

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	14/06/2019
Planning Development Manager authorisation:	SCE	17.06.19
Admin checks / despatch completed	FW	18/6/19

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Application: 19/00647/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: The Commodore

Address: Brightlingsea Sailing Club Oyster Tank Road Brightlingsea

Development: Replacement of existing race box with new Sail Management Building.

1. Town / Parish Council

Brightlingsea Town Council A vast improvement.

2. Consultation Responses

Environment Agency Our maps show the site lies in the tidal Flood Zone 3, which is the area of high flood probability, as defined in Table 1 of the Planning Practice Guidance (PPG). The development proposal is the replacement of existing race box with new Sail Management Building and our view is that such facilities fall to be regarded as water-compatible under Table 2 of the PPG. Please note that our view should not fetter the local planning authority in reaching its own conclusion on the flood risk status of the development proposal.

Natural England European sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

3. Planning History

01/02077/FUL	Change of use from car park to dinghy park (renewal of planning permission 98/00417/FUL)	Approved	28.02.2002
95/00241/FUL	(Waterside, Oyster Tank Road, Brightlingsea) Widen Launching Ramp	Approved	25.04.1995
96/00169/FUL	(Oyster Tank Road, Brightlingsea) Change of use from car park to dinghy park	Approved	23.04.1996
98/00417/FUL	Change of use from car park to dinghy park (renewal of TEN/96/0169)	Approved	01.05.1998
75/00334/FUL	Dinghy launching ramp 6"high over foreshore mud to L.W.L	Approved	01.10.1975
77/00053/FUL	Extns to existing clubhouse premises (stage fire)	Approved	15.02.1977
77/00515/FUL	Extns to existing clubhouse (revision of scheme TEN/53/77)	Approved	24.05.1977
78/01728/FUL	New store for rescue boat	Approved	13.02.1979
81/01148/FUL	Retention of existing dinghy launching ramp	Approved	08.09.1981
83/01082/FUL	Extn to changing and toilet facilities	Approved	23.09.1983
84/01110/FUL	Retention of dinghy launchin ramps (Renewal of TEN/1148/81)	Approved	13.11.1984
87/00611/FUL	Relocation of boat store for use as furniture store and provision of a new storage building and two rescue boats	Approved	18.05.1987
09/00585/FUL	Installation of new windows and doors to main room of club house.	Approved	03.08.2009
11/01454/FUL	Changing room extension and replacement of existing cladding, including repositioning of an existing outbuilding.	Approved	08.02.2012
19/00647/FUL	Replacement of existing race box with new Sail Management Building.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER16 Tourism and Leisure Uses

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

EN1 Landscape Character

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

EN11C Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites

BR1 Brightlingsea Waterside Regeneration

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located at Brightlingsea Sailing Club in an area utilised for boat storage and the siting of a sail management building. To the east of the site is the sailing club car park beyond which is main sailing club building. To the south of the site is the promenade and seafront. To the west are beach huts that front the promenade. Access to the site is taken from Fieldgate Dock to the north-east.

The site is located to the north of an area designated as a RAMSAR, SAC, SPA and SSSI.

Proposal

This application proposes the erection of a sail management building to replace the existing timber sail race box. The new building would measure 6.2m in width, 3.8m in depth and 6m to roof height.

The building will accommodate storage/training area at ground floor with a base for the management of events on the water at first floor. The building will be constructed using the existing foundation base and will be clad in hardieplank with grey fibreglass roofing. A balcony will be situated at first floor level facing the waterfront.

Appraisal

Visual Impact/Design

The design approach follows the form of the existing building by incorporating large glazed windows facing the waterfront and a front balcony and roof overhang to provide adequate shading. The use of light grey cladding is a feature of the area and ensures the building has a nautical

appearance in keeping with the character of the locality. The building is larger in footprint and height than the existing timber structure but is considered to represent an enhancement due to the age and lightweight timber appearance of the present building.

Overall the proposal is for a functional building that replaces the existing lightweight structure with a more permanent appearing building in keeping with the nautical character of the area.

Residential Amenity

The building is located a significant distance (approximately 60m) from the nearest residential properties in Fieldgate Dock to the east. Consequently, there would not be any harm to existing resident's amenity levels.

Flood Risk

The site is located in a Flood Zone 3. The Environment Agency has commented and confirmed that they have no objections to the proposal. It is their view that such a facility falls to be regarded as a water compatible use and as such the sequential and exception tests do not need to be applied.

Further details in respect of the proposed flood resilient construction techniques will be sought via condition as will a flood evacuation plan.

Ecology

Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

A HRA record has been completed which concludes that a likely significant effect on the nearby designated sites can be ruled out.

Other Considerations

Brightlingsea Town Council supports the application stating this proposal represents a vast improvement.

1 letter of representation has been received from a local resident concerning the start line for sailing activities within the estuary. This is not relevant to the consideration of this proposal.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Prior to the first use of the development hereby permitted, precise details of a Flood Evacuation Plan for future users shall be submitted to and approved in writing by the Local Planning Authority. A copy of the evacuation plan shall be provided to all users of the building hereby permitted upon first occupation and the details of the approved Plan shall be carried out/implemented accordingly for the lifetime of the development.

Reason - The site is at risk from flooding and an evacuation plan is essential to safeguard future occupiers of the development.

- 3 No above ground works shall commence until precise details of the flood resilience measures and resistance techniques incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details before the dwelling to which it relates is first occupied.

Reasons - To reduce the risk of flooding to the proposed development and to accord with National Planning Policy Framework 'NPPF' and Technical Guidance to the NPPF.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans: 903/02 and 903/01 C.

Reason - For the avoidance of doubt and in the interests of proper planning.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	<input checked="" type="radio"/> NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	<input checked="" type="radio"/> NO