



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
11 MARCH 2019**

Application Number	FUL/MAL/18/01479
Location	The Clubhouse Coronation Road, Burnham-on-Crouch
Proposal	Proposed extensions, alterations and change of use of the former yacht club to a single dwelling house.
Applicant	Mr & Mrs R Taylor
Agent	Mr David Taylor- AFT Design
Target Decision Date	12.03.2019
Case Officer	Devan Lawson, Tel: 01621 875845
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Member Call In by: Councillor R Pratt Reason: Public Interest

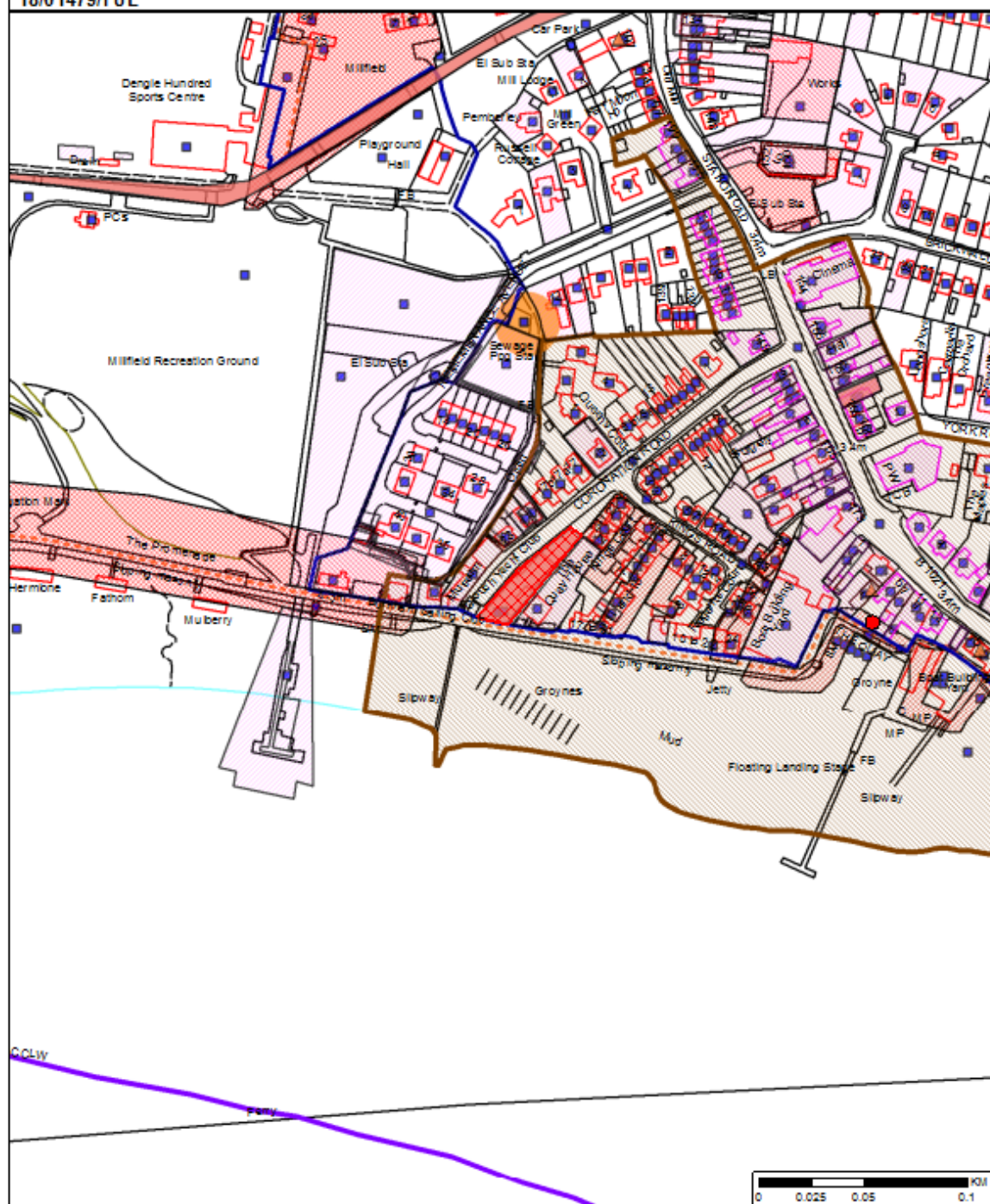
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

The Clubhouse Coronation Road, Burnham-on-Crouch 18/01479/FUL



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p>	Scale:	12,500
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	13/02/2019
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site measures 701.2m² and is located within the settlement boundaries of Burnham-on-Crouch, towards the south of Coronation Road. The site is occupied by a part three, part two storey building which fronts the seawall. The building was originally built in c.1905 as a sail loft and had been occupied by The Crouch Yacht Club, a private run members club for sailors, since 1907. The use of the building by The Crouch Yacht Club has since ceased. However, the lawful use of the building remains as D2 (leisure).
- 3.1.2 The original, early-20th-century part of the building located centrally between more modern extensions to the north and south, makes a positive contribution to the character and appearance of the Burnham-on-Crouch Conservation Area which is defined to a large extent by the high survival of traditional buildings. The more modern extensions to the buildings which exist to the north and south are, by contrast, less sympathetic in terms of their form, materials and detailing.
- 3.1.3 The site is situated in Flood Zone 3 and lies adjacent to the Crouch Estuary SSSI.
- 3.1.4 Planning permission is sought for the change of use of The Yacht Club to a dwelling including a number of alterations and extensions which consist of:
- The demolition of the modern white metal clad front and side extension.
 - The demolition of the existing two storey accommodation block to the rear, which would be replaced with a 2m high, brick, walled garden area.
 - The creation of a raised terraced area at first floor level to the south of the building which would be enclosed by a brick wall, planter and 1.1m high balustrade.
 - The construction of an extension to the eastern elevation measuring 8.2m to the eaves, 10.1m to the ridge, 3.3m in width and 3.6m in depth. The proposed extension is three storeys in height, with a covered outdoor element at ground floor and projects from an existing three storey side projection.
 - A timber framed cartlodge is proposed to the rear (north) measuring 2.8m to the eaves and 4.8m to the ridge with a width of 6.4m and a depth of 6.1m. The proposed cartlodge will be served by a porous asphalt driveway.
 - The proposal also includes alterations to the fenestration including new openings in all elevations and also the roofspace.
 - The conversion of the carpark to the far north of the site to amenity space.
- 3.1.5 The materials proposed will largely match the existing with the exception of some windows and doors which will be timber and aluminum as opposed to timber and UPVC.

3.2 Conclusion

- 3.2.1 The proposed development would result in the unjustified loss of a community/leisure and tourism facility as it has not been satisfactorily demonstrated that adequate efforts have been made to find an alternative site use, that the loss of this facility would not unacceptably downgrade the tourist facilities of the District and that there is no viable

and alternative based community and/or tourist based use which is a requirement of the Council's adopted policy. In addition to this it is not considered that the benefits of restoring the sail loft building would outweigh the harm identified as a result of the loss of the tourist and community facility. Therefore, this element of the development is contrary to policies S1, S2, D1, E3 and E5 of the LDP and guidance contained within the NPPF.

- 3.2.2 Further to the above the proposal is located within Flood Zone 3 where there is a higher probability of flooding. The proposal is a more vulnerable development and fails both the sequential and exception tests. Given that the Council can demonstrate a five year housing land supply on sites which have been the subject of Sequential Testing and the wider sustainability benefits to the community do not outweigh the flood risk posed the proposal is considered to be contrary to policy D5 of the LDP and guidance contained within the NPPF.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 155-165 Planning and flood risk
- 184- 187 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- E3 Community Services and Facilities
- E5 Tourism
- D2 Climate Change & Environmental Impact of New Development
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD
- Burnham-on-Crouch Neighbourhood Development Plan (BOCNDP)
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposed dwelling would be located within the settlement boundaries of Burnham-on-Crouch and so would comply with the requirements of policy S1 of the LDP which seeks to direct new residential to within established settlements thereby preserving the appearance and character of the countryside. Burnham-on-Crouch is recognised as being a 'Main Settlement' which has a range of services and opportunities for employment, retail and education, as well as having good public transport links. The location would therefore be regarded as sustainable and there would be a net gain of one dwelling. Therefore, the principle of the development within this locality is considered acceptable.
- 5.1.2 Policy S2 and S6 of the LDP identifies that the infrastructure of Burnham-on-Crouch is limited. However, in this instance, it is considered that one additional dwelling would not impose an additional burden of existing infrastructure to an extent that would justify the refusal of the application.
- 5.1.3 The proposal would result in the loss of The Crouch Yacht Club's club house, which has been vacant since last summer. Having regard to the lawful use of the site (D2) it is considered that it is a community facility as it provides a sporting facility and one which is similar to public house and thus policy E3 would be relevant in this regard.
- 5.1.4 Policy E3 seeks to retain and enhance the provision of community services and facilities within the District, and when a proposal would result in the loss of a community facility, the application will be required to demonstrate to the Council's satisfaction that:
- 1) The existing business/service is not and cannot be made viable; and
 - 2) Effective marketing has been undertaken to demonstrate that there is no viable and appropriate alternative community service based use.

Both of these criteria will be assessed below.

- 5.1.5 It is also noted that sailing within Burnham-on-Crouch contributes towards tourism in the area and that the application building has 17 guest bedrooms within the ground and first floors. Therefore, whilst The Yacht Club requires a membership and therefore, given the provision of the guest bedrooms and use of the site in relation to sailing, it is considered the site represents a tourist attraction to some degree. Consequently policy E5 of the LDP and EC.6 of the BOCNDP are also relevant.

- 5.1.6 Policy E5 of the LDP states that the change of use from tourism uses will only be considered if:
- a) There will be no significant loss of tourism facilities as a result, or an alternative provision in the locality can meet the needs;
 - b) The existing business/service is not and cannot be made viable; and
 - c) There is no known demand for existing and alternative tourism use, and the site has been marketed effectively for all alternative tourism related uses.
- 5.1.7 Policy EC.6 of the BOCNDP supports the development of tourist based uses, and seeks to safeguard particular assets. However, the application site is not one of those safeguarded uses.
- 5.1.8 Evidence has been provided by the applicant in relation to the above mentioned policies and has been summarised below:
- In 2015/16 the club approached Savills and Strutt and Parker regarding the marketing of the site for the purpose of redevelopment and Strutt and Parker were instructed to do so.
 - The marketing exercise was completed in March 2016. There had been 2 enquiries from developers in this time but nothing came from the enquiries.
 - Following this Rockhold, a property development company, was instructed to apply for planning permission on the clubs behalf and take a percentage of a resulting sale. However, this fell through in July 2017.
 - The marketing committee also approached local clubs and associations with a view to letting or leasing the club premises for other uses. The only documented evidence of this is from 20th May 2016 where the Burnham Rugby Club met with Strutt and Parker to discuss their potential involvement, but it was said to be too far from the rugby pitch and too high a cost.
 - The owner of the club who is an adjacent neighbour to the site bought the club with the intention of renting the building back to the club at £1000 a year. However, the club did not wish to continue and moved out.
 - The building as a whole is poorly insulated and is inefficient. A Treasurers report has been provided from 2014 which puts forward that the building was not fit for purpose and was responsible in part for the demise of the club.
 - When this is considered alongside the associated bills and rates and the presence of asbestos in the front of the building which a quote has been provided stating its removal will cost in the region of £80,000, the applicant does not consider that a community facility would take the building on.
- 5.1.9 The submitted information provides a good background to the site and some evidence that the site has been marketed and conversations were had with one other club to explore whether there were other viable and appropriate community service based uses of the site. The minutes and social media posts also provide some insight into the efforts of the club to try and find alternative uses for the site.
- 5.1.10 Notwithstanding the above, the evidence provided is somewhat limited and demonstrates that whilst the site has been marketed as a residential development opportunity, there was no evidence provided to suggest that the site had been marketed effectively for other tourism or community based uses, with the exception of the club directly approaching other local clubs and associations. Furthermore, there has been minimal evidence to demonstrate that The Yacht Club use cannot be

made viable. For example there has been no business appraisal or accounts submitted in relation to this. Therefore, it is not considered that it has been suitably demonstrated that the existing use is not viable or that effective marketing has been undertaken to demonstrate that there is no viable and appropriate alternative community service based use.

- 5.1.11 Regard is had to the evidence submitted which suggests that asbestos removal would cost between £79,135 and £99,135. However, the cost would only be incurred if the asbestos were to be removed, which there would be no requirement to do if the building were to be retained. Therefore, no weight can be attributed to the information submitted in relation to this.
- 5.1.12 In addition to the above, although there are other sailing clubs within Burnham-on-Crouch and sailing activities will remain within the town, the loss of the club will reduce tourism to some degree within Burnham-on-Crouch, particularly as the loss of the guest accommodation would reduce those guests expenditure in local shops and attractions. There has not been sufficient evidence submitted to demonstrate that there will be no loss of tourism facilities as a result of the development, that the other clubs can meet the needs of this one or that there is no known demand for an alternative tourist use at the site. Therefore, it is not considered that the loss of the community or tourist facility at the site is considered acceptable.
- 5.1.13 The harm resulting from the loss of the community and tourist facility could potentially be outweighed by the benefits of restoring the building back to the original design. However, given that insufficient evidence has been provided in order for the Council to assess the level of conflict with policies E3 and E5, it is not considered that this would be the case. Furthermore, and as will be discussed in greater depth at section 5.3, whilst the restoration proposed would be of some benefit to the character and appearance of the conservation area, there are elements of the historic building, which have not been restored back to the original design, which reduce the benefits of the scheme.
- 5.1.14 A couple of public comments have been received in relation to policies E1 and E5 of the LDP and EC.6, RI.3 and RI.4 of the BOCNDP. The comments consider that the proposal would relate to a loss of an employment and tourism facility and therefore the objectors consider these policies to be relevant.
- 5.1.15 Whilst it is acknowledged that the Yacht Club provides some form of employment, policy E1 of the LDP relates to B1, B2, B8 and similar sui generis uses. Given that The Yacht Club is a D2 (Leisure) use it is not considered that policy E1 is applicable.
- 5.1.16 Policy RI.3 of the BOCNDP seeks to safeguard land and buildings in primary or directly river related employment uses as shown in figure 8 and appendix 1 of the plan and seeks to prevent their change of use to residential, and policy R1.4 seeks to support the re-development of secondary river related employment uses. Whilst The Crouch Yacht Club is listed as a marine and river related land use under appendix 1 of the BOCNDP, the building has not been highlighted on figure 8 (p.59) as a primary or secondary river related employment use which is protected under these policies. Furthermore, as previously discussed the site is not considered to fall within an employment use. Therefore, given that the application site is not highlighted as a protected primary or secondary river related use on this map, it is not considered that

the building is protected by these policies and as such the buildings change of use to residential would not be contrary to these policies. Furthermore, it should also be noted that Burnham-on-Crouch Town Council support the proposal.

- 5.1.17 Having regard to the above assessment it is considered that the proposed development would result in the unjustified loss of a community/leisure and tourism facility as it has not been satisfactorily demonstrated that adequate efforts have been made to find an alternative site use, that the loss of this facility would not unacceptably downgrade the tourist facilities of the District and that there is no viable and alternative based community and/or tourist based use. An assessment as to whether the identified harm could be outweighed by the restoration works proposed on the building will be addressed below.

5.2 Housing Need and Supply

- 5.2.1 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the SHMA, shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.
- 5.2.3 The Council is therefore encouraged in policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.4 The proposal would result in one three bedroomed residential unit, suitable for a family. As the Council can now demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements, the provision of an additional dwelling which is not aligned with the Council's needs is considered to make a negligible contribution in respect of social sustainability.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account local design standards, style guides in plans or supplementary planning documents”.

- 5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - Height, size, scale, form, massing and proportion;
 - Landscape setting, townscape setting and skylines;
 - Layout, orientation, and density;
 - Historic environment particularly in relation to designated and non-designated heritage assets;
 - Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - Energy and resource efficiency.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.5 Policy RI.2, Design Sensitivity of Riverside Developments of the Burnham-on-Crouch Neighbourhood Development Plan (BOCNP) states that development adjacent to the riverside should be designed to reflect its relationship to the river and to respect its prominence and visibility from the river. Proposals will be supported that bring forward good design appropriate to its location. The emphasis for high quality and sensitive design is also reflected in policies HC.2, HO.1 and HO.8 of the BOCNP.
- 5.3.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly Policy D3 of the approved LDP states that development proposals that affect a heritage asset must preserve or enhance its special character, appearance, setting- including its streetscape and landscape value.
- 5.3.7 One of the main elements of the proposal is the removal of the more modern additions to the north and south of the existing building, revealing the original form of the sail loft building, which plays a part in the character of the Burnham-on-Crouch Conservation Area. Given the prominence of the building from within the Conservation Area and also the seawall, which is central to the character of the town, it is considered that this element of the proposal will improve the appearance of the building and consequently enhance the character and appearance of this part of the Burnham-on-Crouch Conservation Area and the seawall. It is also relevant to note that this view was shared by the Conservation Officer within his comments.
- 5.3.8 In terms of scale and bulk the proposal will result in a smaller and more sympathetic and less domineering building from within both Coronation Road and the seawall and

the stepped heights between the eastern extension and the sail loft building would be read in relation to the taller neighbouring building to the east.

- 5.3.9 The proposed eastern extension which incorporates an existing part of the eastern elevation will have a more contemporary style and will include the addition of modern glazing with a long length window on the rear elevation and differing sized square windows on the eastern elevation. These more modern design features, along with the use of cladding, provides a distinction between the new extension and the original sail loft, whilst maintaining visual cues between the two elements through features such as the gable roof and the referencing of the architectural style of the neighbouring dwelling. Therefore, subject to a condition ensuring that the proposed materials are sympathetic to this part of the conservation area and the existing building, as also recommended by the Conservation Officer, it is considered that the alterations and extension to the eastern elevation would not cause harm to the character and appearance of the Burnham-on-Crouch Conservation Area.
- 5.3.10 The existing building abuts the seawall and the ground floor windows of the building are at a height of 1.4m above the ground floor height of the sea wall. Therefore, given the dominance of the existing building on the footpath, the proposed raising of the Quayside terrace and the construction of a 2.1m high wall and balustrade along the quay is not objected to particularly as views of the building and landscaping will be available through the balustrade.
- 5.3.11 The proposed additional openings are also not objected to as they follow the visual cues of the existing building. Furthermore, the plans state that the windows proposed on the existing sail loft building will be of timber and will therefore, maintain the historic character of the building.
- 5.3.12 The block plan (18-031-00LP2) shows that a walled garden and car port are proposed to the rear of the site in place of the former accommodation block and car park. The proposed 2.1m high wall adjacent to the public footpath would create a dominant feature within the streetscene. However, the wall would not be greater in length and would not be sited any closer to the public footpath than the existing accommodation block to the rear of the building. Furthermore, some planting is proposed on the western side of the wall adjacent to the public realm, which will soften the impacts of the wall. Having regard to this it is not considered that the addition of the wall in place of a 6.7m high building would result in any harm to the character and appearance of the conservation area.
- 5.3.13 To the north of the walled garden would be a 1.8m close boarded fence, measuring 19.1m in length and enclosing a garden area measuring 150.5m² which would serve Quay House, the neighbouring dwelling to the east. It is noted that there is an existing fence in a similar location, but at a minimum of 7.9m from the public footpath, whereas the proposed fence would be 1m from the public footpath. The addition of the fence and the proposed wall in this location would create a 35m long boundary treatment adjacent to the footpath which is dominated by fencing and a wall. However, it is noted that the elevations demonstrate that some planting is proposed in this location. Therefore, it is not considered that the addition of the wall and the fence would result in more demonstrable harm than the existing fence and hardstanding within this part of the site.

- 5.3.14 The proposed cart lodge would be visible from within Coronation Road. However, it is not considered to be a dominant structure and would be read in relation to the residential character of the streetscene. Therefore, there is no objection to the cartlodge.
- 5.3.15 Having regard to the above assessment it is considered that the proposal, by partially restoring the original character of the sail loft, will enhance the character and appearance of the Burnham-on-Crouch Conservation Area and is therefore in accordance with policies S1, D1 and D3 of the LDP, policies RI.2, HC.2, HO.1 and HO.8 of the BOCNP and guidance contained within the MDDG and the NPPF. Furthermore, it should also be noted that 11 letters of support for the application were received which generally commended the proposal for its design and restoration.
- 5.3.16 Notwithstanding the above, whilst the development would provide some enhancement to the character and appearance of the conservation area, it is noted that the restoration would not include the reinstatement of the Arts and Crafts style riverside terrace, which would be considered a commendable act of restoration. Furthermore, the southern elevation of the proposal would have little resemblance to the original character of the building as shown in the image below. Having regard to this, although the proposal would represent an enhancement, it is not considered that the benefits of the restoration work would be so significant as to outweigh the harm resulting from the loss of the community and tourist facility.



5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).

- 5.4.2 The proposed dwelling has one directly adjacent neighbour, Quay House. From the information submitted it would appear that Quay House is a residential dwelling. However, it is noted that planning permission was granted in July 2013 to change the use of the dwelling to C1 hotel. Nevertheless, the considerations in regards to neighbouring amenity remain largely the same.
- 5.4.3 The proposal is in close proximity to Quay House, situated a minimum distance of 2.2m from the neighbouring property. The plans submitted under application FUL/MAL/13/00489 show that Quay House has three windows within the western elevation, two at ground floor serving a bedroom and en-suite and one at second floor serving a master bedroom.
- 5.4.4 The proposed eastern part of the dwelling would have seven windows within the eastern elevation, looking towards Quay House. One would be at ground floor and would serve a gym, three at first floor serving a kitchen and store and three at the second floor level serving the master bedroom and an en-suite. There would also be east facing windows in the ground and first floor elevations of the sail loft building at a distance of 5.5m from the neighbouring property which would serve a boot room, entrance hall and bedroom.
- 5.4.5 Given the limited separation distance between the proposal and the neighbouring dwelling and the positioning of the proposed windows in relation those upon the neighbouring property, it is considered necessary to impose a condition requiring that the first and second floor windows within the eastern elevation are obscure glazed. Given that the first floor windows will serve a store and a kitchen and that the second floor bedroom is also served by French doors on the southern elevation it is not considered that the imposition of obscure glazing would detrimentally impact on the amenity of the occupiers of the proposed dwelling.
- 5.4.6 Having regard to the height and position of the proposed roof lights, it is not considered that they would result in undue harm by way of overlooking or loss of privacy.
- 5.4.7 The proposed extension on the eastern elevation will increase the depth of the built form adjacent to the neighbouring dwelling by 3.4m. Given the minor depth of the extension it is not considered that it will result in an overbearing impact on the amenity of the neighbouring occupier.
- 5.4.8 There are three neighbours on the opposite (western) side of Coronation Road, Nos, 23, 21 and 19. Given that the dwellings would be situated a minimum of 11.8m from the application site and there are no additional windows proposed within the first floor of the western elevation it is not considered that the development would result in detrimental harm to the amenity of the neighbouring occupiers within the western side of Coronation Road.
- 5.4.9 No. 2 Kings Court is situated to the northeast of the application site. The proposed dwelling would have views into the rear garden of No. 2 Kings Court. However, given that the first floor windows would be located a minimum of 37.8m from the neighbouring site, at a further distance than the existing accommodation block, which is set 19.3m from the neighbouring dwelling and is of a similar use, it is not considered the level of harm in regards to overlooking or loss of privacy would be

increased by the development. Furthermore, given that the proposed 1.8m fence would project away from the boundary No. 2 Kings Court, it is not considered that the development would result in any undue harm by way of loss of light or by being overbearing.

- 5.4.10 Having regard to the above assessment it is not considered that the development would be detrimental to neighbouring amenity and is therefore, in accordance with policy D1 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual
- 5.5.3 The proposed development would create a three bedroom dwelling and therefore, there is a requirement for two parking spaces. A carport is proposed to the north of the site which will measure 6.4m in width and 6.1m in depth and will therefore provide sufficient parking for two vehicles as required.
- 5.5.4 The proposed access will utilise an existing vehicle crossover. Therefore, it is not considered that the proposal will be detrimental to highway safety. It should also be noted that the Local Highways Authority have been consulted and have raised no objection to the proposal.
- 5.5.5 Having regard to the above the proposal is considered to be in accordance with policies D1, T1 and T2 of the LDP.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces.

In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.

- 5.6.2 The development would provide in excess of 100m² of private amenity space to the north of the site and also the terraced area to the south of the site. Therefore, there is no objection in regards to amenity space provision.

5.7 Flood Risk

- 5.7.1 Policy D5 of the approved LDP states that all development must:

- Not increase flood risk (including fluvial, surface and coastal) on site and elsewhere;
- Be located in areas where the use is compatible with the NPPF
- Demonstrate that the Sequential Test and, where necessary, Exception Test has been satisfactorily undertaken in accordance with national planning policy; and
- demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding (including fluvial, surface and coastal) through appropriate measures such as Sustainable Drainage Systems (SuDS), flood resilient design, safe access and egress, incorporating identified flood response plans, as well as making best use of appropriate green infrastructure as part of the flood mitigation measures.

- 5.7.2 The application site lies within Flood Zone 3. The proposal relates to the provision of a dwelling on previously developed land.

- 5.7.3 New dwellings and residential uses are considered as being ‘more vulnerable’ based on the Flood Risk Vulnerability Classification (NPPG) and in accordance with the National Planning Policy requires the Exception Test to be applied in addition to the sequential test. Whilst it is noted that a change of use application is not required to pass the sequential test, as the proposal includes extensions and building operations, the development exceeds a change of use and therefore, the sequential test is required to be passed.

- 5.7.4 The sequential test seeks to steer new development to areas at the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available appropriate sites in an area with a lower risk. The availability of such land, in accordance with the NPPF should be provided in the minimum of a “5 year land supply”. The Council can now demonstrate more than five years’ worth of housing since publication of the latest Five Year Housing Land Supply Statement 2017/18 dated October 2018. Therefore, the application site is not needed for residential development at this current time; as the LDP allocates strategic sites for development on areas within the lowest probability of flooding and therefore these sites are available for development. The LDP allocated sites that were sequentially tested during the LDP preparation and this site is not one of them. Therefore, the site is considered to fail the sequential test and therefore the outcome of the exception test is of reduced relevance.

- 5.7.5 In respect of the Exception Test, paragraph 160 of the NPPF sets out that it must be demonstrated that the development provides wider sustainability benefits to the

community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Where the Sequential Test has been passed, both elements of the Exception Test will have to be passed for development to be allocated or permitted.

- 5.7.6 The submitted flood risk assessment demonstrates that the main living accommodation will be provided at first and second floor and that surface water run-off will be reduced by 30% through the demolition of parts of the building and their replacement with a porous driveway and soft landscaping. Therefore, demonstrating that the development will be safe for its lifetime, without increasing flood risk elsewhere. However, it is considered that the provision of one market dwelling provides minimal benefits to the community and therefore the benefits are not to a degree which outweighs the flood risk posed and the risk to life. Therefore, it is not considered that paragraph 160 of the NPPF has been fully complied with.
- 5.7.7 Therefore, given that the sequential test has not been satisfied it is not considered that the proposal would be acceptable in terms of flood risk and it is not considered that the proposal would provide sustainability benefits to the community to a degree which outweighs the flood risk posed, contrary to policy D5 of the LDP and guidance contained within the NPPF.

5.8 Contamination

- 5.8.1 Policy D2 of the approved MDLDPlan states that where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source. The Council will expect development proposals to take into account environmental issues such as air quality, water consumption and quality, drainage, sewerage, energy, noise, light, waste, contamination, design and building materials.
- 5.8.2 Given the site represents previously developed land and the length of time that this and the surrounding land has been developed for mainly commercial enterprises, it is considered necessary to impose conditions to establish whether there is any contamination present at the site. The Environmental Health Team has been consulted and supports this stance.

5.9 Impact on the SSSI and Protected Habitat

- 5.9.1 The site is located within a sensitive location, adjacent to the Crouch Estuary, which is an area that is subject to a number of international and national coastal nature conservation designations including:
- Sites of Special Scientific Interest (SSSIs),
 - Special Areas of Conservation (SACs),
 - Special Protection Areas (SPAs) and
 - Ramsar site
- 5.9.2 The site would therefore be regarded as a “sensitive site” where there are clear policy requirements that aim to conserve and protect nature conservation interests. These

principles are reflected within policy N2 of the LDP which states that “All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance”.

- 5.9.3 The Conservation of Habitats and Species Regulations 2017, section 24 (Assessment of implications for European sites) states that:

‘Where it appears to the appropriate nature conservation body that a notice of a proposal under section 28E(1)(a) of the WCA 1982 relates to an operation which is or forms part of a plan or project which -

(a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and
(b) is not directly connected with or necessary to the management of that site, they must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.’

- 5.9.4 Where any plan or project may have a “likely significant effect” (LSE) on a European site (as in this case) the HRA process must be followed. This is generally considered to consist of four stages which are:

1. Screening for a LSE
2. Appropriate Assessment (AA) and the Integrity Test
3. Alternative Solutions
4. Imperative reasons of overriding public interest (IROPI) and compensatory measures

- 5.9.5 Natural England was consulted as part of the application. However, the proposal falls below the threshold of that which would receive bespoke advice. Therefore, the proposed works were considered against the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 by Maldon District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

- 5.9.6 The Local Planning Authority have carried out screening for a likely significant effect and it is considered that given the proposal would not result in an increase in built form and it would relate to the minor change of use to a three bedroom dwelling it is not considered that there would be a likely significant effect on the designated site. Therefore, having carried out a ‘screening’ assessment of the project, the competent authority has concluded that the project would not be likely to have a significant effect on any European site, either alone or in combination with any other plans or projects (in light of the definition of these terms in the ‘Waddenzee’ ruling of the European Court of Justice Case C – 127/02) and an appropriate assessment is not therefore required.

5.10 Pre-Commencement Conditions

- 5.10.1 If the application were to be approved pre-commencement conditions regarding contamination are recommended and approval for the use of these conditions has been provided by the applicant's agent in correspondence received on 04.02.2019.

6. ANY RELEVANT SITE HISTORY

- There is no relevant site history

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	Support	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Local Highway Authority	No objection	Noted
Natural England	Habitats Regulation Assessment (HRA) should be undertaken	Please see section 5.9

7.3 Internal Consultees

Name of consultee	Comment	Officer Response
Conservation Officer	<p>The removal of most of the modern extensions to reveal the original form of the building, will improve the appearance of the building and, in turn, enhance the character of this part of the conservation area.</p> <p>The success of the scheme will depend partly on the quality of the materials and detailing and this should be managed through conditions.</p>	Please see section 5.3

Name of consultee	Comment	Officer Response
	The proposal will cause no harm to the significance of the heritage asset.	
Economic Development	Cannot support the proposal due to a lack of evidence that the site has been marketed effectively at a rate which is comparable to local market value for its existing use or as a redevelopment opportunity.	Please see section 5.1
Environmental Health	No objection subject to conditions related to foul and surface water drainage and contamination.	Please see sections 5.7 and 5.8

7.4 Representations received from Interested Parties

- 7.4.1 3 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objecting Comment	Officer Response
Policy RI.3 of the BOCNDP resists the change of use from river-related employment to residential accommodation. The building has not been marketed as a commercial option, only as a development opportunity therefore, failing to comply with policy E1 of the LDP. If the application is approved it will set a precedent for residential dwellings along the river front. Precedence has been set with the refusal of at least two applications, Priors and the Tea Room Sailing Club Clubhouse.	Please see section 5.1. The previous applications referred to were refused on in relation to flood risk (FUL/MAL/16/00673) and loss of employment, impacts on the character and appearance of the conservation area and a lack of amenity space (FUL/MAL/17/00845) therefore whilst the matters relating to flood risk are relevant, it is not considered that the examples given are relevant in other respects to this application as this application does not relate to a loss of employment. This is expanded upon in section 5.1.
Do not support the change of use to a private residence from a business one. Policy RI.3 is clear on this and policy EC.6 offers support for alternative uses that may improve and enhance the Quay ensuring that the area does not become residential to the detriment of the economy and the town. Policy E5(c) needs to be met robustly and tested alongside policy E1. The proposal would set a precedence contributing to a lack of	The existing use of the site does not fall within an employment use. Therefore, E1 is not considered relevant to this application. This is expanding upon in section 5.1 alongside the consideration of tourism policies.

Objecting Comment	Officer Response
business facilities along the Quay, one of the town's greatest assets.	
Vehicles use the existing car park or the Yacht Club as a turning facility. If the car park is lost more people will park here and people will not be able to turn around. This area must be maintained as a designated turning area.	This part of the site is not a designated turning area and is a car park that serves The Yacht Club. The loss of The Yacht club will therefore, reduce the level of parking required at the site and as noted at section 5.5 sufficient parking is provided for the proposed residential use. It is also noted that the Local Highways Authority has raised no objection to the proposal.

7.4.2 **12** letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
There are 3 other Yacht Clubs in the town. The site would be better being re-developed than demolished and new structures built.	Please see section 5.1
Support the imaginative and sensitive plan	Noted
Welcome the proposal as currently the site attracts anti-social behavior. Parking is restricted on Coronation Road and would be worsened if a new commercial use were to occupy the site. The plans will enhance the area and will make it safer for residents.	Please see section 5.3
There is no interest from potential tenants because the costs of the work needed are too great. The building already in part has a residential use as it has a flat on the ground floor that attracts council tax, but it is currently empty.	Please see section 5.1
The application is in keeping with the surrounding buildings on the waterfront and will enhance the town's heritage.	Noted and please see section 5.3
Interesting and imaginative redevelopment which sympathises with the character and history of the town and the site.	Please see section 5.3
The proposed re-development is sympathetic to the streetscene/waterfront and brings into view the old sail loft. The proposal enhances the environment for the residents and visitors of the town.	Please see section 5.3
Without the change of use the site cannot be sold, demolished and even turned into multiple flats which would bring problems.	Please see section 5.1

Supporting Comment	Officer Response
<p>The building is vacant and could become vandalised or used incorrectly. The building will become an eyesore. There is no option other than a change of use to a dwelling.</p>	<p>The application must be assessed on its own merits and against what is being proposed.</p>
<p>Proposal will repurpose and preserve the original part of this interesting and historical building. It is refreshing to see a planning application that is not an overdevelopment and that enhances the local vernacular.</p>	<p>Please see section 5.3</p>
<p>Support the intention to reinstate the original sail loft. Only concern is the appearance of the remaining existing 1980 built three storey extension which is not in keeping with the original 1900 sail loft. Its height is in excess of the sail loft and the use of cladding was not an original material. The application is therefore, supported on the proviso the design, dimensions, finish and colour of the three storey extension are reassessed to better integrate with the sail loft or adopts a more modern design to emphasis the time differences between construction.</p> <p>There is a substantial amount of asbestos within the site. All parties need to be aware of specific protection requirements. Therefore risk assessments and asbestos management plan should be approved prior to planning permission.</p> <p>The block plan does not correctly show the car park now owned by Nos 22 and 24 Coronation Road.</p> <p>The western boundary between the Crouch Yacht Club buildings and land, and the pedestrian pathway forming part of the public highway in Coronation Road, is not defined on the plans. This needs to be defined so that is no encroachment onto the public highway.</p> <p>This should be used as an opportunity to determine who owns the piece of land to the west of the Crouch Yacht Club building, at the southern end of Coronation Road, between the roadway and top of the</p>	<p>Please see section 5.3</p> <p>Asbestos is dealt with via other legislation. However, an informative can be applied advising the applicant of this.</p> <p>The application has been assessed on the basis of the information submitted. The land to the front of Nos. 22 and 24 is depicted on the plans.</p> <p>The red line boundary does not encroach on the public highway and the Local Highway Authority have raised no objection to the proposal.</p> <p>This does not form part of the consideration of this application.</p>

Supporting Comment	Officer Response
Quay. If it's public land then wheelchair access between Coronation Road and the Quay should be considered.	
Plans would improve the current building and would sympathetically improve the view of the quay, demolishing something that has no architectural beauty or relevance.	Please see section 5.3

8. REASONS FOR REFUSAL

1. The proposed development is located within Flood Zone 3a and is therefore of a higher probability of flooding. The proposal is for the provision of a dwelling which is classified as a 'more vulnerable' development. Paragraphs 158 and 160 of the National Planning Policy Framework and policy D5 of the Maldon District Local Development Plan seek to direct development to areas with a lower risk of flooding. The proposal is considered to fail both the sequential test and the exception test and given that the Council can demonstrate a five year housing land supply on sites which have been subject of sequential testing and that the wider sustainability benefits to the community do not outweigh the flood risk posed as required by the exception test, the development would therefore be contrary to core planning principles and guidance contained in the National Planning Policy Framework, the National Planning Practice Guidance and policy D5 of the Maldon District Local Development Plan.
2. The proposed development would result in the unjustified loss of a community/leisure and tourism facility. It has not been demonstrated to the satisfaction of the Local Planning Authority that adequate efforts have been made to find an alternative site use and that the loss of this facility would not unacceptably downgrade the tourist facilities of the District and that there is no viable and alternative based community and/or tourist based use. Furthermore, it is not considered that the benefits to the Burnham-on-Crouch Conservation Area resulting from the restoration of the application building would outweigh the harm caused by the loss of the facility. The development would therefore be unacceptable and contrary to policies S1, S2, D1, E3 and E5 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2018).