



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

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
14 JANUARY 2019**

<b>Application Number</b>	<b>FUL/MAL/18/00230</b>
<b>Location</b>	Asheldham Pit, Southminster Road, Asheldham, Essex
<b>Proposal</b>	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.
<b>Applicant</b>	Mrs Lisa Brown
<b>Agent</b>	Mr Chris Moore - Plainview Planning LTD
<b>Target Decision Date</b>	31.07.2018 (EOT agreed: 18.01.2019)
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>ASHELDHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application Member Call In – The item has been called in by Councillor R P F Dewick on the grounds of public interest.

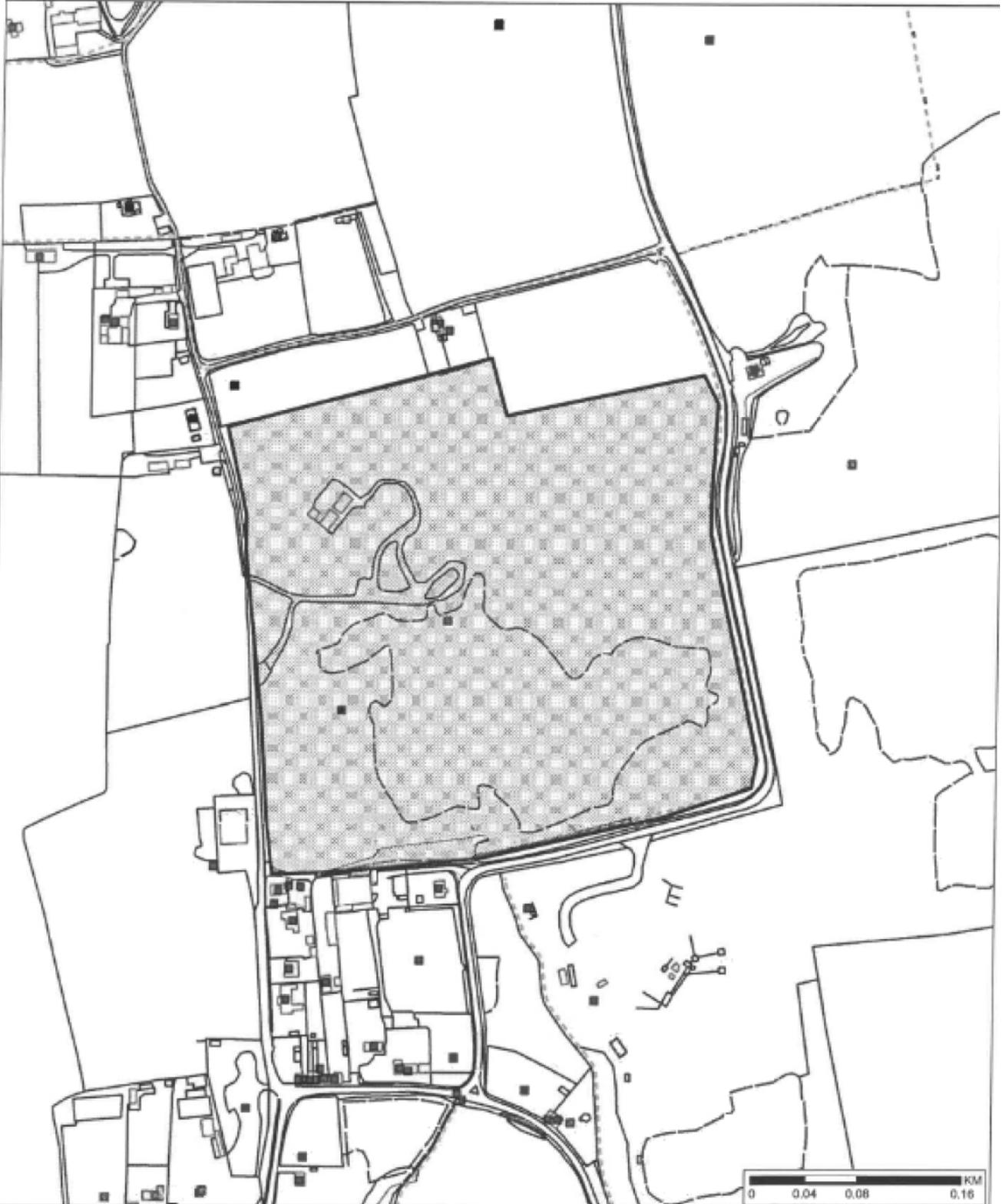
**1. RECOMMENDATION**

**REFUSE** for the reasons as detailed in Section 9 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**

3.1.1 This report has been prepared to assess the recently submitted revised Business Plan and revised Ecology Report following the decision of the Members of the South Eastern Area Planning Committee to defer the determination of the application at the meeting of 16 July 2018 to take into consideration the additional information submitted.

3.1.2 It should be noted that the following report is based solely to the revised information submitted and the revised National Planning Policy Framework (NPPF) (2018). A copy of the previous Officer's report presented to Members on 16 July 2018 is attached at **APPENDIX 1** to this report.

#### **3.2 Conclusion**

3.2.1 Having taken all material planning considerations into account including the revised business plan submitted, 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 for such tourist accommodation and facilities in the area, a good connection with other tourist attractions and access to sustainable modes of transport. Inadequate information has been also submitted to demonstrate an essential need for rural workers accommodation within the site and concerns are raised in relation to the impact of the development on the amenity of the neighbouring occupiers. Although the previously report raised objections regarding the lack of evidence to demonstrate that the development would not adversely impact upon protected species and wildlife this has been overcome, following the submission of additional Ecology Report, the development would still be contrary to the aims of the development plan and in particular those expressed in policies S1, S2, S8, D1, E5 and H1. 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 2018 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 83-84 Supporting a prosperous rural economy
- 91-101 Promoting healthy and safe communities

- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 170-183 Conserving and enhancing the natural environment

#### **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 – Tourist Accommodation / Destination**

- 5.1.1 The Local Development Plan (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 to 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 83 of the NPPF states that to support a prosperous rural economy, planning policies and decisions should enable *inter alia* sustainable rural tourism and leisure developments which respect the character of the countryside and the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. Paragraph 84 further continues stating that “*Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport)*”.
- 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 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 justification regarding the sustainable access of the site and relevant business plan and program to demonstrate the viability of the proposal. The applicant was given the opportunity to

submit further information to address the concerns raised in the original report and a revised Business Plan has been submitted.

- 5.1.8 In relation to the first requirement of policy E5, a ‘Site Development Assessment’ was originally submitted including information in relation to the need of the tourism industry in Essex. Concerns were raised previously due to the fact that the assessment of the visitor accommodation was based 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 the information and statistics provided in the submitted document were acknowledged, by reason of the lack of information regarding the need for this type of accommodation at a local level, the need for such accommodation in the district and in the area more particularly it was considered that the need was not adequately justified.
- 5.1.9 Within the revised business plan, further information in relation to the local need for the proposed tourist accommodation has been submitted. Part of the justification of the need is based on the fact that three similar sites, in terms of business model, have shown high demand; albeit no evidence of that has been submitted. The applicant has also carried out another research of the existing wedding venues to identify whether existing accommodation can meet their needs. The applicant states that both High House Wedding Venue at Althorne and the Creeksea Place wedding venue at Burnham-on-Crouch are busier than usual and that they have difficulties in providing sufficient accommodation. Although the abovementioned details are acknowledged, it is considered that they do not justify the need of such accommodation in the area. Any type of accommodation (not necessarily log cabins), more importantly in places closer to the wedding venues would be able to provide necessary accommodation for the visitors. Therefore, this argument cannot justify the need of the proposed tourist accommodation.
- 5.1.10 A letter from Essex County Council (ECC) Strategic Tourism Manager has also been submitted, expressing support to the proposed development. The letter confirms that there is demand for tourist accommodation similar to the proposed type of accommodation in Essex and that the proposed development together with the proposed Tea Room would keep visitors in the area, albeit this is not evidenced. It is noted that the submitted letter discusses about the need at County and not at local level. Furthermore, although ECC supports the proposed development, there is no confirmation as to how this support (i.e. in a form of funding) would be offered directly to the proposed development.
- 5.1.11 As a result and on the basis of the above assessment, it is considered that although additional information has been submitted by the applicant, this is not sufficient to demonstrate the need of such tourist accommodation on site.
- 5.1.12 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 directed 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.

- 5.1.13 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 Dengie Peninsula. The site itself is not located within walking distance from the defined settlements and the majority of the destinations proposed are at a distance away the site that 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).
- 5.1.14 Reference to tourist attractions and events is also made to the revised business plan. The proximity of the site to Wibbler's Brewery (3 miles away) is raised as well as the Clay Hill Vineyard, which is 6.4 miles away from the site, lacking an uninterrupted footway. To the contrary the largest part of the road length is a fairly fast road with no footpaths. Whilst the applicant's intention is to provide accommodation for tourist that their attraction to the area is that of the 'Grape and Grain' trail, it is considered that the limited and poor connectivity of the site with these tourist attractions, would either not attract such visitors to stay on site or require them to use their private vehicles to access these tourist attractions.
- 5.1.15 A number of other events that at the Districtwide level are argued to attract visitors on site. These include Maldon District's Dengie Gateway Project and other local events taking place in Burnham-on-Crouch. Whilst it is accepted that these projects and events are likely to attract tourist, there is no justification as to why visitors would choose to stay in the site rather than other visitor accommodation places, considering the distance and poor accessibility of the site to public transportation and footways.
- 5.1.16 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.
- 5.1.17 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.
- 5.1.18 The revised business report also includes details from correspondence between the Council's Tourism and Events Manager confirming the need of overnight accommodation in the District. Although it is accepted that there is a need for tourist accommodation at a Districtwide level, as stated above, no further assessment of the local need was carried out. Also, the need is not specified or limited to the type of accommodation proposed. Although tourist accommodation would generally be supported, the Council is required to go through the planning balance exercise, giving

consideration to the sensitivity of site and its distance to other tourist attractions and public transportation.

5.1.19 The third criterion relates to the impact upon the character and appearance of the area, which is further assessed below.

5.1.20 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, a revised 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 and it is noted that no changes have been incorporated since the presentation of the report to committee on 16<sup>th</sup> July 2018.

5.1.21 To demonstrate the viability of the proposed development, the applicant has submitted a revised 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. It is considered that to fully assess the additional information submitted against the concerns previously raised a point by point assessment would be pertinent.

- Although the anticipated number of covers per day has been reduced from 75 to 59, it is noted that this is based on false calculation of the average covers of the comparable tea rooms. In particular, it is stated that Parlour café produces 75 covers a week (being open 7 days a week), thus, almost 11 covers per day. However, the calculation of the average covers per day for the proposed tea room takes into account a 75 covers per day for the Parlour café. Obviously, this significantly increases the average covers per day, which based on the evidence submitted it must have been 27.5 rather than 59. This lowest number of covers would have been more realistic considering the location, the opening hours and days a week (5 hours a day, 6 days a week) and the size of the proposed Tea Room. It is therefore considered that although the number of covers has been reduced, it is still quite high and taken together with the number days (312) a year that it would be open, it is still considered to be particularly ambitious, meaning that the tea room would be almost 1.2 times fully covered every opening day.
- It is noted that the income from the lodges has been reduced and it is now based on a 53% occupancy rate. This rate, although lower than the occupancy rate that has been suggested by 'Visit England', it relates to occupancy levels of lodges in Essex, not on local occupancy levels. This would obviously include a high number of established accommodations. As noted before at the original assessment, 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 popularity of the accommodation 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. As a result,

although lower from what was originally suggested (78%), the occupancy rate is still considered to be significantly optimistic and not well justified.

- Six fish breeding pods are already located on site and concerns were previously raised for the unconsidered fish stocking costs. These were based on the assessment of 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 revised business plan states that the fish stocking would be produced on site. This argument though contradicts with the advice given by the Fisheries Management Consultant and even it will be accepted that this maybe the way of stocking production in the future, there must have been a fish stocking cost in the first place, given that the lakes were not established fishing lakes. The report also confirms that management of the lake and early checks of the water quality would be required. The costs of sales forecasts still appear to be a little simplistic in that respect, lacking information in relation to these necessary costs, given that the only extra cost considered since the submission of the previous business plan is that of the pension and National Insurance of the staff costs.
- Concerns were previously raised regarding a number of ‘multiplications’ within the fishery calculations that have not been explained. Explanation has now been provided in the revised business plan and no further objection is raised that respect. However, it is noted that no justification has been provided as to how the number of swims has been identified. As such, although it is understood that for the calculation of the income the size of each lake may not be the element that affects the income, but the number of swims, it is still unclear how the number of swims has been calculated. Furthermore, the same level of use (in percentage) has been used for all lakes and it is considered that this may not be justifiable, 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.
- Whilst it is stated that the development would be self-funded with a potential of obtaining funding from the LEADER programme (which is a Rural Development Programme available to local businesses, communities, farmers, foresters and land managers), it is still considered that within the three year forecast some consideration should be had to the allowance (depreciation) for any form of financing for the initial outlay of £247,000.
- Although it was raised as a concern at the original report, the revised business plan makes 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.
- Concerns were previously raised regarding the limited expected costs for electricity and water costs for the fishery element of the development (£150 and £200 respectively) due to the requirement of a controlled system within the aerated tanks, which requires continuous power supply. It is noted that these amount have not been amended and the revised business plan states that only hand washing would need to be supplied and the electricity for the aerators to the breeding pods would not exceed £150.

- The previously raised concerns in relation to the lack of consideration of costs in relation to national insurance and pension costs of the employees have been overcome, as these costs have now been included in the assessment of the profit forecast.
- 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.
- It is noted that there are discrepancies between the details and amounts given in the main business plan and those stated in the submitted budget sheet (Appendix 3) (i.e. Within the report it is stated that the total net profit of the 3<sup>rd</sup> year would be £96,908.61 whilst the budget sheet states that the net profit on the same year is expected to be £119,122).
- The submitted budget sheet shows a net operating profit before Tax of £119,122, which is 48.4% of the sales revenue, which still appears to be rather optimistic for a business that has not been established yet.

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

5.1.23 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, albeit no formal confirmation of contribution to use the facilities of the site has been submitted by these organisations. In general, this element of the development is considered to be in accordance with the aims of policy E6.

5.1.24 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 (with the exception of the workers dwelling), as this would be a departure from the ‘seasonal occupation’ approach currently proposed. It is common practice 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.

## **5.2 Principle of Development - Workers Accommodation**

5.2.1 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.”*

5.2.2 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.

5.2.3 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 revised business plan for the reasons detailed above still cannot justify the functional need of 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 even though adjustments have been made to the submitted revised business plan, it is still considered to be rather optimistic and due to a number of omissions or simplistic approaches, it is considered that it still 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.

- 5.2.4 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.
- 5.2.5 The content of the revised business plan has been assessed in full above. There are numerous reasons why the business plan is still considered inadequate in terms of providing a robust document demonstrating the viability of the business. As a result, and whilst it is recognised that the business could be profitable once established, the level of profitability is doubtful and this questions the need for a worker's dwelling on site.
- 5.2.6 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 size of a dwelling cannot be fully assessed.
- 5.2.7 Criterion five together with the rest of the impact of the development on the character of the nature reserve with and the wider undeveloped area is assessed in the relevant section of the report below.
- 5.2.8 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, the previously raised concerns are still maintained in relation to the justification for the proposed tourist attraction and workers accommodation on site. For that reason and taking full account of the revised business plan, it is considered that the previously raised objection to the principle of the proposed development has not been overcome.
- 5.2.9 Whilst the building is already positioned on site, it constitutes an unlawful use and therefore, this does not carry any weight. It is noted that for this reason and due to other existing operational development and uses on site, the Council has exercised its power and served an enforcement notice against the unauthorised development.

### **5.3 Ecology and trees**

- 5.3.1 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"*.
- 5.3.2 To address the above and in order to demonstrate that development would not adversely impact upon designated sites or protected species, the applicant originally submitted a Preliminary Ecological Appraisal and an Arboricultural Report.

- 5.3.3 It is noted that the Preliminary Ecological Appraisal suggested that further monitoring in respect of bats, reptile, great crested newt, invertebrate and botanical species was required. For that reason and due to the lack of this information, concerns were raised by officers and following presentation of the application to Members of the South Eastern Area Planning Committee, Members provided the applicant with the opportunity to address these concerns. Subsequently, an Ecology Report including, Great Crested Newt, Reptile, Bat and Invertebrate and Vegetation reports has been submitted to the Local Planning Authority.
- 5.3.4 The Ecology Reports includes details of the species and also measures that can be taken to minimise that the impacts of the development on the wildlife. The Countryside Officer has been consulted and raised no objection to the proposed development, which as suggested would have little negative impact on the wildlife, protected species and habitats. Although no reptiles were identified on site, the ecology report states that with suitable habitat management, the site could potentially be suitable as a translocation receptor for reptiles. There is also reference to potential reverse of the decline of historical grassland habitats and thereby associated Invertebrate and improving the potential mammal and reptile species. Both abovementioned elements represent opportunity to restore features on the site and the countryside officer suggested that that subject to conditions, the site could be designated as a Local Nature Reserve. Although the mitigation measures suggested in the submitted Ecology report would have been conditioned to ensure that the wildlife site would be protected, should permission be granted, it is considered that imposing condition in relation to converting the site to a Nature Reserve would be above and beyond the parameters of the application.
- 5.3.5 In light of the above and considering the additional information submitted, the previously raised objection in relation to the potential harm to protected species has been overcome.

## **6. SUMMARY OF PREVIOUS REPORT**

- 6.1 As noted at the beginning of the report, this supplementary report is to deal with matters relating to the submission of additional information (revised Business Plan and Ecology Report). This report shall be read in conjunction with the previous report (**APPENDIX 1**), which covers all other material planning considerations relating to the impact of the development on the character of the area and the wildlife site, the impact on the neighbouring occupiers, any highways issues and any other contamination, waste management and floor risk issues.
- 6.2 It should be noted that the additional information submitted to address the objection in relation to the principle of development were insufficient to consider the impact of the development on the countryside and the wildlife site acceptable, as an exception. Furthermore, no attempt has been made to address the previously raised objections in relation to the impact of the development on the amenities of the neighbouring occupiers, which due to the use of the site and unavoidable vehicle movement would potentially cause unacceptable levels of noise and disturbance.

## 7. ANY RELEVANT SITE HISTORY

- **PREAPP/MAL/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.
- **FL/MAL/17/01314** - Application for Felling Licence. No objection raised.

## 8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 8.1 Representations received from Parish / Town Councils

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Asheldham and Dengie Parish Council	No response was received at the time of the writing of the report following re-consultation.	

### 8.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Natural England	A response on the basis of the additional information was received by Natural England stating that the previously raised comments remain unaltered.	Noted.

### 8.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Economic Development	No objection to the proposal, as it will bring additional income to Maldon District, create additional jobs and provide tourist accommodation.	Comment noted and addressed in the 'principle' section.
Coast and Countryside Officer	The Countryside Officer is satisfied that the proposals within the Planning application will have little negative impact on the wildlife, protected species and habitats	Comments noted and discussed in section 5.2.

## 8.4 Representations received from Interested Parties

- 8.4.1 Following the presentation of the proposal in the previous committee meeting, one additional letter supporting the proposed development was received and it is summarised below. The comments of neighbours addressed in the Members' Update are also summarised below.

Objection Comment	Officer Response
<p>The welcome centre should be located near to the main car parking area thereby avoiding using Rushes Lane for access.</p>	<p>These are very similar comments with those previously raised and are all addressed within the main body of the report.</p>
<p>An increase in traffic on Rushes Lane, which is unsuitable for the volume of traffic would have a detrimental impact on the wildlife and the environment and on the neighbours' privacy and enjoyment of their properties.</p>	
<p>A condition restricting the use of Rushes lane should be imposed, should permission is granted.</p>	

Comment	Officer Response
<p>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, to reduce the adverse impact from traffic and vehicle movements along the unmade road.</p>	<p>Comment noted and addressed in section 5.4 of the report.</p>

Support Comment	Officer Response
The development at Silver Lake would provide support to the Duke of Edinburgh Programme for Award for Young People. It would provide a safe environment and a place to learn new skills and study about nature and wildlife	All matters raised are noted and addressed within the main body of this and the original reports.
The development would support tourism and employment.	All matters raised are very similar to those previously raised and are all addressed within the main body of the original and this report.
The site would be a nice place to visit.	
The development would be a benefit to other local businesses.	
The development would save the wildlife site.	
The proposed development would reduce the need for travelling to reach such facility.	
The development would be a great benefit to the younger community, older people and other visitors.	

**9. REASONS 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 (MDLDP) (2017) and Government advice contained within the NPPF (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 NPPF. 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 MDLDP 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 MDLDP (2017) and Government advice contained within the NPPF (2012).

- 3 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 MDLDP (2017) and Government advice contained within the NPPF (2012).