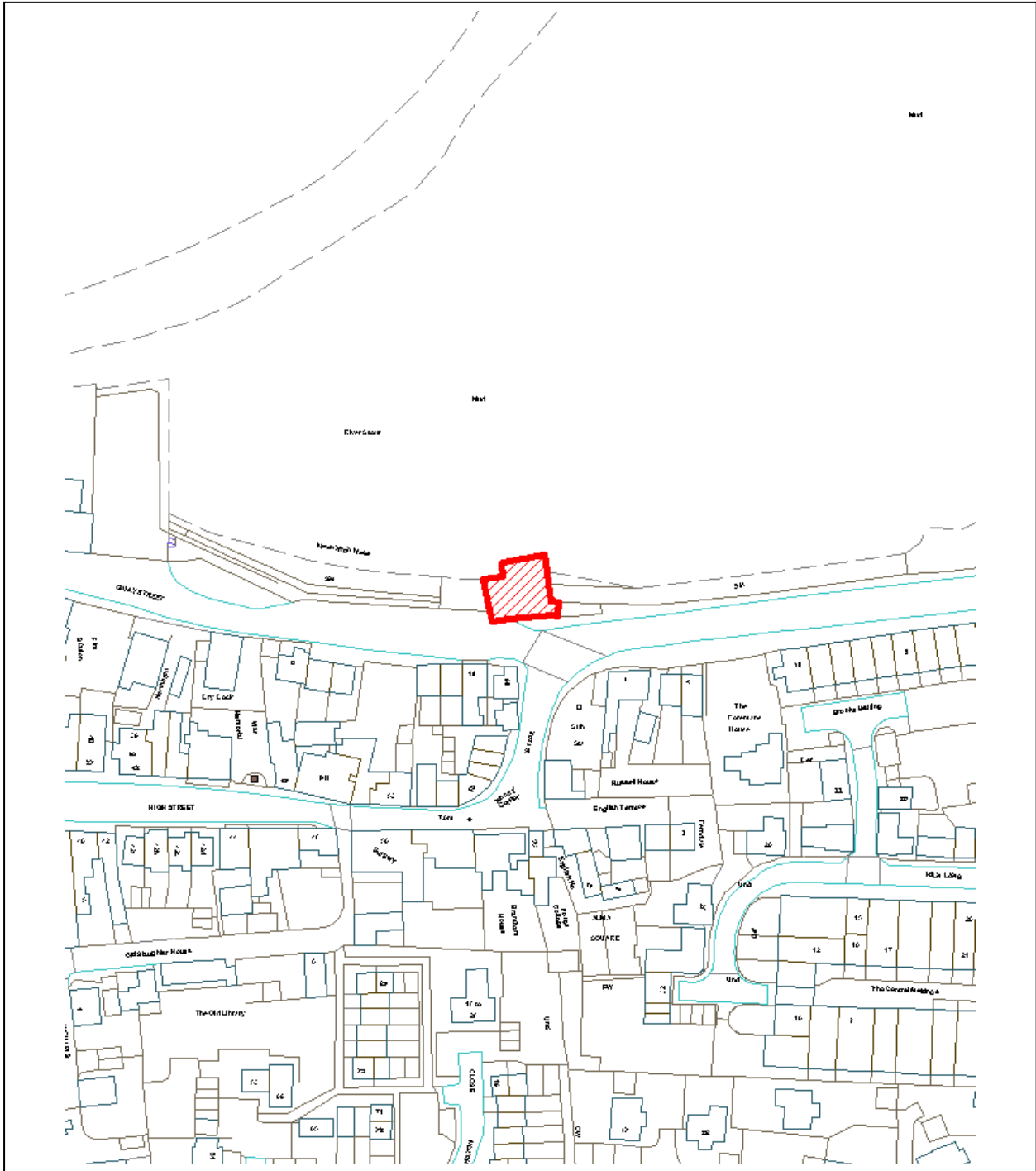


PLANNING COMMITTEE

17th September 2013

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 13/00209/FUL - EAST COMPOUND 10 QUAY STREET, MANNINGTREE, ESSEX, CO11 1AU



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

1. Executive Summary

- 1.1 This application was deferred from the Planning Committee meeting of 28th May 2013 to allow discussions between the applicant and the Council, the Parish and Town Councils, and the local community to reduce the size of the building (particularly with regard to the height). The building has now been reduced by 2 metres in length (from 8.5m to 6.5m) and by 0.75m in height (from 3.95m to 3.2m) which is considered to significantly reduce the mass of the building as originally proposed. A tide clock tower feature has been added and detailed floor plans have been provided illustrating the likely summer and winter storage uses of the building. The original proposal was recommended for approval by officers but raised significant local interest, both in support and objection. The amended proposal has been subject to reconsultation with the Parish and Town Councils, and all those who commented on the original proposal. For clarity the amendments to the original report are in bold font.
- 1.2 The application proposes replacement of an existing starting and storage hut (2.5m wide by 3.6m long by 2.9m high) with a larger starting and storage hut (3.4m wide by **6.5m** long by **3.2m** 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 building's position and use are associated with the historic 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 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 to 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 therefore 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
6. Details of tide clock tower to be agreed including design and materials

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
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

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.
- 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. **Amended plans: The Council supports the Suffolk Coast & Heaths AONB management plan 2013-18 that includes the objective that 'the special qualities of the AONB are consistently taken into account and enhanced by the planning process'. While we support low impact recreation the proposed development will have a minor detrimental impact from the view into the AONB from the B1352 and views of the estuary from publically accessible areas from the west and east of the development site, contrary to PLA5. It is for the Council to decide if the negative impact is sufficient to refuse planning permission.**
- 4.5 TDC Principal Tree and Landscape Officer - **(Amended plans) Although the proposed structure is bigger than the existing building that it is intended to replace it is considered that 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 information submitted in support of the application demonstrates that the proposed structure reduced in size from the original application, will not have a significantly detrimental impact on the character and appearance of the estuary or the Manningtree and Mistley Conservation Area. No trees or shrubs will be affected by the development proposal and there is no scope for new planting.**
- 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.
 - **(Amended plans) Continue to object on grounds of lack of public consultation and the length will still restrict views of the Stour Estuary.**
- 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.
- **(Amended plans) Continue to object on grounds of detrimental effect on river landscape, length and width of proposed hut, and support condition restricting use for sailing equipment only.**

4.10 *Town and Parish Council comments relating to the design, siting and size of the proposed building are addressed at paragraphs 6.5-6.10 below. Comments relating to impact upon the proposed AONB are addressed at paragraphs 6.9-6.10 below. The visual impact assessment has been prepared by the applicant so 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 photo montages have now been superseded by the amended plans which form the basis for assessment.** 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, **and notifying interested parties of the receipt of amended plans.***

5. Representations

- 5.1 Councillor G. Guglielmi has requested that this application be determined at 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 78 letters of objection **to the original proposal** 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 application 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 in this case 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 occupants 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 unreasonable 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 marquee will be considered under a separate application).
- 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).
- 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 of the site from the Crown Estate).

5.3 A petition of 207 signatures in support of the **original** proposal has been received and can be viewed by prior arrangement with the case officer.

5.4 53 letters of support **to the original proposal** 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 **of the original proposal** 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 was 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.

5.6 Eleven letters of objection to the amended plans have been received and new comments raised are summarised as follows (with Officer response in brackets):

- **Small increase in height is now acceptable but length is still excessive and contributes greatly to the visual mass and impact in restricting views (the reduction in length of 2 metres and reduction in height to 0.3m higher than the existing building is considered to significantly reduce the mass of the building as originally proposed thereby significantly reducing its visual impact and resulting in a development which would not result in material harm to visual amenity or landscape quality, and would preserve the character and appearance of the Manningtree and Mistley Conservation Area).**
- **Disingenuous to highlight wheelchair access to building when access to the actual clubhouse is extremely restricted (the current proposal relates only to the sailing hut building and any improvement to accessibility is to be supported in principle).**
- **Development is below the high water line which normally prevents development of any kind (the Environment Agency has no objection on flood risk grounds and there is no objection in principle to a building in this location).**
- **Storage use shown is unnecessary – rigiflex boat could be covered, buoys could be deflated, and other material stored in the west compound (a condition has been recommended to ensure use of the building is restricted to storage of sailing equipment and the starting of races. It is not considered either reasonable or necessary to further scrutinise the detail of goods to be stored provided they fall within this definition and the scale of building proposed is acceptable as detailed in the report).**
- **Condition should be imposed to prevent sale of fast food to the public (the condition detailed in the previous paragraph applies, furthermore any material change of use of the building would require planning permission).**

5.7 Nine letters of support to the amended plans have been received and new comments raised are summarised as follows (with Officer response in brackets):

- **Why is the Council consulting so widely on this revised application? (Everyone who commented on the original proposal has been notified of the amended proposal and given the opportunity to comment on it. This includes those immediate neighbours consulted in accordance with standard practice but also all those who became aware of the application via the site notice or other means).**
- **Can you confirm whether unproven statements of objection will form part of the planning process? (All comments made are summarised in this committee report with Officer commentary confirming whether these objections comprise a material planning consideration. Only material planning considerations can be taken into account when determining the application).**
- **Can Councillors from other Parishes object, this makes it look like formal Council business rather than a private matter? (Any Councillor is entitled to comment on a planning application. An issue only arises if that Councillor is on the Planning Committee as they would not be entitled to vote as this would constitute predetermination. In this case it appears the Councillor referred to is a Parish Councillor and not therefore on the Planning Committee).**
- **Significant size reduction represents a very substantial demonstration of engagement with the planning process and an acknowledgement of local concern.**

- **Was previously an objector, participated in the negotiations with the applicant and now no longer object.**
- **Addition of tide clock enhances the building and its use.**

6. Assessment

The main planning considerations are:

- Policy
- Design
- Heritage and landscape impact
- Environmental Impact
- Flood risk
- Residential amenity
- Highway safety

Proposal

- 6.1 The application proposes replacement of an existing starting and storage hut (2.5m wide by 3.6m long by 2.9m high) with a larger starting and storage hut (3.4m wide by **6.5m** long by **3.2m** high). The building will be clad in white weatherboarding above a brick plinth with a slate roof **and tide clock tower feature. Floor plans have been submitted which show summer use including storage for out boards, tent canopy, barbecues, electrical gear and chairs; and winter use including storage for the rigiflex boat, out boards, tent canopy, barbecues, electrical gear, chairs and buoys.**

Site location

- 6.2 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.
- 6.3 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.

Policy

- 6.4 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. 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

- 6.5 Following objections application 12/01075/FUL for a larger hut (4.4m wide by 8m long by 5m high) was withdrawn. The **amended** proposal is for a hut which measures 3.4m wide by **6.5m** long by **3.2m** high. For comparison purposes this is **0.9m wider, 2.9m longer and 0.3m higher** than the existing hut to be replaced. **A tide clock tower feature has also been added.**
- 6.6 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 tide clock**

tower feature. There are 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. **The tide clock tower feature adds little to the mass of the building but adds an element of interest linking to the use of the building. A condition has been recommended requesting details of the clock tower including design and materials.**

Heritage and landscape Impact

- 6.7 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, leading 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.
- 6.8 The replacement building, by virtue of its increased length of **2.9 metres** will be closer to the highway and with an increased height of **0.3 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.
- 6.9 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.
- 6.10 The building's position and use are associated with the historic use of the estuary for sailing and other recreational pursuits. As discussed above 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 to justify refusing planning permission on these grounds.

Environmental Impact

- 6.11 Natural England confirm the proposal is not likely to have a significant effect on the adjacent designated nature conservation sites. Given the nature of the use, proposed building and surrounding development it is not considered necessary or reasonable to impose conditions relating to provision of bat or bird boxes etc.

Flood Risk

- 6.12 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 and a note to this effect will be added to any planning permission.

Residential amenity

- 6.13 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 **0.3 metres** higher and **2.9 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 **3.2 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.

- 6.14 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 occupants of the building.

Highway safety

- 6.15 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.
- 6.16 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.

Background Papers

None.