



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
12 MARCH 2018**

Application Number	OUT/MAL/17/01338
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	30 th March 2017
Case Officer	Anna Tastsoglou TEL:01621 875741
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Major Application

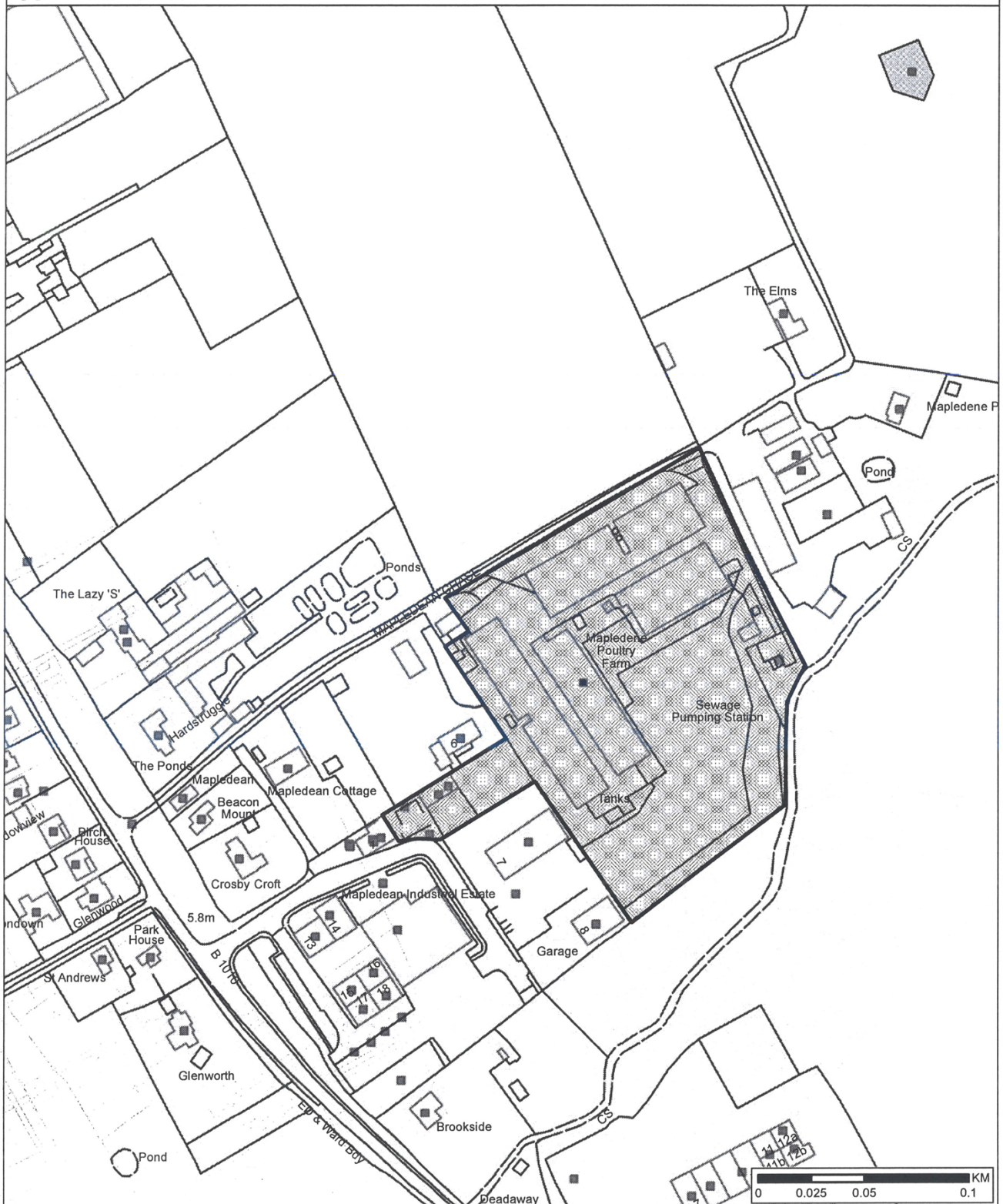
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Mapledean Poultry Farm Mapledean Chase Mundon
OUT/MAL/17/01338



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 Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 17/01338/OUT

Date: 27/02/2018

MSA Number: 100018588



MALDON DISTRICT COUNCIL

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 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. 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 the 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.
- 3.1.4 Outline planning permission with all matters, except of access, reserved is sought to redevelop the existing poultry farm and erect approximately 5,030sqm B1 commercial floorspace with associated access arrangements. The development would involve the demolition of the existing poultry farm structures and erect new buildings to be used for commercial purposes.
- 3.1.5 A 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; however, no evidence in a form of interest expressed by the businesses has been submitted.
- 3.1.6 A new access to the site is proposed via the Mapledean Industrial Estate cul de sac. The access would be 6m wide with footpath to either side resulting in a total 10m width. According to the submitted Traffic Statement and indicative layout plan 168 parking spaces would serve the propose 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. Landscaping is mainly proposed along the boundaries of the application site. Within the submitted planning statement it is suggested that the reason of the positioning of the building is due to the existing main sewers which traverse the site together with their associated easements.

- 3.1.8 It is noted that the application is also accompanied by a Flood Risk Assessment and Health Impact 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 increase of employment land outside the designated sites listed in policy E1. The development would also not comply with the guidance of the National Planning Policy Framework (NPPF) that requires developments for town Centre uses (such as offices) to pass a sequential test to demonstrate that there are no other sequentially preferable sites closer to the existing centres to accommodate the development. The development is located within flood zones 2 and 3 and insufficient information demonstrating that there are no other available sites in areas in lower risk of flooding that can accommodate the proposed development. The proposal is also lacking other evidence and information in relation to levels of daily trips, sufficient drainage strategy and details relating to its impact on the existing landscape features. In the absence of such information the Council is unable to fully assess the impacts of the development on the highway network and infrastructure, in the event of flooding and on the existing landscape and ecological assets. For those reasons the development is considered unacceptable and contrary to the aims of the Local Plan and National Guidance.

4 MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7 - Three dimensions to sustainable development
- 8 - Roles of sustainable development
- 14 - Presumption in favour of sustainable development
- 17 - Core planning principles
- 18-22 - Building a strong, competitive economy
- 23-27 - Ensuring the vitality of town centres
- 28 - Supporting prosperous rural economy
- 29-41 - Promoting sustainable transport
- 56-68 - Requiring good design
- 109-125 - Conserving and enhancing the natural environment
- 196-197 - Determining applications

4.2 Approved Maldon District Local Development Plan (July 2017) Policies:

- 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:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

5 MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposal 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 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 LDP 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 no justification 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 Plan's 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 Local Plan 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)'. However, it further continuous adding 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. It is possible that the 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.
- 5.1.7 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.

- 5.1.8 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.
- 5.1.9 The submitted planning statement suggests that a number of the existing occupiers of Mapledean Estate are in need of additional space to expand their businesses. Whilst expansion of existing employment area would be considered favourably, it is considered that in order to demonstrate the need of an additional 2.4ha of employment land outside the designated employment sites, further justification would be required to be submitted. This should include a site assessment of discounted alternative designated sites and also evidencing of expression of interest from businesses. In the absence of such information to demonstrate the need for an additional large scale employment land expansion, the development cannot be supported.
- 5.1.10 The proposal would involve B1 uses, which within others include offices, research and development of products and processes and light industry appropriate in a residential area. According to the definition of the NPPF 'main town centre uses' within others also include office uses. The development is outline in nature and the type and size of the B1 uses proposed has not been identified. Given the nature of the proposed use, it is likely that B1(a) office uses would be part of the development and paragraph 24 of the NPPF requires *"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. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered."* The site is located a significant distance away from the District's Town Centres and outside the settlement boundaries and therefore, its access to sustainable modes of transport, alternative to vehicle, are limited. No evidence has been submitted to demonstrate that there are no other sites sequentially preferable in more central locations to accommodate the proposed development and thus, the development has not passed the town centre uses sequential test and it is unacceptable and contrary to the guidance contained within the NPPF. Furthermore, it should be noted that the 'need' for additional employment land will be met through allocated sites included within the LDP.
- 5.1.11 In light of the above, whilst the benefits of supporting employment generating development is afforded some weight, by reason of the lack of justification in relation to the need for such development outside the development boundaries, designated employment land areas and town centres, 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 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. The NPPF states that “*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 5.2.3 Paragraph 64 also states that “*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*”.
- 5.2.4 This principle of good quality design is reflected 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.*
- 5.2.5 It should be also noted that policies S2 and S8 of the LDP seek to avoid new development outside defined development boundaries, and LDP Policy D1 requires new development to be of a good standard of design and to contribute to and enhance local distinctiveness.
- 5.2.6 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.
- 5.2.7 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 and layout 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.

- 5.2.8 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 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 Local Plan.

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 in a reasonable distance away from this property and the boundary can be landscaped to reduce any potential impacts from increase noise and 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 Policies D1, H4 and T2 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

- 5.4.2 The Maldon District Council Vehicle Parking Standards (VPS) states that B1 business uses require 1 parking space per 30sqm. 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.
- 5.4.3 The site is proposed to be accessed off of Maldon Road which serves the Industrial Estate and not from the exiting access of the site from Mapledean Chase which 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 Highways Authority has been consulted and raised no objection to the proposed access.

Trip Generation and Impact on Highway Network

- 5.4.4 The applicant has submitted a transport statement assessing the impacts of the proposed development on the highway network. The statement includes information of the approximate annual trips of the existing land use and the estimate daily peak hour trips of the proposed land use based on TRICS data. The statement concludes that the proposed level of trips would not have a significant impact on the junction. However, when calculating the total trips during peak hours only, excluding also weekends, it appears that the trips per annum generated by the proposed land use would be 51,740. This is a significant increase when compared to the annual trips generated by the existing land use, which are estimated at around 1320 trips per annum. It is therefore unclear how the statement concludes that there would be no significant impact on the existing highway network.
- 5.4.5 The Highways Authority has been consulted and raised an objection on the proposed development, given that the evidence submitted is not sufficient to support the conclusion of the statement and the assertion that there would be no significant impacts on the existing highway network. The Highway Authority also suggested that a full Transport Assessment, reviewing the current highway conditions in the area, expected trip generation (including TRICs reports) of the development, how the trips will distribute onto the highway network, junction capacity assessments and a future year assessment of 2022 (as 5 years post application) would be required to accompany the application given its size.
- 5.4.6 Although the applicant has been contacted during the process of the application to be made aware of the concerns raised by the Highway Authority and provided the opportunity address those issues, no response has been received at the time of writing of this report.

On the basis of the above and the insufficient information submitted, the development is considered to be unacceptable in terms of its impact onto the highway network.

Sustainable Transport

- 5.4.7 Part of the transport statement 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.

- 5.4.8 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.
- 5.4.9 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 per 50sqm for staff and 1 per 100sqm for visitors) would have been secured by the imposition of a condition.

5.5 Flood Risk

Sequential test

- 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 *"The aim of the Sequential Test is to steer new development to areas with the lowest probability 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 probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding." (Paragraph 101 of the NPPF)*
- 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 is stated that 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 the 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 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

- 5.5.8 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.
- 5.5.9 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 and surface water flood risk should be determined by the Lead Local Flood Authority.
- 5.5.10 The Lead Local Flood Authority has been consulted and raised a holding objection by reason of the inadequate Surface Water Drainage Strategy. In particular it is stated that the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development, given that the strategy fails to sufficiently limit the discharge rate and the storage volume has not been updated in line with the run off rates.
- 5.5.11 For the above mentioned reasons, an objection is raised regarding the increased flood risk impact of the development as a result in the inadequate Surface Water Drainage Strategy.

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 scrub within its boundaries and a pond within the adjoining site. In terms of landscape character, the site features an ancient co-axial hedgerow pattern which requires protection and enhancement to strengthen the landscape structure in this fairly open landscape.

- 5.6.2 Although landscape is a matter reserved for future submission, an indicative layout has been submitted showing that a level of landscaping can be achieved onsite in association with the proposed development. However, it appears that one of the proposed buildings is very close to the eastern boundary and stream. Within the planning statement submitted it is noted that the reason for the positioning of the building is due to the existing main sewers which cross the site. However, by reason of the landscape features in this area, it is and it is considered that a development much less dominant should adjoin the open countryside. Section C02 of the Maldon District Design Guide stated 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. In the absence of information demonstrating that a less dominant building can be located adjacent to the open countryside and that the existing landscape features can be protected, the impact of the development on the existing landscape and character of the area, cannot be fully assessed and it cannot be secured that it would protected as required by policies S1 and N2 of the LDP and the guidance contained in the Maldon District Design Guide
- 5.6.3 The Coastal Countryside Officer has been consulted and raised in objection to the proposed development in the absence of sufficient information to demonstrate that the impact of the development on the existing ecological assets and landscape would not be significant.

5.7 Other Matters

Health Impact Assessment

6 ANY RELEVANT SITE HISTORY

There is no planning history relevant to the application site. However, the location of the proposed access was the subject of an application in 2006.

- **FL/MAL/06/01364** - 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
Althorne 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	Objected to the proposal, due to the lack of evidence to support that the development would not have a significant impact on the existing highway network.	Comment noted
Essex and Suffolk Water	No objection subject to compliance with theirs 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 subject to condition.	Comment noted
Lead Local Flood Authority	Objection raised by reason the inadequate water drainage strategy.	Comment noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Comment noted
Planning Policy Officer	Objection is raised as further evidence will be required to justify the need for an additional 2.4ha of employment land outside the designated/allocated sites listed in Policy E1.	Comment noted
Urban Design Officer	No objection.	Comment noted
Economic Development Officer	No objection.	Comment noted
Countryside and Coast Officer	Object to the application due to the lack of evidence to demonstrate that the development would have a detrimental impact on the ecological and landscape assets.	Comment noted

7.4 Representations received from Interested Parties

The neighbouring occupiers have been consulted and site notices posted on site and three representations have been received. One objecting, on supporting and one commenting on the application.

Objection Comment	Officer Response
Objecting to the proposal to redevelop the poultry farm, as it would affect the house and source of impact of the objector. It is noted that a dwelling is located within the site.	Comment noted, although no dwelling appeared to be within the site at the time of the site visit.
The objector has not been notified.	It is noted that the Council has conducted the consultation process above and beyond the statutory consultation requirement, by sending letters to all neighbouring properties and posting site notices in the vicinity of the site.
Supporting Comment	Officer Response
No objection to the proposal; however, grate consideration is suggested to be given to the access to move the traffic away from the residential dwelling.	Comment noted.
Comment	Officer Response
No specification of the height of the development has been provided with the outline application.	It is noted that scale, including height, are matters reserved for a reserved matters stage and there is no requirement for the applicant to specify the height at this stage of the application.
Comments are made to the landscaping shown on the indicative plans.	Similar to the above reasoning, landscaping is a matter reserved for future submission. Should permission has been recommended a condition for the details of the landscape would have been agreed by condition.
No objection to the proposed B1 use. It is suggested though that area outside the building is not used for storage purposes.	Comment noted. Should permission has been recommended, this could have been secured by condition.
Alternative mitigation measures regarding surface water are suggested.	Comments noted.
It is suggested that a condition is imposed for the access to be taken from	Comment noted. Should permission has been recommended, this could have been

Objection Comment	Officer Response
Mapledean Industrial Estate only and not from Mapledean Chase.	secured by condition.

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 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).