

12/00293/FUL

SITE: BRANDY HOLE YACHT CLUB KINGSMANS FARM ROAD HULLBRIDGE

APPLICANT: BRANDY HOLE YACHT CLUB - MR LEO KNIFTON

ZONING: METROPOLITAN GREEN BELT

PARISH: HULLBRIDGE

WARD: HULLBRIDGE

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List no.1144 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Wednesday, 1 August 2012, with any applications being referred to this meeting of the Committee. The item was referred by Cllr M Hoy.

The item that was referred is appended as it appeared in the Weekly List, together with a plan.

1 NOTES

- 1.1 This application is to the site of the Brandy Hole Yacht Club, which is located at the eastern extent of Kingsmans Farm Road adjoining the southern bank of the River Crouch. On the site exists a group of 8 holiday type chalets and 6 caravans located on the western and southern sides of the site.
- 1.2 Also on the site is an area in use for the storage of small boats and dinghies. To the northern part of the site exists a two storey club house building with a pitched roof design and decked area adjoining the sea wall. Beyond the sea wall there are a number of moorings and a floating pontoon.
- 1.3 To the east of the site exists an open and overgrown plot with two vacant and derelict buildings beyond which, and further west, are residential development to plots fronting Kingsmans Farm Road.
- 1.4 To the south exist the Shangri-La caravan park and a caravan park believed to formerly have been part of a greater site previously including the current application site. Two detached dwellings “Tapps Cottage “ and “Mundaring” exist to the immediate south of the application site.

2 RELEVANT PLANNING HISTORY

- 2.1 The site has an extensive history over many years. The more recent history is set out below.

- 2.2 Application No. 02/00099/FUL

Erection Of First Floor Extension (To Be Supported On Piers) Comprising Disabled Toilet, Gents Toilet And Rest Room.

Permission refused FOR Green Belt reasons.

- 2.3 Application No. 03/00263/FUL

Erection Of First Floor Extension (To Be Supported On Piers) Comprising disabled toilets and changing room.

Permission granted on 24 June 2003.

Disabled toilets allowed at first floor due to very special circumstances in that the premises are a registered Royal Yachting Association training centre with the need to provide facilities irrespective of ability/disability.

- 2.4 Application No. 11/00375/FUL

Alterations to clubhouse building to provide extension to deck incorporating disabled ramp access, construct lock up stores beneath deck area, install solar panels to south roof slope and infill to ground floor.

Permission granted on 24 August 2011.

3 PROPOSAL

- 3.1 The proposal is to remove the existing chalets and caravans on the site and provide 14 no. new larger chalets located along the southern and eastern boundaries of the site with a car parking area to the middle of the site. The proposed chalets would be on supports with the floor area raised above ground to allow for car parking to each chalet to be provided beneath.

- 3.2 The chalets would be of a rectangular box type design with a black/grey rubber roof covering behind a parapet wall detail. The chalets would have walling finished in a chestnut coloured softwood weatherboard to be finished in wood preservative. The supporting steel columns would be painted brown over a galvanised pre-coat. The individual windows and doors would be finished the same as the walling. Each chalet would include a “wrap around” open deck with a stair access.

- 3.3 The chalets proposed to plots 1–9 and 10–12 would have an overall footprint of 15.7m wide and 7.32m depth and in alternate two-bedroomed versions with a wrap around deck on three sides. The chalet proposed to plot 13 has the same footprint but larger bedroom with the balcony wrapping around two sides. The chalet proposed to plot 14 has a slightly larger footprint having a width of 16.64m and depth of 7.5m and incorporates a disabled persons wet room and access lift.
- 3.4 The applicant describes the development to comprise holiday chalets and the re-configuration of the car parking area to provide 70 car parking spaces.
- 3.5 The proposal would remove a group of conifers located to the west of the clubhouse building and the removal of a hedge, two oak trees and one alder tree located on the southern side of the site.
- 3.6 The application follows previous discussions between the applicant and District officers.

4 MATERIAL CONSIDERATIONS

- 4.1 The site is within the Metropolitan Green Belt, within the coastal protection belt, within an area at risk of flooding and is a caravan park, as identified in the Council's saved Local Plan (2006).

Ecological Issues

- 4.2 The Council's consultant ecologist makes representations regarding the absence of ecological information that would allow the Council to consider the impact of the proposal upon protected species likely to be present on or near to the site. The site adjoins nationally and internationally important ecological sites based upon the River Crouch marshes. It is not therefore possible for the Council to grant planning permission without this information having been first considered.
- 4.3 The Council's consultant arboriculturalist has no objection to raise regarding the loss of the three trees and hedgerow, but would require a landscaping scheme to be agreed under the requirements of a condition to the grant of permission.

Green Belt and Coastal Protection Issues

- 4.4 The National Planning Policy Framework states in paragraph 89 that the construction of appropriate facilities for outdoor sport and outdoor recreation is appropriate development in the Green Belt as long as it preserves openness. Paragraph 89 goes on to allow for the replacement of buildings where such buildings would not be materially larger and allows for the

complete re-development of a site that would not have a greater impact on the openness than existing development.

- 4.5 Whilst Policy GB1 to the Council's Core Strategy would generally steer new development away from the Green Belt, Policy GB2 allows for some relaxation and rural diversification that would provide outdoor recreation activities for visitors as well as the District's residents.
- 4.6 Policy ENV2 requires that, in order to protect the coastline, use must be made of existing developed areas and that the open character is not adversely affected.
- 4.7 Policy LT19 to the Council's saved Local Plan, although requiring a demonstration of need and a preferred location in or near residential areas, requires that development for hotel and guest house accommodation should not have an adverse impact upon the Green Belt and be accessible by a choice of transport types.
- 4.8 The existing development is long established to that part of the coastline. The application is not to a new site but is for the enhancement and re-development of the site to provide holiday use as existing. Consequently the proposal would not conflict with policy LT19 to the saved Local Plan, which in the main sets out criteria for new hotel development.
- 4.9 The existing holiday chalets are low rise below the sea wall line. The development proposed would enhance and upgrade the existing facilities to modern standards with much larger structures. The increase in height is required in order to overcome objections from the Environment Agency in that the finished floor level must be above flood prediction levels for a one in two hundred year event and at 5.65m Above Ordnance Datum (AOD). Furthermore, the height of the building would give good views of the estuary to holiday makers, enhancing the holiday experience generally encouraged by CLT9 to the Council's Core Strategy.
- 4.10 The increased height and size of the chalets will increase the impact of the development with the top half of the new chalets visible to the estuary. However, this must be balanced against the existing use and developed nature of the site and other ambitions contained generally within the National Planning Policy Framework to encourage investment, together with the Council's ambition to enhance tourism. These policies conflict to some extent. However, the general encouragement to this form of development and continued use of the site combine to offset the increased visual impact that will otherwise arise. The new chalets proposed are appropriate development in terms of their size and customer expectation. The height is required for technical reasons to reduce the risk to future occupiers from flooding. The proposed chalets are of a good design, as required by Policy CP1 to the Council's adopted Core Strategy. On balance therefore the development is considered acceptable in Green Belt terms and would not have such a

significant impact detrimental to the appearance of the Coastal Protection Belt such that permission should justifiably be withheld.

Flooding Issues

- 4.11 The Environment Agency advises that in its view the proposal falls within a highly vulnerable category of development whereby the Council is required to apply a sequential test to the development. A footnote to table 2 to the technical guidance that accompanies the National Planning Policy Framework however clarifies this further to relate to any application to change the use of the land. Given that the caravan park already exists, the need for a sequential test is not in officers' view required, as the use already exists. Officers have discussed this point with the Environment Agency who accepts this conclusion, bearing in mind the site has the existing use and there is betterment by way of the application providing improved flood protection to future occupiers if the necessary floor level can be achieved.
- 4.12 The application particulars are confusing stating a conflict in floor level to the proposed chalets at 5.25m AOD but the submitted Flood Risk Assessment states that the finished floor level would be 5.65m AOD, a level acceptable to the Environment Agency. It would be possible to condition the grant of planning permission to the level agreed in the FRA as a condition to the grant of permission.
- 4.13 The applicant has not submitted a flood plan to explain how the site would be evacuated in an emergency. This matter has been discussed between officers and the Environment Agency and it is agreed that the provision of a flood plan can be a matter to form the subject of a condition to the grant of permission.
- 4.14 As a result those matters of concern attracting a holding objection on flood risk grounds can be addressed by a condition to the grant of permission.

5 Representations

- 5.1 HULLBRIDGE PARISH COUNCIL: No objections raised, providing there is no more than a 10 month occupancy restriction and an amenity for a public right of way provided to restore the historic footpath from the end of Kingsmans Farm Road to the river bank.
- 5.2 ESSEX COUNTY COUNCIL HIGHWAYS: No objection.
- 5.3 ROCHFORD DISTRICT COUNCIL HEAD OF ENVIRONMENTAL SERVICES: No adverse comments to make.
- 5.4 ROCHFORD DISTRICT COUNCIL CONSULTANT ECOLOGIST: Recommends the application be refused. The application is not accompanied by any ecological information despite lying adjacent to the Crouch and Roach

Estuaries SSSI, which forms part of the Essex Estuaries SAC, The mid Essex Coast SPA and the Mid Essex Coast Ramsar site.

- 5.5 The proposed chalets are immediately adjacent to the sea wall and are raised as opposed to existing ones that are situated at the rear of the site.
- 5.6 The Conservation of Habitats and Species Regulations (2010) require that, before granting consent to a plan or project that is likely to have a significant effect on an SPA or SAC, the competent Authority (in this case Rochford District Council) make an assessment of the implications for that site in relation to its conservation objectives. It is for the applicant to supply the information that the competent Authority needs in order to determine whether or not an appropriate assessment is required.
- 5.7 It is known that reptiles are present in the area with records of common lizard and grass snake. The application site includes a vegetated borrow dyke that could support water voles. An ecological appraisal is required to assess the habitats on and around the site and consider the presence of legally protected species. The report should also consider the potential impacts of the scheme, during construction and operation and demonstrate that these impacts can be successfully avoided or mitigated without any residual negative effect on the protected species. In the absence of such supporting ecological information recommend refusal.
- 5.8 ROCHFORD DISTRICT COUNCIL CONSULTANT ARBORICULTURALIST: Advise that there are no significant trees present. A condition will be required for a landscaping plan to demonstrate how it will soften the layout to the benefit of local wildlife.

NEIGHBOURS:

- 5.9 One letter has been received from the following address:
- 5.10 Kingsmans Farm Road: "Crouch End"
- 5.11 And which makes the following comments and objections:-
- Major concern over development for a single track private road and disturbance from night time events.
 - The pumping station would not cope with extra sewage.
 - Too close to saltings and nature area.
 - Green Belt area.
 - Taking down chalets and replacing with houses.
- 5.12 ENVIRONMENT AGENCY: Raise holding objection.

- 5.13 Advise that the site is shown to lie within Flood Zone 3, the high risk zone. The holiday chalets proposed are most likely to be classified as a more vulnerable land use. (Table 2 to NPPF technical guidance). More vulnerable developments in Flood Zone 3a are considered to be appropriate provided the application passes the sequential and exception tests and is supported by a Flood Risk Assessment.
- 5.14 No evidence is submitted that the Local Planning Authority has applied the sequential test and which must be considered prior to determining the application.
- 5.15 A flood risk assessment has been submitted, but raise a holding objection as it is not currently compliant with the NPPF.
- 5.16 It is proposed to set the floor levels of the chalets at a minimum level of 5.25AOD but at the end of the FRA it is proposed that the finished floor level will be set at 5.65AOD. The actual level the chalets will be set at should be confirmed. As the chalets are single storey the finished floor level should be provided above the 1 in 1000 year flood level. The later finished floor level of 5.65AOD would provide an acceptable level in relation to the 1 in 1000 year flood level inclusive of climate change.
- 5.17 It has been confirmed that the chalets will be designed to withstand the pressure of tidal water to the agreed level of flood risk. This level of flood risk should be the 1 in 200 year event, inclusive of climate change.
- 5.18 The FRA confirms that an integrated flood warning system shall be provided at the development. A flood plan should be provided in support of this application to demonstrate that users of the site will receive adequate warning of flooding. A plan should be in place which provides a clear plan of actions for site users should flooding be expected. The flood plan should, as a minimum, include details of who shall receive the warning, how it will be disseminated to site users and what the course of action would be if a warning is received (e.g. details of evacuation routes and muster points).
- 5.19 The flood plan will need to be agreed with the District Council's emergency planner. If the emergency planner confirms that details of the likely rate of onset of flooding, duration of flooding and depth and velocity of flood water are required to enable an informed decision on evacuation to be made, then further modelling will be required as part of the FRA to establish specific flood details.
- 5.20 Advise that as the site is close to the Crouch SSSI, SPA, SAC and Ramsar sites it is possible that, without careful design and planning, it may have the potential to have a significant impact on these important conservation sites.

6 RECOMMENDATION

6.1 It is proposed that the application be refused for the following reason:-

- 1 The Local Planning Authority considers that an ecological assessment of the site and the impact of the application is necessary to confirm the presence or absence of protected species on the site as the site has large areas of grassland and adjoins the River Crouch marshes, Site of Special Scientific Interest, Special Area of Conservation, Special Protection Area and Ramsar site (Wetlands of International Importance). The application fails to provide information with regard to the presence of protected species and the impact of the development upon them and or mitigation that might be necessary. It is not therefore possible for the Local Planning Authority to give this matter the appropriate consideration in the interests of any protected species that might be present on the site or on land adjoining the site that might be affected.



Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

CP1, GB1, GB2, CLT9, CLT 11, ENV3 of the Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011)

Policy CC1: Undeveloped Coast - Coastal Protection Belt of the Essex and Southend-on-Sea Replacement Structure Plan (2001) as saved

LT 17, LT 18, LT 19 of the Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5th June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

C1 of the Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010

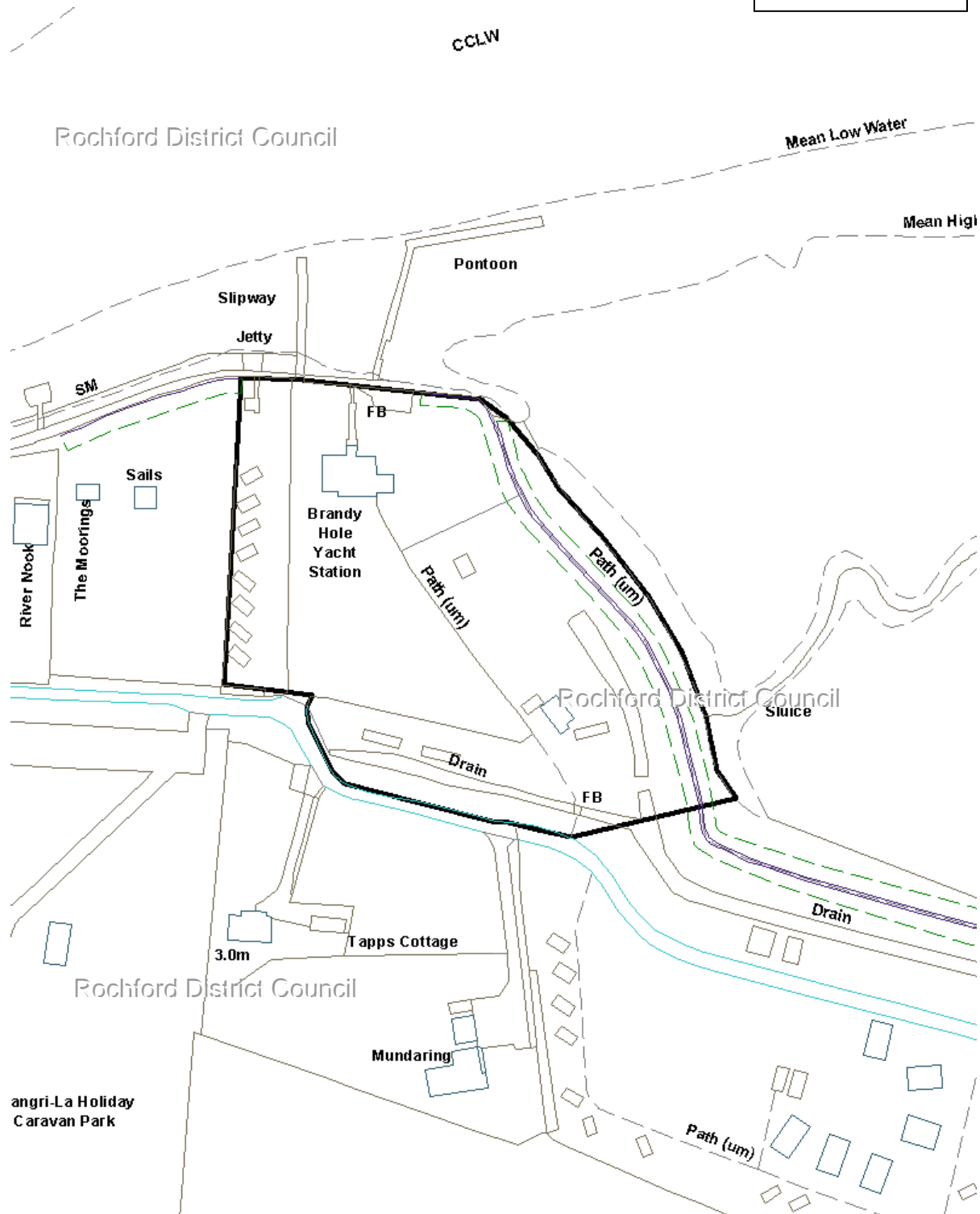
For further information please contact Mike Stranks on:-

Phone: 01702 318092

Email: mike.stranks@rochford.gov.uk

If you would like this report in large print, Braille or another language please contact 01702 318111.

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