



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
21 JULY 2021**

Application Number	21/00219/VAR
Location	The Old Clubhouse, The Quay, Burnham-On-Crouch, CM0 8AT
Proposal	Variation of condition 2 (plans) on approved application 20/01080/HOUSE (Proposed single storey rear and side extensions, first floor side extension and balcony overlooking sea, first floor balcony deck above existing rear projections, new decking projection from south and east elevations, and general refurbishment to the existing building including new window and doors) to include iron railings above existing brick sea wall.
Applicant	Mr & Mrs Polturak
Agent	Chris Wragg - Arcady Architects Ltd
Target Decision Date	23.07.2021
Case Officer	Hannah Dungate
Parish	BURNHAM-ON-CROUCH
Reason for Referral to the Committee / Council	Member Call in by Councillor V J Bell citing the following Policy D1 – Design Quality and Built Environment.

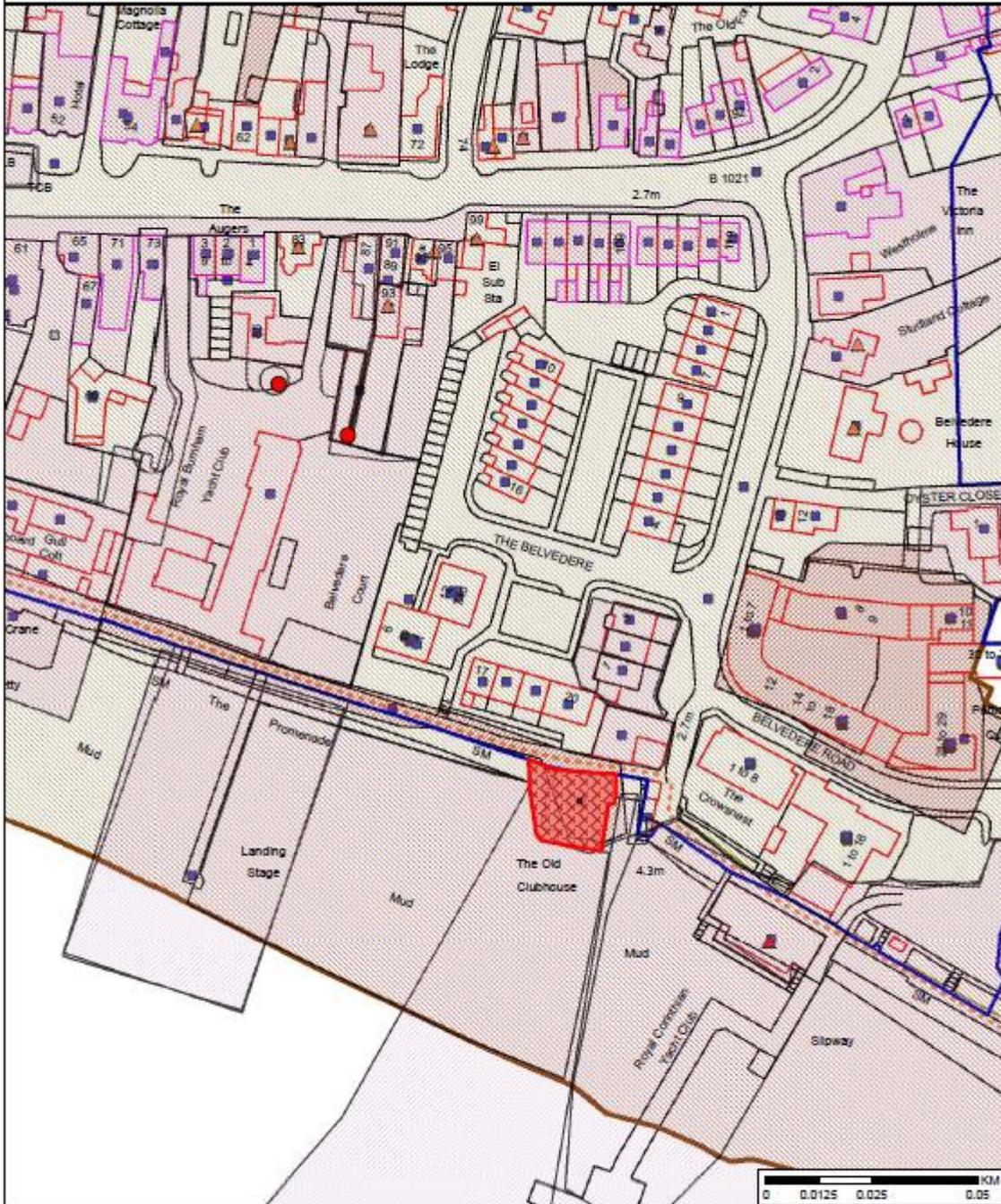
1. **RECOMMENDATION**

APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. **SITE MAP**

Please see below.

The Old Clubhouse The Quay Burnham-on-Crouch
 21/00219/VAR



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	08/07/2021
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the west side of The Quay within the Burnham-on-Crouch Conservation Area. The property, known as The Old Clubhouse, is a late 19th-century weather-boarded two storey building projecting out towards the foreshore. A slipway is located east of the building and on its west side are single storey red brick extensions. There is a public footpath bordering the northern boundary of the site which runs from east to west along the foreshore of the River Crouch.
- 3.1.2 In February 2021, planning permission was granted for a number of extensions at the property, including a first-floor side extension above the existing single storey projection located at the south of the property; a single storey infill extension located in the southwest corner of the site, and a single storey flat roof extension located along the northern boundary of the property (20/01080/HOUSE refers). Also included as part of the proposal was a first-floor balcony above the existing single storey extensions located west of the main house and a new ground floor balcony projecting from the sea wall south of the property.
- 3.1.3 The current application is a Section 73 application to vary a condition on a previously approved scheme (20/01080/HOUSE). Any such approval under a Section 73 application will sit alongside the original approval but will include the amended condition, as well as any additional conditions the Council see fit to include. All previous conditions that continue to have affect will also be included as part of a new decision notice.
- 3.1.4 The application seeks to vary Condition 2 of the previous permission, which states that the development would be carried out in accordance with the approved plans. The approved plans as part of the previous application have been amended as part of the current application, so that this application now seeks permission to erect metal railings on top of part of the sea wall in between two weatherboarded buildings flanking a slipway; The Old Clubhouse and The Otter Hut. The Old Clubhouse is a two-storey building erected in the late-19th century as a yacht club, which is the subject of the previous application. The Otter Hut is a single-storey building designed as an architect's office which won a Maldon District Conservation and Design Award in 2002.
- 3.1.5 The iron fence would measure 1.1m above the existing sea wall and would measure 2.2m in total at the point closest to The Old Clubhouse, and 2.5m in height overall when measured next to The Otter Hut. The overall heights include the height of the existing sea wall except for where it states on the plans the height of the railings itself. The fencing would span the length of the wall which is approximately 5.9m between these two buildings. A new wrought iron gate is also proposed in front of the existing flood gate. No other amendments have been made to the original proposal in this regard.
- 3.1.6 It should be noted that during the course of the application, amended plans have been received so that close-board fencing, which formed part of the original submission, is no longer proposed above the existing sea wall.

3.2 Conclusion

- 3.2.1 The Old Clubhouse and The Otter Hut frame an attractive view of the estuary from the riverside footpath which makes an important contribution to the character of the

Conservation Area. The proposed railings would be of an acceptable quality and would maintain views of the estuary, whilst achieving improved security for the owners of The Old Clubhouse. The alterations and extensions approved under 20/01080/HOUSE were supported as part of the previous application and no objections were received to the scheme from statutory consultees. For the reasons outlined above, and to use the terminology of Chapter 16 of the National Planning Policy Framework (NPPF) and policy D3 of the Maldon Local Development Plan (LDP), it is considered that the proposal, subject to relevant conditions, would cause no harm to the significance of the conservation area as a heritage asset. The proposal would pose no conflict with the statutory duty to preserve or enhance the special character of the conservation area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1900.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework (NPPF) 2019 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
- 54-57 Planning conditions and obligations
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 184-202 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan (LDP) approved by the Secretary of State

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Burnham-on-Crouch Neighbourhood Development Plan
- Burnham-on-Crouch Conservation Area Review and Character Appraisal
- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) SPD
- Maldon District Vehicle Parking Standards (VPS) SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of providing facilities in association with residential accommodation is considered acceptable in line with policies S1 and H4 of the approved LDP.

5.2 Design and Impact on the Character of the Area

5.2.1 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.

5.2.2 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”.

5.2.3 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:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

5.2.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

5.2.6 In accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the setting of the adjacent conservation area. In the terminology of the NPPF, the Council must consider whether the proposal will ‘harm’ the ‘significance’ of the adjacent conservation area. Policy D3 of the LDP states that ‘development proposals that affect a heritage asset

will be required to preserve or enhance its special character, appearance, setting and any feature and fabric of architectural or historic interest.'

- 5.2.7 The riverside frontage is an extremely important aspect of Burnham-on-Crouch and its identity. The paved riverside walk follows the length of the Quay, with most buildings lining the north side and open views across the Crouch to the south. In the late-20th century a waist-high brick sea wall was constructed along the south side of the riverside footpath. The Burnham Conservation Area Appraisal (2006) comments that the erection of the sea wall has to some degree divorced some of the quay buildings from the river (p. 13), but its low height has preserved the important open views of the river.
- 5.2.8 This application seeks permission to erect metal railings on top of part of the sea wall in between two weatherboarded buildings flanking a slipway; The Old Clubhouse and The Otter Hut. The Old Clubhouse is a two-storey building erected in the late-19th century as a yacht club. The Otter Hut is a single-storey building designed as an architect's office which won a Maldon District Conservation and Design Award in 2002.
- 5.2.9 The Old Clubhouse and The Otter Hut frame an attractive view of the estuary from the riverside footpath. The proposed railings would be of an acceptable quality and would maintain views of the estuary, whilst also achieving improved security for the owners of The Old Clubhouse. The Conservation officer has advised that it would be preferable if the railings are painted white and that large-scale drawings should be submitted to ensure that there will be adequate gaps between the uprights to maintain visibility of the estuary. Subject to the inclusion of these relevant conditions, it is considered that the proposal would cause no harm to the significance of the conservation area as a heritage asset. The proposal would pose no conflict with the statutory duty to preserve or enhance the special character of the conservation area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1900.
- 5.2.10 Although the height of the sea wall and fencing combined, would exceed 2m in height, it should be noted the railings themselves would add 1.1m on top of the existing wall and, being railings, views through would not be restricted. The height of the railings and the permeability (details of acceptable gaps to be agreed by conditions) would mean that the development would not be overbearing or in discord with the street scene. The design of the proposed railing would relate well to the previously approved scheme, which includes post and wire balustrade fencing to the proposed first floor balcony and remaining sea wall at ground floor level. Although public comments have been received in relation to the design for the fencing, the proposal is not considered to be harmful to the conservation area or adjacent buildings, to warrant refusal for the scheme. Furthermore, on the basis of the details explained above, it is not considered the design of the railing would act as a physically imposing or over-dominant deterrent to visitors or impact on tourism.
- 5.2.11 Overall, it is considered that the development, by reason of its scale, design and appearance would not result in demonstrable harm to the character and appearance of the existing dwelling, the adjacent Otter Hut and the special character of the Conservation Area in accordance with policies D1, D3 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 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).

- 5.3.2 Given that the property is located a sufficient distance away from the neighbouring properties north of the site the proposed development is not considered to have a harmful impact on any neighbouring residential amenity. Although the fence would measure over 2m in height, given its permeable design, it would not be an overbearing feature and would not result in any overshadowing that would warrant refusal of the scheme.

5.4 Access, Parking and Highway Safety

- 5.4.1 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.
- 5.4.2 The proposed extension would have no impact upon car parking requirements on site given that the number of bedrooms proposed would be reduced from five to four because of the proposed works. No objection is therefore raised in relation to traffic and transport issues.

5.5 Private Amenity Space

- 5.5.1 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 Maldon Design Guide 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.
- 5.5.2 The proposed works would not alter the private amenity space as already been approved as part of 20/1080/FUL therefore, the proposal is in compliance with Policy D1 of the LDP.

5.6 Flood Risk

- 5.6.1 The site is located within Flood Zones 2 and 3. The proposal would include the positioning of the iron fence above the sea wall and would also include the positioning of an iron fence in front of the flood gate. However, no other alterations are proposed to the sea wall or the flood gate. An Environment Agency Flood Risk Matrix has been submitted with the application. As this has been satisfactorily completed, no objections to the proposal are raised in this respect. It is noted that the Environment Agency (EA) has been consulted on the application and have returned no objections to the scheme. Furthermore, an informative will be added to an approval of the scheme to alert the applicant to the requirements to comply with the Environmental Permitting (England and Wales) regulations 2010, for the need for an environmental permit for flood risk activities if they want to do work in, under over or within 8m of the river and of any flood defence structure or culvert of the River Crouch designated a 'main river'.

6. ANY RELEVANT SITE HISTORY

- **20/01080/HOUSE** – Proposed single storey rear and side extensions, first floor side extension and balcony overlooking sea, first floor balcony deck above existing rear projections, new decking projection from south and east elevations, and general refurbishment to the existing building including new window and doors. Approved 5 February 2021.

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	Confirm integrity of wall is not under pressure.	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	No objections.	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection subject to relevant conditions.	Noted
Environmental Health	No objections.	Noted

7.4 Representations received from Interested Parties

7.4.1 **Five** letters were received **objecting** to the revised proposal and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Impacts on the wellbeing and quality of life of Burnham residents, particularly in the immediate vicinity of the proposal.	Noted. See Section 5.3.
The proposed metal railings above the existing sea wall will have a big impact on residents and visitors - restricting views of the crouch and deterring visitors.	Noted. See Section 5.2.
The elevation is showing 58 vertical uprights in a length of existing brickwork of 5.5m. This amounts to a gap between the verticals of approximately 90mm. The closely spaced bars and the overall height of 2.4m and aligning the top of the railings with our copper guttering would be aesthetically very uncomfortable and unnecessarily high.	Noted. See Section 5.2.
A reduced height of 2.0m barrier overall would visually make a far more pleasing connection to the Otter Hut.	Noted. See Section 5.2.
The proposed railing design is unimaginative, the wavy top - a hint towards the water is contrived. A more open, fluid pattern, lightweight, possibly	Noted. See Section 5.2.

Objection Comment	Officer Response
white in colour, would be more attractive.	

7.4.2 **Six** letters were received **commenting** on the revised proposal and summarised as set out in the table below:

Comment	Officer Response
A condition should be applied that will not allow any form of blocking the remaining view through the metal which would obstruct the view.	Noted. An additional grant of planning permission would be required for such works.
The design submitted is too industrial looking and could be improved.	Noted. See Section 5.2.
It would be much preferable to see the final design at this consultation stage, than simply to condition a consent requiring final design to be approved before construction begins.	Noted. The principle of development is acceptable in this instance and the Conservation Officer has advised that such details can be required by condition. Any details submitted would only be approved if they are considered to be acceptable.

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before 5 February 2024.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 18/06/01; 18/06/03 Rev K; 18/06/05; 18/06/06; 18/06/07; 18/06/08; 18/06/10; 18/06/11; 18/06/12.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
REASON: In the interest of the character and appearance of the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 All new external joinery at the application property shall be of painted timber only and shall be retained as such thereafter.
REASON: In the interest of the character and appearance of the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 5 Prior to the installation of new external doors and new windows as part of the development hereby approved, large scale drawings - including elevations [1:20] and sections through the glazing bars [1:2] - shall be submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and policy D3 of the approved Local Development Plan.
- 6 The measures contained within the Householder Flood Risk Matrix submitted with the planning application and forming part of this permission shall be fully implemented and in place prior to the first occupation of the development hereby permitted and shall be retained in perpetuity.

REASON: To minimise the risk of flooding in the interests of the safety of the future occupiers in accordance with policy D5 of the Maldon District Local Development Plan.

- 7 Large-scale drawings of the railings, including the gate – illustrating the dimensions of individual components, the gaps between each rail and their finer detailing – shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON: To protect the established character of the site in the interest of the character and appearance of the area to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and policy D3 of the approved Local Development Plan.

- 8 The railings shall be painted white, with such details of the type of paint and finished appearance, to be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details and retained, including regular maintenance of its approved visual appearance, as such thereafter.

REASON: To protect the established character of the site, having regard to the potential and particular impacts of weathering from its sea front location in the interest of the character and appearance of the area to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and policy D3 of the approved Local Development Plan.