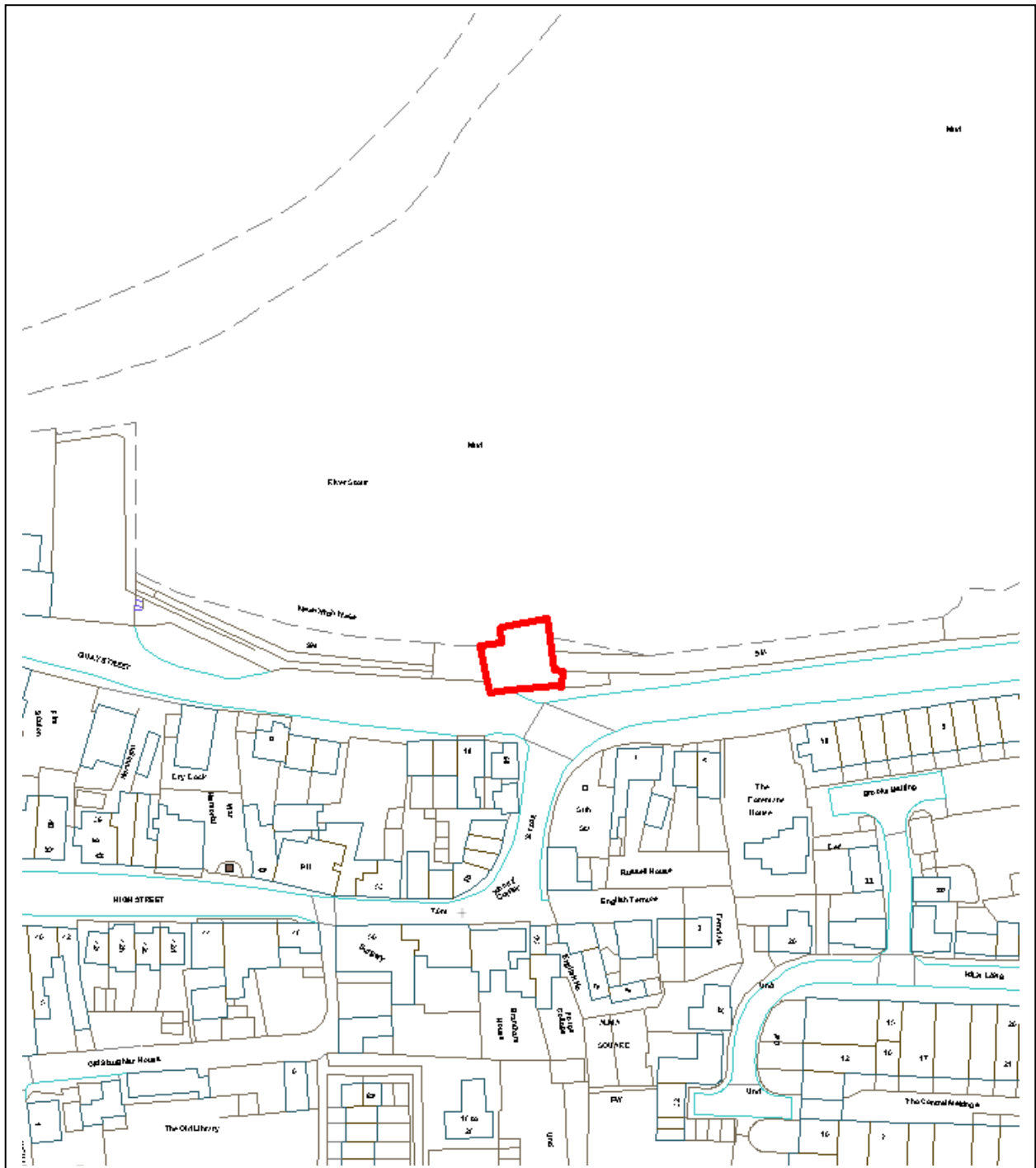


PLANNING COMMITTEE

28 MAY 2013

REPORT OF THE HEAD OF PLANNING

**A.3 - PLANNING APPLICATION - 13/00209/FUL - EAST COMPOUND, 10 QUAY STREET, MANNINGTREE, CO11 1AU**



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<b>Application:</b>	13/00209/FUL	<b>Town / Parish:</b> Manningtree Town Council
<b>Applicant:</b>	Stour Sailing Club - Mr Robert Leeds	
<b>Address:</b>	East Compound, 10 Quay Street, Manningtree, CO11 1AU.	
<b>Development:</b>	Demolition and replacement of dilapidated starting and storage hut. (Revised).	

## 1. Executive Summary

- 1.1 This application has been called in for determination by the Planning Committee by Councillor G V Guglielmi for the following reasons: Contrary to the development plan or government guidance; Negative impact on urban design/street scene; Negative impact on neighbours; and Adverse visual impact on the Manningtree and Mistley Conservation Area.
- 1.2 The application proposes replacement of an existing starting and storage hut (4.2m wide by 3.6m long by 2.9m high) with a larger starting and storage hut (3.4m wide by 8.5m long by 3.95m high). The development is located on the seaward side of the seawall on the edge of the River Stour at the junction of Quay Street and The Walls with the High Street. The site lies within the Manningtree and Mistley Conservation Area with four Grade II listed buildings opposite the site. It also lies within the proposed extension to the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty and within Flood Zone 3. The site abuts the Site of Special Scientific Interest, Special Protection Area and Ramsar site on the Stour estuary which are recognised for their importance to nature conservation.
- 1.3 The buildings position and use are associated with the use of the estuary for sailing and other recreational pursuits. Although the replacement hut will be more prominent in both close and distant views by virtue of its increased height and mass, it is not considered that this would result in material harm to the landscape quality of the area, or the character and appearance of the Conservation Area that would justify refusing planning permission on these grounds. The proposal is also considered acceptable in terms of design, flood risk, highway safety, nature conservation and residential amenity. Approval is recommended.

**Recommendation: Approve**

### Conditions:

1. Standard time limit for commencement
2. Development in accordance with submitted plans
3. Use of the building restricted to the storage of sailing equipment and the starting of races
4. Samples of materials to be submitted
5. Details of parking, loading and turning facilities during the construction period

### Reason for Granting Planning Permission:

Having regard to the pattern of existing development in the area and the development plan policies listed above it is considered that subject to compliance with the conditions attached to this permission and owing to siting and scale the proposed development would not reduce the amenities enjoyed by occupants of neighbouring property; would not have an adverse impact upon the landscape quality of the surrounding area or the character and appearance of the

Manningtree and Mistley Conservation Area; would not adversely impact upon the setting of the adjacent Grade II listed buildings; and would be acceptable in terms of flood risk, nature conservation and highway safety.

## 2. **Planning Policy**

### National Policy:

National Planning Policy Framework (2012)

### Local Plan Policy:

#### *Tendring District Local Plan (2007)*

- QL3 Minimising and Managing Flood Risk
- QL9 Design of New Development
- QL11 Environmental Impacts and Compatibility of Uses
- EN5a Area Proposed as Extension to the Suffolk Coast and Heath AONB
- EN11a Protection of International Sites: European Sites and Ramsar Sites
- EN11b Protection of National Sites: Including Sites of Special Scientific Interest
- EN17 Conservation Areas
- EN23 Development within the Proximity of a Listed Building

#### *Tendring District Local Plan Proposed Submission Draft (2012)*

- SD1 Presumption in Favour of Sustainable Development
- SD9 Design of New Development
- PLA1 Development and Flood Risk
- PLA4 Nature Conservation and Geo-Diversity
- PLA5 The Countryside Landscape
- PLA6 The Historic Environment
- PLA7 Conservation Areas
- PLA8 Listed Buildings

## 3. **Relevant Planning History**

12/01075/FUL	Demolition and replacement of dilapidated starting and storage hut. (measured 4.4m wide by 8m long by 5m high).	Withdrawn	27.11.2012
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13/00502/LUEX	Certificate Of Lawful Use for temporary erection of tent/marquee for social use during the months of June to September. Total number of days 120.	New application received 03/05/2013
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#### **4. Consultations**

- 4.1 Natural England – Proposal not likely to have a significant effect on the RAMSAR site, Special Protection Area, or Site of Special Scientific Interest. The Local Planning Authority should consider possible impacts on protected species, local wildlife sites and the local landscape and opportunities for biodiversity enhancements.
- 4.2 Environment Agency – Development is located in Flood Zone 3 and is accompanied by a Flood Risk Assessment. No objections but offer advice to the applicant to register with their flood warning service, use suitable materials and locate electrics and vulnerable equipment above flood level.
- 4.3 Essex County Council Highways - No objection subject to condition relating to details of parking, loading and turning facilities during construction period.
- 4.4 Suffolk Coasts and Heaths AONB Unit – Welcome proposals to provide appropriate facilities for people to enjoy the area but have continuing concern that the height of the development means a loss of view over the estuary and to the Suffolk Coasts and Heaths AONB from the public highway. Would prefer to see a lower roof line to avoid blocking this important view of the AONB.
- 4.5 TDC Principal Tree and Landscape Officer - Proposal is considerably bigger than the building it is intended to replace however its position and future use are associated with the historic use of the estuary for sailing and other recreational pursuits. The new building will be a more dominant feature in the estuarine landscape however the proposal will not have a significantly detrimental impact on the character and appearance of the estuary or the Manningtree and Mistley Conservation Area.
- 4.6 TDC Public Experience – No comments to make.
- 4.7 Historic Buildings Advisor - The proposed building would fit well into the Mistley Conservation Area and add interest to the view along the quay. It is similar to the existing building, and the application indicates that there is historical precedent for a building in this position. The roof covering should be in natural slate and the weatherboard could be black or white.
- 4.8 Manningtree Town Council - Object on the following grounds:
- Proposed replacement hut is too large and is inappropriate for the site.
  - Monolithic design.
  - Size and location of the hut will spoil the view of the landscape which is being considered as an Area of Outstanding Natural Beauty.
- 4.9 Mistley Parish Council (neighbouring Parish) – Object on the following grounds:
- Size of the proposed hut is detrimental to the visual aspect and landscape of the area which is being considered to be an Area of Outstanding Natural Beauty.
  - The visual impact assessment is not an independent study and does not represent the real impact of the building as seen from the general public's viewpoint of the landscape.
  - The lack of public consultation is deplored.

4.10 *Town and Parish Council comments relating to the design, siting and size of the proposed building are addressed at paragraphs 6.6-6.11 below. Comments relating to impact upon the proposed AONB are addressed at paragraphs 6.10-6.11 below. The visual impact assessment has been prepared by the applicant so it is accepted that it is not independent. It is also agreed that the photomontages provided should only be considered as indicative to the scale of the proposed building and a detailed assessment using the scaled drawings should be undertaken by Members at their site visit. The applicant is encouraged, but not required, to consult with the community prior to submitting a planning application the level of consultation undertaken by the applicant is detailed at paragraph 5.5 below. The Council has undertaken its statutory consultation including a notice in the newspaper, posting a site notice and writing to statutory consultees and 104 interested parties.*

## **5. Representations**

5.1 Councillor G V Guglielmi has requested that this application be determined by the Planning Committee for the following reasons: Contrary to the development plan or government guidance; Negative impact on urban design/street scene; Negative impact on neighbours; and Adverse visual impact on the Manningtree and Mistley Conservation Area.

5.2 79 letters of objection have been received and are summarised as follows (with Officer response in brackets):

- Will impair view for residents and visitors (addressed in report below).
- Previous building sat over five feet lower on the beach before the concrete plinth was built (this is indicated by photographs submitted by the applicant).
- This should be considered alongside marquee proposal and their cumulative impact. The marquee has prevented dinghy sailing from this site (the marquee forms a separate certificate of lawful use application which has submitted evidence to demonstrate the marquee has been on the site for a continuous period of ten years and is therefore lawful. That application is being separately assessed and is not relevant to consideration of this application).
- Will only be used as a starting hut 22 times this year by two people so does not need to be this size. Storage can go somewhere less sensitive e.g. west compound (each application must be considered on its merits and not on the availability of alternative sites).
- Inappropriate design, colour, bulk, height and mass (addressed in report below).
- Will harm the character and appearance of the conservation area (addressed in report below).
- A condition should be imposed on any permission to prevent storage of alcohol to minimise potential for vandalism (a condition is included within the recommendation to restrict use of the building for the storage of sailing equipment and the starting of races in the interests of residential amenity and minimising flood risk to users of the building).
- Conditions should be imposed on any permission to control use of the building given its size and risk of social events (see previous comment).
- Would destroy current open vista of the estuary which is an important part of the Conservation Area (addressed in report below).
- Inadequate public consultation by applicant (the applicant is encouraged, but not required, to consult with the community prior to submitting a planning application the level of consultation undertaken by the applicant is detailed at paragraph 5.5 below).
- Decision should not be reached until confirmation as to whether site lies within AONB is received (this would be an unreasonable requirement and the impact upon the proposed AONB extension is addressed in the report below).
- Submitted photographs are misleading; two show a dwelling not the previous gun shed (this has been amended to clarify the situation).

- Highway safety concerns of potentially increased membership and storage (addressed in report below).
- Noise from potentially more events and particularly a marquee would be unacceptable (a condition is included within the recommendation to restrict use of the building for the storage of sailing equipment and the starting of races in the interests of residential amenity and minimising flood risk to occupants of the building. The lawfulness of the marquee will be considered under the separate certificate of lawful use application as discussed above).
- Will obscure views of sailors which is a safety hazard (this is not a material planning consideration and is a matter to be considered by the Sailing Club in connection with their existing use of the building and neighbouring club house).
- Visual impact assessment is misleading as views taken above ground level (it is agreed that the photomontages provided should only be considered as indicative to the scale of the proposed building and a detailed assessment using the scaled drawings should be undertaken).
- No need is evidenced for a building of this size (there is no requirement to demonstrate need for the proposed development however its size and impact are a material consideration and these points are covered in the report below).
- Will obstruct light to neighbouring properties (addressed in report below).
- Will adversely affect house prices (not a material planning consideration).
- The site is Crown Land (the applicant has submitted land registry documents confirming this is not the case. The Sailing Club lease the foreshore in front, but outside the application site, from the Crown Estate).
- Proposal would adversely affect the setting of a number of listed buildings (this matter is addressed in the report at paragraphs 6.8 and 6.9).

5.3 A petition of 207 signatures in support of the proposal has been received and can be viewed by prior arrangement with the case officer. The signatories state they are users of the river and support the proposal. The hut will only be used for starting races and urgently needed storage to improve facilities. The increase in size will cause very little impact to general views only obscuring views of the factory complex and derelict land opposite. The proposal would enhance the seascape and the past vista has been all but obliterated by the flood wall and street parking.

5.4 53 letters of support have been received and are summarised as follows:

- The sailing club is a wonderful asset to all ages for sailing and community events.
- Will not harm neighbours sea views particularly given the screening from the sea wall.
- Storage is a major problem with many paying to store boats and equipment elsewhere.
- Will enhance the current dilapidated building which is an eyesore.
- Will enhance business and trade locally.
- Improves access for the disabled, especially wheelchair users.
- No intention of using the hut for commercial purposes.
- Design is in keeping with the Conservation Area.
- The shed cannot be moved as it is in the best place for starting and finishing races.

5.5 The applicant has written in support and comments are summarised as follows:

- Club needs additional storage and space for youth sail training. There is no space for storage at the West compound or within the clubhouse.
- Whilst opinion is varied as to the previous buildings on or near the site they were much larger than the current proposal and some were built at a similar ground level.
- Many visitors come to Manningtree to enjoy the sailing clubs varied waterborne activities and the hut is a vital part of that.

- Present hut is used for storage of club equipment including buoys, life jackets, oars, spars etc.
- This proposal began around two years ago with minuted discussions within the club and two meetings with TDC officers. Plans were submitted to the Town Council who were originally supportive and one resident adjacent to the site.
- Following previous objections the volume of the building has been reduced significantly.
- Remaining residents on Quay Street have main living accommodation at first floor so would look over the roof.
- At street and ground floor level the river view is all but obscured by the flood wall, the agreeably magnificent views would remain.

## **6. Assessment**

6.1 The main planning considerations are:

- Policy;
- Design;
- Heritage and Landscape Impact;
- Environmental Impact;
- Flood risk;
- Residential Amenity; and,
- Highway Safety.

### **Proposal**

6.2 The application proposes replacement of an existing starting and storage hut (4.2m wide by 3.6m long by 2.9m high) with a larger starting and storage hut (3.4m wide by 8.5m long by 3.95m high). The building will be clad in white weatherboarding above a brick plinth with a slate roof.

### **Site location**

6.3 The site is on the water side of the seawall on the edge of the River Stour at the junction of Quay Street and The Walls with the High Street. The site lies within the Manningtree and Mistley Conservation Area with four Grade II listed buildings opposite the site. It also lies within the proposed extension to the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty and within Flood Zone 3.

6.4 The site abuts the Site of Special Scientific Interest, Special Protection Area and Ramsar site on the Stour estuary which are recognised for their importance to nature conservation.

### **Policy**

6.5 All draft Local Plan policies listed at paragraph 2 above, with the exception of PLA1 (flood risk) and PLA6 (historic environment), are being applied with confidence following little or no objection to the Emerging Local Plan consultation. PLA1 and PLA6 are being applied pragmatically following objections however those policies are broadly in line with the National Planning Policy Framework particularly in relation to this specific proposal.

### **Design**

6.6 Following public objections application 12/01075/FUL for a larger hut (4.4m wide by 8m long by 5m high) was withdrawn. The current proposal is for a hut which measures 3.4m

wide by 8.5m long by 3.95m high. For comparison purposes this is 0.8m narrower, 4.9m longer and 1.05m higher than the existing hut to be replaced.

- 6.7 Saved policy QL9 states all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Development should relate well to its site particularly in relation to its siting, height, massing and materials; and should respect or enhance views. Draft policy SD9 repeats these comments. The building will be clad in white weatherboarding above a brick plinth with a slate roof with double doors to the highway elevation and viewing windows to the river. The design, scale, detailing and construction materials are considered appropriate for this location. A materials condition has been recommended to ensure quality materials for this sensitive location.

### **Heritage and landscape Impact**

- 6.8 The site lies within the Manningtree and Mistley Conservation Area with four Grade II listed buildings opposite. The site is on a prominent corner, known as Wherry Corner, when you travel from Manningtree High Street towards the river and on to Mistley. Saved policy EN17 states development should be refused where the height, siting, massing or materials would not preserve or enhance the character or appearance of the conservation area. This view is reflected in draft policy PLA7. Saved policy EN23 states development which would adversely affect the setting of a listed building will not be permitted. This view is reflected in draft policy PLA8.
- 6.9 The replacement building, by virtue of its increased length of 4.9 metres will be closer to the highway and with an increased height of 1.05 metres it will be more prominent in views from Wherry Corner and views east and west along the river. The sea wall currently provides significant screening from the highway with only the eaves and roof of the existing building visible from many viewpoints. It is considered that, subject to securing quality materials including natural slate to the roof, the proposed building would preserve the character and appearance of the Manningtree and Mistley Conservation Area and the setting of the four neighbouring Grade II listed buildings.
- 6.10 The site lies within the proposed extension to the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty. Saved policy EN5a states the Council will seek to protect the natural beauty of the landscape within this area and views towards it. Draft policy PLA5 states that until this land is formally designated as an Area of Outstanding Natural Beauty it will be subject to a high level of protection to protect its quality and character.
- 6.11 The buildings position and use are associated with the use of the estuary for sailing and other recreational pursuits. As discussed above the replacement hut will be more prominent in both close and distant views by virtue of its increased height and mass. However because this is a small increase (1.05m higher and 4.9m longer) of appropriate design and materials, it is not considered that this would result in material harm to the landscape quality of the area to justify refusing planning permission on these grounds.

### **Environmental Impact**

- 6.12 Natural England confirms the proposal is not likely to have a significant effect on the adjacent designated nature conservation sites. The proposal replaces an existing smaller building of the same use and given the nature of this use, the location and design of the proposed building, and surrounding habitat, it is not considered necessary or reasonable to impose conditions relating to provision of bat or bird boxes etc.



### **Flood Risk**

- 6.13 The site lies within Flood Zone 3 (high risk) and is located on the seaward side of the sea wall. The National Planning Policy Framework classifies the proposal as water compatible development. A Flood Risk Assessment has been submitted. The Environment Agency has no objection but offer advice in relation to minimising flood risk (registering with their flood warning service, using suitable materials and locating electrics and vulnerable equipment above flood level) and a note to this effect will be added to any planning permission.

### **Residential amenity**

- 6.14 The closest dwelling is approximately 22 metres away on the opposite side of Quay Street. Given the separation distance and height of the building there would be no loss of light to any neighbouring dwelling. The proposed building is 1.05 metres higher and 4.9 metres longer than the existing hut and will therefore be more prominent in views from neighbouring properties. However it is considered that given the maximum height of 3.95 metres, separation from neighbouring dwellings, and siting below highway level and behind the sea wall that the proposed building would not result in any significant harm to outlook from neighbouring properties.
- 6.15 Concern has been raised regarding the potential use of the building for social functions linked to the current application (13/00502/LUEX) for a Certificate Of Lawful Use for temporary erection of a tent/marquee for social use during the months of June to September for a total number of 120 days. The use of the marquee cannot be considered under this application for the starting hut. A condition is included within the recommendation to restrict use of the building for the storage of sailing equipment and the starting of races in the interests of residential amenity and minimising flood risk to users of the building.

### **Highway safety**

- 6.16 There is no vehicular access serving the site and public parking exists along the river and in the public car park further along The Walls.
- 6.17 The Highway Authority has no objection subject to a condition relating to details of parking, loading and turning facilities during the construction period which is included within the recommendation in the interests of highway safety. The location of this would be formally agreed and the applicant has confirmed that their west compound (approximately 100 metres along Quay Street) would be available for this.

### **Background Papers**

None.