

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	15/10/18
Planning Development Manager authorisation:	AN	15/10/18
Admin checks / despatch completed	SB	15/10/18

AP

Application: 18/01288/FUL **Town / Parish:** Wrabness Parish Council

Applicant: Mr Tony Elliston - K1 Developments Ltd

Address: 10 West Foreshore Wrabness Essex

Development: Replacement hut following demolition of existing hut and deck raised by 440mm.

1. Town / Parish Council

Wrabness Parish Council have not commented on this application.

2. Consultation Responses

Not Applicable

3. Planning History

18/01288/FUL	Replacement hut following demolition of existing hut and deck raised by 440mm.	Current
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

HG20 Plotland Development - Replacement Dwellings and Extensions to Existing Dwellings

EN3 Coastal Protection Belt

EN5A Area Proposed as an Extension to the Suffolk Coasts and Heaths AONB

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

PP8 Tourism

PP11 Holiday Parks

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any

fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to hut number 10 West Foreshore. The Wrabness Foreshore and application site is located outside the defined settlement limits of Wrabness and within the Coastal Protection Belt. The site is in close proximity to a Ramsar, SSSI and SPA designation. Beach hut style cabins have been a feature of the foreshore since the 1930s many of which have been rebuilt following the 1953 floods or from fire damage. The area is therefore characterised by the open landscape and beach with huts of different designs and colours positioned in a linear arrangement.

Description of Proposal

The application seeks full planning permission for the erection of a replacement hut following the demolition of the existing hut and to raise the deck by 440 mm to be in line with the neighbouring huts.

Assessment

The main considerations in this instance are;

- Plotland Development/Principle of Replacement Hut;
- Design and Impact on the Countryside;
- Nature conservation issues.

Plotland Development Site - Principle of Replacement Hut

The site is designated as a "plotland development" site within the adopted Tendring District Local Plan 2007 where Policy HG20 becomes relevant. Saved Policy HG20 sets out the criteria by which development of such plots is permitted and states "replacement of lawful plotland dwellings will be permitted provided that the cubic content of the replacement dwelling does not exceed that permitted for the original dwelling under the tolerances of the General Permitted Development Order." The emerging Tendring District Local Plan Publication Draft 2017 does not include a comparably policy.

The planning history for the site shows that the hut is not subject to any restrictive occupancy conditions and therefore constitutes a lawful permanent dwelling. Therefore in this instance Saved Policy HG20 (i) is the relevant criteria which states that for plotland sites at Wrabness Beach, replacement of lawful, permanent dwellings will be permitted provided that the replacement of an un-extended original dwelling does not involve an increase in volume exceeding 50%, or the permitted development tolerance of the original dwelling, whichever is the lower.

The hut does not appear to have been subject of any extensions and remains as originally built. The application proposes a replacement hut which will retain the floor area of the existing hut. There are steps proposed to the front elevation leading to an enclosed veranda. The proposed replacement will see a small increase in height and floor area. The roof line will run from north to south rather than east to west and due to the marginal increase in height as a result of the slightly raised deck area (0.35 metres), the proposal is seen as a positive element due to the flood risk.

Whilst it is recognised that the proposed replacement does amount to a larger volume than the existing, it is not excessive and within the 50% tolerance outlined in the policy. Furthermore, the development will result in a vast visual improvement overall.

Design and Impact on the Countryside

The application site is on the edge of the river Stour on the Essex/Suffolk border. The application site is at the 'road' level at the top of the bank and would be set in amongst existing planting and the bank in views of the site from the north (i.e. from the beach, the river and the bank on the opposite side of the river). The impact of the chalet on the countryside to the south would be negligible and there would be no impact from the east or west. The hut is situated between existing huts of a similar scale, finish and appearance. There will be no detrimental impact on the character of the area or landscape appearance overall.

Impact upon the amenities of neighbouring residents

The proposed replacement will have a neutral impact on neighbouring properties.

Nature conservation issues

With regards to ecology issues, the site is in close proximity to a Ramsar, SSSI and SPA designation. However, subject to conditions such as construction periods to avoid the winter bird season, construction activities, material storage and access to the site, the proposal will not have an adverse impact on the ecology and biodiversity designations of the area.

Other Considerations

Wrabness Parish raise no objection.

No letters of representation have been received.

Conclusion

In the absence of any significant harm resulting from the proposed development, this application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 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 The development hereby permitted shall be carried out in accordance with the following approved plans and document: Drawing No. 10/V5/6/1, Drawing No. 10/V4/6/18 and Design & Access Statement dated June 2018.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 No construction works shall take place between the months of October and March inclusive.

Reason - To avoid potential disturbance effects on the qualifying features of the nearby Stour and Orwell estuaries, SPA and RAMSAR sites and the Stour Estuary SSSI.

- 4 No movement or operation of plant or storage materials in connection with the construction of the development hereby approved shall take place upon the foreshore without prior written consent from the Local Planning Authority.

Reason - To protect the foreshore from disturbance.

8. **Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO