



**REPORT of  
CHIEF EXECUTIVE**

**to  
CENTRAL AREA PLANNING COMMITTEE  
31 MAY 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00216</b>
<b>Location</b>	Topsail Charters Limited Cooks Boatyard The Hythe Maldon
<b>Proposal</b>	Change of use of existing lease to allow the following for three years:- <ul style="list-style-type: none"><li>• For mooring of historic barge on camp shed as public tearoom and daytime meeting room</li><li>• Evening use as an Arts Venue</li><li>• Erection of safety stanchions and link chain along riverside of path</li></ul>
<b>Applicant</b>	Ms Stephanie Valentine
<b>Agent</b>	N/A
<b>Target Decision Date</b>	20 April 2017
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land

**1. RECOMMENDATION**

To the Council:

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

**2. SITE MAP**

Please see overleaf.

**Topsail Charters Limited, Cooks Boatyard, The Hythe, Maldon**  
**FUL/MAL/17/00216**



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 Maldon District Council 100018588 2014

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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: Central Committee 17/00216

Date: 18/05/2017

MSA Number: 100018588

### 3. SUMMARY

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

- 3.1.1 The application site relates to an existing barge mooring located at Cooks Boatyard along The Hythe in Maldon. The application site relates directly to the barge moorings although Cooks Boatyard also encompasses a workshop and storage yard.
- 3.1.2 The site is located outside of the development boundary for Maldon, and within the Maldon Conservation Area as well as the designated Coastal Zone as contained in the adopted Local Plan. The application site is also located within a designated Site of Special Scientific Interest (SSSI).
- 3.1.3 To the immediate north west of the application site is the River Bailiff's Hut with further moorings beyond along the quayside. To the immediate south is the Cooks Yard workshop also leased by the Applicant and to the south east of the application site is the promenade park and associated leisure uses.
- 3.1.4 Cooks Boatyard is leased by the Applicant from the Council and planning permission is sought for change of use of existing lease to allow for mooring of historic barge on camp shed as public tearoom and daytime meeting room. The proposal also includes occasional evening use as an Arts Venue as well as the erection of safety stanchions and a link chain along the riverside of the quay adjacent to the mooring. It should be noted that the lease from the Council to the applicant is not a planning consideration.
- 3.1.5 It is proposed that the tearoom (Class A3 Use) would open seven days a week from 10:00 – 17:00 hours. The evening use as an Arts Venue would also potentially operate up to seven days a week from 19:00 – 23:30 hours.
- 3.1.6 The application states that the business operating from Cooks Boatyard is Topsail Charters who have purchased a historic Thames Barge known as 'Resourceful' which would be used to house the proposed tearoom and venue. Whilst the barge would primarily be moored on the camp shed berth alongside the path 'Resourceful' may have to be moved occasionally to allow another barge to use that berth for repair work if and when necessary. The barge was built in 1931 and is registered with National Historic Ships. 'Resourceful' is sister ship to the Maldon based 'Reminder'. The application goes on to state that the continued upkeep of the historic barge fleet operated by Topsail Charters has become increasingly challenging and the proposed tearoom is the first stage of a longer term plan to develop the site at Cooks Yard into an enhanced visitor experience and to provide extra income for the yard as well as towards the ongoing restoration work of other vessels owned by Topsail Charters.
- 3.1.7 The previous planning application was presented to Members at the Central Area Planning Committee on 14 December 2016 and the application was recommended refusal for the following reasons (Minute No. 812 refers):

*1 The application site is located within Flood Zone 3b defined by the National Planning Practice Guidance as the functional floodplain, this zone comprises land where water has to flow and be stored in times of flood. The vulnerability of the proposed development as per the National Planning Practice Guidance table 2 'Flood Risk vulnerability Classification' is 'less*

*vulnerable' which is considered an in appropriate development in flood zone 3b. The proposed development is therefore detrimental to the safety of future users of the site contrary to the guidance and advice contained within the National Planning Policy Framework, the National Planning Practice Guide as well as policy D5 of the submitted Maldon District Local Development Plan.*

- 2 *The application site is located within the Maldon Conservation Area and Cooks Boatyard currently makes a positive contribution to the special character of the Conservation Area as well as the wider waterside location. Whilst no objection is raised to the visual impact of the barge the proposed use of the barge as a tearoom and arts venue at the application site would fail to preserve or enhance the special character of the Maldon Conservation Area and the working waterside character of the locality. The development would be contrary to The National Planning Policy Framework, policies BE1, BE13 and CC12 of the adopted Maldon District Replacement Local Plan and policies D1 and D3 of the submitted Maldon District Local Development Plan.*
- 3 *The application site is in close proximity to residential dwellings in St Mary's Lane and The Hythe and insufficient information has been submitted to demonstrate that the proposed development would operate without resulting in material harm to the amenity of neighbouring occupiers through noise and disturbance. The proposed development would therefore be contrary to The National Planning Policy Framework, policies BE1 and CON5 of the adopted Maldon District Replacement Local Plan and policy D1 of the submitted Maldon District Local Development Plan.*
- 4 *The proposed development, if allowed, would prejudice the outcome of the Maldon and Heybridge Central Area, contrary to policy S5 of the Maldon District Local Development Plan which seeks to promote regeneration of visitor attractions and facilities through a master planning approach.*

3.1.8 The elected Members agreed with the officer's recommendation, but as the planning application is on Council's owned land, the application had to be presented at the Planning and Licensing Committee. However, this planning application was withdrawn from that agenda hence the resubmission of the application to address the reasons for refusal.

## **3.2 Conclusion**

3.2.1 The proposed development is considered a 'less vulnerable' use as detailed within the National Planning Practice Guide (NPPG) which is considered to be inappropriate within flood zone 3b which is defined as the functional floodplain. As such the proposed development would be contrary to the guidance and advice contained within the National Planning Policy Framework (NPPF) as well as the NPPG, and policy D5 of the Maldon District Local Development Plan (LDP).

3.2.2 Whilst no objection is raised to the visual impact of the barge the proposed use of the barge as a tearoom and arts venue at the application site would fail to preserve or enhance the working waterside character of the locality which forms a part of the special character of the Maldon Conservation Area. The proposal would therefore fail to accord with policies BE1, BE13 and CC12 of the adopted local plan, policies D1 and D3 of the LDP and Government advice contained within the NPPF.

- 3.2.3 It is acknowledged that the application has potential positive impacts which weigh in its favour, such as the potential for job creation and an enhanced tourism offer. However, in this instance the development is not acceptable in principle due to flood risk and the material harm that the development would cause, as summarised above, would not be outweighed by any potential benefits of the development.

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

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

##### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 7, 14, 17, 58, 100, 126

##### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2 – Development Outside Settlement Boundaries
- BE1 – Design of New Development and Landscaping
- BE13 – Development in Conservation Areas
- CON5 – Pollution Prevention
- CC2 – Development Affecting a Nationally Designated Nature Conservation Site
- CC6 – Landscape Protection
- CC11 – The Coastal Zone
- CC12 – Maldon Waterside Area
- T1 - Sustainable Transport and Location of New Development
- T2 - Transport Infrastructure in New Developments

##### **4.3 Maldon District Local Development Plan**

- 4.3.1 The Maldon District Local Development Plan has completed the Submission Examination stage. The January 2017 Examination was in respect to matters not Examined at the first Examination, and matters that arose from the Main Modifications Consultation in September 2016.
- 4.3.2 Post-Examination Modifications were published for public consultation in March 2017 and the consultation ended on 28th April 2017. A total of 43 responses were received, which have been sent to the Inspector for his consideration in his Report. His Report is due to be submitted to the Secretary of State in Spring / Summer 2017 and the Council aims to have the Plan adopted in the early Autumn 2017.
- 4.3.3 There remains a risk that the Inspector considers that further Examination is needed if the responses to the Post-Examination modifications raise new matters (as a consequence of the modifications) which have not previously been examined. However, the Post-Examination modifications, when read concurrently with the Main Modification and Additional Modifications consulted on in September 2016, only relate to matters which have been considered at the Examinations in 2015 and January 2017. Therefore, it was a focussed consultation and no new matters previously not examined or matters already examined will be considered by the Inspector.

4.3.4 At this time it is considered that the Plan is at an advanced stage and can be afforded significant weight.

4.3.5 The following policies that are relevant to this planning applications are:-

- S1 - Sustainable Development
- S5 – Maldon and Heybridge Central Area
- D1 - Design Quality and Built Environment
- D3 – Conservation and Heritage Assets
- D5 – Flood Risk and Coastal Management
- E5 – Tourism
- N2 – Natural Environment and Biodiversity
- T2 - Accessibility

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

5.1.1 Policy E5 of the Local Development Plan states that the Council supports the development of the tourism industry, particularly in relation to the ensuring the vitality of towns and supporting of the rural economy. Planning permission seeks the change of use of existing lease to allow for mooring of historic barge on camp shed as public tearoom and daytime meeting room for three years. The proposal would also include evening use as an Arts Venue; and the erection of safety stanchions and link chain along riverside of path.

5.1.2 As the proposal would create an educational and recreational attraction to the benefit of local businesses, communities and visitors, the principle of the proposal is therefore considered acceptable subject to other material considerations which are discussed below.

### **5.2 Design, Impact on the Character and Appearance of the Area and Maldon Conservation Area**

5.2.1 The NPPF advises on good design and in paragraph 56 states that:

*‘The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people...’*

5.2.2 Such design principles are dealt with by local plan policy BE1 which seeks to ensure that new development is compatible with its surroundings in terms of design, scale, layout, appearance and architectural style, and make a positive contribution to the

landscape and open countryside. It should be noted that design is not just about how buildings will appear visually but also how buildings function and relate to their surroundings, with regard to sustainable development. Submitted LDP policy D1 deals with design quality and the built environment and is applicable to the consideration of this application.

- 5.2.3 Furthermore the core planning principle of the NPPF includes recognition of the intrinsic character and beauty of the countryside. Paragraph 109 of the NPPF advises that valued landscapes should be enhanced and protected. Policies CC6 and CC11 of the adopted Local Plan are also relevant to the consideration of this application and seek to ensure that no harm is caused to the coastal landscape character of the locality of the application site.
- 5.2.4 The application site is also located within the Maldon Conservation Area. Conservation Areas are ‘Areas of Special Architectural or Historic Interest, the character or appearance of which is desirable to preserve or enhance’ (Planning (Listed Buildings and Conservation Areas) Act 1990). Any new development therefore has to be assessed against Local Plan Policy BE13 as well as Policy D3 of the Local Development Plan and the guidance contained within the NPPF to ensure that it would preserve or enhance the character or appearance of the Maldon Conservation Area.
- 5.2.5 In terms of actual design and coastal landscape impact the development is considered acceptable as the barge ‘Resourceful’ which would be moored at the application site, is a historic boat in its own right and would appear visually in keeping with the site and the Maldon Conservation Area. Furthermore, the Applicant has revised the development proposal and this would be now for a temporary period of three years and as such, no objection has been raised by the Conservation Officer as the use would be of a temporary nature.
- 5.2.6 Whilst temporary planning permission is sought, the Urban Design Officer has raised concerns that the development would have an impact on the character and appearance of the working boatyard. It was further advised that the positive contribution which Cooks Boatyard makes to special character of the Maldon Conservation Area derives not so much from the appearance of the boats and buildings than from its active use as a boat repair yard. There is a legitimate concern that running a tearoom off a boat in one of the berths (which are meant for boats undergoing repair) could put Cooks long-term function as a boat repair yard under threat which would dilute its historic role and identity.
- 5.2.7 Policy CC12 of the adopted local deals with the Maldon Waterside Area which the application site lies within. This policy states that development will only be permitted if the following criteria are met:
- a) it consolidates or introduces a use which is beneficial to retaining the working waterside character of the area, and
  - b) it enhances the waterside character of the area.
- 5.2.8 The preamble to this policy states that the southern bank of the Blackwater at Maldon waterfront derives its character from the combination of the variety of traditional water-orientated land uses. It is important that any development that is permitted in

this area seeks to retain this character. The installation of a tearoom on a part of the river front which has historically been reserved for boat repair threatens to undermine this objective.

- 5.2.9 It is considered that whilst no objection is raised to the visual impact of the barge, the proposed use of the barge as a tearoom and Arts Venue at the application site would fail to preserve or enhance the working waterside character of the area and special character of the Maldon Conservation Area, contrary to policies BE1, BE13 and CC12 of the adopted Local Plan, policies D1 and D3 of the Local Development Plan, and the NPPF.

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

- 5.3.1 Policy BE1 of the adopted Local Plan states that new development will be permitted if they are compatible with their surroundings, and/or improve the surrounding location in terms of the effect on the safety and or amenity of neighbouring properties or the occupiers therein. This policy is also reflected in policy D1 of the Local Development Plan (LDP) which deals with Design Quality and Built Environment and considers similar residential amenity considerations.

- 5.3.2 The nearest neighbouring dwellings to the application site are located in St Mary's Lane and The Hythe with the nearest dwellings positioned approximately 55 metres from the application site. In the previous planning application FUL/MAL16/00872, the Environmental Health Services had raised concerns with the application, as the neighbouring residential dwellings will be vulnerable to exposure from noise arising from the proposed Arts Venue uses. In this revised scheme, the Environmental Health Services has removed their objection as it is now understood that whilst permission is sought for evening use of the venue seven days a week until 23.30, this is to open up the availability for potential bookings. It is anticipated that on average evening use will be once per week. A planning condition could therefore be imposed to limit the Arts Venue should the application be approved. Based on the above, the proposal would accord with policy BE1 of the adopted local plan, policy D1 of the Local Development Plan, and Government advice contained within the NPPF.

- 5.3.3 The Environmental Health Services has provided no comments regarding black and grey water, lighting, safety access / emergency exit or alcohol licencing.

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

- 5.4.1 The existing vehicular access point to the site would not be altered and as such no objection is raised to the development on access or highway safety grounds.
- 5.4.2 In addition, Essex County Highways has raised no objection to the proposal. Whilst the application does not propose any off road parking for visitors the site is located in close proximity to the town centre and a number of public car parks. No objection is raised to the proposed in terms of access, parking or highway safety and the proposal would accord with policy T2 adopted local plan and policy T2 of the Local Development Plan.

## 5.5 Flood Risk

5.5.1 The application is located within Flood Zone 3b defined by the NPPG 'Flood Risk and Coastal Change' as the functional floodplain, this zone comprises land where water has to flow and be stored in times of flood. In the previous planning application FUL/MAL/16/00872, it is noted that the Environment Agency's (EA) initial consultation response raised an objection to the development on flood risk grounds and had advised that '*at present the vulnerability of this development is unclear as it is not specified in table 2 of the PPG. Where there is uncertainty we require LPAs to confirm the vulnerability class of the application.*'

5.5.2 Following receipt of this initial consultation response the EA was advised by Officers that the vulnerability of the development is considered to be 'less vulnerable' as per table 2 of the NPPG. In taking this view, Officers have had regard to the display of the historic barge however this is incidental to the main use which would be as a tearoom and/or public assembly use which fits with the 'less vulnerable' uses within table 2 of the NPPG. The EA had advised at that time that if the development is considered as 'less vulnerable' then they would object in principle to this application.

5.5.3 The Environment Agency has been re-consulted regarding this revised application and in light of the above classification, has objected to this application in principle because the proposed development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the site is located. The Environment Agency has not received any further information since 23 November 2016 with regards to the vulnerability classification and therefore recommended that the application is refused planning permission on this basis.

5.5.4 As the vulnerability of the proposed development per NPPG table 2 is less vulnerable the proposal is considered an inappropriate development in flood zone 3b as per table 3 of the NPPG. A development of this vulnerability should therefore not be allowed within such a high risk flood site. The only development considered acceptable within flood zone 3b within the NPPG is:

*'Essential infrastructure that has to be there and has passed the Exception Test, and water-compatible uses' these should then be designed and constructed to:*

- *remain operational and safe for users in times of flood;*
- *result in no net loss of floodplain storage;*
- *not impede water flows and not increase flood risk elsewhere.'*

5.5.5 In the light of the above assessment the proposed development would be contrary to the guidance and advice contained within the NPPF as well as the NPPG, and policy D5 of the Maldon District Local Development Plan.

5.5.6 The Planning Practice Guidance (PPG) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each flood zone. In this case, the application site lies within the tidal Flood Zone 3b, the functional floodplain, as delineated by the 1 in 20 annual probability event outlined and within Maldon District Council's Strategic Flood Risk Assessment.

- 5.5.7 The proposed development is classified as ‘less vulnerable’ in Table 2: Flood Risk Vulnerability Classification of the PPG. Table 3 of the PPG makes clear that this type of development is not compatible with Flood Zone 3b and should not therefore be permitted.
- 5.5.8 The Emergency Planner was consulted and it was advised that the information contained within the submitted Flood Risk Assessment is appropriate to form an informed Flood Warning and Evacuation Plan in the event of a tidal surge.

## **5.6 Other Material Considerations**

- 5.6.1 It is important to note that Hythe Quay (and the application site) is within the Maldon and Heybridge Central Area (MHCA) which is made up of Maldon Central based on the retail function of the High Street; the Causeway Regeneration Area which is the largest employment area in the district and the Leisure Quarter which focuses on the tourism offer and the attraction of Hythe Quay and Promenade Park. The application site is located within the Leisure Quarter as defined by Policy S5 of the Local Development Plan (LDP).
- 5.6.2 The aim of Policy S5 of the LDP is that the Central Area will continue to act as the focal point within the District for retail, commercial, industrial, community and tourism activities and will be a thriving and vibrant destination that has strong connections with surrounding areas and is supported by its heritage assets, waterways and green spaces.
- 5.6.3 Policy S5 states that ‘development and regeneration will take place in accordance with a masterplan endorsed by the Council’. To date the masterplan has been informed by a number of stakeholder workshops and public engagement. The masterplan is a requirement of Policy S5, LDP and is a key delivery tool for development to come forward. The draft Masterplan and Action Plan has since been out for public consultation (20 March 2017 - 28 April 2017). The result from this public consultation will be presented to the Planning and Licencing Committee in July 2017 for endorsement.
- 5.6.4 The masterplan is responding to stakeholder engagement and key opportunities identified to transform Hythe Quay including:
- Environmental Enhancements;
  - New moorings extended along the Bath Wall;
  - Seasonal / traditional Food Market;
  - Events programme;
  - Improved Links with Promenade Park and the entire waterside from Fullbridge to Northey Island;
  - Conversion and re-use of redundant buildings.
- 5.6.5 Concerns have been raised by the Urban Design Officer that the application seeks approval of an isolated proposal for a use that does not integrate with the whole offer that Hythe Quay presents in the masterplan. The Urban Design Officer also considers that the proposal could also impact on the existing offer that existing businesses provide in the vicinity and compromise the education, skills and training requirements

set out in the Maldon District Economic Prosperity Strategy with a particular focus on maritime skills.

- 5.6.6 What is drawn out from the stakeholder engagement and public consultation is the depth of opinion regarding the functional and practical requirements of a working river, quay and boat yard and most importantly the need for a boat repair yard for the Thames Sailing Barges. Cook's Boatyard underpins the character of a working quayside and boat repair yard within a working landside and riverside environment with a strong and rich historic maritime character and exceptional natural environment.
- 5.6.7 Cook's Boatyard facilities should be retained for its original purpose for:
- traditional boatbuilding skills including wood working, blacksmithing, sail making and rigging;
  - fostering public awareness of the traditional skills as part of a living tradition – the sail dressing / painting the sails is an important public event on the quayside directly related to the maintenance of Thames Sailing Barges;
  - supporting a new generation of craftsmen to adopt the skills needed to maintain and retain all of the Thames Sailing Barges that remain and other heritage craft.
- 5.6.8 The environs to Cook's Boatyard on land and water are reflective of its use as a working boat repair yard with stacks of timber, heavy metal spare parts, machinery for repairs on the landside and barge berths and barge blocks at the riverside but most importantly the character of the people who carry out this work. Boiler suited craftsmen and women actually carrying out this work with the smells and noises associated with repairing boats – paint, varnish, sawdust, glue, and hammering, sawing, planing. This visual and physical character of a working boatyard is unique.
- 5.6.9 As such, it is considered that the proposal of a tea room, an unrelated craft within an existing working boatyard, would impact negatively on the character, function and practicalities of a working boatyard and working maritime / port area. Coupled with the national and local policy objectives to protect and enhance the historic environment, pay due regard to the sensitive relationship of the Masterplan area with the River Chelmer and to realise the potential of its maritime heritage in protecting maritime trades and raising awareness of the importance of maritime skills and water-related industries, a direct conflict arises if an element of the last working boatyard for the Thames Sailing Barges is lost - even temporarily.
- 5.6.10 The proposal would therefore directly conflict with the vision and objectives of the draft Masterplan required under Policy S5 of the LDP to protect and enhance the historic environment, pay due regard to the sensitive relationship of the Masterplan area with the River Chelmer and to realise the potential of its maritime heritage in protecting maritime trades and raising awareness of the importance of maritime skills and water-related industries within the Masterplan area.
- 5.6.11 It is noted that a previous application on land leased by the applicant for change of use of a boat store to marine gallery / exhibition and boat storage was refused in August 2016 with one of the reasons of refusal relating to the development prejudicing the outcome of the Maldon and Heybridge Central Area master planning approach. This

application could also prejudice the outcome of the masterplan and should not be considered in isolation. It is therefore considered that the proposal would be contrary to Policy S5 of the LDP.

5.6.12 In addition to the above, the Council is fully aware that there are lease issues on this site as the proposal would be sited and operating on Council's own land. However, it is important to note that this planning application has been determined in accordance with relevant Development Plan Policies and planning legislations and the not outcome of the lease.

5.6.13 Letters of representation received refers to a 'winter barge tearoom' having been in operation since 2013 and for seven months a year. The Council has no record of this and the use appears to be unauthorised. This winter barge tea room therefore carries little weight as a material consideration.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/91/00358** - Improvements to boatyard including workshops visitor facilities and museum. Approved - 09.07.1991.
- **FUL/MAL/98/00508** - Change of use to Maritime Heritage Centre incorporating charter boat agency visitor information point and project boat building. Approved - 08.10.1998.
- **FUL/MAL/00/00205** - Construction of replacement boatshed. Approved - 02.06.2000.
- **FUL/MAL/07/00199** - Use to include a maritime heritage centre and gallery. Approved - 11.06.2007.
- **FUL/MAL/09/00152** - Change of use to include a marine gallery and exhibition. Approved - 12.06.2009.
- **FUL/MAL/15/00285** - Change of use from boat store to marine gallery/exhibition and boat storage with associated works to the building. To install a kitchen within shed to serve barge cruises. Erection of a fence to southern boundary of the site of the boatyard. Refused - 12.08.2016.
- **FUL/MAL/16/00872** - Change of use of existing lease to allow for mooring of historic barge on campshed as public tearoom and daytime meeting room. Also occasional evening use as an Arts Venue. Erection of safety stanchions and link chain along riverside of path. Withdrawn.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	The Town Council recommends approval of this application as this will enhance tourism in the town.	Noted

## 7.2 Statutory Consultees and Other Organisations (*summarised*)

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council (ECC) Highway Authority	No objection subject to conditions and informative.	Noted in Section 5.4.2 of the report.
Emergency Planner	The information submitted within the flood risk assessment is appropriate to form an informed flood warning and evacuation plan if followed by staff and all on site in the event of a tidal surge.	Noted in Section 5.5.8 of the report.
Natural England	No objection to the application.	Noted.
Maldon Harbour Improvement Commissioner	Object to the planning application.	Noted.

## 7.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health Services	No objection subject to condition.	Noted in Section 5.3.2 of the report.
Urban Design Officer	Object to the temporary consent as the development would be contrary to policy S5 of the LDP.	Noted in Sections 5.2.6 and 5.6 of the report.
Conservation Officer	No objection as the proposal will now be temporary.	Noted in Section 5.2.5 of the report.
Economic Development Officer	No objection to the application.	Noted.

## 7.4 Representations received from Interested Parties (*summarised*)

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

- Mr Adrian Riva Fenby Shipways Yard North Street
- Dr Andrea Raiker Flat 3 Beacon Hill Court 20 - 22 Beacon Hill Maldon
- Mr Taylor - Association Of Bargemen 10 Toga Close Colchester CO2 9JJ
- Landbrach Limited C/o N Cardy Chelmer Terrace Maldon Essex
- Mr Noel Probyn Hall Cottage Hall Road Heybridge
- Mrs Mari Riva Fenby Shipways Yard North Street

Objection Comment	Officer Response
Loss of facility for local barge operators and barge maintenance.	Noted in Sections 5.2, 5.3.3, 5.5 and 5.6 of the report
Negative impact on visiting yachts.	
The proposal is unclear regarding the disposal of black and grey water.	
The health and safety – i.e. tea room so close to other vessels being repaired; Arts Venue where alcohol to be served could mean greater risks; not enough detail regarding emergency exits.	
Flooding issue has not been addressed.	
Impact on the conservation area.	
If Topsail Charters no longer require these barge berths for repairs on Thames barges perhaps MDC should offer the leases to someone who wants to carry on barge repairs and maintenance.	
Cooks Yard is the only surviving Barge yard left in the country and it is of national importance with an unbroken history. It must not be lost.	
A temporary consent would create a back door precedent for permanence and compromise the historic site.	
Work on the barge blocks can be noisy and dirty not an ideal neighbour for a "tearoom".	
Not an appropriate location for a tearoom.	
Resourceful is not on the Historic Ships Register.	
Bollards and chain will form an obstacle on the pathway alongside the river.	

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

- Miss Michele Williams Barge End Cottage 30 The Hythe Maldon
- Miss Joy Young 75 St Giles Crescent Maldon Essex
- Mrs Jill Driver 22 Fambridge Road Maldon Essex
- Roger Beckett 54 Meadway Maldon Essex
- Mr Jonathan Nichols 42 Victoria Road Maldon Essex
- Judith Lea C/o Maldon Society 12 The Courtyard Spital Road Maldon
- Mrs Claire Luff 27 Masefield Road Maldon Essex
- Mr Gareth Lethbridge 27 Wagtail Drive Heybridge Maldon
- Mr Kenneth James Thornetons Wayside Little Baddow
- Ralph Springett Shipwright & Barge Repairs 22 Chichester Way Maldon

- Mr Simon Carlaw 10 North Block The Railstore Romford
- Phil Griffiths Ashmere 40 Holloway Road Heybridge
- Mr Robert Southey 17 Volwycke Avenue Maldon Essex
- Mrs Kim & Gerry Gibbs 32 The Hythe Maldon Essex
- Mr Jane Senior 48 Mariners Way Maldon Essex

Supporting Comment	Officer Response
Will greatly enhance the Hythe and waterfront area of the Promenade Park in Maldon.	Noted in Sections 5.1.1, 5.2.8, 5.3.3 and 5.6.8 of the report.
Benefit local economy.	
Wonderful tourist attraction and draws visitors to the town.	
A distinctive addition to visitor facilities at the prom.	
The proposal would provide funds for Topsail Charters to continue with their work.	
This proposal is just that, a winter and summer cafe, with evening recitals, poetry readings and talks that will compliment the waterfront and its facilities, enriching both the visitor and the townsfolk.	
Topsail maintain and repair both their and other barges and boats, providing training, skills, experience and employment, sustaining knowledge and practice of barge construction.	
Provides job.	
Educational – keeping alive old craft skills.	
The use of the barge as a tearoom is an excellent way to give both residents and visitors the chance to experience such a craft when they otherwise may not have such an opportunity.	
Enjoy using the Winter Tea Room and is should be a permanent addition to Topsail.	
A barge with multi-use should be supported.	
Local suppliers can benefit from this proposal .	
Will able to host celebrations or events all year round.	
A lovely site for use as a meeting room and a place for exhibitions of local artists' work.	

7.4.3 Letters were received **commenting** on the application from the following, summarised as set out in the table below:

- Mrs Carol Greenhalgh George Smeed Sailing Barge The Hythe Maldon
- Mrs Janet Hall 12 The Hythe Maldon Essex

<b>Comment</b>	<b>Officer Response</b>
The bollards proposed would not be temporary.	
Concerned about the logistic of the proposal – the activities to take place would conflict with each other .	
No details of lighting .	
Cook's Yard is one of the most important examples of Maldon's industrial heritage.	
No details of waste and sewerage disposal.	
What provision will be made for people to escape ashore from below deck in case of fire or other emergency?	

## **8. REASONS FOR REFUSAL**

- 1 The application site is located within Flood Zone 3b defined by the National Planning Practice Guidance as the functional floodplain, this zone comprises land where water has to flow and be stored in times of flood. The vulnerability of the proposed development as per the National Planning Practice Guidance table 2 ‘Flood Risk vulnerability Classification’ is ‘less vulnerable’ which is considered an inappropriate development in flood zone 3b. The proposed development is therefore detrimental to the safety of future users of the site contrary to the guidance and advice contained within the National Planning Policy Framework, the National Planning Practice Guide as well as policy D5 of the Maldon District Local Development Plan.
- 2 The application site is located within the Maldon Conservation Area and Cooks Boatyard currently makes a positive contribution to the special character of the Conservation Area as well as the wider waterside location. Whilst no objection is raised to the visual impact of the barge, it is considered that the proposed use of the barge as a tearoom and an Arts Venue at the application site would fail to preserve or enhance the special character of the Maldon Conservation Area and the working waterside character of the locality. The development would therefore be contrary to The National Planning Policy Framework, policies BE1, BE13 and CC12 of the adopted Maldon District Replacement Local Plan and policies S1, S5, D1 and D3 of the Maldon District Local Development Plan.