

**CIRCULATED AT
THE MEETING**



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

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

MEMBERS' UPDATE

AGENDA ITEM NO. 7

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 and Mrs R Taylor
Agent	Mr David Taylor – AFT Design
Target Decision Date	12.03.2019
Case Officer	Devan Lawson
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Member Call In by: Councillor R Pratt Reason: Public Interest

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.2 External and Statutory Consultees

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	Holding Objection – The development is classified as a ‘more vulnerable’ development and is therefore required to pass the Sequential and Exception Tests and be supported by a Flood Risk Assessment (FRA). The submitted FRA is unreferenced and undated	Flood risk on the basis of the submitted information is addressed at section 5.7 of the Officer’s report.

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Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>and does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change, Reference ID: 7-030-20140306. The FRA fails to:</p> <ol style="list-style-type: none"> 1. Identify what flood levels have been used and where they come from. 2. Correctly calculate the expected flood depths on site and within the building 3. Provide Finished Floor Levels above the design level with climate change 4. Assess breach risk for the proposed development 5. No topographic survey has been submitted. <p>The objection could be overcome by submitting an FRA that covers the deficiencies highlighted.</p>	

In addition to the above an email was received from the agent dated 07th March 2019. Within this email the agent considers that as there is already a lawful habitable residential existing dwelling within the property with Council Tax bills having been paid, and sleeping accommodation at ground floor level, that the proposal is not considered as a more vulnerable development. However, the accommodation referred to relates to a Stewards flat and areas of accommodation for travelling Yachtsman. Therefore, the accommodation is ancillary to the established use of the site and is not a self-contained dwelling. Whilst it is noted that Council tax has been paid at this site this does not confirm that the accommodation discussed represents a self-contained unit. Furthermore, there is no site history or Lawful Development Certificates to suggest that the accommodation in question does represent a self-contained unit.

The email also suggests that the sequential test may not be required. As set out in section 5.7 of the Officers report, 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 is not householder development or a small non-residential extension as set out in paragraph 164 of the NPPF. Therefore, the sequential test is required to be passed.

The manner in which the Sequential Test is undertaken is for the Local Planning Authority to decide, which the Agent correctly notes. However, this is in regards to the scope and content of the test, not whether it is undertaken. Therefore, it is considered that both the sequential and exception tests should be passed.

1.1 Representations received from Interested Parties

7.4.2 A further letter **in support** of the application has been received and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
Proposal represents the unique opportunity to restore the original building in a very imaginative way that will enhance the quay. Doing nothing may lead to a much less attractive future development.	The design of the development and impacts on the character and appearance of the area are addressed at section 5.3 of the Officers Report.