



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
19 MAY 2022**

Application Number	22/00263/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 and new entrance gate.
Applicant	Mr & Mrs Polturak
Agent	Chris Wragg - Arcady Architects Ltd
Target Decision Date	20.05.2022
Case Officer	Hannah Dungate
Parish	BURNHAM SOUTH
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 and Policy D5 – Flooding. Previous Committee Decision

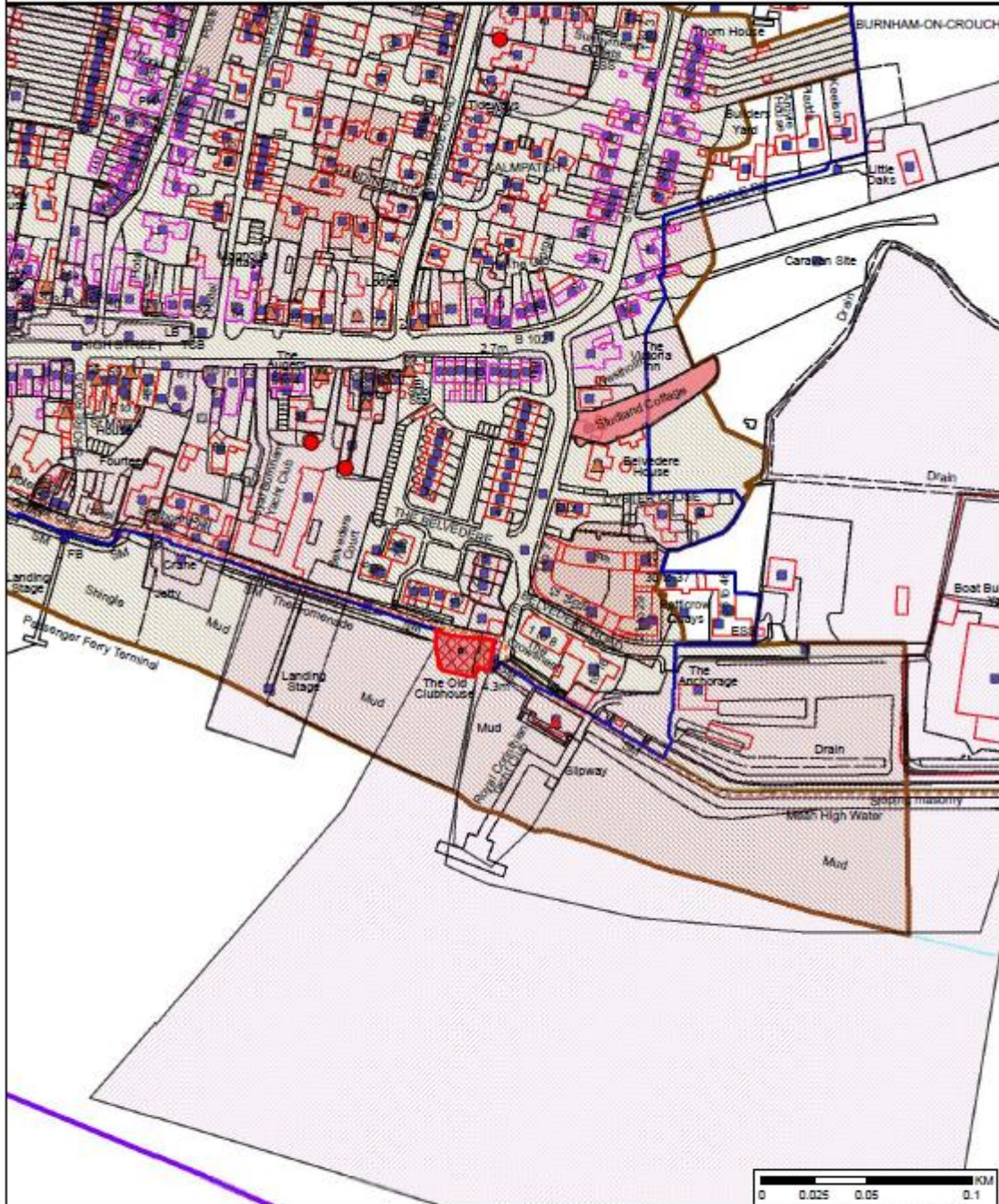
1. **RECOMMENDATION**


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
22/00263/VAR



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	09/05/2022
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 planning condition attached to a previously approved scheme (20/01080/HOUSE – above refers). 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 effect 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 shall 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 current application follows a similar application at the site for iron railings above the existing sea wall (21/00219/VAR). The previous application was refused by the Planning Committee, contrary to officers' recommendation, on 21 July 2021 for the following reason:
- “The height of the proposed railings would harm the character and appearance of the conservation area, contrary to policies D1 and D3 of the Maldon District Local Development Plan.”*
- 3.1.6 Since the previously refused scheme, the design of the proposed railings has been amended so that the proposed railings would now have a bespoke curved design instead of a traditional upright appearance. The applicants' rationale for the revised proposal is that the design of the railings would depict the story of the Vanguard 'Dunkirk Little Ship' from Burnham-on-Crouch, which saved around 600 soldiers from the beaches of Dunkirk and would incorporate an information plaque about this at the point closest to The Old Clubhouse.

3.1.7 The height of the railings have been reduced from 1.1m in height above the existing sea wall to 0.5m at its highest point closest to The Old Clubhouse and 0.4m at the point closest to The Otter Hut. The overall height of the sea wall with the railings and gate above would measure 1.8m in height overall when measured next to The Otter Hut. 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.

3.2 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. 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*. It is therefore, considered that the amendments have overcome the previous reason for refusal.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 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
- 54-58 Planning Conditions and Obligations
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment
- 189-208 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) (2017)
- Maldon District Vehicle Parking Standards (VPS)

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 heritage assets 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 River 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-on-Crouch 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 have been reduced in height by over half from the previously refused application so that it would now extend a total of 0.5m only above the existing sea wall, and 0.4m above the sea wall at the point closest with The Otter Hut. The interesting, curved design of 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 reduced height of the railings and their permeability would mean that the development would not be overbearing or discordant with the street scene. The design of the proposed railing would also 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.
- 5.2.10 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 revised design of the proposed railings, and the subsequent reduction in height, would overcome the previous reason for refusal.

- 5.2.11 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. It is also noted that no public objections have been received to the revised scheme. The proposal would cause no harm to the significance of the conservation area as a heritage asset and 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.
- 5.2.12 Overall, it is considered that the development has overcome the concerns raised at the time of the last planning application and, 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. Given the permeable design of the railings, and its reduced height to 1.8m overall, 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.
- 5.6.2 It is noted that the Environment Agency has been consulted on the application and have returned no comments to the scheme. However, as part of the previous application for a similar proposal, they returned no objections. The only difference between the proposals would be the design of the iron railings and gate. The drawings indicate that the proposed gate would still be located in front of the existing flood gate, as per the previous scheme.
- 5.6.3 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 floor 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

- **21/00219/VAR** – 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. Refused by Ctte 23 July 2021.
- **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	Do not support application due to the fact the railings will obscure the view of the river and will not be popular with residents.	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	No response received at	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	time of writing report.	

7.3 Internal Consultees

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

7.4 Representations received from Interested Parties

7.4.1 No representations have been received.

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 L; 18/06/05; 18/06/06; 18/06/07; 18/06/08; 18/06/10; 18/06/11; 18/06/12 (Rev A).
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.