The Planning Inspectorate

Appeal Decision

Site visit made on 9 November 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 December 2016

Appeal Ref: APP/X1545/W/16/3152937
Milton House, Maldon Road, Latchingdon, Essex CM3 6LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Kismet Kebabs against the decision of Maldon District Council.
- The application Ref FUL/MAL/15/00864, dated 24 July 2015, was refused by notice dated 22 December 2015.
- The development proposed is an accommodation block.

Decision

1. The appeal is dismissed.

Procedural Note

2. The Council has submitted evidence to the effect that as at August 2016 it is able to demonstrate a 6.04 year supply of deliverable housing land. This evidence has not been challenged by the appellant. In accordance with paragraph 49 of the National Planning Policy Framework (the Framework), I therefore give full weight to relevant policies for the supply of housing in the Council's development plan and the tilted planning balance described in paragraph 14 of the Framework does not apply.

Main Issues

3. The main issues are the effect of the development on:

   i) the living conditions of future occupiers with particular regard to noise, contamination and private external amenity space;

   ii) access to services and facilities for future occupiers via sustainable transport;

   iii) the character and appearance of the area;

   iv) parking provision with the site.

   If any harm is identified in relation to the above issues, then:

   v) whether the specific circumstances of the business outweigh such harm in the planning balance.

Reasons

Living Conditions of Future Occupiers

4. The appeal site is a meat processing, storage and distribution centre. The Council has confirmed in its report that meat processing takes place between the hours 7:00 and 20:00 Monday to Friday and between 7:00 and 14:00 on Saturdays. In addition, it states that the noise associated with refrigeration is continuous. The appellant does not dispute the aforementioned timings of the operation.

5. During my visit, I noted that different types of noise were audible within the site, including from the operation of refrigeration equipment and from meat processing activities. The location of the proposed accommodation block, within the confines of the site would mean that residents would have the potential to be disturbed as a result of these site operations.

6. The appellant confirms that the occupation of the proposed accommodation block would be limited to employees of the company with a view to providing better care for their welfare. However, I have not been provided with any compelling information to convince me that the wellbeing of residents would not be harmed as a result of noise emissions from the site. I agree with the Council that it would be reasonable to expect a noise assessment to have been undertaken in order to identify and consider the degree of such impact.

7. When considering this case, the Council identified that residual building rubble on the site may be a source of contamination. During my visit there were no obvious visual signs of contaminated material present. However, given the industrial nature of the location, it seems to me that there could be a reasonable possibility of contamination being present. Again, on this issue I concur with the Council that an assessment of the risk that any ground contamination may pose to the proposed use, would be a reasonable request under the circumstances. Without this assessment, I am unable to conclude that it would be safe to use the site for residential purposes.

8. The information before me does not show any provision having been made for external amenity space to serve future occupiers of the accommodation block. It cannot therefore be discounted that living space would be confined to the internal areas of the building and that it would not be possible to utilise external parts of the site for relaxation and enjoyment during finer weather conditions.

9. Drawing together the above considerations, I conclude that harm to the living conditions of future occupiers, with particular regard to noise, contamination and lack of private external amenity space, resulting from the proposal cannot be ruled out.

10. Accordingly the development would conflict with Policies BE1 and CON6 of the Maldon District Replacement Local Plan 2005 (LP), Policies D1 and D2 of the emerging Maldon District Local Development Plan (LDP) and with the Framework insofar as they seek to secure the provision of amenity space and protect the living conditions of future occupiers. Policy CON5 of the LP is not relevant in this case as it relates to proposals for polluting developments.

Access to Services and Facilities

11. It is undisputed by the parties that the site is located outside the settlement boundary of Latchingdon. Latchingdon has only a limited range of services and facilities, including a primary school and small supermarket. I have not been provided with any information to suggest the site is close to a bus route with frequent services to larger centres where a greater range of services and facilities would be available. Indeed the appellant concedes that public transport facilities within the area are limited. Whilst I note that the appellant has referred to the possibility of introducing a mini bus service to enable staff to gain access to larger settlements, this is not something that could be reliably enforced.

12. The ability of some employees to live on site would inevitably remove the need for them to commute to and from work by car. However for the above reasons, there would be a continued dependency on private car use for other purposes, therefore counteracting this benefit.

13. I conclude, from the information before me, that future occupiers would not have a good standard of access to sustainable means of transport and would be significantly dependent on the use of a private car in order to gain access to a range of essential services and facilities. Accordingly this would be in conflict with Policies H1 of the LP, S1 of the LDP and the Framework which seek to deliver homes in sustainable locations.

Character and Appearance

14. The proposed development would essentially comprise a rectangular block with pitched roof. As such it would be relatively simple in appearance and lacking in fine architectural detail. Notwithstanding this, the development would be of similar scale and design to an adjacent ancillary office building. Furthermore, the block would be substantially screened behind existing industrial buildings and mature boundary planting along the site perimeter. It would not be visible from the public realm.

15. Considering that the proposal would accord with the simple and functional architecture of its surroundings and would not be in a prominent location, I conclude that it would not result in harm to the character and appearance of the surrounding area. The development would therefore accord with Policies S2 and BE1 of the LP, Policies S1, S8 and D1 of the LDP and the Framework which seek to promote good design and protect the appearance of the countryside.

Parking

16. The appellant states that at present some 30 staff car parking spaces are provided within the site. This is undisputed by the Council. It was apparent that a majority of these spaces were in use at the time of my visit. Considering the relatively remote rural location of the site and limited public transport in the area, I cannot discount that a majority of staff would commute to work by private car on a regular basis.

17. There would inevitably be demand for car parking at the site from the occupiers of the proposed accommodation block. However, for the aforementioned reasons, it is likely that this demand already exists as a result of the same employees driving to and from work. I have also taken into account that the

Council's highway officer has not raised an objection to the proposal. I conclude that the development would not result in any significant additional demand for parking within the site. It would not therefore conflict with Policies BE1, T1, T2 and T8 of the LP, Policies D1 and T2 of the LDP and the Framework insofar as they seek to secure adequate car parking provision.

Needs of Business and Planning Balance

18. The appellant has raised a number of points in support of the proposal. It is stated that some employees of the company are required to undertake a lengthy training programme at the site because of the specialised and highly skilled nature of their work. Many of these employees are said to commute long distances from larger settlements, or if they do live in local accommodation, are said to be often unfamiliar with their rural surroundings. The appellant says that these factors are making it difficult to retain such employees, resulting in a cost to the business in terms of wasted investment in training and continuity of service. It is added that the proposal would allow the company to perform a guardian role, by enabling it to closely safeguard the welfare of its employees.

19. I acknowledge that the convenience of living at the site might be an attraction to some workers there. However, whilst I sympathise with the position of the company regarding employee retention and am mindful of the importance of supporting a strong rural economy as set out in the Framework, the case is not being argued that there is a shortage of accommodation within the local area. In this respect I am also mindful that the Council has supplied evidence that it is able to provide a five year supply of deliverable housing sites.

20. I am aware that the Framework includes the objective of facilitating social interaction and promoting healthy, inclusive communities. With this in mind, though I am sympathetic, I give only limited weight to general concerns expressed regarding the difficulty some employees may find in adjusting to unfamiliar living environments, as an argument in favour of the development.

21. The appellant has referred to planning permission being granted previously at an alternative site in respect of accommodation for seasonal workers and considers the current proposal to be comparable to that scenario. I have been given little information in relation to the specific case cited at Reddings Farm, however the situation there appears to relate to the short term accommodation requirements of transient labour. By comparison, the employees in this case would not fall into the category of transient seasonal labour and may be housed in the locality already.

22. I have not found harm in terms of character and appearance and parking demand. However this is outweighed by my negative findings regarding access to services and the living conditions of future occupiers. Furthermore, for the above reasons, I conclude that the specific needs of the business do not outweigh this harm. The proposal would not therefore amount to the sustainable development for which there is a presumption in favour as set out in the Framework.

Conclusion

23. Therefore, having had regard to all other matters raised, the appeal should be dismissed.

Roy Merrett

INSPECTOR