noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Lead Local Flood Authority	Following submission of additional information in relation to management of surface water and subject to the imposition of a condition for the details to be agreed in writing, no objection is raised.	Comment noted and addressed in the 'Flood Risk' section of the report

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions	Comment noted.
Planning Policy Officer	Capacity exists within the LDP employment allocations for B1, B2 and B8 uses.	Comment noted and further discussed in the 'Principle' section of the report.
Urban Design Officer	No objection	Comment noted
Economic Development Officer	The proposed development would enable four businesses to expand as well as provide opportunities to other businesses to start up.	Commented are noted; however, as discussed in detail in the 'Principle' section of the report, there are existing allocated sites that are available to accommodate new employment
Countryside and Coast Officer	Object to the application due to the lack of further surveys to establish presence/absence of protected species on site. The layout plan submitted for not indicate any soft landscaping options to mitigate potential impacts.	Comment noted and are addressed in the 'Ecology' section 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 no representations have been received.

8 **REASONS 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 an additional 2.4ha 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 and by reason of its nature in an unjustifiable encroachment to what is currently considered as agricultural land. The development would be therefore unacceptable and contrary to the policies S1, S2 and E1 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).

- 2 The proposed development is located within a high-risk flood zone (flood zone 3a) and insufficient evidence has been submitted to demonstrate that there are no other available sites within lower risk of flooding that can accommodate the proposed development. Thus, the development is considered to fail the sequential test and therefore the proposal is unacceptable and contrary to policies S1 and D5 of the Maldon District Local Development Plan (2017), and Government advice contained within the National Planning Policy Framework (2012).

- 3 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the necessary provision of a new two metre wide pedestrian footway along the eastern side of Maldon Road from a point opposite the northbound bus stop to the main Mapledean Industrial Estate site access and the payment of a Travel Plan monitoring fee as requested by the Highway Authority, the impact of the development cannot be mitigated contrary to Policies S1, D1 and T2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework