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Item No:	7.1
Application:	170230
Applicant:	Colchester Borough Council
Agent:	Stephen Collis
Proposal:	Extend floating pontoon by 1.6m wide and 43m metres long.
Location:	Pontoon opposite West Mersea Yacht Club, Coast Road, West Mersea, Colchester, CO5 8PB
Ward:	Mersea & Pyefleet
Officer:	Bruce O'Brien
Recommendation:	Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the application is made by Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues for consideration are health and safety, appearance within the Conservation Area, and ecology.
- 2.2 The application is subsequently recommended for APPROVAL.

3.0 Site Description and Context

- 3.1 The site is an existing pontoon, stretching into the Blackwater Estuary, from a public site in West Mersea. The site is within the Conservation Area of West Mersea.

4.0 Description of the Proposal

- 4.1 The application is for the widening of the pontoon, by 1.6m over a length of 42.5 m.

5.0 Land Use Allocation

- 5.1 Unallocated Foreshore.
- 5.2 The stretch of water belongs to the Blackwater Estuary Special Protection Area, Ramsar (an international treaty for the conservation and sustainable use of wetlands) which is by extension an SSSI, Essex Estuaries Special Area of Conservation and the Estuaries Marine Conservation Zone.

6.0 Relevant Planning History

- 6.1 The installation of the existing pontoon was approved by the Planning Committee in 2007.

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
SD2 - Delivering Facilities and Infrastructure
UR2 - Built Design and Character

- 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
DP10 Tourism, Leisure and Culture
DP23 Coastal Areas.

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

Sustainable Construction

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 Because of its sensitive coastal location, Natural England has shown an interest in the scheme. It does not oppose the widening of the pontoon, but would require that the operatives who will install the pontoon submit a construction method statement. The details of construction methods could be amended to mitigate any potential, detrimental ecological issues.

9.0 Parish Council Response

- 9.1 The Parish Council has stated that it approves of the proposal.

10.0 Representations from Notified Parties

- 10.1 One local resident submitted comments. This was not an objection to the scheme but raised concerns over the construction design against the forces of nature.
- 10.2 The comments also made reference to larger boats being used at the pontoon and suggested poles be placed to stop larger dinghies being pulled along the jetty.

OFFICER RESPONSE: Reassurance has been given regarding the proposed construction; however, this is a matter for other agencies. The jetty is proposed to be widened so that the use of larger boats and dinghies (which already occurs) can take place without endangering the public.

11.0 Parking Provision

11.1 No change. The pontoon is served by a public car park accessed from Coast Road.

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

The Principle of Development

15.1 The principle of the pontoon being erected was established in 2007. The proposal is for an extension to that pontoon, adding width over a defined length. The proposal comes as a result of discussions between Colchester Borough Council, West Mersea, fishermen, coast guard and other interested parties at the Waterside Committee. At this committee it was agreed that, for health and safety reasons, the pontoon should be widened so that more room becomes available for access to the hammerhead at the end of the pontoon, as crabbers would be able to use the extra pontoon width.

Design and Layout

15.2 The design would increase the width of the pontoon by 1.6 metres over a length of 42.5 metres, increasing the footprint by 68 square metres. This would extend all the way up to the hammerhead which is itself approximately 35 metres across.

15.3 The pontoon would be constructed from aluminium and covered by the same sandy-coloured, plastic tiling as exists.

Impact on the Surrounding Area

- 15.4 As the pontoon reaches out into an estuary, it is considered that there would be little harm to the character of the surrounding Conservation Area as a result of this proposal.

16.0 Conclusion

- 16.1 To summarise, the proposal is recommended for approval. As a result of local discussions, The Council wish to widen the existing pontoon in order to address health and safety concerns.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

1. ZAA - Time Limit for Full Permissions

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. ZAM – Development to Accord with Approved Drawings

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings entitled: Map- Proposed Extension to Floating Pontoon, West Mersea Pontoon Extension- Plan View Proposed, Side Elevations HWS and LWS.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3. ZPA – Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

- Timing of the activities. Construction shall be limited to the months outside of the over winter birds season (October 1st - March 31st). To minimise the risk of disturbance to SPA birds.
- Details of any foreshore access requirements and methods.
- Details of any piling methods if required, including details of noise and vibration levels.
- How the proposal affects the movement of sediment, if applicable. The applicant should seek to minimise the disturbance to mudflats and the mobilisation of sediments and risk of flow tides, to reduce the impacts to the SAC during construction.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents and the ecological environment are protected as far as reasonable.

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 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.