

DCL/18/02

Application No: Y17/1637/SH

Location of Site: Varne Boat Club, Coast Drive, Greatstone TN28 8NR

Development: Change of use of the land to a boat storage area to enlarge the existing boat storage compound (moving boundaries 14m north into the current public car park).

Applicant: Mr Zalan Paksy

Date Valid: 06.02.18

Expiry Date: 03.04.18

PEA Date: 11.06.18

Date of Committee: 29.05.18

Officer Contact: Julian Ling

SUMMARY

This report considers whether planning permission should be granted for the change of use of the land from a public car parking area to form an extension to the boat storage compound of the existing Varne Boat Club. The Council owns the land in question and the Council's Estates and Assets Manager has raised no objection to the proposal. The report recommends that planning permission be granted as it is considered that the proposed boat park extension would contribute to and support a valuable social and community facility whilst making a more efficient use of the land. There would be no loss of public open space and only a small loss of public car parking which the Council's Transportation Manager has raised no objection to.

The site is adjacent to but outside of national and European nature conservation designated sites which would not be adversely affected by the proposal and to which Natural England have raised no objections. The extension to the boat park would also appear visually acceptable and is deemed a water compatible and acceptable development within a tidal flood risk area. The amenities of nearby residents would not be adversely affected and there are not considered to be any significant highway safety concerns.

It is therefore considered that the proposal complies with the policies of the NPPF and the development plan and planning permission should therefore be granted subject to suitable conditions.

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and any additional conditions the Head of Planning Services considers to necessary.

1.0 THE PROPOSAL

- 1.1 This application is for the change of use of the land to a boat storage area to enlarge the existing boat storage compound. This would involve moving the northern boundary of the existing boat store fourteen metres further north into the adjacent public car park area.
- 1.2 The proposed extension to the boat store would be approximately 690 sqm making the total area for the boat store approximately 1540 sqm. This would allow the storage of forty boats in four rows of ten, together with the provision of dinghy racks, windsurfing and sailing equipment storage facilities. The boat park would be enclosed by a concrete post and chain link security fence with two gated accesses to the south.
- 1.3 The application is accompanied by a design and access statement, ecological impact and mitigation assessment, details of a pre application consultation with Natural England, the New Romney Economic Development Strategy, a flood risk assessment (FRA) and supporting photographs.

2.0 SITE DESIGNATIONS

- 2.1 The following apply to the site:
 - Inside settlement boundary
 - Partly within an area of archaeological potential
 - Adjacent to (but outside of) the Dungeness, Romney Marsh and Rye Bay SSSI, SPA and Ramsar designation and the Dungeness to Pett Level Special Area of Conservation (SAC).
 - Partly within the Environment Agency tidal flood zones 2 and 3a.
 - Partly within the Strategic Flood Risk Assessment zones low and moderate.

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 Varne Boat Club is situated on the coast along the east side of Coast Drive in Greatstone. The building sits at the top of the beach in a spacious plot and is two storeys high, with the boat storage park to the north. Adjacent to the site to the north is the RNLI life boat station. To the south and west are residential properties and to the east is the beach and sea. The boat club is a local community organisation, offering membership and facilities for boat owners and a variety of water sports.
- 3.2 The development site comprises the land immediately to the north of the club house and the boat park which forms part of the public beach car area which Folkestone and Hythe District Council own and manage. This area is

generally flat and comprises a mixture of grass and shingle. The site borders residential properties and their rear gardens are to the west of the site.

4.0 RELEVANT PLANNING HISTORY

- 4.1 There have been several previous planning permission for a variety of extensions, alterations and facilities for the club over the last ten years. An application was approved in 2016 for a two storey extension under reference Y16/0782/SH. Prior to that permission was also granted for a new launching ramp in 2015 under reference Y15/1296/SH. In 2014 temporary permission was granted for the siting of a storage container for water sports equipment for a temporary period which expires on the 1st April 2019 under reference number Y14/0062/SH. In 2008 permission was granted for an extension to the existing first floor balcony, under reference number Y08/1045/SH.

5.0 CONSULTATION RESPONSES

- 5.1 Consultation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

- 5.2 New Romney Town Council

Object on grounds of being contrary to Local Plan policy LR9.

- 5.3 Environment Agency

No objection. The enlarged boat storage compound is classed to be a water compatible development and is therefore appropriate development within flood zone 3.

- 5.4 Environmental Health

No objection.

- 5.5 Natural England

No objection. Natural England considers that the proposed development will not have a significant adverse impact on the designated sites (SSSI N2K).

- 5.6 Estates and Assets Manager

No objection. We are happy with the application in principle and have yet to agree final heads of terms.

- 5.7. Transportation Manager

No objection. This will have no impact on parking. The car park is currently underused and the sale/lease of such a small section of the land will make better use of the asset.

- 5.8 Kent Highways and Transportation Services

No comments to make.

6.0 PUBLICITY

6.1 Neighbours letters expiry date 02.03.2018

6.2 Site notice expiry date 09.03.2018

7.0 REPRESENTATIONS

7.1 Representation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.shepway.gov.uk/online-applications/>

7.2 None received.

8.0 RELEVANT POLICY GUIDANCE

8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

<http://www.shepway.gov.uk/planning/planning-policy/local-plan>

<https://www.shepway.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

8.2 The following saved policies of the Shepway District Local Plan Review apply: SD1, BE1, BE16, CO11, TR11, TR12, LR9.

8.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS3, CSD4, CSD8

8.4 The following paragraphs of the National Planning Policy Framework are of particular relevance to this application:

- 7 – Achieving sustainable development
- 11, 12 and 14 – Presumption in favour of sustainable development
- 17 – Core Planning Principles
- 56 – Design
- 70 – Promoting healthy communities
- 100, 101, 102, 103 – Flooding
- 109, 117, 118, 119 – The natural environment

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The relevant issues for consideration with regard to this current application are its acceptability as a social and community facility, ecology and impact upon the designated national and European sites, visual impact, flood risk, neighbouring amenity and highway safety.

Social and community facility

- 9.2 As a local boat and water sports club, the site provides a valuable social, sports, leisure and general community facility for local people. The club is a well-established and a popular facility and the main aim of the proposed development is to provide extended sporting and recreational facilities to the local and wider community in line with a local improvement programme. It is anticipated that the extra boat storage facilities will support the club and attract more people to join.
- 9.3 Such a facility is considered to be a social and community facility in planning terms which is generally supported under local and national planning policy where they play an important role by bringing people together and promoting a sense of place. In this regard, the NPPF (paragraph 70) advises that to deliver the social, recreational and cultural facilities as well as services the community needs, planning decisions should plan positively for the provision and use of shared space and community facilities and other local services to enhance the sustainability of communities and residential environments. Core Strategy policy SS3 also advises that development must address social and economic needs in the neighbourhood.
- 9.4 The proposed land currently forms part of the beach car park and concerns have been raised over the loss of public open space and public car parking. In this regard, the partial loss of such land is considered acceptable as it is not designated open space covered by policy LR9 and is not included within the District Open Space Strategy (2017). With regard to the loss of car parking spaces, this is also considered acceptable as there remains sufficient car parking to serve the surrounding area. The Council's Transportation Manager has advised that this would have no impact upon parking provision as the car park is underused and considers that the application would represent a more effective use of the land in question. As such the development is considered acceptable in this regard and would provide an extension to facilities at a popular local club. As there would be no loss of public open space or a significant loss of public car parking facilities, it is considered that the development would comply with Core Strategy policy SS3 and the NPPF.

Ecology

- 9.5 The site is adjacent to (but outside of) the national and European nature conservation designations of the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest, Special Protection Area and Ramsar area

as well as the Dungeness to Pett Level Special Area of Conservation (SAC) where the impact upon the nature conservation status is an important material consideration. These nature conservation areas are positioned to the east of the boat park along the shoreline.

- 9.6 The proposed extension would not encroach into the designated sites and the separation distance from the boat park boundary to the designated sites would remain the same. Access to and from the boat park would also remain the same, with two accesses proposed on the southern side of the site outside of the designated sites. The boat park would also be enclosed with fencing which would not encroach into the nature conservation areas.
- 9.7 The applicant underwent pre-application advice with Natural England prior to the submission of this application and submitted an Ecological Impact and Mitigation Measures Assessment which proposes additional mitigation. These include carrying out the works for the erection of the fence by hand with no heavy, noisy machinery, at certain times of year to avoid unnecessary disturbance. All workers will be briefed on the sensitivity of the adjacent designated sites and locations for the storage of materials could be conditioned.
- 9.8 Regarding the European designations for protected habitats, it is necessary to carry out a Habitat Regulations Screening opinion to ascertain whether significant impacts are likely and whether an Appropriate Assessment is required. These areas have been designated for their importance associated to specific waterfowl habitats and species found here as well as for rare and vulnerable birds and for regularly occurring migratory species and the special geomorphology of shingle drift lines and stony banks and associated annual vegetation and species. Such areas are sensitive to significant levels of noise, pollution, trampling and general human activity. However this proposal is extending an existing facility where the potential increased activity both on land and at sea has been assessed (no additional types of activity are proposed) in consultation with Natural England and is considered to be acceptable. The proposed boat parking facility would be outside of these areas and enclosed within a fenced compound, utilising an existing access on existing compacted shingle and appropriate mitigation details have been submitted which natural England have agreed. There would be no chemicals, oils or fuel stored within this area where there would be no threat of pollution and fuel spillage and as such, it is considered that the proposed development would not have a significant impact under the Habitat Regulations. Having considered the advice of Natural England, it is the Local Planning Authority's view as the Competent Authority, that the proposal would not have a significant environmental impact and therefore an Appropriate Assessment is not required.
- 9.9 In conclusion, the use of the extended boat park and associated activities is considered to be acceptable in ecology terms. The application is therefore considered to comply with saved Local Plan Review policy CO11, as well as Core Strategy policy CSD4.

Visual Impact

- 9.10 In terms of the visual impact, the site is considered to be relatively prominent being at the end of a public car park and at the top of a public beach, however it is considered that the existing boat storage use and general paraphernalia is part of the existing character of the area.
- 9.11 In this regard, the proposed land is currently empty and does not contribute any important visual features to the visual amenity of the area. It is considered that there is sufficient land and space to accommodate the extension without appearing cramped, over intensive or appear unduly large or over dominant. Internally, the boats and equipment would be stored in a tidy and orderly manner and the boat park extension would continue to provide means of storing boats generally (instead of having them randomly spread out over the boat club land).
- 9.12 The existing fence would be retained and simply moved further to the north and the type of boats stored would also be the same, such as small fishing boats and sailing dinghies where there would not have a significantly greater visual impact. As such it is therefore considered to be visually acceptable, in accordance with saved Local Plan Review policies SD1 and BE1.

Flood Risk

- 9.13 With regard to flood risk, the site is partly within the Environment Agency's tidal flood zones 2 and 3a and is shown on the Council's Strategic Flood Risk Assessment as being within an area of low and moderate flood risk at the year 2115. The NPPF advocates a risk based approach to planning for development in such areas. This includes reducing the adverse impacts of flooding by avoiding inappropriate development in areas at risk of flooding.
- 9.14 In this instance, such a boat storage compound would be considered to be a water-based recreational facility which, as advised by the NPPF technical guidance is an appropriate use within flood zone 3a. When applying the sequential test, the Folkestone and Hythe District Strategic Flood Risk Assessment shows the site to be partly within an area of moderate flood risk zone and partly within a low flood risk zone up to the year 2115. This is considered to pass the sequential test where the compound needs to be on the site of the boat club for practicality purposes and there is no alternative feasible location within the site of a lower flood risk. Following consultation, the Environment Agency has not raised objection, and considers the development to be acceptable.
- 9.14 Following the sequential test, the NPPF advises that for water compatible development such as this, the exceptions test does not need to be applied. Therefore, given the proposed water compatible use and low risk, it is considered that the development is acceptable on flood risk grounds in accordance with the NPPF: 2012.

Residential amenities

- 9.16 The proposed extended area would be adjacent to the rear garden boundaries of properties in Coast Drive. In terms of the impact upon residential living conditions of neighbouring occupiers, any significantly greater impacts from the existing situation need to be considered.
- 9.17 It is not considered that there would any overbearing impacts or loss of privacy, as the rear fences of properties in Coast Drive would be retained providing a solid boundary screen. In terms of noise and disturbance issues, such a use is not considered to be intensive nor generate regular periods of prolonged noise. Some noise may arise from towing boats into and out of the compound and from club members activities but this is not considered to give rise to continuous noise and not to a detrimental level. The Council's Environmental Manager has raised no objection and therefore it is considered that the living conditions of residents would be safeguarded in accordance with saved Local Plan Review policy SD1.
- 9.18 Immediately adjacent to the north of the Varne Boat Club is the RNLI Lifeboat Station. This has its own separate club house and launching ramp. The proposed extension to the boat park would be to the north of the Lifeboat Station where it is not considered would adversely impact upon it or its operation in any way. The RNLI station was sent a consultation letter about the development but has not responded and in this regard the development is considered acceptable.

Highway Safety

- 9.19 The site is within a sustainable town location that is easily accessible by car, public transport and on foot. The development does not propose to change the access to the club which is off Coast Drive and would not result in significant loss of parking within the boat club site. It is likely that the additional boat storage area will attract new members which will result in additional highways movements but this is not considered to be significant or detrimental to highway safety, given the existing access onto a main road is to remain and current level of highways movements. The remaining number of car parking spaces are considered to be sufficient to meet the demand for parking at the site. As such the development is considered acceptable in accordance with saved Local Plan Review policies TR11 and TR12.

Environmental Impact Assessment Regulations 2017

- 9.20 In accordance with the EIA Regulations the site does not fall within a sensitive area and the development is below the thresholds for Schedule 2 10(b) urban development projects and therefore does not need to be screened under these regulations.

Local Finance Considerations

9.21 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. The New Homes bonus payments are not a material consideration in the determination of this application. In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This application is not liable for a CIL charge.

Human Rights

9.22 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

9.23 This application is reported to Committee as the Council has a substantial interest in the land, being the land owner and at the request of Cllr Russell Tillson due to concerns over loss of amenity ground.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions and any additional conditions the Head of Planning considers necessary:

1. Standard time condition
 2. Approved plan numbers
 3. Development to be carried out in accordance with the ecological impact assessment and mitigation measures.
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Y17/1637/SH
Varne Boat Club
Coast Drive
Greatstone

