



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

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
16 JULY 2018**

Application Number	FUL/MAL/18/00230
Location	Asheldham Pit, Southminster Road, Asheldham, Essex
Proposal	Erection of an education centre, tea room, 6x holiday log cabins, 1x staff/workers accommodation, 1x welfare cabin, 6x fish breeding pods and associated hard-standing, parking and access point.
Applicant	Mrs Lisa Brown
Agent	Mr Chris Moore - Plainview Planning LTD
Target Decision Date	31 st July 2018
Case Officer	Anna Tastsoglou
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Major Application Member Call In The item has been called in by Cllr Dewick on the grounds of public interest.

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Asheldham Pit, Southminster Road, Asheldham
FUL/MAL/18/00230



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 Maldon District Council 100018588 2014

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Scale: 1:4,000

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 18/00230/FUL

Date: 04/07/2018

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The site covers an area of approximately 12.9 hectares and it is a designated nature reserve. It is broadly square in shape and it is located to the northwest of Tillingham Road, outside the settlement boundaries.
- 3.1.2 The site is predominantly covered by woodlands and contains three lakes/ponds. The Silver Lake is sited to the southern part of the site. It is a natural habitat for fish and wildlife, which according to the applicant was previously managed by Wildlife Trust and it was purchased by the applicant in 2015.
- 3.1.3 There are three access points available to the site, two along Rushes Lane and one off Tillingham Road. The site is mainly gated; however, a public footpath which is accessed from the southern entrance runs along the southwestern boundaries of the application site.
- 3.1.4 To the southeast of the site is a former quarry. Residential properties are sited mainly to the south of the application site, while to the north and east the area is primarily used for agricultural purposes.
- 3.1.5 It should be noted that without the necessary planning permission the erection of a number of structures (lodges and outbuildings) and the change of use of the site to residential use has taken place. It is noted that at the time of the site visit six fish breeding pods have been installed on site and it has been confirmed by the applicant that the site is already used for educational/tourist purposes. The current application is not for the same purposes and it has not been submitted to regularise the existing development on site.

Description of proposal

- 3.1.6 The proposal is to use the application site at Asheldham Pit, which is a designated Local Wildlife Site, as a leisure/education/fishing centre, including visitor accommodation. Main facilities/attractions provided on site would include a tea room, an education centre, the log cabins and fishing in the lake. At present there are four unauthorised buildings on site and an additional four small scale storage sheds, which are proposed to be retained on site, although one of them in an alternative location. An additional seven buildings are proposed to be erected. The buildings, both existing and proposed, would be used as follows:
 - A workers dwelling with associated outbuilding to rear
 - A welcome centre
 - A tea room
 - An education centre
 - Six holiday log cabins

3.1.7 As part of the proposal a new car park is proposed to be formed at the southern part of the application site as stated above. Six fish breeding pods have already been installed on site.

3.1.8 The proposed buildings would be finished in timber and they would be as follows:

- The proposed tea room would be approximately 14.8m wide, 9.8m deep with a maximum height of 3.4m. A raised decking is proposed to be erected adjacent to the tea room, measuring 3m deep and 14.8m wide. The tea room would be located to the south of Silver Lake at the position where there is a redundant pump room. The tea room would provide approximately 52 covers including the outdoor seating area.
- The proposed holiday log cabins would be located along the west side of Silver Lake. Five of the lodges would be one bedroom cabins with an open plan kitchen/lounge/diner and a bathroom. Each log cabin would measure around 5.8m wide, 5m deep, with a maximum height of 3.2m. One of the existing outbuildings to the northwest of the site would be relocated to the Silver Lake to form the sixth log cabin. This would be a two bedroom lodge, with an open plan kitchen/lounge/diner and a bathroom. All cabins would be 'floating' on the lake and they would have a veranda wrapping around the cabins, having an approximate depth of 3m. The cabins would be accessed via small walkways linked to the main existing path.
- The education centre would be sited at the north point of the dipping pond and would measure approximately 9.1m wide, 3.8m deep, with a maximum height of 3.9m. A small class room would be formed, with a store/cloaks room and WC. A maximum of 20 pupils/people would be able to attend the classes concurrently, due to the size of the room.
- As noted above, there are four existing structures on site and an additional four small storage sheds. One of them would be retained on site at its current position to be used as the workers accommodation dwelling. This building is already used for such purposes unlawfully. Externally the building is of a standard rectangular shape and it measures 13.4m wide, 7.4m deep, with a projecting porch measuring 1.5m x 2.3m. The maximum height of the structure is 3.4m. Internally the building accommodates three bedrooms (one en-suite), an open plan kitchen/lounge/diner and a bathroom. The existing outbuilding to the rear of the dwelling and the small four structures would be retained at their current position.
- The second structure adjacent to the proposed worker accommodation is proposed to be used as a welcome centre. This building is of the same design and dimensions with the proposed residential unit. Internally the building would be in a form of a store, an office, a meeting room including a kitchen, a utility and a bathroom.

3.1.9 Various supporting information have been submitted with the application, including a Planning Statement, a Tourism Report, a Fishery Development Report, a Business Plan, an Ecological and an Arboricultural Reports and a Flood Risk Assessment. A letter from the Forestry Commission has also been submitted.

- 3.1.10 The applicant has gone through the pre-application process and a number of concerns were raised at that stage. These related to the submission of further details in support of the application to demonstrate the need of such development in this location, its access to other leisure uses and sustainable transport, as well as details of the need for a workers accommodation on site. Numerous concerns were raised regarding the submitted business plan, which was considered to be frail. Other matters raised related to the impact of the development upon the countryside, the visual impact of the tea room, due to its proximity to the highway, the impact of the development on the existing fauna and flora and the landscape. Additional information in relation to the parking provision and access to the site were also requested to be submitted with the application.
- 3.1.11 It is noted that following a site visit, a number of structures which have not been shown in the originally submitted plans have been identified. Following discussion with the applicant, the plans have been amended accordingly to include all existing, retained and proposed structures.

3.2 Conclusion

- 3.2.1 Having taken all material planning consideration into account, although a positive approach is taken to the provision of local tourism and other proposed facilities, an objection is raised to the principle of the proposed development, given that insufficient information has been submitted to justify the need of such tourist accommodation and facilities in the area, a good connection with other tourist attractions and sustainable modes of transport. An objection is also raised to the lack of evidence to demonstrate that the development would not adversely impact upon protected species and wildlife. Inadequate information has been also submitted to justify an essential need for a workers accommodation within the site. In light of the above, it is considered that the development would be contrary to the aims of the development plan and in particular those expressed in policies S1, S2, S8, E5, H7 and N2. For those reasons it is considered that the benefits arising from the proposed development cannot outweigh the potential harm caused by the development in the local wildlife site and locality more widely.

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
- 28 - Supporting prosperous rural economy
- 29-41 - Promoting sustainable transport
- 56-68 - Requiring good design
- 69-78 - Promoting healthy communities
- 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 E5 – Tourism
- Policy E6 – Skills, Training and Education
- Policy H4 – Effective Use of Land
- Policy H7 – Agricultural and Essential Workers’ Accommodation
- 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

Principle of development – tourist accommodation/destination

- 5.1.1 The LDP has been produced in light of the NPPF’s emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three dimensions identified in the NPPF.
- 5.1.2 Along with policies S1 and S2, policy S8 of the approved LDP seeks to direct development within settlement boundaries in order to protect the intrinsic beauty of the countryside. The policy states that “*The Council will support sustainable developments within the defined settlement boundaries*”. The policy goes on to state that “*development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacts upon and provided it is for.....b) employment generating proposals (in accordance with policy E1)f) rural diversification, recreation and tourism proposals (in accordance with Policies E4 and E5); g) Agricultural and essential workers’ accommodation (in accordance with Policy H7)*”

- 5.1.3 The application site is located outside the defined settlement boundaries and therefore, the impact of the development on the intrinsic beauty of the countryside should be assessed along with exception policies E5, E6 and H7.
- 5.1.4 Paragraph 28 of the NPPF states that to promote a strong rural economy, local and neighbourhood plans, within others, should:
- *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;*
- 5.1.5 Policy E5 states that *“The Council will support developments which contribute positively to the growth of local tourism in a sustainable manner and realise opportunities that arise from the District’s landscape, heritage and built environment.”*
- 5.1.6 The policy goes on stating that *“Development for new tourist attractions, facilities and accommodation will be supported across the District where it can be demonstrated that:*
- 1) There is an identified need for the provision proposed;*
 - 2) Where possible, there are good connections with other tourist destinations, the green infrastructure network and local services, preferably by walking, cycling or other sustainable modes of transport;*
 - 3) There will not be any significant detrimental impact on the character, appearance of the area and the quality of life of local people; and*
 - 4) Any adverse impact on the natural and historic environment should be avoided wherever possible. Where an adverse impact is unavoidable, the proposal should clearly indicate how the adverse impacts will be effectively mitigated to the satisfaction of the Council and relevant statutory agencies. Where a development is deemed relevant to internationally designated sites, the Council will need to be satisfied that a project level HRA has been undertaken and that no potential significant adverse impact has been identified.”*
- 5.1.7 The site is a designated nature reserve and local wildlife site and the development proposes to provide facilities to be used in association with the existing use of the site. It is noted that although the Council will support the growth of local tourism, that should only be allowed when it is in a sustainable manner, not adversely impacting upon the character of the area and developments that benefit local businesses, communities and visitors. For that reason, evidence is necessary to be submitted to demonstrate the need of such type of tourism in the area along with other justifications regarding the sustainable access of the site and relevant business plan and programme to demonstrate the viability of the proposal. To support the proposal, the applicant has submitted a number of supporting information, as stated in the ‘Description of proposal’ section.
- 5.1.8 In relation to the first requirement of policy E5, the ‘Site Development Assessment’ submitted includes information in relation to the need of the tourism industry in

Essex. The proposed development would provide accommodation in a form of self-catering and the supply of similar type of accommodation (11 holiday centres) within a 10km radius from the site have been looked at. Nonetheless, it is noted that the details submitted relate to the need of self-catering accommodation are on a broader than local level, given that it assesses the visitor accommodation trends in Essex and England rather than the local need of the District. Whilst it is accepted that the information provided suggests that for out-of-season months (between October and May) there is a preference of high quality (4 star) visitor accommodation (similar to what is currently proposed on site) in rural locations in England, when the occupancy of visitor accommodation in Essex is lower, that does not necessarily demonstrate a need of such accommodation in the local area. Other statistics in relation to the increase of holiday lodge accommodation at a national level have been included within the assessment. Whilst all the above information is acknowledged, it is considered that by reason of the lack of information regarding the need of this type of accommodation at a local level, the need of such accommodation in the district and in the area more particularly has not been adequately justified.

- 5.1.9 With regard to the second requirement of policy E5, the outcomes of a Destination Research Economic Impact of Tourism Model have been submitted. This suggests that visitor expenditure on actual accommodation in Maldon accounts to about 34% and the rest is going towards other tourist business, such as food and drink, shopping, entertainment and transport. The findings of the report endorse the argument of the second requirement of policy E5, which requires the development to be in close proximity to other tourist destinations, the green infrastructure network and local services.
- 5.1.10 A number of other tourist attractions in the wider area are identified within the Tourism Report and Planning Statement submitted. Maps have been included showing the extent of the public footpaths. All suggested tourist attractions, including walking to St Lawrence, to Burnham-on-Crouch or to St Peter's Chapel in Bradwell-on-Sea are destinations that can generally be accessed from any location within the Southeast area of Maldon District. The site itself is not located within walking distance from the defined settlements and the majority of the destinations proposed are in a distance away from what would be considered a walking distance (some of them between 5 to 10 miles away from the site – this is around one and a half to two and a half hours away from the site on foot). Whilst the development itself would be a tourist attraction, it is considered necessary that a good level of connectivity with other tourist attractions and facilities is necessary to attract visitors and secure the viability of the site, as well as ensuring that it is a sustainable form of development.
- 5.1.11 Asheldham, the nearest village to the site, is a rural village with no defined settlement boundary and the nearest settlement infrastructure and related services in Southminster are significantly away from the site (around one and a half miles away). The nearest bus stop to the site is around 0.3miles away and it provides limited and infrequent links to with local services, amenities or other attractions. The nearest train station is in Southminster, which is approximately 1.5miles away from the site. On that basis, it is considered unlikely that the users would use public transportation for their trips. To the contrary it is considered that future visitors and staff would be dependent on private vehicles to access facilities or tourist destinations.

- 5.1.12 The third criterion relates to the impact upon the character and appearance of the area, which is further assessed below.
- 5.1.13 The site is a nature reserve and therefore, under the terms of criterion 4, consideration should be given to the impact of the development on the natural environment. It is stated that since the applicant purchased the site, the land has been maintained, given that it was previously mismanaged and left unkempt. Furthermore, as part of the development it is proposed to preserve and enhance the site. In support of criterion 4 a Phase 1 Habitat Survey, an Ecological Report and an Arboricultural Report have been submitted. The details of this requirement are further assessed below in the relevant section of the report.
- 5.1.14 To demonstrate viability of the proposed development, the applicant has submitted a business development plan. The plan includes information in relation to the short, mid and long terms objectives of the proposed development, a competition analysis, financial information based on comparable businesses and details of the initial layout costs.
- 5.1.15 Although initial concerns were raised at the pre-application stage in relation to the business plan submitted, limited attempt has been made to create a more robust business plan. Whilst it is accepted that some additional potential costs, such as food purchase, have been included in the business plan, there are still a number of concerns in relation to the content of the submitted business plan, which appear to be rather ambitious and frail. Concerns particularly relate to the following:
- The location of the site would suggest that 75 covers for 5 hours a day for 312 days of a year is particularly ambitious, meaning that the tea room would be almost one and half times fully covered every opening day. No information of the covers of similar café/tea rooms in the southeast area of Maldon District has been submitted as comparable to demonstrate that this is a realistic number of covers.
 - It is noted that the income from the lodges is based on a 78% occupancy rate. This occupancy rate has been suggested by 'Visit England' relating to expected occupancy of lodges. It is considered that it would have been more appropriate for the occupancy levels to be justified on the basis of the occupancy of similar type of accommodation in the district, given that tourist attraction is very relevant to the destination and thus, occupancy may vary from place to place quite significantly. Furthermore, it is likely that any new enterprise will need time to build up to their optimum capacity.
 - Six fish breeding pods are already located on site. Although it is accepted that fish would breed on site, there would still be a stocking cost. This has been confirmed by the Fisheries Management Consultant in the submitted Fishery Development Report which states that a minimum initial stock would be required. It is noted that an introduction of various fish sizes is advisable from which large sized fish could be very expensive. The report also confirms that management of the lake and early checks of the water quality would be required. A number of management options are given within the report. The costs of sales forecasts appear to be a little simplistic in that respect, lacking information in relation to these necessary costs.
 - There are a number of 'multiplications' within the fishery calculations that have not been explained. The income of the lake is compared to the income generated in three other lakes (Lakeland Fishery, Clavering Lakes and Oak Lakes) which

size and level of use may be different. Although the potential income per acre generated by the proposed lake has been calculated, the same has not been done for the comparable lakes and thus, it is impossible to come to an accurate conclusion as to whether the suggested income generated by the lake is realistic. Furthermore, the level of use might also require further explanation, particularly as it is noted that the three examples given are in much closer proximity to towns with larger populations of potential customers which is not necessarily the same for the application site, which is also not established for such purposes yet.

- There appears to be no allowance (depreciation) for any form of financing for the initial outlay of £247,000.
- There is no reference to there being any costs associated with the initial provision of the worker's dwelling, the education centre and welfare cabin that are proposed.
- It appears that the electricity and water costs for the fishery element of the development are very low (£150 and £200 respectively) considering the existence of six breeding pods on site. The submitted fishery report states that fish breeding through a controlled system requires aerated tanks and high oxygen levels in the water to ensure no loss of fish. Continuous power supply is a requirement to achieve that. It is therefore considered that the cost of electricity required for this element of the development has not been taken into consideration.
- Other inconsistencies within the business plan include the lack of consideration of costs in relation to national insurance and pension costs of the employees.
- The submitted Fishery Development Report states that angling station would be formed on site and no consideration the cost of associated works has been given consideration.
- The above omissions and simplistic approaches result in a profitability of 85.99% (Cost of Sales compared to profit) which appear to be rather optimistic.

5.1.16 For the reasons stated above, it is considered that there are reasonable grounds to question the content of the business plan and subsequently the viability of the scheme that is for consideration.

5.1.17 One of the mid-term objectives of the proposal is to erect an education centre and policy E6 of the LDP states that "*The Council will work with its partners to support the provision and enhancement of training and educational facilities and opportunities in the District*". Part of the scheme is to offer the site for use by local schools and other educational organisations. A number of letters from Green Earth Learning, Essex Outdoors (Essex County Council), Southminster Guides and Duke of Edinburgh have been received expressing their interest in using the site for various purposes, including engaging young people with the nature, using the site and the education centre for expeditions for the Duke of Edinburgh, using the lake for canoeing and utilising the site for overnight camps. It is therefore considered that this element of the development is positive and in full accordance with the aims of policy E6.

5.1.18 The site is proposed to be used all year around. No closing period is proposed with the exception of the tea room which would be closed on Mondays. The site is to be used for holiday purposes only and not residential accommodation, as this would be a departure from the 'seasonal occupation' approach currently proposed. It is common practise for conditions to be imposed to restrict the use of a site for holiday purposes only and not as a person's sole or main place of residence. Although it is expected

that the enforceability of any conditions in relation to restricting the use of site to holiday purposes only would be time consuming, there are cases where a full year round occupation was secured by the imposition of conditions restricting the holiday accommodation by the same person or persons to no more than 28 days and securing an up to date register of the names and home addresses of all occupiers of the site (Appeal ref: APP/X1545/A/10/2131783, Site: Eastland Meadows Caravan Park, East End Road, Bradwell-on-Sea CM0 7PP, Application Ref: FUL/MAL/09/01061). Taking into consideration the above, no objection is considered reasonable to be raised in relation with regard to the proposed year-round occupancy of the holiday log cabins.

Principle of development - workers accommodation

- 5.1.19 A building used for residential purposes is located on site which is proposed to be used as a workers dwelling. It is noted that outside the development boundaries the Council will only support residential development when it can be demonstrated that there is an essential need for full-time employees to live at their location of work, that would only be allowed for a temporary period of three years in the first instance and only after this period on a permanent basis. This should be in accordance with policy H7, which states that *“permanent or temporary accommodation in the countryside related to and located in the immediate vicinity of a rural enterprise, will only be permitted where:*

- 1) Evidence has been submitted to the satisfaction of the Council that there is an existing agricultural, forestry, fishery or other commercial equine business-related functional need for a full-time worker in that location;*
- 2) There are no suitable alternative dwellings available, or which could be made available in the area to serve the identified functional need;*
- 3) It can be demonstrated that the enterprise is, or will be in the case of new businesses, a viable business with secure future prospects;*
- 4) The size and nature of the proposed structure is commensurate with the needs of the enterprise concerned; and*
- 5) The development is not intrusive to the countryside, is designed to minimise adverse impact upon the character and appearance of the area, and is acceptable when considered against other planning requirements.”*

- 5.1.20 The planning statement submitted suggests that the workers accommodation is required to be on site to manage the fishstock and breeding tanks, manage the visitor accommodation, assist local schools and other educational organisations' visits and for security purposes.
- 5.1.21 Although it is accepted that the site, if developed as proposed would require management, it is noted that it is not an established business and the submitted business plan for the reasons detailed above cannot justify the functional need of a workers accommodation on site. The abovementioned reasons given by the applicant regarding a permanent retention of a dwelling on site are not considered sufficient to demonstrate a need. Primarily, there are various ways that security of the site can be addressed and this solely as a reason cannot justify the need of a permanent worker accommodation on site. Furthermore, with regard to management of fishstock and breeding tanks, it is considered that the installation of a portable power generator could be an alternative, more cost effective way to manage fish than the provision of a

dwelling on site option. The proposal is for self-catering holiday accommodation and thus, it is considered that there would be limited need for a manager to be there at all times. As stated above it is considered that the business plan is rather optimistic and due to a number of omissions or simplistic approaches, it is considered that it cannot carry much weight in terms of the short or long term sustainability of the scheme. It is therefore considered that the proposed workers dwelling is contrary to the requirement of criterion one as set out in policy H7.

- 5.1.22 With regard to criterion 2, no evidence has been submitted by the applicant demonstrating that there are no available dwellings in the surrounding area or nearby villages to serve the need of the applicant, until the business is established.
- 5.1.23 The content of the business plan has been assessed in full above. There are numerous reasons why the business plan is considered inadequate in terms of providing a robust document demonstrating the viability of the business. For that reason and whilst it is recognised that the business would be profitable once established, the level of profitability is in doubt and this questions the need for a worker's dwelling on site.
- 5.1.24 The proposed dwelling is a three bedroom house. No details of the occupants of the dwelling have been submitted and therefore, the need for such a size of dwelling cannot be fully assessed.
- 5.1.25 Criterion five together with the rest of the impact of the development on the character of the nature reserve and the wider undeveloped area is assessed in the relevant section of the report below.
- 5.1.26 In light of the above and subject to assessment regarding the impact of the development on the character and appearance of the countryside and nature reserve, whilst the policies of the Local Development Plan provide a positive steer towards and encouragement of local tourism and other related uses subject to compliance with the policies set out above, concerns are raised regarding the justification for the proposed tourist attraction and workers accommodation on site. For that reason and on the basis of the submitted details an objection is raised to the principle of the proposed development.
- 5.1.27 Whilst the building is already positioned on site, it constitutes an unlawful use and therefore, this does not carry any weight, as it is in the Council's power to consider the expediency of taking enforcement action against the structure and request its removal from the site.

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”.

- 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 to the approved MDLDP. The basis of policy D1 of the approved MDLDP 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 The site is a nature reserve and it is located outside the defined settlement boundaries. Given the sensitive nature of the site, careful consideration should be given to the design and scale of the proposed log cabins. At present four timber cabins are already unlawfully located on site. An additional seven timber cabins are proposed to be sited on site in various locations mainly at the southwestern part of the site around Silver Lake.
- 5.2.7 The proposed development would increase levels of activity and human presence on site and the introduction of built structures, which would contrast the general character of the local wildlife site. Although it is recognised that the site is at present largely undeveloped, covered with mature trees and that it would be expected to be seen at nature reserve sites, it is considered that the introduction of a limited number of relatively small scale structures, which materials would not detract from the character of the area would not result in a materially harmful impact on the character and visual appearance of the site.
- 5.2.8 With the exception of the proposed tea room and the existing residential units, which are proposed to be used as a worker’s dwelling and welcome centre, the rest of the proposed log cabins are of modest scale. Even when taken the development as a whole, whilst some of the log cabins are larger in scale, the overall coverage of the buildings would be limited when compared to the application site, which spreads in around 12.9 hectares.

- 5.2.9 Concerns were initially raised regarding the size of the proposed tea room, which is in close proximity to the proposed car park and would be the structure that is closer to public vantage points. To address these concerns, a section showing the ground levels and the topography of the site which slopes downwards to the lake has been submitted. This section drawing shows that the ridge of the proposed tea room, which a single storey building, would be sited around 1.4m lower than the parking level. Whilst the development would maintain some visibility from the hard standing area (proposed car park) and when approaching the site from footpath no. 8 to the south of the site and from footpath no. 5, given the sloping ground levels, it is not considered that the visual impact to the streetscene would be reduced to some extent.
- 5.2.10 To assess the visual impact and effect of the development on the landscape, a Landscape and Visual Impact Assessment has been submitted with the application. Six viewpoints mainly along the southern part of the site have been selected, from the proposed hard surfaced area, and two viewpoints of footpath no. 5 which runs along the south-eastern part of the application site. The development would be readily visible mainly from these two viewpoints, but also from along footpath 5, predominantly during winter season. The structure that would be closest to the footpath would be the tea room, which would maintain a minimum distance of 20m from the public right of way. Additional distance would be maintained between the structures and the viewpoints along the southern part of the footpath. Nonetheless, it is considered that the development would alter the appearance of the wildlife site and it would also alter the rural character currently experienced by users. Although no objection is raised to the design of the proposed structure, there are concerns in relation to the impact of the development on the existing character of the site and the visual impact from public vantage points.
- 5.2.11 This distance is considered to be adequate to overcome any adverse impacts caused by the proposed buildings on site.
- 5.2.12 The proposed log cabins would not be exceptional in design terms; however, as timber structures they would blend in with the overall character of the area. The cabins would have shallow pitched roofs, with front overhanging elements. Sufficient level of fenestration is proposed to be provided to all buildings and therefore, the development would not result in blank walls and unattractive elevations. It is also not ideal that all cabins are very similar design and no distinctive design of the tea room or the education has been considered to define the alternative to holiday accommodation uses. Whilst it would be more interesting to see a higher quality design to support the proposed high quality accommodation and business plan submitted, on balance, notwithstanding concerns in relation to justification for the erection of built form in the countryside, it is considered that the design of the proposed timber log cabins, when considered in isolation, would be acceptable.
- 5.2.13 The site has three existing accesses, one onto Tillingham Road and two onto Rushes Lane. The proposal is to use the access onto Tillingham Road as the main access for visitors. A car park for 44 vehicles is also proposed to be formed adjacent to the access. No objection is raised to the proposed access arrangement. The area where the car park is proposed to be erected is mainly open, partially hard surfaced and partially grassed over. Although it is accepted that the proposed car park would result in a car dominated entrance, taking into consideration that at present there is no

mature vegetation that would require retention and this is also the most sensible location to accommodate this element of the development, on balance, no objection is raised in that respect. It is noted that concerns have been raised by the Coast and Countryside Officer regarding views into the car park. Landscaping the area would be a requirement to soften its appearance and visual impact. Furthermore, grasscrete is proposed as finishing material of the parking area which is considered to be appropriate for the site. Should permission be granted, the details of landscaping would have been secured by condition.

- 5.2.14 A smaller car park is also proposed at the Rushes Lane entrance, which would be for three vehicles solely in relation to the proposed workers accommodation. Whilst three parking spaces are not required for the dwelling, this element of the proposed development would have minimal impact on the character and appearance of the site.
- 5.2.15 Six fish breeding tanks have already been installed on site. These are located in the middle of the site and would only be visible from the existing paths within the application site. Given their limited scale and utilitarian purposes, no objection is raised regarding this element of the development.
- 5.2.16 Concerns have been raised by the Urban Design Officer in relation to layout of the proposed development and in particular the position of the Welcome Centre. That was mainly due to its remoteness from the visitor parking and the main access to the site. Although this is a reasonable point raised by the Urban Design Officer, as the location of the 'Welcome Centre' is not in a discreet/hidden part of the site it is considered to be wholly illogical, it is not considered to result in detrimental visual impact as to warrant refusal of the application on those grounds.
- 5.2.17 The site is a local wildlife site outside the defined settlement boundaries and the proposed development would introduce built form in an area which would otherwise be an open woodland site. The Development Plan contains exception policies where developments outside the defined settlement boundaries could be acceptable, given that the benefits of the development would outweigh the harm, always subject to protection of the intrinsic character and beauty of the countryside. On that basis, it is only when the Council is satisfied by the principle of development, when the impact on the countryside could be considered acceptable as an exception. In this instance, if the development was in accordance with the exception policies the impact of the proposed structures would not constitute a reason for refusal. However, given the current circumstances, it is considered that the impact of the development has not been justified in a way that would be able to outweigh the harm.

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 It is apparent that the proposed development would increase the levels of activity on site. Residential properties are sited to the south and northwest of the application site, some of which are in close proximity to the proposed car park, which would be affected by the noise and activity of the site, mainly from the vehicle movements. It is noted that a quarry is located to the southeast of the application site, in very close

proximity to these properties and noise and disturbance would be generated by this use and surrounding highways during day time. Therefore, the development is not expected to generate an increase in noise levels greater than that caused by the existing surrounding uses at day time within week days. However, part of the proposal is to use the site all year-round, including weekends, during day and night times. Fishing in the lake is also proposed during night times as well as the use of the site for holiday purposes. Whilst restriction of the opening hours is proposed by the Environmental Health Officer, it is noted that this element of the development is fundamental to the proposal and any such restriction would materially alter the principle of the proposed development and it would also impact upon the expected revenue. Furthermore, it would be neither reasonable nor enforceable for a condition to be imposed limiting the number of fishermen or visitors on site at any one time. It is a reasonable expectation for adjoining residents to be able to enjoy their properties, particularly at weekend and night-time when ambient background noise is at its lowest, without the disturbance of unregularised and intermittent noise pollution. On that basis, it is considered that the use of the site, as proposed, would potentially cause noise and disturbance, from the uses proposed within the site and vehicular movements, to an extent that would be detrimental to the amenities of the neighbouring occupiers.

- 5.3.3 By reason of the distance of the proposed structures from the nearest residential properties it is not considered that they would result in a detrimental impact on the amenity of the neighbours in terms of loss of light, dominance or overlooking. On the basis of that, no objection is raised to the impact of the development on the amenity of the nearby occupants.
- 5.3.4 It should be noted that with the exception of the potential impact of the development caused by the use of the Rushes Lane (which as explained below is not proposed to be used by visitors), general support has been expressed regarding the development from local people.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policies D1 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.

Car parking provision

- 5.4.2 A car parking area is proposed to be formed to the southern part of the application site providing parking for 44 vehicles. A smaller parking area for three vehicles is proposed to serve the residential unit. In terms of the parking requirements the following would apply for the proposed development, in accordance with the Authority's Vehicle Parking Standards:
- Visitor accommodation (C1) – 1 space per bedroom
 - Tea room (A3) – 1 space per 5sqm
 - Dwelling – a maximum of two parking spaces for a two or three bedroom dwelling.

- There are no specific parking standards for the proposed education centre; however, given that this element of the proposal would potentially attract a number of tourists, schools and other organisations, it is considered reasonable that provision of parking and turning facilities for vehicles and coaches would be required.
- Parking provision would also be required to be provided for the fishery use of the site and presumably there would be a need to cater for other visitors to the site.

5.4.3 On the basis of the above standards, excluding the parking requirement for the education centre and the fishery use, a total of 37 parking spaces would be required. The development would provide a total of 47 parking spaces. It is considered unlikely that the tea room and log cabins would always be in full occupancy to result in a requirement of 35 parking spaces. It is therefore considered that the provision of 47 parking spaces would be sufficient and it would be able to meet the off-street parking needs of the proposed use, without adversely impacting upon on street parking provision.

5.4.4 Although the above-mentioned standards are expressed in maximum and overprovision of parking is contrary to policy, it is considered that due to the needs and isolated location of the site, the proposed level of parking is considered acceptable.

Trip generation

5.4.5 It is apparent that the proposed use would increase vehicle movements. A transport statement has been submitted with the application including a TRICS assessment for the holiday accommodation element of the development, which concludes that the development would increase the current vehicle movement on Tillingham Road by approximately 2%, which is considered to be an insignificant increase. However, it is noted that apart from the holiday log cabins, the development would involve the use of the site for a number of other purposes and no consideration has been given to that in the trip generation assessment. The business plan and planning statement submitted suggest that the site would attract a number of groups, such as local schools and other educational organisations, a large amount of the annual income is expected from day tickets which would be available for fishermen and anglers, an approximate 400 night-fishing sessions per annum are expected from young people, anglers with disabilities, family groups and the elderly, which is a small part of the fishery element of the development. It is also suggested that the tea room would produce 75 covers per day. No consideration has been given to these elements of the development which are expected to generate a much higher volume of trips from those generated by the log cabins. The submitted Transport Assessment due to the lack of information cannot demonstrate the impact of the development on the highway network. Nonetheless, following discussion with the Highways Authority, it has been confirmed that the development, when taken as a whole, is unlikely to result in unacceptably impacts on the highway network and thus, no objection is considered reasonable to be raised in that respect.

Access

5.4.6 Access to the site is proposed to be gained mainly via Tillingham Road. As noted above there is also another access onto Rushes Lane, which is proposed to serve only

the worker's dwelling. Both accesses are existing and the access arrangement off Tillingham Road is proposed to be upgraded to ensure that suitable visibility splays can be provided. The Highways Authority has been consulted and raised no objection to the proposed access, subject to the imposition of a condition providing sufficient visibility splays.

Sustainable transport

- 5.4.7 It is stated that the site would be easily accessible by bus, train and on foot. Concerns have been raised above in relation to the accessibility of the site to alternative to private vehicle transportation and therefore, the Local Planning Authority maintains its objection with regard to the accessibility of the site.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.
- 5.5.2 The standards for private amenity space only apply to the proposed workers accommodation. Although no defined boundaries have been shown around the proposed worker's accommodation to form its curtilage, there is sufficient space for the future occupants of the dwelling to meet their outdoor requirements. Given the nature of the site and the existing formalised area to the rear of the building, no objection is raised in relation to the amenity area provision.

5.6 Ecology and trees

- 5.6.1 The site is a designated Local Wildlife Site and therefore, consideration should be had to conserving and protecting the natural environment. These principles are reflected within policy N2 of the LDP which states that *"All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance."*
- 5.6.2 To address the above and in order to demonstrate that development would not adversely impact upon designated sites or protected species, the applicant has submitted a Preliminary Ecological Appraisal and an Arboricultural Report.
- 5.6.3 The Preliminary Ecological Appraisal concludes that the impact of the development on the local wildlife site would be minimal, as the proposal would affect small, focussed areas and the majority of the site would remain unaffected. Any potential impacts could be managed through the production of a site-specific Construction Management Plan. It is noted that further monitoring has been advised within the submitted appraisal in respect of bats, reptile, great crested newt, invertebrate and botanical species. This is proportionate to the scale of the proposal and it is to ensure that management can be appropriately tailored to inform restoration and future management. It is noted that detailed surveys are required to be part of the

application when first submitted and no details for the suggested monitoring have been submitted to demonstrate that the development would not adversely impact upon protected species. As such, although it is acknowledged that the development would be localised and not expand upon the whole site, in the absence of a further protected species survey, an objection is raised to the potential impact that the development would have on these species and an objection has been raised by the Coast and Countryside Officer. In these circumstances, the impact of the development cannot be fully assessed and thus, it has not been demonstrated that the development would accord with the aims of policy N2. Prior to a full survey being undertaken, the Local Planning Authority would be unable to condition the necessary mitigation measures.

- 5.6.4 The site has a Tree Protection Order across the woodlands. A number of trees are proposed to be felled and a licence has been granted in that respect. The applicant has submitted an Arboricultural Report that which suggests that protection of all trees that would be impacted is important and it should be done in accordance with the submitted Method Statement. The proposed development would result in limited loss of trees. The bankside willow trees that would be used for the construction of the cabins would not constitute loss of trees of significant arboricultural value or loss of major tree stock. The Tree Officer has been consulted for the proposed development and works to trees and raised no objection.

5.7 Contamination

- 5.7.1 The application is accompanied by a Phase 1 Geoenvironmental Assessment, which in summary states that no significant plausible pollutant linkages exist in the site. The impact on waters, ecology and human health is considered to be low as no significant sources of pollution have been identified on site. For that reason a Phase 2 Risk Assessment is not recommended. The Environmental health Services have been consulted and raised no objection in relation to potential impacts from land contamination.

5.8 Flood Risk Assessment

- 5.8.1 The site is located within flood zone 1. A Flood Risk Assessment has been submitted due to the site area of the application site, which has investigated the possibility of ground water flooding and flooding from other sources, such as surface water and sewer flooding. It is stated that the risk of flooding would be low. Sustainable Urban Drainage System measures have been suggested to mitigate any potential impacts caused by surface water runoff. Should permission have been recommended the Suitable Urban Drainage Systems (SUDS) details would be dealt with by condition. Subject to the imposition of such condition, no objection is raised with regard to flood risk.

5.9 Waste Management

- 5.9.1 A waste management plan has been submitted in support of the application. This provides information regarding the position of refuse and recycling bins for the tea room, the holiday cabins and the welcome centre. Although the positions of the bin stores have not been shown on the submitted plans, should permission have been granted, the details of the bin stores would have been conditioned to be submitted and agreed by the local planning authority.

- 5.9.2 The site is not connected with the mains sewer and for that reason biomass systems would be installed to provide foul drainage solution. It is noted that the treatment plants are low maintenance. Subject to the submission of details in relation to the foul drainage, no objection is raised by the Council's Environmental Health Services.

6. **ANY RELEVANT SITE HISTORY**

- **PREAPP/17/03160** - Erection of an Education Centre, Tea Room, 6 X Holiday Log Cabins, 1 X Staff/Workers and 1 X Welcome Centre Cabin and associated hardstanding and access points..
- **FUL/MAL/17/01314** - Application for Felling Licence. No objection raised.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Asheldham and Dengie Parish Council	Support the application, due to the benefits that the development would have to the local community the wildlife and tourism.	Comment noted and addressed in section 5.1 of the report.

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highway Authority (ECC)	Although the applicant's submission was not robust, consideration has been given to all potential impacts of the development on the highway network and safety and no objection was raised by the Highways Authority, subject to conditions.	Comment noted
Emergency Planner	The development has a very low flood risk at zone 1 and therefore, no comments have been made in terms of emergency planning.	Comment noted
Essex and Suffolk Water	No objection.	Comment noted
Essex Wildlife Trust	The development should	Comment noted and

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	ensure net biodiversity. A rolling management plan should be secured by condition for the lifetime of the development.	addressed in section 5.6 of the report
Natural England	Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.	Comment noted and addressed in section 5.6 of the report
Environment Agency	No comments received at the time of righting the report	
SUDS	No comments received at the time of righting the report	
Anglia Water	No comments received at the time of righting the report	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection to the proposal, subject to conditions regarding operating hours, surface water and foul drainage details	Comment noted
Urban Design Officer	Whilst no objection is raised to the principle of the proposed development, the proposed layout requires revision to be functional and practical. Further consideration should be had to the design of the education centre, the tea room and the welcome centre.	Comments noted and addressed in sections 5.1 and 5.2 of the report.
Tree Officer	No objection to this proposal. The better quality trees are located far enough away from the	Comments noted and addressed in section 5.6 of the report.

Name of Internal Consultee	Comment	Officer Response
	<p>building layouts so as not to be affected. The scheme provides the opportunity for new planting and management to help enhance it back to benefiting the local wildlife and landscape amenity.</p> <p>The tree protection measures outlined will need to be adhered to, to ensure every effort to protect the trees is undertaken.</p>	

7.4 Representations received from Interested Parties

- 7.4.1 The neighbours have been notified and site notices have been posted on site and one letter **objecting** to the application was received and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Concerns regarding the use of Rushes Lane to access the site. An increase in traffic would further damage the unmade road and impact on highway safety.	All matters raised are noted and addressed within the main body of the report.
An increase in traffic on Rushes Lane would also have a huge detrimental effect on the enjoyed of the neighbours' properties creating a loss of privacy, disturbance, traffic noise and air pollution caused by vehicles movements.	
A condition restricting the use of Rushes lane should be imposed, should permission is granted.	

- 7.4.2 Sixteen letters **supporting** the application were received and the reasons for support are summarised as set out in the table below:

Support Comment	Officer Response
The development would support tourism and employment.	All matters raised are noted and addressed within the main body of the report.
The development would help correctly manage the nature reserve site.	
The site would be a nice place to visit.	
The site would provide needed facilities in the area, such as fishing and learning opportunities for all ages.	
The development would improve knowledge about the environment and wildlife.	
The development would save the wildlife site and it would bring revenue to the area.	
The proposed development would reduce the need for travelling to reach such facility.	
Support is expressed by educational organisations that they have already used the site for various activities, including volunteering.	

- 7.4.3 One letter **commenting on** the application was received and the comments are summarised below:

Comment	Officer Response
No objection to the proposed development. If the application is approved a condition restricting deliveries and traffic movement along Rushes Lane is requested to be imposed.	Comment noted and addressed in section 5.4 of the report.

8. **REASON FOR REFUSAL**

- 1 The application site, which is a Local Wildlife Site, lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The proposed development would result in an unsuitably located tourist accommodation within the countryside with associated visual impacts and insufficient information has been submitted to demonstrate that there is an identified need of such tourist accommodation and facility in the area. Therefore, the development is unacceptable and contrary policies S1, S2, S8, and E5 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).
- 2 The application site, which is a Local Wildlife Site, lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the character of the Wildlife Site and it would result in a development disconnected and isolated from the existing settlements. By reason of its location, it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. Insufficient information has been submitted to demonstrate the essential need for a workers accommodation in this location and therefore, the development would be unacceptable and contrary to policies S1, S2, S8, H4 and H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).
- 3 It has not been demonstrated to the satisfaction of the Local Planning authority that the proposed development would not harm or pose a threat to protected species. The development is therefore unacceptable and contrary to policies S1 and N2 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).
- 4 The proposal would introduce noise and disturbance, in close proximity to existing residential properties, at unsociable times of the day. It has not been demonstrated to the satisfaction of the Local Planning authority that the proposed development would not cause material harm to the amenity of the occupiers of residential properties. The development is therefore unacceptable and contrary to policies S1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).