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Item No: 7.2

Application: 173058

Applicant: Mrs Nina Crouchman

Agent:

Proposal: To remove temporary building 'The Hut' and replace with a permanent building including disabled access toilet and veranda.

Location: Rowhedge Heritage Trust Hut, High Street, Rowhedge, Colchester

Ward: Old Heath & The Hythe

Officer: Sue Jackson

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the land is owned by the Parish Council and its transfer to the parish council was secured by a legal agreement forming part of a planning permission granted in 2000. The application has given rise to representations both in support and against the proposal. In the circumstances officers consider that in the interests of transparency the decision should be made by the Planning Committee.

2.0 Synopsis

- 2.1 The key issues for consideration are whether the use is acceptable, the design and appearance of the building adjacent to the conservation area is appropriate; and whether the impact of the building and use on both the area and amenity of neighbouring properties is satisfactory.
- 2.2 The application is considered acceptable and is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The site is located along Rowhedge High Street, it has a frontage to the High Street and a rear boundary which faces the river Colne but is separated from it by a riverside walk and cycleway. The north boundary faces residential properties and the south boundary is next to an area of waterside open space owned by the Parish Council.

4.0 Description of the Proposal

- 4.1 The application proposes the removal of an existing building and its replacement with a slightly larger one. The existing building measures 7.9 metres x 3.9 metres whereas the proposed building has dimensions of 8.5 metres x 3.5 metres together with a verandah of 1.2 metres in width. It has an eaves height of 2.25 metres and measures 3.5 metres to the ridge. The building will be clad externally with weatherboarding with a pitched cedar shingle clad roof. The internal space is shown as a single open area and includes toilet facilities.
- 4.2 The applicant has provided the following explanation of the existing and proposed use;

“The existing hut has been operating on this site since 2005. During which time it has provided refreshments and a meeting place for thousands of villagers and visitors. These arriving via the ferry, the river, the cycle track and as walkers, it more recently has also provided a base for Rowhedge Coastal Rowing Club. Using the building and the surrounding space by the river for the enjoyment of the public, the rowing club are seeking permission to remove the temporary planning permission and replace it with a permanent building on a permanent site.

The club wishes to continue providing a service to the local community with the sale of refreshments from a new building and provide a permanent base for the rowing club which is continuing to grow (and other community groups to hold meetings). The new building would create a space for the rowing club to hold its meetings, provide much

Needed storage for equipment (i.e. rowing machines for members to use when water is limited due to the river being tidal and the dark nights of the winter period so members can still train). The new building would be the clubs main source of fundraising.

It would continue to open at the weekends and bank holidays April- November all day, typically 10-5pm. The new building would display maritime effects to display the past of Rowhedge to its visitors. The rowing club has enjoyed great success on the coastal rowing scene, with assets including 3 gigs & a safety boat. Membership numbers have continued to grow with 70 members on the club books. It provides a healthy outdoor pursuit all year round for all ages and ability, welcoming anyone at any time.

The new building would be in exactly the same place as the old temporary building, set to one side of the land in order to maximise the space. The replacement building would be slightly bigger than the existing hut (60cm longer and 1.2m wider) and have a veranda on one side for shelter from the sun/rain. It would also provide a toilet for visitors of the hut and club members, a much required necessity in the village where the only public conveniences are in the public houses. Tables and chairs would be provided to the building for refreshments to be enjoyed on the existing patio area for when the hut is in use. The existing paving blends in with the grassed quayside area which is maintained by East Donyland Parish Council.

The rowing club hold monthly committee meetings of 12 people 7.30-8.30pm which the hut could be used for this instead of having to book the local pub room which can often be busy. These would of course be held inside.

Training would be held 1 evening a week during the winter from 6-9pm (Jan-March) where people can use a rowing machine inside the hut when it is too cold to train on the river/when there is no water. This would be for very few people probably 3.

Fundraising events would include hosting a rowing event where permission is always obtained in advance from East Donyland Parish Council as the quayside is used by visiting rowing clubs watching the rowing on the river. There are 2 events each year. The hut is used to provide refreshments. To confirm we would continue to sell teas/cakes and food would not be cooked on site. With community groups if another group wished to hold the odd meeting if other spaces in the village were unavailable it was an offer for this. The club is always aware of the neighbours and would continue to keep noise and movement minimal".

5.0 Land Use Allocation

- 5.1 The site is within the settlement boundary for Rowhedge. The frontage is within the conservation area. The site is also within flood risk zone 3.

6.0 Relevant Planning History

- 6.1 O/COL/95/1053 Outline planning permission for residential development approved subject to conditions in July 2000. This application includes a legal agreement which amongst other matters secured the transfer of the application site to the parish council.
- 6.2 F/COL/01/0207 Full planning permission granted for a permanent building to be used as a riverside centre. The approved building was part 2 storey with single storey outshots. An application to renew the planning permission reference 073073 was withdrawn.
- 6.3 F/COL/05/0463 Temporary planning permission granted for single storey building to be the Rowhedge Heritage Trust campaign office and fund raising charity shop. Applications to extend the temporary planning permission have been applied for and granted on a regular basis since 2005.
- 6.4 121313 Full planning permission granted for a permanent riverside centre. The approved building was part 2 storey, part 1.5 storey and part single storey. This planning permission has expired.
- 6.5 160381 Application submitted by the Rowhedge Coastal Rowing Club to extend the temporary planning permission, a further temporary permission was granted until March 2019
- 6.6 161460 Application submitted by the Rowhedge Coastal Rowing Club to authorise the Rowing Club to continue to serve refreshments to the community and to use the building as a base and central point for the Rowing Club.
The temporary planning permissions granted since 2005 included a condition restricting the operation of the building to the Rowhedge Heritage Trust.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations

UR2 - Built Design and Character

ENV1 - Environment

ENV2 - Rural Communities

ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP10 Tourism, Leisure and Culture
DP14 Historic Environment Assets
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP23 Coastal Areas

- 7.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

External Materials in New Developments
EPOA Vehicle Parking Standards

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 Historic Buildings and Areas Consultant This application is for the replacement of an existing timber hut with a slightly larger one on much the same footprint. The new building would be timber clad and roofed with wooden shingles. It would be acceptable in this location just outside the Conservation Area and not far from listed buildings, and I have no objection to the proposal.
- 8.3 Highway Authority does not object to the proposals as submitted.
- 8.4 Environment Agency We have inspected the application, as submitted, and are raising a holding objection on flood risk grounds. Our maps show the site lies within tidal Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for the construction of a permanent building to be used by the rowing club and community, which is classified as a 'less vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG). Therefore, to comply with national policy the application is required to pass the Sequential Test and be supported by a site specific Flood Risk Assessment (FRA). We have not seen evidence that you have applied the Sequential and Exception Tests. This is your responsibility and we recommend you consider them before the applicants review their FRA.

9.0 Parish Council Response

- 9.1 The Parish Council own the site and it would not be appropriate for them to comment on the application.

However the Parish Council has been asked to respond to the objections received, in particular the comments from residents who consider the site should be used to provide a heritage centre and the lack of consultation by the parish. The Parish Council response is set out below

“The Rowhedge Heritage Trust were working on providing a larger building (as they state in their letter) but withdrew this project and stated that they had no further interest in pursuing the project. The Rowhedge Heritage Trust then teamed up the Rowhedge Coastal Rowing Club to provide the current facility and the Rowhedge Coastal Rowing Club have subsequently applied to have a permanent facility on a similar basis to the current facility.

As a parish council we did not have any aspirations to proceed with the riverside centre. Meanwhile the Parish Council commissioned a village plan and one outcome of the survey was that the majority of respondents valued the smaller temporary hut and it's facilities and did not support a larger building. On that basis the Parish Council recently voted to support the submission of an application of a similar sized permanent structure offering similar facilities as the temporary structure.

The applicants have made clear in their business plan that the building could house heritage artefacts and would be made available for community use, where practical. The proposed building makes provision (in the business plan) for hire by community groups and for displaying heritage artefacts. The Council expects the new building to be made available for other interest groups as and when practical and that this will be a condition of the lease agreement. East Donyland Parish Council sought clarification of what constitutes the stated "heritage" criteria from the Borough Council, to date this has not been defined and there are no "explicit heritage functions" as referred to by the Rowhedge Heritage Trust. The Rowhedge Coastal Rowing Club have again agreed that they will continue to exhibit heritage items within the premises and that this is very closely aligned with the group's ethos. East Donyland Parish Council will again be making this a condition of the lease and in this way we believe the heritage issue is addressed.

Should the application be successful the Parish Council would continue to own the land and would lease it to the applicant”.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 At the time of drafting this report 157 representations in support of the application and 18 representations objecting to the application had been received.

- 10.3 An analysis of the representations shows the majority in support are from addresses outside Rowhedge and just over 20 are from Rowhedge residents. The majority of representations objecting to the application are from residents of Rowhedge with three from addresses outside Rowhedge.

Objections

- 10.4 The Rowhedge Heritage Trust objects to the proposal for the following reasons:

“The proposed building is primarily a clubhouse for the Rowhedge Coastal Rowing Club and goes nowhere near to meeting the criteria of the original 106 Agreement, for which the site was obtained. This was to provide a building that served the village at large, with explicit heritage functions.

We acknowledge the value of the part time teashop to the wider village population. However, this is an intermittent activity which primarily serves the purpose as a fund raiser for the Rowhedge Coastal Rowing Club, and does not respond adequately to the need for heritage, cultural and educational functions. Nor does it make adequate provision for other interest groups.

This is a key site in the village of great value, obtained by the Parish Council for the benefit of the wider village community. The Rowhedge Heritage Trust, a charity formed at the suggestion of the Parish Council, had these charitable objectives clearly stated. Subsequent village consultations have always indicated that the use should not reflect a specialised interest.

The proposed building, as stated by the applicant, is little more than the existing Rowhedge Heritage Trust hut. The design of the building does not reflect the local traditional style nor make a significant architectural contribution to the riverside. It should not have permanent permission to occupy such an important site in the centre of the old part of the village. (The visual style of the building has always been a criterion that had to be met in previous planning applications).

The growth of village population stemming from the wharf development will increase the need for additional community facilities to serve the whole village. Granting permanent planning permission for an inappropriate building would mean that opportunities presently available to realise facilities suited to both present and future village needs would be lost.

We believe that the needs of the Rowhedge Coastal Rowing Club for a meeting place and centre could be met, along with those of other users associated with the river, by a multipurpose building, which would also serve heritage, educational and cultural functions. The Rowhedge Heritage Trust, having successfully managed the Hut between 2006 and 2016, and procured two successful planning applications for buildings which met these criteria, Would be pleased work with the Rowhedge Coastal Rowing Club and any other interest group to produce a satisfactory design. This would lead to a far more efficient and equitable use of this prime site. The existing temporary planning permission does not expire until 2019 and this would give ample time for a more considered approach to the most appropriate building to serve all parties' requirements.

We note that the short consultation period has made it difficult for us to contact all our supporters, which has undoubtedly impacted on their ability to register their own views. The Rowhedge Heritage Trust also draws attention to the fact that, although we are the owners of the building currently used by the Rowhedge Coastal Rowing Club, on a site leased from the Parish Council we received no consultation from the applicant nor the Parish Council and have not been invited to participate in the working party set up by Parish Council to discuss the future of the site. There has also been no public consultation, as there has been in the past when considering this site”.

10.5 The other representations raise similar objections but with the additional comment;

- Object to using public money to create competition with local businesses.

10.6 The owner of the adjacent residential property has raised the following objections

- this building has a direct impact on us as the neighbours, it impacts greatly on our view of the water and also our side access to the garden, when we wanted to make improvements to our home we couldn't get the equipment in the garden because we have a building that is partially attached to our fence.
- if it was bigger and permanent that it would come with other issues including waste, there will be a need for waste bins, which will attract rodents and pests, and be smelly and unsightly.
- If serving food and drink refrigeration etc will be necessary but the building will mostly be unattended, there are concerns about rats but also fire risks with the equipment and power cuts. There will be rotting food right outside my garden.
- the building will only be used by a small club for a select amount of people and not really used by the whole community,
- it will impact on the local café
- it will create noise and that would disturb the peacefulness of the water. It could potentially attract vandalism as it is mostly unattended and an easy target.
- There is no parking nearby for any of the users, so they would be taking away valuable parking spaces from the residents.

10.7 The applicant was asked to respond to these objections and their response is produced below;

- *The current hut was in place before the neighbour bought his property and the new planning application was in place well before he purchased the house.*
- *The current hut is not attached to the boundary fence of the garden.*
- *Rubbish is removed off site every day the hut is in use and has one bin outside the door which is emptied by the volunteers and taken in overnight. This would continue.*

- *Refrigeration is already in place and always has been but even more so since last year when a large cake refrigeration unit was purchased by RCRC to keep all items cool whilst on display. The hut has certified food hygiene representatives and is logged and certified sufficiently with the Colchester environmental health department.*
- *Whilst the hut is not in use the appliances are switched off from the electric supply and the water is turned off too.*
- *I do not see where rotting food outside the garden would come from. As previously said all rubbish is removed from the site daily.*
- *There has never been an act of vandalism in over 8 years and the hours the hut would be occupied would be exactly the same as they have been Sat ,Sun Bank Holidays and occasional evening for training sessions /Meetings. It would be available for other community groups to hold a meeting if they needed a venue with prior warning.*
- *With regards to the other cafe that came along only 18 months ago and it was the hut that had to adapt to competition. Both venues are very different in price ,customers and offerings.*
- *If the neighbour saw how busy the hut can be on a Summers day he would see how the rowing club and hut serve the large amounts of people from community and it is not a small group usage.*
- *The parking is not an issue as the users of the hut are the local community/visitors that come by foot/cycle /water .*
- *There is no documentation to support that this site has to be a museum.*

Support

10.8 The chair of Rowhedge Resident's Association comments:

“The Rowhedge Resident’s Association committee met on 8th January 2018 and in November 2017 to discuss the permanent building.

I am a member of both Rowhedge Coastal Rowing Club and Rowhedge Heritage Trust and I have been involved in discussions regarding the permanent planning previously when the Rowhedge Heritage Trust applied and this time with Rowhedge Coastal Rowing Club applying. Other committee members have been involved in the Village Survey, and the previous planning for the permanent building. As a committee we felt that we did not need to request residents' views on the proposal for the permanent building as residents answered questions about it in the Village survey. The survey results are available for you to read via East Donyland Parish Council.

Residents were clear that they wished to maintain a small building to provide tea and cake but the addition of toilet facilities would enhance the building. At no point had residents asked for the building to be made significantly larger. The Rowhedge Resident's Association committee felt that the Rowhedge Coastal Rowing Club proposal was in line with resident’s requests and included access for people with disabilities thereby making open to more residents.

The committee had very strong feelings that the Rowhedge Heritage Trust committee are opposing the new build due to their own personal views and

the Rowhedge Heritage Trust had not been able to keep the temporary hut operational for the last 2 years that it was in charge of it. Rowhedge Coastal Rowing Club have managed to keep the hut operational with volunteers and the set opening hours throughout 2016 and 2017.

10.9 The Rowhedge Heritage Trust had ideas to make the permanent building larger when they applied and residents in the village were against the idea. The Rowhedge Resident's Association committee felt that for the Rowhedge Heritage Trust to try and make it a larger permanent building again now is going to defeat the proposal as requested by residents in the village, and this could mean that residents lose the option of a permanent building which they wish to have as the hut is a community resource providing sustenance and facilities (in future). The Rowhedge Resident's Association committee felt that as the hut is on the waterfront it should be used for a water based activity and that rowing is a heritage sport. One of the Rowhedge Resident's Association members is the owner of a local cafe and he does not see the Rowhedge Coastal Rowing Club opening to sell tea and cake to be detrimental to local trade.

10.10 The Rowhedge Resident's Association committee felt strongly that opposition from a few should not block a proposal for a permanent building and one that enhances the community. Rowhedge Coastal Rowing Club works well with other organisations throughout the village and has worked well to increase its membership and involvement in the local community."

10.11 Other representations in support

- The Hut is currently a valued facility in our village community.
- Having a meeting place for the people of Rowhedge is invaluable in engendering cohesion and pride in our village. It is also a great amenity for local cyclists and walkers who regularly drop in for a snack and a much needed drink.
- The addition of a toilet is a great way of solving the ongoing issue of lack of this facility in Rowhedge
- The rowing club would greatly benefit from a meeting place and as a club are an inclusive community organisation which works hard to create opportunities for members to partake in healthy exercise and competition within the wider community. It is a flourishing club which is welcoming and positive in its approach
- The building needs updating and improving in order to continue the service that the hut provide
- The hut is run by volunteers from the village rowing club and as such it both supports a valuable community group (by generating funds which enables the club to be self-supporting).
- The proposal to have a permanent structure in 'The Hut' on the quayside will simply continue to fulfil the wonderful and much enjoyed existing service to both the village residents and visitors to the community as well as providing a much needed base for the Rowing Club in an ideal location near to the river.

- The Hut is used every weekend from April-Oct by locals & visitors of the village
- The Rowhedge Coastal Rowing Club took over the hut when the Rowhedge Heritage Trust gave up wanting to use it. There is no need to build a big building taking up more of the quay but keeping it the same size is perfect.
- When Rowhedge Coastal Rowing Club took over the running of the hut the range of products diversified They extended the opening hours, they seems to try to cater to demand, which is great They kept the hut open for longer in the year
- I live opposite the and have never had any issues with disturbance or noise I noticed the range of folks,
- The Rowhedge Heritage Trust had a number of years to begin proceedings themselves but chose a bigger sized plan which was way too big for the quayside and unwelcome by the residents. Their plan was also for a lot bigger building which village folk have expressed in the village plan they did not want .The application is what the villagers say they want and that the facility the hut provides is much needed. If the Rowhedge Heritage Trust is so strongly against what is being proposed, why then have they not done anything with the granted planning permission in the past? Why knock a local club for making their own attempt at keeping this facility for all
- Over the years the heritage has chiefly been a display of pictures and a few artifacts I am sure the rowing club could equal if not better this to fulfill the heritage aspect of the building.
- I am the chairman of Burnham on Crouch Coastal Rowing club. We visit this location 3-4 times per year to support events put on by Rowhedge Coastal Rowing club. Without a hut to provide teas, coffee, cakes and a base for event registration and briefing- these events could not be held. Coastal Rowing is a fast growing sport but without facilities clubs will struggle to continue proving this low cost sport for the whole community.

11.0 Parking Provision

11.1 There is a single parking space to the front of the site and this will remain.

12.0 Open Space Provisions

12.1 N/A

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Planning Obligations

- 14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

15.0 Report

- 15.1 The main issues in this case are:

The Principle of Development

- 15.2 The site contains an existing single storey building which has been in place since 2005 and operated by the Rowhedge Heritage Trust. Since 2016 the building has been managed by the Rowhedge Coastal Rowing Club. The principle of development on this site is therefore established and acceptable.

Planning History

- 15.3 The application site is a small part of land formerly used as a scrap yard and iron works where planning permission was granted in 2000 for residential development. The legal agreement for the development secured amongst other matters the transfer of the current application site to the Parish Council. The then clerk of the parish council had aspirations for a site to provide a heritage maritime centre celebrating the maritime history of Rowhedge; at that time it was hoped a bid for lottery funding would be successful.
- 15.4 Whilst the legal agreement mentions a heritage centre and requires the land to be gifted to the parish council it does not require the land to be used for a “maritime heritage centre” or for that matter any other use. If there is a requirement for the land to be used for a specific purpose it is a private matter between the Parish Council and the original landowner and is not a material planning consideration.
- 15.5 The building currently on the site was first granted a temporary planning permission in 2005 and has since then been subject to a number of temporary planning permissions submitted by the Rowhedge Heritage Trust.
- 15.6 There have been two applications for full planning permission for a larger permanent building. These applications have both expired.
- 15.7 Since 2016 the Rowhedge Coastal Rowing Club have taken over the operation of the building.

- 15.8 Members will note from the representations received that the application has raised strong local feeling both for and against the proposal. However many of the issues raised are not material planning considerations. The question of whether the land should be used for a maritime heritage centre is not a matter for the planning committee to consider. The key material planning considerations are whether the building and use are acceptable in planning terms when assessed against local and national policies.

Design and Layout

- 15.9 Policy DC1 states inter alia “All development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. Development proposals must demonstrate that they, and any ancillary activities associated with them, will:
- (i) Respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, proportions, materials, townscape and/or landscape setting, and detailed design features..... “
- The application proposes a small timber clad building with a pitched cedar shingle roof with a verandah located towards the rear of the site near the river. This modest timber clad building is considered appropriate in terms of its design and scale for this riverside location.

Impact on the Surrounding Area

- 15.10 Whilst the front part of the site, adjacent to High Street, is within the Conservation Area the proposed building is outside. A conservation area designation imposes a general duty on behalf of the Local planning Authority under The Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. Local Plan policies support this aim, Core Strategy policy UR2 requires development to be informed by the context of their surroundings and to provide high quality design. This policy along with Core Strategy policy ENV1 highlights the importance of the preservation and safeguarding of the unique historic character of the borough. Development policies DP1 and DP14 respectively require a high standard of design from development proposals that serve to protect and enhance the historic environment. The principle of development is therefore predicated on the ability of the application to at least preserve the character of the surrounding conservation area (to avoid harm). It is considered this modest timber clad building will have a neutral impact on the Conservation Area. It will replace a building of a similar size and appearance and will therefore preserve the existing riverside scene.

Impacts on Neighbouring Properties

- 15.11 There has been a building on the site since 2005 providing refreshments and a meeting place villagers and visitors. Since 2016 the building has also provided a base for Rowhedge Coastal Rowing Club. The building is situated along Rowhedge High Street which contains two public houses and retail uses.
- 15.12 The new building will be used for the same purposes. The Club wish to continue providing to the local community with the sale of refreshments from a new building. The applicant indicates the building would continue to open at the weekends and bank holidays April- November all day, Typically 10-5pm. The new building would display maritime effects to display the past of Rowhedge to its visitors. The rowing club hold monthly committee meetings of 12 people 7.30-8.30pm which the hut could be used for this instead of having to book the local pub room which can often be busy. These would of course be held inside.
Training would be held 1 evening a week during the winter from 6-9pm (Jan-March) where people can use a rowing machine inside the hut when it is too cold to train on the river/when there is no water at low tide. This would be for very few people - probably 3. Fundraising events would include hosting a rowing event where permission is always obtained in advance from East Donyland Parish Council as the quayside is used by visiting rowing clubs watching the rowing on the river. There are 2 events each year.
- 15.13 The building is modest and cannot accommodate a large group. A similar use has operated for at least 12 years. The applicant leases the site from the Parish Council. It is considered the use of this building will not have an unacceptable impact on residential amenity.

Highway Safety and Parking Provisions (including Cycling)

- 15.14 Highway Authority has no objection. The site has parking space for a single vehicle, cycle parking can be provided next to the building. The existing building has operated from the site with a single parking space since 2005 and the Local Planning Authority is not aware of any parking issues that have arisen, the majority of visitors using the building arrive either by bike, on foot or by water.

Flood risk

- 15.15 The site lies within tidal Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for the construction of a permanent building to be used by the rowing club and community, which is classified as a 'less vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. The Environment Agency are raising a holding objection on flood risk grounds.

- 15.16 The Environment Agency are considering the Flood Risk Assessment and have indicated their response will be received prior to the Committee meeting.
- 15.17 The Council is required to apply the sequential test to the development proposal. This is essentially to consider whether there are any alternative sites which are sequentially preferable i.e. outside of Flood Zone 3a. A waterside location is an necessary pre-requisite for a rowing club. Land on both sides of the river Colne extending from Wivenhoe to the Hythe is within Flood Zone 3a. Your officers consider that sequentially there are no other sites available for this specific use.

16.0 Conclusion

- 16.1 Members will note the application has given rise to strong local feeling both for and against the proposed development. A key issue is the original legal agreement which secures the transfer of the land to the Parish Council but does not require it to be used for a specific purpose. Whether or not the site is used to provide a maritime heritage centre is a parish matter. In particular, as the land is owned by the PC it is not a material planning consideration. The use and proposed building are considered acceptable in planning terms. The Parish Council will manage the operation of the building through their lease agreement with the applicant.
- 16.2 To summarise, the building and use are acceptable and planning permission is recommended.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is:
- A. Subject to the Environment Agency raising no objection, Approval is recommended
- B. APPROVAL of planning permission subject to the following conditions

1. ZAA -Time limit for conditions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. Non standard condition – External Materials

No external materials shall be used until a schedule of all proposed types and colours/finishes has been submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved schedule.

Reason: This is a prominent site where types and colours of external materials to be used should be polite to their surroundings in order to avoid any detrimental visual impact.

3. Non standard condition – Disposal of litter

Prior to the first occupation of the development hereby permitted, equipment, facilities and other appropriate arrangements for the disposal and collection of litter resulting from the development shall be provided in accordance with details that shall have previously been submitted to, and agreed in writing by, the Local Planning Authority. Any such equipment, facilities and arrangements as shall have been agreed shall thereafter be retained and maintained in good order.

Reason: In order to ensure that there is satisfactory provision in place for the storage and collection of litter within the public environment where the application lacks sufficient information.

4. Non standard condition – Use of premises

The premises shall be used for purposes specified in the application only and for no other purpose (including any other purpose in Class A1, D1 or D2 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification. Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed.

5. Non standard condition – Hours of opening

The building hereby permitted shall not be used for any purpose after 10.30 pm on any day. Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, and for the avoidance of doubt as to the scope of this permission.

6. Non standard condition – Bicycle facilities

No works shall take place until details of bicycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the development and shall thereafter be retained.

Reason: To ensure that adequate provision is made for cycle parking in order to encourage and facilitate cycling as an alternative mode of transport and in the interests of both the environment and highway safety.

Together with any further conditions as requested by the Environment Agency.

18.0 Informatives

18.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

2 ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

3. ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

4. Non Standard Informative

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 – Essex Highways Colchester Highways Depot, 653 The Crescent, Colchester. CO4 9YQ.