



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
20 SEPTEMBER 2023**

<b>Application Number</b>	<b>22/01176/FUL</b>
<b>Location</b>	Crouch Ridge Vineyard, Fambridge Road, Althorne, CM3 6BZ
<b>Proposal</b>	Section 73a application for a barn to be used as a visitors centre, tasting room, café and shop with associated operational development which includes an area of decking, two covered areas, extractor and air conditioning units, a gas tank, container and enlarged car park.
<b>Applicant</b>	Mr and Mrs R Lonergan – Crouch Ridge Estates
<b>Agent</b>	Mr Mark Jackson
<b>Target Decision Date</b>	29 September 2023 (EOT agreed)
<b>Case Officer</b>	Lisa Greenwood
<b>Parish</b>	<b>ALTHORNE</b>
<b>Reason for Referral to the Committee / Council</b>	Member call in by Councillor R G Boyce MBE, based on Policies E4 and E5 of the LDP (2017).

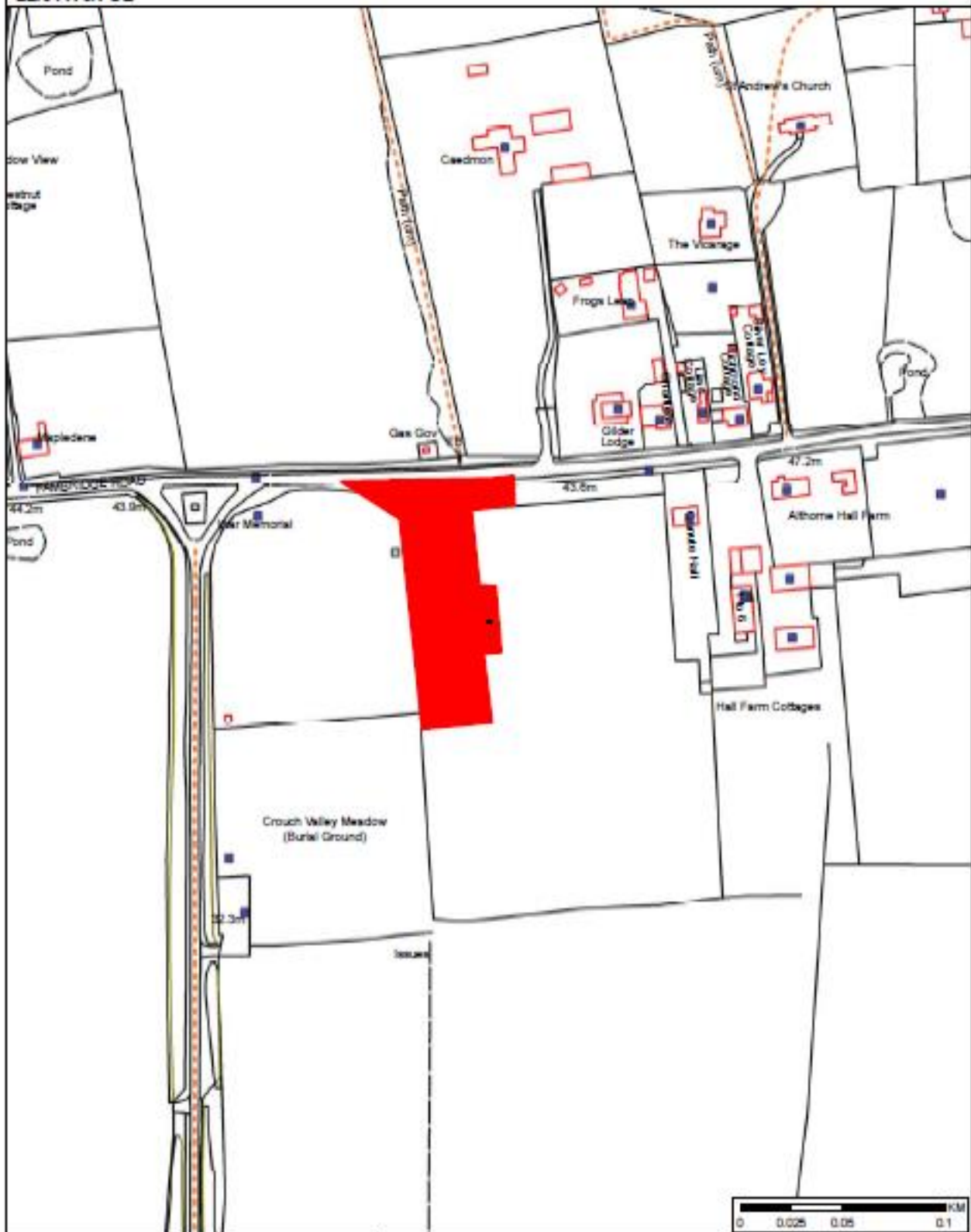
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see below.

**Crouch Ridge Vineyard, Fambridge Road, Althorne**  
 22/01176/FUL



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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: Committee

Date: 29/08/2023

MSA Number: 100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

##### Site description and relevant background information

- 3.1.1 The site lies within a rural setting outside of any defined settlement boundary, on the southern side of Fambridge Road. The site is bounded by Fambridge Road to the north, and to the south, immediate west and east by agricultural fields (the Crouch Ridge Vineyard). Beyond the fields to the east is sporadic residential development. Residential development is also located beyond the highway, to the north east and north west. To the south west of the site is the Crouch Village Meadow (burial ground) and to the north west is the Grade II listed Althorne War Memorial (list UID: 1486752).
- 3.1.2 The access to the site is located on the northern side of the site, off Fambridge Road. The access leads to an area of parking.
- 3.1.3 The site measures 0.37 hectares in area and comprises of the development the subject of this report, café, visitors' centre, tasting room, shop with associated operational development which includes an area of decking, two covered areas, extractor and Air Conditioning (AC) units, a gas tank, container and enlarged car park.
- 3.1.4 The planning history for the site is a material consideration. The barn the subject of this application was constructed under application reference 16/00271/AGR. The purpose of this barn was to store vineyard machinery and equipment. The building is of steel frame construction, with wood and lath effect walls and tile effect sheets on the roof.
- 3.1.5 Planning permission was then granted for a retrospective change of use of the barn to a visitors' centre with storage and hardstanding and access (planning reference 19/01004/FUL). Retrospective planning permission was then refused, however, for the barn to be used as a visitors' centre, tasting room, shop and café (use falling within use class E(b)) and associated operational development which includes an area of decking, two covered areas, extractor and AC units, a gas tank, container and internal alterations (planning reference 21/00929/FUL). This application was refused for the following reasons:
- “1. The development is for a café/restaurant, which is classed as a 'town centre use' outside of an existing town, village or located employment area, which due to its operating hours is not considered ancillary to the wider vineyard use operating at the site. Furthermore, it has not been demonstrated to the satisfaction of the Local Planning Authority that there is a justifiable and functional need for the activity within this rural location and that that it could not have been reasonably located in existing towns, villages or allocated employment areas. Therefore, the development would be contrary to core planning principles and guidance contained in the National Planning Policy Framework, the National Planning Practice Guidance and policies E2 and E4 of the Maldon District Local Development Plan.
  2. The application site lies within a rural location. The development, by virtue of its urban nature, the design, sighting and cluttered appearance of the operational development to the western side of the building, namely but not limited to, the store, gas tank and fencing, hardstanding and container fails to protect and enhance the character and appearance of the rural area as a

result of its cluttered appearance and the introduction of commercial paraphernalia which is not usually found in countryside locations. Furthermore, built form results in an unwelcome visual intrusion into the countryside to the detriment of the character and appearance of the rural area. The development would therefore be unacceptable and contrary to policies S1, S8 and D1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

3. The development relates to the use of the land as a visitors' centre, tasting room, shop and café/restaurant. The main use of the building relates to the café/restaurant use. From the information provided, it has not been demonstrated to the satisfaction of the Local Planning Authority that the noise arising from use, including that generated by customers coming and going from the building, would be adequately mitigated and, therefore, it has not been satisfactorily demonstrated that the proposed use would not cause significant and unacceptable harm to the amenities and quality of life of neighbouring residents and the surrounding natural environment. Taking a precautionary stance, the proposal is, therefore, deemed to be unacceptable and contrary to policies S1, D1 and D2 of the Maldon District Local Development Plan and advice contained within the National Planning Policy Framework and National Planning Practice Guidance.
4. The proposed development would fail to provide adequate on-site parking provision. The proposal would therefore be likely to cause additional on-street parking to the detriment of the free flow of traffic and highway safety. The proposal is therefore, contrary to policies S1, D1 and T2 of the Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.”

### Proposal

- 3.1.6 Retrospective planning permission is sought for the barn to be used as a visitors' centre, tasting room, café and shop with associated operational development which includes an area of decking, two covered areas, extractor and AC units, a gas tank, container and enlarged car park.
- 3.1.7 The main difference between this proposal and the previous permission (reference 19/01004/FUL) is the addition of the café and operational works, which includes a large area of decking, container, and car parking area. The internal layout has also changed (this has also changed from the previously refused application reference 21/00929/FUL) as the layout the subject of this report now includes a shop and counter (the shop was not previously shown for the refused scheme).
- 3.1.8 The building measures 12.3 metres wide, 18.5 metres deep, and has a maximum ridge height of 7 metres (4.7 metres to the ridge), which takes into account the sloping of the land to the south. The plans also include five LED light sensors on the north, south and east elevations of the building. The walls have been constructed with cement fibre ship lap weather boarding, and the roof is constructed with black profile sheeting. The windows are timber, and the main access is a timber and metal roller shutter door.
- 3.1.9 There is a container to the west of the site, which measures approximately 2.4 metres in wide, 6.1 metres deep, with a maximum height of 2.4 metres. Adjacent to the proposed container is a foul sewage package treatment plant and forward of the container is a store / shed. The shed measures approximately 2.4 metres in width, 3.2 metres in depth and with a maximum approximate height of 2.5 metres. A 1.8-

metre-high black timber fence is set forward of the principal elevation of the main building on the western side, which provides screening of a gas tank. These features are sited on concrete hardstanding, that runs along the western elevation of the building.

- 3.1.10 The decking can be viewed from the highway, but is located to the rear of the building, along the southern elevation. The decking extends the rear elevation by 7 metres, and measures approximately 16 metres in width, extending the rear side elevation by approximately 4 metres and with a height of 1.9 metres. The decking area is served by a central staircase and a glass balustrade. Poles are located either side of the staircase and support a temporary sunshade. Chairs and tables are positioned across the decking area. 2no. gazebos are present to provide additional shade.
- 3.1.11 A car parking area is provided to the north of the site. This is stated to provide for 46no. parking spaces measuring 5.5 metres x 2.9 metres, inclusive of 2no. disabled bays measuring 5.5 metres x 3.6 metres.
- 3.1.12 Internally, the building provides for a shop, counter, storage room, reception, kitchen with pot wash area, bar, baby changing and disabled WCs. The majority of the floor space provides for a seating area.
- 3.1.13 The proposal would provide for eight full time employees and 12 part time employees. The hours of opening are proposed as follows:

Monday – Thursday	10am – 9pm
Friday – Saturday	10am – 10pm
Sunday	10am – 8pm

- 3.1.14 It is acknowledged that the application building is sited differently to that of the approved building shown as part of planning application reference 19/01004/FUL. However, the siting of the building is consistent with the location of the building shown as part of the original permission which relates to its erection under planning reference 16/00271/AGR, therefore, the plans are considered to be consistent in this respect.

## **3.2 Conclusion**

- 3.2.1 The proposed development is for a café / restaurant, which is classed as a town centre use outside of an existing town, village or located employment area. Due to its operating hours, size, and nature of operation, it is not considered ancillary to the vineyard use operating at the wider site. It has also not been demonstrated that there is a functional need for the activity in this rural location, and that it could not have been located in an existing town, village or employment area.
- 3.2.2 The proposal has also been found to cause harm to the intrinsic character and beauty of the open countryside, as the commercial and cluttered use is out of keeping with the site's rural location and results in an unwelcome visual intrusion into the countryside, to the detriment of the character and appearance of the rural area.
- 3.2.3 The proposal would also fail to provide sufficient on-site parking (in excess of 50% less of the required amount), and the proposal would therefore likely cause additional on-street parking to the detriment of the freeflow of traffic and highway safety, and could also further erode the open countryside, should parking be achieved across the wider site. It is therefore recommended that planning permission is refused.

#### **4. MAIN RELEVANT POLICIES**

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

##### **4.1 National Planning Policy Framework (2021)**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of development
- 38 Decision making
- 47-50 Determining applications
- 54-58 Planning conditions and obligations
- 84-85 Supporting a prosperous rural economy
- 92-103 Promoting healthy and safe communities
- 104-113 Promoting sustainable transport
- 117-123 Making effective use of land
- 126-136 Achieving well-designed places
- 174-188 Conserving and enhancing the natural environment

##### **4.2 Maldon District Local Development Plan (2017)**

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- E1 Employment
- E2 Retail Provision
- E4 Agricultural and Rural Diversification
- E5 Tourism
- N2 Natural Environment and Biodiversity
- T2 Accessibility
- I2 Infrastructure and Services

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

- Maldon District Vehicle Parking Standards (2018)
- Maldon District Design Guide (2017) (MDDG (2017))
- Planning Practice Guidance (first published in 2014, but regularly updated)
- Althorne Village Design Statement (2015)

#### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990), and Paragraph 47 of the National Planning Policy Framework require that planning decisions are to be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises of

the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP (2017)).

5.1.2 The site is located outside of the settlement boundary for Althorne and is therefore within open countryside. Policy S8 of the LDP (2017) requires the countryside to be *“protected for its landscape, natural resources and ecological value as well as its intrinsic beauty”*. 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...b) employment generating proposals (in accordance with Policy E1)...d) agriculture and forestry related development (in accordance with Policy E4...f) rural diversification, recreation and tourism proposals (in accordance with Policies E4 and E5”*.

5.1.3 Policy E4 of the LDP (2017) is relevant as it refers to agricultural and rural diversification, particularly the change of use of existing rural buildings and the development of new buildings or activities associated with agricultural or other land-based rural business. Application reference 19/01004/FUL was considered as a change of use of the barn to a visitors' centre and hardstanding and access. From historic site visit photographs, it is apparent that this use was not implemented, and the store as shown on the supporting drawing no.19/3008/04B was fitted out with kitchen equipment and therefore was unlikely to have ever been used as a store.

5.1.4 Whilst it is acknowledged that Paragraph 1.4 of the Planning Design and Access Statement implies that the “operation” as presented should be considered a tourist attraction, paragraph 1.9 of the same Statement asserts that “we are of the opinion that this firmly demonstrates that the café use is ancillary to the agricultural wine growing and wine retailing business”. Nevertheless, the activities introduced are new to the site associated with the vineyard, as planning permission was granted solely for a visitors' centre and hardstanding / access. Policy E4 states:

*“The Council will support the development of new buildings or activities associated with agricultural and other land-based rural businesses where:*

- 1) *There is a justifiable and functional need for the building / activity;*
- 2) *The function of the proposed building / activity is directly linked, and ancillary to, the existing use; and*
- 3) *The building / activity could not reasonably be located in existing towns, villages or allocated employment areas.”*

5.1.5 With regard to criterion 1), the Planning Design and Access Statement submitted to support the proposal sets out some general reasons as to why there is a justifiable and functional need for the activities. It provides percentages regarding wine sales and refers to other vineyards in the District and the wider county. Statements by the Applicants and the Directors of Crouch Ridge Estate are provided; however, the application is not supported by any robust financial information and this is not considered to be sufficient in demonstrating a functional need for the business and that the building could not be used for alternative functional and justifiable uses.

5.1.6 As stated, the Statement relies heavily on the fact that the café is ancillary to the wider use of the vineyard and that the café provides for 25% of the income for the vineyard (this is stated, not shown on financial documents). Paragraph 5.25 of the Statement acknowledges that “the barn provides a fixed permanent building for the public to sample the wine, that food is paired with the wine and enjoy visiting the vineyard itself...it is correct to say that the food service part of the business has been very successful, however, again it remains an ancillary part of the overall income of the business”.

- 5.1.7 Whilst it has been stated that the hours of operation proposed have been reduced (see Paragraph 1.11 of the Statement), the hours have actually been amended to reflect later opening times, but also later closing times from Sunday to Thursday (an increase from 6pm to 8pm on Sundays, and from 6pm to 9pm on Monday to Wednesday). Advertisements by the Crouch Ridge Vineyard on social media platforms such as Facebook also welcome customers to comment on the application the subject of this report, stating that “we have now put forward a new application, including extended hours, and we need as much support as possible!”. The public consultation responses received also refer to the extension in hours, and therefore, the reduction as stated is not considered to be supported. Furthermore, based on the hours, it is unlikely that those visiting the site late at night, especially in the winter, when days are shorter, would be doing so in order to visit the vineyard
- 5.1.8 The appearance of the building also lends itself to appear as a venue in its own right. The site is highly visible from within the public realm, and signage at Farnbridge Road notifies passers-by of the “Cellar Door” shop and café. In March this year, whilst this application was under assessment, the Crouch Ridge Vineyard website advertised that the building was available for corporate hire, and that it could seat up to 70, with a capacity of 100 for a standing reception. The building was also advertised as a wedding and party venue, hosting up to 400 persons. Upon review at the time of writing, the website states that the building offers a full brunch, cellar door, deserts and hot beverages, children’s and afternoon tea menu. Advertising across social media platforms also refers to events such as a tapas night and a pizza night both with live music, from 6.30pm – 10.30pm. Advertisements of this nature advertise the venue in its own right, and this is supported by comments from members of the public regarding the application, stating that visits to the site are to “the restaurant” and state the building is “a great venue different from standard pubs”. Visits to the site are “mainly for the food”.
- 5.1.9 By virtue of the size of the café / restaurant operation, its hours and advertised / known use / operation, it would appear that the building is very much a venue in its own right and is not directly linked and ancillary to the vineyard.
- 5.1.10 With regard to criterion 3), and also the application of Policy E5 of the LDP (2017), the National Planning Policy Framework (2021) (NPPF) categories restaurants as “main town centre uses” not as tourist attractions. Whilst it is accepted that having a restaurant sited at a vineyard could increase the appeal to customers, without an ancillary link to the vineyard, the restaurant could reasonably be located in an existing town, village, or allocated employment area. From the evidence submitted, this does not suggest that the restaurant could not have been located in any of these areas. Whilst it is accepted that the vineyard is in situ, and this could not be located elsewhere, as the restaurant has been found not to be ancillary to the vineyard and therefore does not need to be linked to it, the proposal has failed to satisfy the criteria required by Policy E4.
- 5.1.11 With regard to Policy E2 of the LDP (2017), it is also worth noting that condition 6 of the previous approval for the visitor’s centre required that:
- “The internal layout of the building shall be retained as set out in the approved documents in perpetuity.  
REASON: To ensure that the use permitted is retained in the interests of the economy of the District as well as the viability and vitality of the local retail areas, in accordance with Policies E1 and E2 of the Maldon District Approved Local Development Plan and the NPPF.”



5.1.12 Referring to the reason for the condition, it is apparent that this was imposed to prevent development that should be located in a town centre and retail area occurring in unsuitable locations and / or to ensure that the building did provide an ancillary use to the vineyard that supported the enterprise. As a result, it was clearly considered that the application site was not a suitable location for this type of development.

5.1.13 Having regard to the above, the proposal has been found to be contrary to Policies E2, E4 and E5 of the LDP (2017). As is set out at Paragraph 5.2 of this report, the development also causes harm to the intrinsic character and beauty of the open countryside and is also contrary to Policies S1, S8 and D1 of the LDP (2017) and the policies and guidance contained in the NPPF. Whilst the proposal would provide for eight full time members of staff and 12 part time members of staff, this is considered to be a limited benefit which does not outweigh the harm caused. The principle of development, therefore, has been found to be unacceptable. For completeness, the merits of the scheme are set out below.

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

5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF (2021). Policies D1 and H4 of the LDP (2017) and the MDDG (2017) are relevant in this respect.

5.2.2 As stated, the application site lies outside of a defined settlement boundary and is in open countryside. Policies S1 and S8 of the LDP (2017) state clearly that 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 (2017), neighbourhood plans and other local planning guidance.

5.2.3 Whilst it is acknowledged that the decking to the rear of the building extends the entire width of the building and extends beyond the side elevation, the glass balustrade prevents it from blocking views of the building and appearing as a bulky form of development. In addition, the eastern projection of decking was previously found to be acceptable as part of the previously approved application for the visitors' centre (planning reference 19/01004/FUL). The posts are not considered to cause any greater level of harm than the balustrade, and the sunshades and gazebos are understood to be temporary, and this is acceptable.

5.2.4 Of concern, however, is the development along the western side of the building. It is noted that some views are screened by existing hedgerow, however, views of this elevation are apparent from the highway to the north of the site, and from the south. The hedgerow, therefore, does not provide sufficient screening and cannot be relied upon in perpetuity.

5.2.5 The gas tank and associated fencing is sited forward of the principal elevation of the building and whilst screened by black fencing, appears as a prominent feature within the front of the site. When viewing and approaching the site from the highway, it is apparent that the gas tank and the store / shed, container and flue are highly visible

and instantly noticeable to visitors to the site. As a result of its siting, the fencing and gas tank appear as out of keeping with the site's rural context, to the detriment of the character and appearance of the rural area. Likewise, by virtue of the beige doors and overall scale of the shed / store and container, these structures appear as highly visible and exacerbate the cluttered appearance of the site. The clutter is more akin to a commercial development and is considered at odds with the site's rural setting.

- 5.2.6 In addition, the hardstanding at the site which currently provides for parking at the front of the site, and extends along the western side of the building, is highly visible and further urbanises the site and erodes its rural character. The building was originally constructed and intended as an agricultural unit and it is important that this character is maintained.
- 5.2.7 Whilst there is no specific objection to the flue or AC, as the flue is black and the AC units are low level, they further contribute to the cluttered appearance of the western side of the site, as does any additional external storage.
- 5.2.8 For the reasons stated, it is not considered that the Applicant has overcome the previous reason for refusal. The proposal does not consider the context within which it sits and by virtue of the gas tank, its enclosure, the store / shed, container, and other associated paraphernalia on the western side of the building, the development results in demonstrable harm to the countryside, contrary to Policies S1, S8 and D1 of the LDP (2017), and the policies and guidance contained in the NPPF (2021).

### **5.3 Impact on Residential Amenity**

- 5.3.1 The basis of Policy D1 of the approved LDP (2017) 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 There are no residential dwellings directly adjacent to the site. The nearest residential dwelling is Gilder Lodge, on the north east side of the site, which is located over 100 metres from the barn. Due to the distance of the barn from the nearest residential sites, whilst the development may be visible, it does not result in a loss of privacy or a loss of daylight and sunlight, nor does it appear as unduly overbearing.
- 5.3.3 Notwithstanding this, the hours of operation at the site are stated as:

Monday – Thursday	10am – 9pm
Friday – Saturday	10am – 10pm
Sunday	10am – 8pm

- 5.3.3.1 For comparison, the previously approved hours were between 10am and 6pm on any day. The hours also extend those set out in the previously refused application reference 21/00929/FUL, and one of the reasons for the refusal of this application was owing to the noise generated from the building, and that this could be not adequately mitigated against.
- 5.3.4 A noise report was submitted to support the application the subject of this report (Healthy Abode Acoustics, October 2022). This report was initially reviewed by the Council's Environmental Health Officer, who noted that the effectiveness of the insulation of the walls and roof in terms of attenuating noise generated is unknown. Noise breakout is also likely to occur from the rooflights and also from the rear entrance of the building which is glazed with no lobby door. The Officer notes the

request to extend the opening hours, and that the venue has been running evening functions under a series of Temporary Event Notices (TENs) since 2019.

- 5.3.5 The Officer noted that the report concentrates on noise from entertainment and does not consider the noise generated from mechanical plant and equipment on site. An unattended noise survey was also conducted for an annual open day, and that a TEN was issued by the Council for the sale by retail of alcohol between 6pm and 11pm. The Officer notes it is unfortunate this event was not monitored to provide clarification of times and that no subjective assessment of the entertainment was provided.
- 5.3.6 The Officer requested that a more robust assessment is provided, before commenting further. The report must consider noise from the mechanical plant and equipment based on a BS4142 assessment, consider the acoustic properties of the barn based on the desired noise levels inside, accurately reflect noise levels at the boundary of the nearest noise sensitive receptor when entertainment is taking place both internally and externally at the application site, and provide details of any mitigation measures required to ensure that the amenity of the area is not compromised by activities at the application site.
- 5.3.7 A revised noise impact assessment was submitted (Healthy Abode Acoustics, July 2023). This assessment has been reviewed by the Environmental Health Officer, who notes that regarding external plant and equipment, no mitigation measures are required, and the noise level is below the measured background level at all noise sensitive receptors.
- 5.3.8 With regard to amplified music, an attended noise survey was undertaken on the evening of Friday 31 March, between the hours of 7pm and 11.30pm, when live music was played internally. It is noted that poor weather conditions were not ideal for undertaking noise measurements. However, subjective commentary has been provided which notes that vocals and music are audible through lulls in the traffic. The installation of a noise limiting device which works to cut out or dull the sound at a pre-set level has been put forward as a suitable mitigation measure. However, concern is raised with regard to the lack of lobby door, which will result in noise escaping from the building when the door is opened and closed. A lobby arrangement would introduce two doors in and out of the premises separated by a small lobby. This position was supported by the acoustic consultant, who made the same observation at Paragraph 6.24 of the report and also notes that low frequency noise maybe audible. As such, should retrospective planning permission be forthcoming, a condition is required to be imposed on any consent requiring the Applicant to submit a sound proofing scheme for approval. The Applicant is advised to concentrate on improving the fabric of the building to prevent noise escape.
- 5.3.9 With regard to external events, no assessments have been provided in this regard. Given the uncertainty of the conclusions of the noise impact assessment in relation to the event held on 29 May 2022, which was raised as a concern in the Officer's first comments, dated 3 March 2023, the Officer recommends that should permission be granted, there should be no amplified music in external areas. A noise management plan shall also be submitted to and approved in writing by the Local Planning Authority, which should include controls relating to patrons / performers arriving and leaving the venue, noise from outside events (open days, etc.), car parking area and the delivery of goods and collection of waste.
- 5.3.10 Whilst the Officer does not object to the proposal, the conditions proposed would restrict the use of the outside area and offer controls with regard to opening hours and noise generated at the site.

## 5.4 Access, Parking and Highway Safety

- 5.4.1 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 (2017) 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 proposal is for a visitors' centre, tasting room, café and shop with associated operational development which includes an area of decking, two covered areas, extractor and AC units, a gas tank, container and enlarged car park.
- 5.4.3 With regard to access, the Highway Authority has noted that the proposal will not alter the existing access arrangements to the local highway network and therefore the proposal is acceptable in this regard.
- 5.4.4 However, one of the reasons for refusal for planning application reference 21/00929/FUL was owing to a lack of parking at the site. This application provided for 27 car parking bays and two disabled bays.
- 5.4.5 The application the subject of this report provides for 46 parking spaces, and this is inclusive of two disabled bays. As set out at Paragraph 5.1, the main use of the building is the café / restaurant. The visitors' centre, tasting room, shop, decking, two covered areas, extractor and AC units, a gas tank and container are all considered to be ancillary to this use. The car parking requirement must therefore be assessed in accordance with this use (previously A3 of the Town and Country Use Classes Order 1987 now E (b) of the said order amended 2020).
- 5.4.6 In accordance with the Council's Vehicle Parking Standards (2018), one parking space is required per 5m<sup>2</sup> of gross floor area for use class A3 (food and drink outside of town / district centre locations – restaurants, snack bars and cafes, for sale and consumption on the premises).
- 5.4.7 The footprint of the building, container, shed and deck is approximately 334m<sup>2</sup>. Therefore, there is a requirement for 66 parking spaces (including the decking area). This could not be accommodated on the hardstanding at the front of the building as shown on the submitted plans (drawing no.21/1808/02), as there is not sufficient space to provide this and there is a shortfall of 20 spaces. Given the rural location of the site, and the fact that it is not possible to walk safely to the nearest settlement due to the lack of footway and speed of traffic along Fambridge Road, in addition to Althorne train Station (a 960m walk) it is the expectation that there should be sufficient parking on site for all staff and visitors as reliance will be on the use of the car.
- 5.4.8 It is not considered reasonable, as the Planning Design and Access Statement suggests, that an overflow car park is used for larger events. Details of this car park have not been provided, and it is questionable how accessible this would be to the venue. Whilst it is noted that a Highway Statement (Redwood Partnership, 2022) has been submitted to support the proposal, this does not overcome the lack of parking at the site. It is important that parking on the highway and across other areas of the wider site / vineyard is avoided. Not only is this to avoid any detriment to highway safety, as this section of Fambridge Road is a busy road with no footway, but parking outside the site and onto the wider vineyard will further erode the countryside.

- 5.4.9 With regard to cycle parking, in accordance with the Council's Parking Standards (2018), one cycle space is required per four staff, and one space per 25m<sup>2</sup> for customers. A total of 14 full time members of staff are stated to be employed at the site (eight full time, and 12 part time). 4no. cycle spaces must therefore be provided for staff. Based on the stated Gross Floor Area, 15 cycle spaces must be provided for customers. Cycle storage must be secure and covered. Drawing no.21/1808/02 shows a provision of 12no. cycle spaces provided at the side elevation. Additional information regarding parking could be secured via a condition imposed on any consent.
- 5.4.10 Notwithstanding this, the proposal has failed to overcome the previous reason for refusal and is contrary to Policies T1 and T2 of the LDP (2017), and the policies and guidance contained in the NPPF (2021).

## **5.5 Natural Environment and Biodiversity**

- 5.5.1 Paragraph 170 of the NPPF (2021) 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'.
- 5.5.2 Strategic LDP (2017) 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.
- 5.5.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and / or isolation of existing or proposed green infrastructure. LDP (2017) Policy N2 states that, any development which could have an adverse impact 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. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.5.4 A Preliminary Ecological Appraisal (Hybrid Ecology, 2023) (PEA) has been submitted to support the proposal. This has been reviewed by the Council's Ecological Consultant. The Consultant is satisfied that there is sufficient information available for the determination of this application and has noted that the mitigation measures identified in the PEA should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and priority species, particularly nesting birds. The biodiversity enhancements of bird boxes and bat boxes are supported, and reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should also be secured by a condition.

## **5.6 Other Material Considerations**

### **5.6.1 Sewage**

- 5.6.1.1 The application form states that the foul sewage is dealt with by way of a package treatment plant and details have been included to support the application. Surface and foul drainage details were also submitted and approved in relation to the previous permission, under application reference 20/05036/DET. Therefore, there is no objection in this regard.

## 5.6.2 Cadent Gas

5.6.2.1 Cadent Gas initially reviewed the proposal and raised an objection to the development. This is owing to the fact that there is an Immediate Pressure Pipeline to the western edge of the development. Cadent Gas raised concerns that the extended areas to the site would encroach over the asset and pose a risk due to this fact.

5.6.2.2 It is understood from an email received on 2 March 2023 from the Agent for the Applicant that the Applicant met with Cadent Gas and the Council is now in receipt of an updated response from them. The response states that there is now no objection to the proposed development. However, Cadent Gas has stated that if the application affects one of the High-Pressure Pipelines, it is a statutory requirement that this information is inputted into the Health and Safety Executive's (HSE's) Planning Advice Web App. Following this, the HSE may wish to apply more stringent criteria for building proximity after assessment. An informative is therefore required to be applied to any forthcoming decision notice.

## 5.6.3 Waste Management

5.6.3.1 At the time of writing, comments had not been received from the Council's Waste Management team. The location of the bin stores has been provided. Further information in this regard could be secured via the imposition of a condition of any consent, should this be required and considered reasonable.

## 5.6.4 Tree Impact and Landscaping

5.6.4.1 The proposal has been reviewed by the Council's Arboricultural Consultant, who notes that although no trees will be impacted, the application is covering most of the soft ground into hard surface. Given the rural nature of the site, more consideration needs to be given to include more soft planting and trees within the plan. It is possible to provide some underground planting pits that can support tree growth in areas where hard surfacing is required, or redesign to accommodate suitable areas to allow for this to be included as part of the scheme. This could be imposed by way of a condition on any forthcoming consent.

## 5.6.5 Further comments

5.6.5.1 It is noted that comments have been provided by the Applicant to support the proposal. Firstly, comments are provided from a previous Council Strategy Lead at Maldon District Council. These comments relate to areas outside of the team's area of expertise, which is economic growth. Comments should not have been made on previous reasons as to why a planning application was refused, however, it is noted that these comments were made outside of the planning application process.

5.6.5.2 Comments have also been provided by the Applicant from Visit Essex. Such comments support a proposal to serve hot food at Crouch Ridge Vineyard. This application, however, seeks to provide for far more than hot food, and the impacts of the application are not fully discussed. Such comments are not considered to be a material planning consideration.

## 6. ANY RELEVANT SITE HISTORY

The relevant planning history is set out below:

- **16/00271/AGR** – Prior notification for the erection of a barn, prior approval not required, decision issued 13/04/2016.
- **17/00275/FUL** – New wine warehouse and visitor facility, approved, decision issued 18/09/2017.
- **19/00942/AGR** – Prior notification for an agricultural building for winery, prior approval refused, decision issued 30/09/2019.
- **19/01073/AGR** – Prior notification for an agricultural barn, prior approval not required, decision issued 22/11/2019.
- **19/01004/FUL** – Section 73A change of use of existing agricultural barn to visitors centre with storage and hardstanding / access, approved, decision issued 06/02/2020.
- **20/05036/DET** – Compliance with conditions notification FUL/MAL/19/01004 Section 73A change of use of existing agricultural barn to visitors centre with storage and hardstanding / access. Condition 8 – parking scheme. Condition 9 – surface water and foul drainage. Condition 10 – refuse storage, decision issued 31/08/2021.
- **21/00921/ADV** – Advertisement consent for three vertical sign boards, a board sign upon a gate, a flagpole and two signs on the main building, part approved / part refused, decision issued 29/10/2021.
- **21/05139/DET** – Compliance with conditions notification 19/01004/FUL (Section 73A change of use of existing agricultural barn to visitors centre with storage and hardstanding / access). Condition 5 – external illumination, conditions refused, decision issued 29/10/2021.
- **21/00929/FUL** – Section 73A application for a barn to be used as a visitors centre, tasting room, shop and café (use falling within use class E (b)) and associated operational development which includes an area of decking, two covered areas, extractor and air conditioning units, a gas tank, container and internal alterations, decision issued 09/12/2021.
- **21/01305/ADV** – Back to back vertical signboards 1500mm x 1200mm, decision issued 10/02/2022.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Althorne Parish Council	Refuse – <b>Philosophy</b> In outlook, Althorne Parish Council is parochial; it is so mandated. However, it is not opposed to rural development. It has supported a new poultry barn at Stiches Farm: a cowshed conversion to a bungalow at Dairy Farm: conversion to dwellings at Mushroom Farm: barn conversion to vehicle store, Stokes Hall Farm; barn conversion to	Noted, and discussed throughout the body of this report.

Name of Parish / Town Council	Comment	Officer Response
	<p>hospitality and retail suites, Wrekin Farm; barn conversion to holiday lets, Althorne Hall Farm; development of an enterprise hub at Winterdale Manor.</p> <p><b>Motivation</b> This is not a “nimby” response; it reflects a fundamental concern for the Common Good. In this case, a highly valued landscape. A more extensive hospitality development, in Cuxton, Medway District, was opposed by Cuxton Parish Council and generated a 600-signature community petition against. Promoter, Vineyard Farms Ltd, part of a Luxembourg based enterprise, is developing a 45ha vineyard, adjacent to Crouch Ridge, at Andrews Farm.</p> <p><b>Suggested Material Considerations:</b></p> <ol style="list-style-type: none"> <li><b>1 Procedure</b> Althorne PC opposed the original S73 retrospective application. A key condition on all agricultural Prior Approval submissions is that the development shall be carried out in accordance with the details submitted. The proposed agricultural barn was the maximum size permitted. The building constructed did not conform with the original specification. It was smaller and clearly commercial, incorporating fenestration (not approved for an agricultural use). Authorisation for design change was not sought, but retrospective approval for a Change of Use.</li> <li><b>2 Location</b> The site abuts a designated Natural Burial Ground. The interred will not be distressed by noise associated with hospitality offer; their loved ones might be. The natural burial ground, designated CH67, forms part of Maldon Council’s Green Infrastructure Network.</li> <li><b>3 Public Safety</b> The ancillary services area, including a 5000ltr. gas tank and storage container, appears to be sited over a medium pressure gas main. In the interests of public safety, Cadent should make a physical inspection to confirm conformation with its safety protocols.</li> <li><b>4 Carbon Footprint</b> The hospitality space encloses a significant volume. Heating and cooling will be required. The consequential carbon footprint is a</li> </ol>	



Name of Parish / Town Council	Comment	Officer Response
	<p>material environmental consideration.</p> <p><b>5 Operation</b> The application is made by Crouch Ridge Estate Ltd.; its stated business is “Retail sale of beverages in specialised stores”. That is not an agricultural activity. This is confirmed in the planning statement: none of the land to which the application relates is part of an agricultural holding (notwithstanding it lies in the middle of a vineyard).</p> <p><b>6 Hours of Opening</b> should be unchanged. For a café, 8:00am – 6:00pm would seem appropriate. Hospitality offers, not being requested, may require longer opening hours.</p> <p><b>7 Business Model</b> The wine output is stated 9,000 bottles of wine; 95% are sold on site. The stated footfall is 11,500 customers pa; this equates to 0.78 bottles per customer in addition to whatever else is purchased. At least four grape types are produced. A large proportion is for sparkling wine. Arguably, the volume produced for varietal still wines, commercially is not viable.</p> <p><b>8 Employment</b> During the off-season, the facility is closed for part of the week, but 13 full time equivalent jobs are claimed (8 full time); the local SME average is 4. This equates an annual wage bill of c£250k, approximating to £22 per customer.</p> <p><b>9 Change in Core Business</b> It is asserted that the Café is ancillary to agricultural winegrowing and retailing. Given the current café hours this may be true. However, with longer hours of opening requested, the business becomes a hospitality venue. Catering will be the core, non-agricultural, business.</p>	

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No objection.	Noted, and discussed at Paragraph 5.4 of this report.
Cadent Gas Network	No objection. An informative is required to be imposed on any forthcoming consent.	Noted, and discussed at Paragraph 5.6 of this report.
Arboricultural Consultant	Given the rural nature of the site, more consideration needs to be given to more soft planting and trees.	Noted, and discussed at Paragraph 5.6 of this report.
Ecological Consultant	No objection, subject to securing biodiversity mitigation and enhancement measures.	Noted, and discussed at Paragraph 5.5 of this report.

## 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection, subject to the imposition of conditions regarding hours of opening, the use of amplified music and the submission of a noise management plan.	Noted, and discussed at section 5.3 of this report.
Waste Management	No comments received.	Noted, and discussed at section 5.6 of this report.

## 7.4 Representations received from Interested Parties

7.4.1 13 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<ul style="list-style-type: none"> <li>Principle of development.</li> <li>Site is outside of the settlement boundary. Not within easy walking distance of bus stops.</li> <li>Barn was never in use as a barn.</li> <li>Hours for a café do not need to extend.</li> <li>Support for tourism should not be at a cost to the landscape. Diversification causes a burden to the countryside.</li> </ul>	Noted, and discussed at section 5.1 and 5.2 of the report.
<ul style="list-style-type: none"> <li>Design and impact on character and appearance of the area.</li> <li>Impact on countryside. Views.</li> <li>Contrary to Althorne Village Design Statement.</li> <li>Displeasing appearance, out of keeping.</li> <li>Increase in size of car park is harmful.</li> <li>Site is unattractive and has spoilt an area of</li> </ul>	Noted, and discussed at sections 5.1 and 5.2 of the report.

<b>Objection Comment</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>agricultural land.</li> <li>Will result in further sprawl and clutter.</li> </ul>	
<ul style="list-style-type: none"> <li>Impact on residential amenity.</li> <li>Noise – extended hours and use as a café, with parties and events, including TV recordings, inside and outside the building, will cause disturbance to neighbours.</li> <li>Impact on war memorial. Should be a peaceful place.</li> </ul>	Noted, and discussed at section 5.3 of the report.
<ul style="list-style-type: none"> <li>Impact on highway safety, parking and access.</li> <li>Fambridge Road is narrow. Access is in a poor position along the B1010. Not fit for purpose.</li> <li>Use will result in an increase in traffic.</li> <li>Impact on highway safety.</li> </ul>	Noted, and discussed at section 5.4 of the report.
<ul style="list-style-type: none"> <li>Impact on landscape.</li> <li>Development is out of keeping.</li> <li>Obstructs views of landscape.</li> <li>Contrary to Althorne Village Design Statement.</li> <li>Harm cannot be mitigated against with screening.</li> </ul>	Noted, and discussed at section 5.2 of the report.
<ul style="list-style-type: none"> <li>Impact on the natural environment.</li> <li>Intrusion to wildlife.</li> <li>Contrary to NPPF (2021).</li> <li>Site is in a prominent position.</li> </ul>	Noted, and discussed at section 5.5 of the report.
<ul style="list-style-type: none"> <li>Other matters.</li> <li>The business has been operating for some time without planning permission, and has licences etc. without this in place.</li> <li>Cadent Gas. What is the impact? The development is inside of 3 metres of a pipe. Will the proposal be assessed in terms of the HSE matrix?</li> <li>Pressure on local infrastructure.</li> </ul>	Noted, and discussed at sections 5.1 and 5.6 of the report.

7.4.2 **39** letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

<b>Supporting Comment</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>Principle of development.</li> <li>Support for viability of business, economy and tourism / diversification.</li> <li>Provides employment.</li> <li>Encourages local produce and supports local wine industry.</li> <li>Enjoys restaurant, excellent food etc.</li> <li>The venue is “different from standard pubs.”.</li> </ul>	Noted, and discussed at section 5.1 of the report.

<b>Supporting Comment</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>• Food will attract more visitors.</li> <li>• Extension of hours is “good for locals.”</li> <li>• Will increase visitors.</li> </ul>	
<ul style="list-style-type: none"> <li>• Design and impact on character and appearance of the area.</li> <li>• Development is aesthetically pleasing.</li> </ul>	Noted, and discussed at section 5.2 of the report.
<ul style="list-style-type: none"> <li>• Impact on landscape</li> <li>• Permits enjoyment of the views of the local area.</li> </ul>	Noted, and discussed at section 5.2 of the report.
<ul style="list-style-type: none"> <li>• Impact on residential amenity</li> <li>• Houses are at such a distance away that the noise will not make an impact.</li> <li>• Is not comparable to a new housing site.</li> </ul>	Noted, and discussed at section 5.3 of the report.
<ul style="list-style-type: none"> <li>• Impact on highway safety, parking and access.</li> <li>• Ample parking.</li> </ul>	Noted, and discussed at section 5.4 of the report.

## **8. REASONS FOR REFUSAL**

1. The development is for a café/restaurant, which is classed as a ‘town centre use’ outside of an existing town, village or located employment area, which due to its operating hours, size and nature of operation is not considered ancillary to the wider vineyard use operating at the site. It has not been demonstrated to the satisfaction of the Local Planning Authority that there is a justifiable and functional need for the activity within this rural location and that that it could not have been reasonably located in existing towns, villages or allocated employment areas. Therefore, the development would be contrary to Policies E2, E4 and E5 of the Maldon District Local Development Plan (2017) and the policies and guidance contained in the National Planning Policy Framework (2021).
2. The application site lies within a rural location. The development, by virtue of its urban nature, the design, visual intrusion into the countryside, and siting and cluttered appearance of the operational development to the western side of the building, namely but not limited to, the store, gas tank and fencing, hardstanding and container, fails to protect and enhance the character and appearance of the rural area. The development would therefore be unacceptable and contrary to policies S1, S8 and D1 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2021).
3. The proposal, by reason of an inadequate level of on-site parking, would be likely to cause additional on-street parking to the detriment of the freeflow of traffic and highway safety and could also further erode the countryside. The proposal is therefore, contrary to policies S1, S8, D1, T1 and T2 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework (2021).