



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
9 SEPTEMBER 2020**

<b>Application Number</b>	<b>19/01164/FUL</b>
<b>Location</b>	Mill Beach Public House, Goldhanger Road, Heybridge, Essex, CM9 4RA
<b>Proposal</b>	Demolition of existing and erection of a replacement public house (class A4), with a first-floor apartment, and change of use of land for the siting of 12 holiday lodge caravans.
<b>Applicant</b>	Bedlars (Goldhanger) LLP
<b>Agent</b>	Miss Michaela Kekerri - Avison Young
<b>Target Decision Date</b>	11.09.2020 (EOT until this date)
<b>Case Officer</b>	Julia Sargeant
<b>Parish</b>	<b>HEYBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Not Delegated to Officers

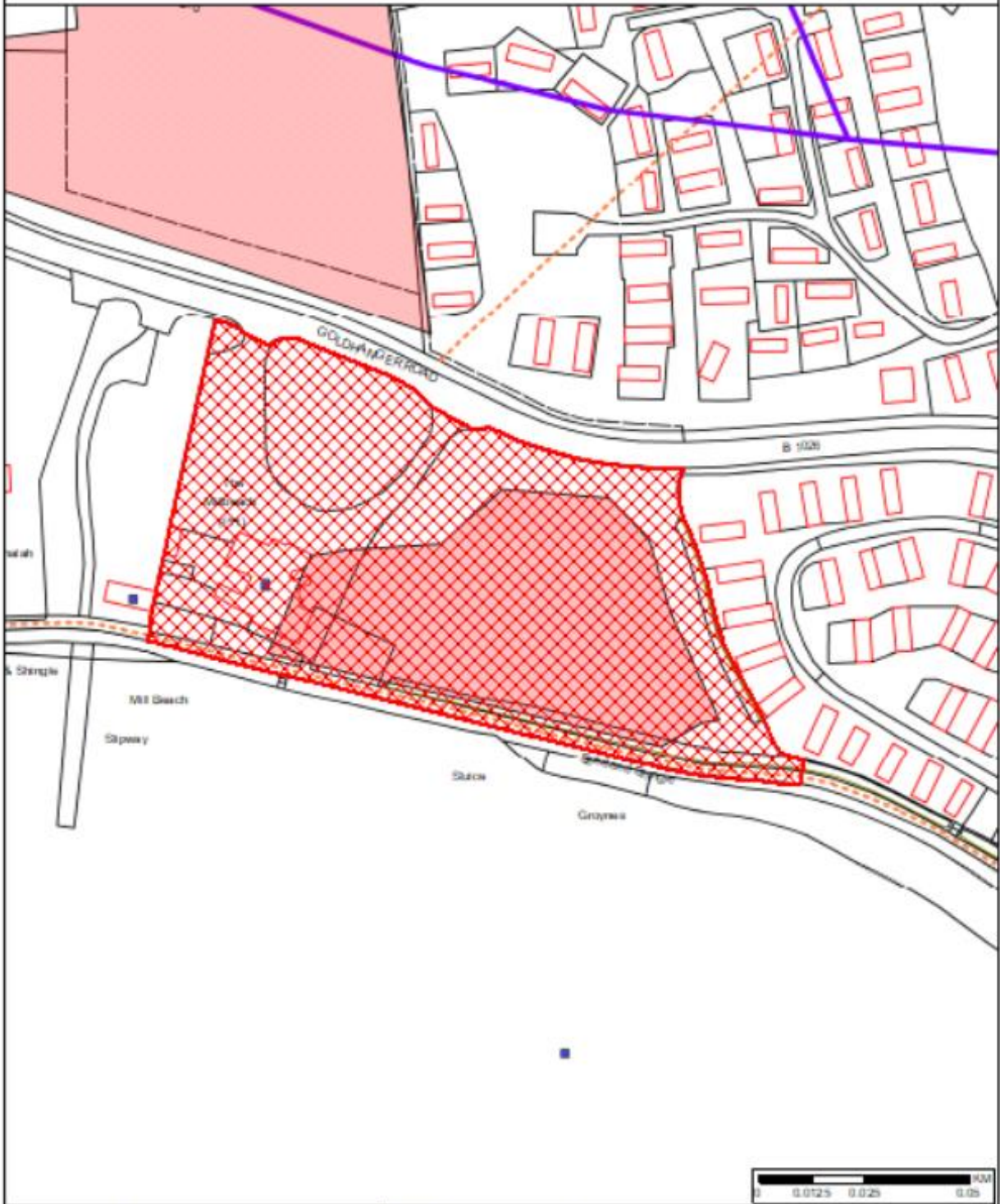
1. **RECOMMENDATION**

**APPROVE** subject to conditions as detailed in Section 8 of this report.

2. **SITE MAP**

Please see overleaf.

**19/01164/F UL - Mill Beach Public House, Goldhanger Road, Heybridge**



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 Maldon District Council 100018588 2012

  
 MALDON DISTRICT COUNCIL

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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	
Date:	12/05/2020
MSA Number:	100018588

### 3. SUMMARY

#### 3.1.1 Site Description

3.1.2 The application site is an almost rectangular parcel of land located to the south of Goldhanger Road, west of Mill Beach Seaside Resort. The site is occupied by a two-storey building last used as a public house, which is currently in a poor state of repair. A single storey outbuilding and a caravan are also located on site, which at the time of the site visit appeared to have been vandalised. The rest of the site is open and soft landscaped with grass and trees.

3.1.3 To the south of the site is the river Blackwater, which is also a designated Blackwater Estuary Special Protection Area (SPA) and Ramsar site, as well as a Site of Special Scientific Interest (SSSI). A public footpath also runs along the southern boundary of the site. The site neighbours with caravan sites to the east and northeast, the Millbeach Marine Club to the west, whilst to the northwest is open countryside. Residential properties are sited further to the west beyond the boat club.

#### 3.1.4 The Proposal

3.1.5 Planning permission is sought for the demolition of the existing public house and the erection of a replacement public house (now sui generis use as of 1 September 2020 but previously a class A4 use when the application was submitted) with a first-floor apartment and change of use of land for the siting of 12 holiday lodge caravans. The submitted plans show that the outbuilding and caravan on site will be removed.

3.1.6 The proposed building to be used as a public house and flat would have a triple gable roof, and it would be of a smaller footprint in comparison to the existing building on site with the same ridge height. The building would measure 14.4 metres wide by 8 metres deep with an eaves height of 5.7 metres and a maximum ridge height of 6.9 metres. A first floor terrace will be erected around the flat at first floor level, projecting out from the building by 4.1 metres to the east and west, 1.2 metres to the north and 1.7 metres to the south. The terrace will be supported by pillars and create a part covered seating area externally at ground floor level.

3.1.7 At ground floor level the proposed public house would contain a bar area as well as internal and external seating areas for customers. A kitchen, cellar (which would not be below ground level), store/staff room, and toilet facilities are also proposed at ground floor level. Internally the public house would provide space for 30 covers with further tables and covers available outside on the ground floor terrace. At first floor a two bedroom flat would be provided. The agent has advised that this flat would be a replacement of the existing flat on site which was used by the managers of the public house. The proposal is for the flat to continue being used by the manager of the public house or other staff employed by the public house or holiday lodge business.

3.1.8 Materials to be used on the external elevations of the public house include timber weatherboarding, re-used tiles and timber framed windows and doors.

3.1.9 The application is supported by an illustrative plan showing the position of the proposed lodges, which are proposed to be sited to the east of the public house in a

linear form along a drive to be formed within the site parallel with the highway. It is advised that the lodges would all fall under the statutory definition of a caravan of the Caravan Sites and Control of Development Act 1960 as supplemented by Section 13 of the Caravan Site Act 1968. Whilst no specific details have been submitted the design and access statement submitted states '*lodges will be clad in timber or reconstituted wood with luxury furnishings and fully-fitted kitchens with modern appliances.*'

3.1.10 The site would be accessed from Goldhanger Road. A car park is proposed to be formed along the western boundary of the site, with some spaces to the front of the public house, providing 25 parking spaces. One parking space next to each lodge is also proposed. The application also shows a new permissive path running north-south from Goldhanger Road to the seawall to link into the existing public footpath network.

### **3.2 Conclusion**

3.2.1 The development would result in the redevelopment of the site and provide a new public house alongside 12 holiday lodges. It is considered that sufficient information has been submitted in support of the application to demonstrate that there is an identified need for the holiday lodges within this area and it is considered that the development would therefore accord with Local Development Plan (LDP) Policies E3 and E5. Whilst the application site is located outside of the development boundary it is considered that the proposal would not adversely impact upon the intrinsic character and beauty of the countryside and that subject to appropriate conditions it would represent sustainable development in accordance with the adopted LDP and the National Planning Policy Framework (NPPF).

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2019 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
- 54-57 Planning conditions and obligations
- 80-84 Building a strong, competitive economy
- 102-111 Promoting sustainable transport
- 117-123 Making effective use of land
- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment

#### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- S1 Sustainable Development
- S2 Strategic Growth
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Change
- E3 Community Services and Facilities
- E5 Tourism
- N2 Natural Environment and Biodiversity.
- T1 Sustainable Transport
- T2 Accessibility

#### **4.3 Relevant Planning Guidance / Documents:**

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

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.
- 5.1.2 The NPPF is clear that sustainable development is at the heart of the planning system. The Framework's definition of sustainable development has three interdependent objectives that are mutually dependent upon each other and need to be balanced. These are the economic, social and environmental objectives. This requirement is carried through to local policies via policy S1 of the approved LDP which emphasises the need for sustainable development.
- 5.1.3 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 impacted upon and provided it is for either intern alia....c) Community services and facilities to meet local need (in accordance with Policy E3); and f) rural diversification, recreation and tourism proposals (in accordance with Policies E4 and E5).”*

- 5.1.4 The application site is located outside the defined settlement boundary for Heybridge and therefore, the impact of the development on the intrinsic beauty of the countryside should be assessed along with exception policies E3, E4 and E5.
- 5.1.5 Paragraph 83 of the NPPF states that to support a prosperous rural economy, planning policies and decision should enable:

*“a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;  
b) the development and diversification of agricultural and other land-based rural businesses;  
c) sustainable rural tourism and leisure developments which respect the character of the countryside; and  
d) 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.”*

Principle of development - holiday accommodation

- 5.1.6 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.”*
- 5.1.7 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.”*
- 5.1.8 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 justification regarding the sustainable access of the site. To support the proposal, the applicant has submitted a Tourism Need Assessment (TNA) for the proposed holiday lodges as well as a Development Viability Assessment.

5.1.9 In relation to the first requirement of policy E5, the ‘TNA’ submitted includes information in relation to the tourism industry on a national and local level and also information regarding the need for the proposed type of tourism accommodation.

5.1.10 The submitted information states that tourism in the United Kingdom has been the fastest growing sector, showing a sharp growth in domestic tourism since 2016. The submitted statistics for Maldon show that the number of overnight trips in Maldon has increased by more than 3% during the period of 2009 to 2016, with the number of nights increase by around 60%, with total spending doubled (102% - taking inflation into account) in this period. The applicant therefore concludes that this illustrates that the District attracts an increased number of more affluent visitors with increasing demand for more high-quality accommodation.

5.1.11 The submitted TNA also makes the following conclusions:

- There are few other sites providing holiday lodges within the area;
- Those other sites that do provide holiday lodges with a coastal setting do so within the context of a larger static caravan site and are unable to offer the same small exclusive holiday lodge only setting and environment;
- The only other holiday lodge only site within the area is inland and does not offer a coastal setting;
- The majority of the established static caravan parks have been trying to update their sites to replace existing static caravans with lodges even though this would result in a decrease in the number of the units on site. This demonstrates the existing demand for holiday lodges.
- The large number of holiday parks in the wider area of Maldon demonstrates the strength of demand for holidays in the area but they are not able to offer the same type or quality of accommodation as the proposed application with the same type of exclusive small park setting, and this proposal therefore meets a gap in the market.
- Letters of support have been submitted from neighbouring caravan sites (Mill Beach Seaside Resort and Osea Leisure Park) advising that they are receiving increased demand for holiday lodges which they are unable to meet, and that there is an increased demand for higher end holiday lodges such as the ones proposed.

5.1.12 Overall taking the findings of the TNA into account, and the letters of support from the neighbouring caravan sites (which included details of enquiries and bookings), it is considered that there is an identified need for the proposed additional tourism accommodation and the proposal would therefore comply with point 1 of Policy E5. It is noted that a Development Viability Assessment has been submitted to support the proposal which details how the proposed holiday lodges will ensure that the regeneration of the public house is viable. However, as there is a justified need for the additional holiday lodges, which has been demonstrated, it is not necessary to assess the viability of the proposal and this is not a requirement of Policy E5.

- 5.1.13 With regard to the second requirement of policy E5, the submitted information highlights that the site is located in close proximity to other tourist destinations, such as caravan parks and camping and glamping facilities, as well as sailing clubs. It is also noted that with respect to shopping and other recreational facilities, apart from the café at Mill Beach Seaside Resort, The View River Café Bar at Osea Leisure Park, there are other bar restaurants and sailing clubs at Heybridge Basin. Furthermore, Heybridge centre is located around 1.4 miles to the west of the site offering a range of retail and leisure services. The town of Maldon is located approximately 2.5 miles from the application site, which offers a wide range of tourist destinations. As noted above, a public footpath abuts the application site to the south, providing a link with some of the riverside facilities. There is also a bus stop adjacent to the site, providing links with Maldon and Tollesbury. It is therefore considered that the site benefits from good connections with other tourist destinations, the green infrastructure network and local services can be achieved by walking, cycling or other using sustainable modes of transport. As such, the second criterion of policy E5 can be achieved.
- 5.1.14 The third criterion relates to the impact upon the character and appearance of the area, which is further assessed below.
- 5.1.15 The site is located near nature conservation sites as stated in section 3.1 of the report and therefore, under the terms of criterion 4, consideration should be given to the impact of the development on the natural environment. The impact of the development on the existing nature conservation sites is assessed in further details below in the relevant section of the report.
- 5.1.16 The site is proposed to be used all year around. The lodges are to be used for holiday purposes only and not permanent residential accommodation. 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. 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 with regard to the proposed year-round occupancy of the holiday lodge cabins.

#### Principle of development – replacement public house and residential accommodation

- 5.1.17 The last lawful use of the site was as a public house and there is no objection to the principle of replacing the existing unused public house building with a new public house. When last in use the existing structure contained the public house with dining room at ground floor level and a 5-bedroom apartment at first floor level.
- 5.1.18 LDP Policy E3 deals with Community Services and Facilities and states that ‘*The Council will seek to retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community.*’ And that ‘*Development proposals and other measures which will help to improve the provision of, and accessibility to, community services and facilities in a*



*local area will be encouraged, including the relocation, co-location, modernisation and expansion of existing services.'*

- 5.1.19 The text accompanying LDP Policy E3 makes it clear that a public house falls within the definition of Community services and facilities and the retention of this use on the site is therefore welcomed and in accordance with Policy E3.
- 5.1.20 It is common practice for public houses to have accommodation at first floor level, this is often lived in by the manager or a full-time member of staff. The agent has confirmed that the two-bedroom apartment proposed at first floor level would be used by the manager of the public house or other staff employed by the pub or holiday lodge business. The existing public house on site (which is to be demolished) has a five-bedroom apartment at first floor level. The proposed new public house is of a much smaller scale than the existing building. The application form states the existing public house has 340m<sup>2</sup> floor space, whereas the proposed new building would have 115m<sup>2</sup> of floorspace. There is no objection in principle to this reduction in floorspace as it is acknowledged that the existing building has had many extensions over the years and would be costlier and less efficient to run. This proposal would result in the modernisation of the public house use which is supported by LDP policy E3.

## **5.2 Design and Impact on the Character of the Area**

- 5.2.1 Part of the environmental role of sustainable development as referred to in the NPPF, is that 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. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF.
- 5.2.2 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context. Furthermore, the application site lies outside of the defined settlement boundary and according to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the garden Suburbs and the Strategic Allocations planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.3 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. These principles have been incorporated in policy D1 of the LDP and the MDDG (2017).
- 5.2.4 The MDDG SPD supplements Policy D1 Design and Built Environment, was adopted December 2017 and is a material planning consideration for this application.

- 5.2.5 The proposal would result in the demolition of the existing derelict public house and the erection of a new public house with two-bedroom apartment above along with the change of use of land for the stationing of 12 holiday lodges.
- 5.2.6 The existing public house on site dates from approximately 1920 and is Edwardian in appearance with a tile roof and rendered walls. The original structure is a period property and has architectural merit and interest. However, over the years there have been many unsympathetic extensions, including a large flat roofed extension to the front of the building which has harmed the visual appearance of the building. Furthermore, at present the building is in a derelict state, has suffered from vandalism and has been boarded up since its closure in 2018. There is therefore no objection to the demolition of this structure and its replacement with a new public house at the same site.
- 5.2.7 The proposed new public house would be smaller in footprint than the existing building and would be positioned in the same location on the site. It would be constructed as a rectangular formed building with three north-south running gable rooflines. It would measure 14.4 metres wide by 8 metres deep with an eaves height of 5.7 metres and a maximum ridge height of 6.9 metres. A first floor terrace will be erected around the flat at first floor level, projecting out from the building by 4.1 metres to the east and west, 1.2 metres to the north and 1.7 metres to the south. The terrace will be supported by pillars and create a part covered seating area externally at ground floor level. It is proposed to be constructed with timber boarding to the walls, with timber windows and doors and to re-use the existing roof tiles.
- 5.2.8 This part of Heybridge is defined as a maritime settlement within the MDDG and it states that *‘Traditionally buildings in this area were built of timber and timber remains the material that characterises the area. The facades are often finished in horizontal timber boarding which is in its natural weathered colour or painted white or black.’* The horizontal timber weatherboarding to the proposed public house is therefore considered characteristic of the wider area and acceptable. Whilst the colour is not specified this could be controlled through a condition.
- 5.2.9 The southern elevation of the proposed public house would front towards the seawall and overlook the Blackwater Estuary. This elevation is comprised of mostly fenestration in the form of bi-fold doors at both ground and first floor level with the addition of the wrap around balcony at first floor level. This level of fenestration would enable the public house and flat above to make the most of the location of the site with views across the Blackwater Estuary and no objection is raised to the overall design of the building from this elevation as it is common to see a high level of fenestration and balconies to buildings which benefit from sea views and this is therefore characteristic of a waterside location. Furthermore, the design of the bi-fold doors includes horizontal glazing bars which add interest to the overall design.
- 5.2.10 The northern elevation of the proposed public house would front onto the majority of the application site as well as Goldhanger Road and would act as the main elevation of the building from this direction. This elevation would be the one that visitors to the site, as well as passing traffic, would see first and that actively engages within the street scene. This elevation has a glazed entrance through the use of bi-fold doors at ground floor level, with the same fenestration design as those to the southern

elevation to aid continuity. The external staircase to the first floor flat is located to the western elevation so as not to break up the main northern elevation. Overall it is considered that the northern elevation of the building would have a pleasing finish in terms of window positioning and rhythm and would accord with Policy C18 of the MDDG which states that *'The District has a wide range of architectural styles and the arrangement of facades varies from settlement to settlement. However, building facades are generally organised with windows and doors aligned horizontally and vertically.'*

- 5.2.11 Therefore, it is considered that the design of the public house is considered to be acceptable and would reference the coastal location of the site and use materials that are characteristic of the wider settlement in accordance with policy D1 of the LDP. Furthermore, the public house would be replacing an existing public house within the same area of the site and would not result in any harm to the intrinsic character and beauty of the countryside in accordance with policy S8 of the LDP.
- 5.2.12 In relation to the proposed change of use of the land for the siting of 12 holiday lodge caravans it must be noted that this will result in a change in the character of the wider site. Currently the eastern section of the application site where the lodges would be sited is open grassland with some trees/vegetation towards the site boundaries.
- 5.2.13 The application site is located outside of the settlement boundary for Heybridge where policy S8 states that *'Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and'* also provided that the development is for one set out within the policy.
- 5.2.14 The use of the word *'and'* before the list of allowable exceptions ensures that development must first pass the test of whether it would harm the *'intrinsic character and beauty of the countryside.'* In this case the application site does add to the character and beauty of the countryside as it forms an area of open grassland. However, the application site is located on a stretch of Goldhanger Road that is characterised by caravan sites with a large caravan site located to the immediate east of the site as well as to the north on the opposite side of Goldhanger Road.
- 5.2.15 Therefore, whilst the character and appearance of the site would change as a result of the proposed change of use, it is considered, on balance, that this would not adversely impact upon the intrinsic character and beauty of the countryside. This is due to the location of the site within an area that is characterised by caravan sites and the small scale nature of the proposal.
- 5.2.16 The application states that the holiday lodges would be of high quality, and although no specific details have been submitted the design and access statement submitted states *'lodges will be clad in timber or reconstituted wood with luxury furnishings and fully-fitted kitchens with modern appliances.'* The lodges would fall within the statutory definition of a caravan as laid down on the Caravan Sites and Control of Development Act 1960 as supplemented by Section 13 of the Caravan Site Act 1968. Agreement of the external appearance of the lodges could be controlled through condition.

5.2.17 Overall it is considered that the change of use of the land for 12 holiday lodges/caravans would be acceptable in terms of its visual impact upon the character and appearance of the site and the wider area and would accord with policies D1, E5 and S8 of the LDP.

### **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. This is supported by section C07 of the MDDG (2017).

5.3.2 To the immediate east of the application site is Mill Beach Caravan Park and to the west is the Mill Beach Marine Club. The nearest residential dwelling is one known as Mehalah located approximately 40 metres to the west of the application site.

5.3.3 The public house is the existing lawful use of the site and the replacement of old public house with a new one would not materially alter the use or result in an intensification of the use. Conditions could be attached to any permission granted in relation to hours of use if it was considered necessary. Licensing Laws provide the main administrative control affecting public houses. The relationship between licensing and planning control has been examined in several appeal cases particularly relating to hours of opening. This brings into play the general principle of administrative law that the power contained in one code of regulation should not be used for a purpose which properly concerns another regulatory code.

5.3.4 In Unicorn Inns plc v SOS & Chelmsford Borough Council 22/9/92 the vires of a planning condition imposed on appeal was challenged. This banned Sunday opening of a pub/restaurant between 1400hrs to 1900hrs. In particular it was claimed that planning controls could not take away the rights given under the Licensing Act to open a pub until 1500 hours on a Sunday. The restriction had been made to protect the amenity of adjoining residents. The court held that the condition was not ultra vires, and there was no basis for suggesting that a planning authority had no power to restrict the opening hours of a pub or restaurant because of the existence of provisions within the Licensing Acts. The inspector had come to the clear conclusion that disturbance would be caused by the premises being open between the hours stated, and his decision was upheld.

5.3.5 In this instance there is no immediate neighbouring residential dwelling, the nearest being 40 metres to the west of the application site and it is considered that the replacement of the existing public house (which is controlled through the Licensing Act) with a new public house would not materially affect the amenity of the occupants of the nearest residential dwelling. It is however noted that the proposed new public house benefits from a large outdoor terrace area with bifold doors to three external walls to make the most of the position of the site adjacent to the sea wall. The existing public house layout had the use much more 'contained' within the building with limited patio doors and outdoor seating. However, it is considered that on balance the proposal would not result in any materially harmful impacts upon residential amenity.

- 5.3.6 In relation to the flat above the public house this is to be occupied by the manager of the public house or other staff employed by the pub or holiday lodge business. Staff accommodation is common at public houses and as the accommodation would be tied to the use of the site it is not considered that the proposal would result in any materially harmful impacts towards future occupiers.
- 5.3.7 Adjacent and nearby sites are already used as caravan sites and the proposed use of the site for 12 holiday lodges would not result in any material harmful impacts towards any neighbouring occupiers or users of neighbouring sites.

#### **5.4 Access, Parking and Highway Safety**

- 5.4.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted VPS SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.3 The site currently has 2 access / egress points. One is located to the west of the site and the other is almost centrally located. The accesses are of gravel construction as is the informal parking areas adjacent to the public house.
- 5.4.4 A new 6.0m wide access will be provided directly onto B1026 Goldhanger Road. The access will be centrally located to increase visibility and have 6m radii allowing large vehicles to be able to manoeuvre in and out of the access easily. Separate 2m wide footway will be provided into the site providing safe access for pedestrians. The two existing accesses to the west of the site will be closed off. Sightlines of 2.4 metres x 120 metres can be achieved in both directions, which is in line with the distance required for the recorded vehicular speeds on Goldhanger Road (approximately 40mph). In terms of trip generation, the supporting transport assessment states that the proposed development (12 holiday lodges and not the public house as that is a replacement) would generate a maximum of 3 two-way trips in any one hour.

- 5.4.5 Delivery and service vehicles will be able to access the site and a turning area has been provided for refuse vehicles and fire tenders and swept path analysis have been included.
- 5.4.6 Essex County Council Highways have been consulted on the application however no response has been received to date. Any response received will be given through an update.
- 5.4.7 On the basis of the information provided it is considered that the Highway safety implications of the development are acceptable. Adequate visibility splays can be achieved, and the additional trips generated by the development will have an insignificant impact on the local highway network.
- 5.4.8 Looking at parking standards for the public house the Council's adopted VPS SPD states that 1 space is required per 5m<sup>2</sup> of floorspace of A4 use (public house). 25 car parking spaces are proposed in relation to the public house, which is sufficient for 125m<sup>2</sup> of A4 floorspace. The application form submitted in support of the application states that 100m<sup>2</sup> of floorspace will be created in relation to the public house, however when the floor plans of the proposed new public house are checked it is clear that the overall floorspace is actually 115m<sup>2</sup> (excluding the outside terrace) and therefore 23 parking spaces are required to meet the adopted standards. 25 parking spaces are shown within the proposed car park which is considered acceptable as it exceeds the adopted standards.
- 5.4.9 In relation to the two bedroom flat above the public house (to be used by either the public house manager or the caravan site manager) 1 parking space is required in order to meet the adopted standards (as staff accommodation). Whilst no designated parking space is shown on the plans, the proposed car park for the public house is larger than required and the staff residing in this flat could park in this car park.
- 5.4.10 For the 12 holiday lodges/caravans the adopted standards state that 1 space per pitch is required along with 1 space per residential staff and 1 space per 2 other staff. 1 parking space per pitch is proposed.
- 5.4.11 The submitted application form states that the proposed development would employ 2 full time staff and 4 part time staff, which would be equivalent to 4 full time staff.
- 5.4.12 The existing public house on site has an informal gravel car park area and the application form states that this provides sufficient parking for 20 vehicles. It is accepted that at present the existing public house could be renovated and opened without requiring planning permission. However, the site currently benefits from a significant amount of open space and it is not unreasonable to assume that in busy periods cars would use the grassed area for additional parking. There is no potential for any other off-road parking within the vicinity of the application site and the site is not within a town centre location it is therefore considered reasonable to expect the proposed development to meet the current adopted standards.
- 5.4.13 In relation to staff the A4 use includes staff parking within the floorspace calculations, however the proposed flat would still require a parking space, as do the 12 holiday lodges. The overall parking requirement for the proposed development is therefore 36

(not including any staff for the holiday lodges as it is not possible to differentiate with the public house staff) and 37 parking spaces are proposed. The proposed development would therefore provide sufficient off-road parking facilities to meet the Council's adopted Maldon District VPS SPD.

5.4.14 The submitted transport statement advises that safe and secure cycle parking provision will be provided on site. Each caravan will have a minimum of 2 spaces and the replacement public house will be provided with 8 spaces for staff and visitor use.

5.4.15 Overall, it is considered that the proposal is acceptable in terms of highway safety, and that sufficient off road parking is proposed to meet the needs of the development as a whole. The proposal would therefore accord with approved Maldon District Local Development Plan (MDLDP) policies D1 and T2 and the guidance contained within the VPS SPD.

## **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 (MDG) SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.

5.5.2 The two bedroom flat proposed above the public house would benefit from a first floor balcony/terrace measuring at 117m<sup>2</sup>. This would provide sufficient amenity space for any future residents of the flat and would meet the required standards.

5.5.3 There is no requirement for set amenity space for the proposed holiday lodges as they are holiday accommodation and not for permanent residential occupation. The lodges would fall within the statutory definition of a caravan as laid down on the Caravan Sites and Control of Development Act 1960 as supplemented by Section 13 of the Caravan Site Act 1968. As such there are no objections in terms of private amenity space in relation to the holiday lodges. Furthermore, the land would be classed as a caravan site and therefore conditions to ensure sufficient space between the caravans would be controlled through licensing.

5.5.4 In terms of landscaping the majority of existing trees and vegetation on the site would be retained and additional planting is proposed at the main entrance and interspersed around the site to soften the appearance of the proposal. The trees that would need to be removed to facilitate the development are not of high quality, comprising four 'C' category trees and full details of the proposed landscaping could be controlled through a planning condition as could protection for the trees and hedges to be retained.

5.5.5 Overall there is no objection to the proposed development in terms of amenity space provision and landscaping.

## 5.6 Flood Risk

- 5.6.1 Policy D5 of the approved LDP provides local flood risk considerations and seeks to direct development to the lower risk zones.
- 5.6.2 With regard to flood risk, the Environment Agency (EA) advise that the site lies within fluvial and tidal Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for the demolition of existing and erection of a replacement public house, with a first-floor apartment, and change of use of land for the siting of 12 holiday lodge caravans, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG). Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site-specific Flood Risk Assessment (FRA). The application site is also at risk of fluvial flooding from Sprickets Brock in the north western corner.
- 5.6.3 The aim of the sequential test is to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim is to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.
- 5.6.4 In terms of the sequential test the submitted information simply states that:  
*'The holiday lodge caravans have been steered towards the highest portion of the site where flood depths will be less. The Car Park has been proposed within the lowest portion of the site, where flood depths will be greatest. The replacement public house will be constructed within the same building footprint and the overall size significantly reduced. We therefore consider the site specific sequential test has been passed.'*
- 5.6.5 This only deals with the sequential approach onsite and does not address whether there are other sites available within the district for the development at a lower risk of flooding. It is accepted that the development involves the re-development of an existing public house and that this would therefore result in the same site being used, the applicant has also put forward a case that the redevelopment of the public house would not be viable without the associated holiday lodges. However, as detailed in section 5.1 it is accepted that there is an identified need for the proposed additional tourism accommodation at this site, and on this basis, it is considered that the sequential test is met.
- 5.6.6 Following the application of the Sequential Test, if it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied. In accordance with the NPPF in order for the Exception Test to be passed the following should be demonstrated:
- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; and
  - a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.



- 5.6.7 In relation to wider sustainability benefits the applicant cites that the development will boost tourism and provide tourist accommodation and attraction via a replacement public house. It is accepted that the development will provide wider sustainability benefits to the community through the replacement public house as well as the holiday lodges which will boost tourism and the local economy. It is therefore considered that the application has demonstrated that it would provide wider sustainability benefits to the community that outweigh flood risk and the development passes the first criteria of the exception test.
- 5.6.8 A FRA has been submitted with the application, which largely responds to the second point of the exception test. The submitted FRA includes information about the mitigation measures proposed which relate to the following:
- Raised finished floor level for caravans;
  - Flood Resilience Measures to be incorporated into the ground floor of the Public House;
  - Design of a flood warning plan;
  - Safe access and egress;
  - Floodplain compensation; and
  - Tethering of / Flotation devices for holiday lodge caravans.
- 5.6.9 Due to the potential flood depths at the site in a flood event (5.51mAOD) and the topography of the site (between 2.5 to 4.3mAOD, with majority of area where lodges are proposed at approx. 3.6mAOD) it is not possible to raise the finished floor level of the public house or lodges to those recommended, instead the FRA recommends that the Park is evacuated upon receipt of an Environment Agency Flood Warning. If there was to be a flood event on site with people remaining, then a higher safe refuge is proposed at first floor level above the public house.
- 5.6.10 Safe access and egress to the site is not possible outside of the flood risk zone, however as part of the proposal the existing access point to the site would be moved approximately 40 metres east taking the access and egress point further away from Sprickets Brock which is the fluvial source of flooding for the site.
- 5.6.11 The EA have been consulted on this application and have raised no objection to the proposal subject to appropriate conditions as the site is currently defended and the Shoreline Management Plan (SMP) policy for this area has an aspiration for hold the line. If the SMP policy is not taken forward the development would be unsafe in the future. The response from the EA has been noted and the Council's Emergency Planner has been consulted on this application and raises no objection to the proposal subject to a flood warning and response plan being agreed for the site which could be dealt with through a planning condition. The details submitted show that the public house should be closed and the whole site (including the lodges) be evacuated upon receipt of a Flood Warning. In the event of anyone being left onsite in a flood even the first-floor balcony area would provide safe refuge as a contingency. The Council's Emergency Planner has confirmed that the approach taken is acceptable.
- 5.6.12 In order to ensure that the development would be safe in a flood event a number of conditions would be necessary, including requiring the public house to be built to withstand hydrostatic and hydrodynamic pressures (as it would provide safe refuge at first floor), requiring all mitigation put forward in the FRA to be in place, and

ensuring that the first floor refuge area is constructed and available before any holiday lodges are brought into use as well as requiring it to be built to support a significant number of people (in a worst case scenario). The agent has advised that in a worst case scenario, and where evacuation has not been possible for some reason they would not expect more than 80 people on site (as most storm events happen in winter/inclement weather) and that to ensure that the structure is sound enough to act as a safe refuge it should be built to support 200 people. This is supported by planning condition attached to this recommendation.

5.6.13 In relation to surface water drainage the submitted FRA contains a surface water drainage strategy which proposes:

- A positive discharge into public combined sewer;
- On-site below ground surface water attenuation in the form of crates to limit peak discharge rates from the new drainage scheme to greenfield rates; and
- The drainage scheme incorporates a combination of traditional drainage and Sustainable Drainage Systems (SuDS) features.

The proposals will result in a total impermeable area of approximately 0.32ha which comprises approximately 33% of the total site area of 0.97ha in the form of building roofs, holiday lodge caravan roofs, driveways and access roads. The proposed surface water system comprises a combination of a traditional pipe network and various SuDS features to ensure surface water run-off from the impermeable areas of the development is properly managed. The Lead Local Flood Authority have been consulted on this application and have raised no objection to the proposal subject to conditions requiring full details of the surface water drainage scheme for the site as well as the long term management and maintenance of the scheme.

5.6.14 Overall it is considered that the submitted information has demonstrated that, subject to conditions, the development would remain safe for its lifetime and would not increase flood risk elsewhere and the development therefore passes the exception test. Therefore, the proposal is considered acceptable in terms of flood risk and surface water drainage and would accord with policy D5 of the MDLDP and Government advice contained within the NPPF.

## **5.7 Nature Conservation and Biodiversity**

5.7.1 Paragraph 170 of the NPPF states that ‘Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.’ Furthermore paragraph 175 of the NPPF states that ‘if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.’

5.7.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District’s green infrastructure network.

5.7.3 Policy N2 of the LDP 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.”*

- 5.7.4 Policy D2 seeks all development to minimise its impact on the environment by incorporating measures to minimise all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.7.5 The application site is located adjacent to internationally designated sites (Natura 2000 site, Essex Estuaries Special Areas of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA), Ramsar site, and Site of Special Scientific Interest (SSSI) as well as Marine Conservation Zone (MCZ)). The proposed development therefore has the potential to impact upon the internationally designated sites. The proposed development would result in a replacement public house (with apartment) and the introduction of 12 new holiday lodges which would be in use year round.
- 5.7.6 The application is supported by a preliminary ecological appraisal as well as a shadow habitats regulations assessment.
- 5.7.7 Impact upon Designated Sites
- As the proposed development affects a European protected site which is a SAC, SPA and a Ramsar wetland, the local planning authority needs to carry out a Habitats Regulations assessment (HRA). The information provided by the applicant is used to undertake this assessment.
- 5.7.8 The application site is adjacent to European Designated Sites and is for a replacement public house and 12 new holiday lodges. The replacement public house will not impact the status quo as although the current public house is closed this is the lawful use of the site. As this element of the proposal is just replacing and modernising the existing public house it is not considered this would have a Likely Significant Effect (LSE) on the European sites.
- 5.7.9 The 12 proposed holiday lodges are a new proposed use for the site and would intensify the use of the site and therefore has the potential, without mitigation, to have an LSE on the European sites which would mainly be through recreational disturbance.
- 5.7.10 The proposed development of the site and its subsequent use has the potential to disturb wildlife from increased levels of human activity, including during the sensitive winter period, when those bird species for which the designated sites are protected are most likely to be present and are most at risk of disturbance and associated impacts, including potential mortality.
- 5.7.11 The proposed development is of a small scale and the direct disturbance caused by the development would be relatively limited, however there is already a high level of human activity and associated disturbance, primarily in the form of people, including people with dogs, walking along the seawall footpath and adjacent shores.

- 5.7.12 When the development is considered in combination with the existing levels of disturbance already caused by existing developments in the area and the increased visitor pressure on the area from new housing developments it must be considered to have an LSE when viewed in combination with other developments.
- 5.7.13 Therefore, the proposed development has the potential, in the absence of mitigation, to result in significant adverse effects on the Blackwater Estuary European designated sites when considered in combination with other developments.
- 5.7.14 It is recommended that information boards relating to the Blackwater Estuary and its importance for wintering birds and other wildlife should be placed along the seawall adjacent to the proposed development site at Mill Beach or within the site itself. The information provided should indicate why it is important to avoid disturbing wintering birds and request that people keep to the coastal footpath and keep dogs on leads.
- 5.7.15 Provided this mitigation measure is carried out, it can be concluded that reasonable measures have been taken to address the potential impact of the proposed development on the integrity of the relevant European sites. The provision of the information boards can be secured through a planning condition.
- 5.7.16 No financial contribution to the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS) is required as the development is outside the scope of this (as holiday caravan sites are excluded).
- 5.7.17 NE have been consulted on the application and have raised no objection to the proposal subject to the information boards proposed and a condition ensuring that any noisy construction work takes place outside of severe weather conditions to avoid unnecessary disturbance to wintering water birds associated with the European Designated site. This could be dealt with through an appropriately worded planning condition.
- 5.7.18 Having considered the proposed avoidance and mitigation measures above, it is considered that with mitigation the project will not have an Adverse Effect on the Integrity of the adjacent European Designated sites.

#### Impact upon Legally Protected Species

- 5.7.19 The application is supported by a preliminary ecological appraisal as well as a Bat Survey. The preliminary ecological appraisal recommended the bat survey due to high potential for bat roosts.
- 5.7.20 The bat survey results of the three surveys (two nocturnal and one pre-dawn) indicate that at least one location on the shed is used as a roost site for Soprano Pipistrelle and at least one location at the pub is being used as a roost site. The mitigation proposed includes compensating for the loss of bat roosts by making replacement roost provision in the new building design and measures to minimise the risk of harming bats during demolition. Ecology services have been consulted on this application and have raised no objection to the proposal subject to securing the mitigation put forward. They also recommend that, to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the NPPF, reasonable biodiversity enhancement measures will need to be provided. A Biodiversity Enhancement Strategy for

protected and Priority Species should be secured as a condition of any consent. This could include native species planting, wildlife friendly fencing, bird or bat boxes, or creation of wildlife areas onsite.

- 5.7.21 The preliminary ecological appraisal also advises that suitable bird nesting habitat is present in the form of trees, shrubs, and the surveyed buildings and that the site is also suitable for hedgehogs. If any clearance is planned to take place from March to August, inclusive, it will first be necessary to carry out a survey to determine whether or not there are active nests present.
- 5.7.22 Overall it is considered that subject to conditions, the proposed development would be acceptable in terms of nature conservation and biodiversity in accordance with LDP policies as well as the NPPF.

## **5.8 Other Material Considerations**

### **5.8.1 Waste Management**

The submitted transport assessment shows a swept path analysis detailing that there would be sufficient space for a refuse vehicle to turn around within the site and leave in a forward gear. No specific details of a bin store to serve the development have been submitted, however this can be dealt with through the use of a planning condition.

### **5.8.2 Foul Drainage**

The submitted FRA states that the foul drainage from the development will be to the existing public combined sewer located within the site. Correspondence within the FRA from Anglian Water confirms that the foul drainage from the proposed development is in the catchment of Maldon Water Recycling Centre, which currently has capacity to treat the flows from the development site.

### **5.8.3 Pre-Commencement Conditions**

Two pre-commencement conditions are recommended which relate to a Construction Method Statements. One is to minimise disruption caused during construction works and ensure that on-street parking of construction vehicles on the road does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety. The second is an ecological construction method statement and is to ensure that any construction works undertaken during winter months do not result in disturbance to wintering water birds associated with the relevant European sites adjacent to the application site. The agent has confirmed their agreement to these conditions.

## **6. ANY RELEVANT SITE HISTORY**

**90/00785/FULF** – Erect white fence 1200mm high around grass for children’s play area- Approved – 32.10.1990

**92/00307/FULF** – Change of use to car boot sale – Refused – 30.07.1992

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	Support the application - welcome the site being developed to bolster the local tourism offer that is in keeping with the coastal protection zone and area. Advise that the right of way from Goldhanger Road is important and would like to see bicycle racks introduced	Noted and covered within the main report.

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	We have no objection to this planning application because the site is currently defended and the SMP policy for this area has an aspiration for hold the line. If the SMP policy is not taken forward the development would be unsafe in the future. Please take note of this and the other flood risk considerations which are your responsibility.	Comments addressed in section 5.6 of report.
Lead Local Flood Authority	Having reviewed the documents which accompanied the planning application, we do not object subject to conditions.	Noted and addressed in section 5.6 of report.
Natural England	No Objection subject to appropriate mitigation being secured.  Natural England welcomes the mitigation measures set out in the shadow habitats regulations assessment	Noted and addressed in section 5.7 of report.

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	which is for information boards and dogs to be kept on leads. Also requests construction work to be ceased during severe winter weather conditions to avoid disturbance to wintering water birds.	

### 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection – recommends conditions in relation to construction.	Noted.
Emergency Planner	No objections to the proposal provided the conditions suggested in the revised FRA are included in any approval	Noted and addressed in section 5.6 of report.
Place Services Ecology	<p>Satisfied that there is sufficient ecological information available for determination.</p> <p>The LPA will need to complete an HRA Appropriate Assessment for the Essex Coast RAMS with these details and secure the financial contribution by a legal agreement in line with the per dwelling tariff (currently set at £125.58).</p> <p>The mitigation measures identified in the Preliminary Ecological Appraisal (EECOS, July 2019), the Bat Survey Report (EECOS, July 2020) should be secured and implemented in full. This is necessary to avoid adverse effects on the</p>	Noted and comments addressed in section 5.7 of report. It is noted that a financial contribution under the Essex Coast RAMS is requested, however the application is outside the scope of this (as holiday caravan sites are excluded and the holiday lodges would fall under the statutory definition of a caravan.)

Name of Internal Consultee	Comment	Officer Response
	<p>integrity of the above Habitat sites as well as conserve and enhance protected and Priority Species.</p> <p>Also recommend that, to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019, reasonable biodiversity enhancement measures will need to be provided</p>	

#### 7.4 Representations received from Interested Parties

7.4.1 3 letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
Would enhance the area and result in an upgrade to the site.	Addressed in section 5.2 of report.
Concerns that if the application is not approved the vandalised building will continue attracting squatters and lead to reduced demand for holidays to neighbouring parks.	Noted.
Would benefit residents of neighbouring holiday parks.	Addressed in section 5.1 of report.
Proposal would bring the public house into use in a more appropriate format that makes better use of the coast-side location.	Addressed in section 5.1 of report.
There is an increasing demand for holiday lodge accommodation.	Addressed in section 5.1 of report.

7.4.2 1 letter was received **commenting** on the application and summarised as set out in the table below:

Comment	Officer Response
This site could offer a fantastic venue and with a bar and restaurant at first floor level and a flat below.	This would not be possible due to flood risk issues.



## **8. PROPOSED CONDITIONS**

1. The development hereby permitted shall begin no later than three years from the date of this decision.  
**REASON:** To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out and retained in accordance with the following approved plans and documents: TP(01)01 REV B, TP(01)02 REV B, TP(01)03 REV D, TP(01)04 REV B, TP(01)05 REV B, AY.02B903081.01 REV D, TP(10)01 REV B, TP(10)02 REV B, TP(10)03 REV B, TP(10)20 REV F, TP(10)21 REV F, TP(10)22 REV E, TP(11)01 REV B, TP(11)02 REV B, TP(11)20 REV F, TP(11)21 REV F, TP(12)20 REV D, TP(12)21 REV A, MBTRP-OCT 19.  
**REASON:** To ensure the development is carried out in accordance with the details as approved.
3. Prior to their use in the development hereby approved, full details of the materials to be used in the construction of the external surfaces of the public house, including windows and doors, shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
**REASON:** To ensure that appropriate materials are used in the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
4. No holiday lodges shall be used as a person's sole or main place of residence and shall be used for holiday purposes only.  
**REASON:** The application site lies outside any area where planning permission would normally be granted for residential development. The site is permitted for holiday purposes only in the interest of contributing to tourism and the local economy in accordance with Policy E5 of the approved Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.
5. No individual unit of holiday accommodation shall be occupied by the same person or persons for a period exceeding 28 days duration.  
**REASON:** The application site lies outside any area where planning permission would normally be granted for residential development. The site is permitted for holiday purposes only in the interest of contributing to tourism and the local economy in accordance with Policy E5 of the approved Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.
6. The owners/operators of the site shall maintain an up to date register of the names of all owners/occupiers of individual holiday accommodation units on the site together with their dates of arrival and departure, and main home addresses. The register shall be made available at all times for inspection and copying by the local planning authority for recording keeping purposes.  
**REASON:** The application site lies outside any area where planning permission would normally be granted for residential development. The site is permitted for holiday purposes only in the interest of contributing to tourism and the local economy in accordance with Policy E5 of the approved Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.

7. Notwithstanding the provisions of the Caravan Sites and Control of Development Act 1960, the location and siting of the holiday lodges shall only be in accordance with the approved layout plan AY.02B903081.01 REV D unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure an appropriate layout for the site in accordance with policies S8, D1 and E5 of the approved Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.
8. Notwithstanding the provisions of the Caravan Sites and Control of Development Act 1960, the holiday lodges hereby approved shall be clad in timber or reconstituted wood unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure an appropriate finish for the holiday lodges in the interest of the character and appearance of the area in accordance with policies S8, D1 and E5 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
9. The ground floor of the replacement public house hereby permitted shall only be used as a public house and for no other purposes.  
REASON: To ensure that the development is carried out and retained as approved and to secure the retention of the public house use in accordance with policy E3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
10. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:
  - i. Proposes finished levels contours;
  - ii. Boundary treatments/Means of enclosure;
  - iii. Car parking layouts;
  - iv. Other vehicle and pedestrian access and circulation areas;
  - v. Hard surfacing materials;
  - vi. Minor artefacts and structures;
  - vii. Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
  - viii. Retained historic landscape features and proposals for restoration, where relevant.
  - ix. soft landscaping, including planting plans with schedules of plant species, plant sizes and proposed planting numbers/densities; written specifications (including cultivation and other operations associated with plant and grass establishment) and a programme of implementation and maintenance.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

REASON: In the interest of the character and appearance of the area in accordance with policies S8 and D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

11. Prior to any works occurring above ground level at the application site details of the means of refuse storage including details of any bin stores to be provided shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation/use of the development and retained for such purposes at all times thereafter.

REASON: To ensure adequate refuse facilities are available in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan as well as the Planning and Waste Management Technical Document to Maldon District Design Guide

12. The trees and hedges identified for retention on the approved plan drawing number MBTRP-OCT 19 which forms part of this permission shall be protected during the course of the development. The trees and/or hedges shall be protected by measures which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit, and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the local planning authority.

REASON: To ensure the appropriate protection for the trees to be retained on site in the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

13. The pedestrian footway shown along the western boundary of the application site shall be provided and made available for use by members of the public prior to the first occupation/use of the development hereby permitted and shall be retained for such purposes at all times thereafter unless otherwise agreed in writing by the Local Planning Authority

REASON: To increase the connectivity of the development to the wider area and existing public footpath network in accordance with policies S1 and D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

14. Prior to the first occupation of the development visibility splays with dimensions of 2.4 metres by 120 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the junction of the vehicular access. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

REASON: To ensure adequate visibility in the interests of highway safety in accordance with policies T1 and T2 of the approved Maldon District Local

- Development Plan, and guidance contained within the National Planning Policy Framework.
15. No unbound material shall be used in the surface finish of the vehicular access within a distance of 6.0m from the highway boundary of the site.  
REASON: To prevent the displacement of loose material onto the highway in the interests of highway safety in accordance with policies T1 and T2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
16. The development shall not be occupied unless and until the vehicular access as shown on the approved plans has been constructed, surfaced and made available for use and shall be provided with a dropped kerb vehicular crossing of the footway/highway verge. The access shall be retained as such at all times thereafter.  
REASON: To ensure appropriate and safe vehicular access to the development in accordance with policies T1 and T2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
17. Immediately after the access hereby permitted is brought into use, the existing access shall be permanently closed in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority.  
REASON: To ensure that the development is carried out in accordance with the details as approved and to ensure that there is no conflict in relation to the access to the site in accordance with policies T1 and T2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
18. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the nearside edge of the footway/cycleway or where no provision of footway/cycleway is present, the carriageway.  
REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with policies T1 and T2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
19. With the exception of any building or structure required to be provided by conditions on a site licence issued under the Caravan Sites and Control of Development Act 1960, no structures, tents or similar items shall be erected or placed on the site without the prior approval in writing of the Local Planning Authority.  
REASON: To ensure the appropriate development and use of the site for recreational and tourism purposes in accordance with policy E5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
20. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel washing facilities
  - Measures to control the emission of dust and dirt during construction

- A scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To minimise disruption caused during construction works and to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in accordance with policies D1 and T2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

21. The development hereby permitted shall not be first occupied until such time as the vehicle parking area and turning space indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, and marked out in parking bays. The vehicle parking area(s) and turning space shall be retained in this form at all times. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.  
REASON: To ensure that appropriate and sufficient vehicle parking and turning space is provided to serve the development in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
22. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.  
REASON: To ensure any contamination found present on the land is remediated in the interests of the future users of this development as well as neighbouring land uses and the water environment in accordance with policy D2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
23. No development works above ground level shall occur until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
  - Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. If infiltration is feasible then the appropriate level of treatment needs to be provided for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
  - Limiting discharge rates to 2l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

The development shall then be carried out in accordance with the details as approved.  
REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to ensure the effective operation of SuDS features over the lifetime of the development in accordance with policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

24. Prior to the first use/occupation of any part of the development hereby permitted a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

25. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan agreed through condition 23 above. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

26. The replacement public house shall be designed to withstand that hydrostatic and hydrodynamic forces of floodwater should the defences overtop or breach for all events up to and including the 0,1% annual probability flood, inclusive of climate change.

REASON: The upper level of the public house is to provide the only refuge for site users should prior evacuation not be achieved in a flood. It is therefore imperative that the building is designed to remain standing in such events in accordance with Policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

27. The holiday lodge caravans shall be securely anchored/tethered to the ground.

- REASON: To ensure that the holiday lodge caravans do not float away in a flood event in accordance with Policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
28. A minimum 4.5 metre buffer, measured from the landward toe of the existing flood defences, and a 7.6 metre wide access strip to the flood defences shall be maintained clear of any development, this includes, but is not limited to any excavations or placement of temporary or permanent structures as detailed on drawing number 1, revision 2, dated 12/03/2020, within the submitted Flood Risk Assessment.  
REASON: To ensure that the Environment Agency retains appropriate access to the flood defences in accordance with Policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
29. The existing basement of the current public house shall be infilled as a result of the sites redevelopment and no below ground access shall be provided.  
REASON: To remove the additional risk of having below ground access in a flood risk area in accordance with Policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
30. The first floor terrace above the public house shall be constructed to support up to 200 people for flood evacuation safety reasons and shall be available for use prior to the first use of any of the holiday lodges.  
REASON: The first floor terrace/upper level of the public house is to provide the only refuge for site users should prior evacuation not be achieved in a flood. It is therefore imperative that the terrace is designed to be able to support the potential number of people that may need to take refuge in such events in accordance with Policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
31. The first floor apartment above the public house shall only be occupied by the manager of the public house or other staff employed by the public house or holiday lodge business and not sold or let out as a separate unit of accommodation.  
REASON: To ensure that the development is carried out and used in accordance with the submitted information and to ensure that the first floor terrace area remains available for all users of the site as an emergency refuge in the event of a flood where prior evacuation had not been achieved in accordance with policies S8, D1 and D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
32. The applicant/occupier is required to have in place a flood evacuation plan to respond to any flood warnings issued by the Environment Agency. Details of the flood evacuation plan shall previously have been submitted to and agreed in writing by the local planning authority, prior to first use/occupation of the development hereby permitted.  
REASON: To ensure that an appropriate flood evacuation plan is in place as the site is located within Flood Zone 3 in accordance with policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
33. The development hereby permitted shall be carried out in accordance with the recommendations contained within the Preliminary Ecological Appraisal (July 2019) and the mitigation and recommendations set out in the Bat Survey Report (July 2020).  
REASON: To minimise the impact of the development upon the biodiversity and ecology interest of the site in accordance with Policies D1 and N2 of the approved

Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

34. Prior to the first use/occupation of the development hereby approved details of all external illumination of the site shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the details as agreed and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To ensure that any lighting of the development is sensitive to the wildlife interests of the site and adjacent areas in accordance with policies D1 and N2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

35. Details of information boards relating to the Blackwater Estuary and its importance for wintering birds and other wildlife shall be submitted to and approved in writing by the local planning authority. Such details shall also include the location of the boards within the application site. The information boards shall be erected within the site in accordance with the details agreed prior to the first use/occupation of the development hereby approved.

REASON: to address the potential impact of the proposed development on the integrity of the relevant European sites adjacent to the application site in accordance with policy N2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

36. Prior to the commencement of development, an ecology construction method statement shall be submitted to and approved in writing by the local planning authority. The ecology construction method statement shall detail how any construction work undertaken during winter months will mitigate its impact upon wintering water birds associated with the relevant European sites adjacent to the application site and include details of how any noisy construction activities such as piling will be ceased during severe winter weather conditions. The development shall then be carried out in accordance with the ecology construction method statement as agreed.

REASON: To avoid unnecessary disturbance to wintering water birds associated with the relevant European sites adjacent to the application site in accordance with policy N2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.