

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	23/05/19
Planning Development Manager authorisation:	AN	23/5/19
Admin checks / despatch completed	ER SB	24/5/19 24/05/19.

Application: 18/01436/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Mr D Gibbons

Address: 26 Tower Estate St Osyth Clacton On Sea

Development: Erection of replacement dwelling following demolition of existing.

1. Town / Parish Council

Mr Parish Clerk St Osyth
Parish Council No objection.

2. Consultation Responses

Environment Agency
(Amended) Thank you for your consultation received on 24 April 2019. We have inspected the application, as submitted, and we are able to remove our holding objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below. You should consider whether the proposed replacement dwelling could include any more flood risk betterment such as raising floor levels above the design flood level. Flood Risk.

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 a replacement dwelling which is classed as a 'more vulnerable' development as defined in Table 2 Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment FRA. To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA referenced QFRA 1197 and dated 185 04 2019 are:

Actual Risk

The replacement dwelling is of similar footprint to the existing dwelling, so there is no increase in vulnerability at the site and the flood risk to the proposed development remains the same as the risk faced by the existing development. The proposed replacement dwelling also provides betterment through the inclusion of safe refuge as detailed in the below bullet points.

The site lies within the flood extent for a 0.5 (1 in 200) annual

probability event, including an allowance for climate change.

The site benefits from defences which are set at 4.33m AOD. However they are expected to overtop in the 0.5 (1 in 200) annual probability flood event.

The 0.5 (1 in 200) annual probability on site flood level is 2.48m AOD and the 0.5% (1 in 200) annual probability flood level including climate change is 5.3m AOD and therefore the site is actual risk of flooding in both events.

Finished ground floor levels have been proposed at 4.05m AOD. This is below the 0.5 annual probability flood level including climate change of 5.3m AOD and therefore at risk of flooding by 1.25m depth in this event.

Finished first floor levels have been proposed at 6.56m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability flood level of 5.52m AOD.

The site levels vary from 1.81 - 3.70m AOD and therefore flood depths on site are up to 3.71 m in the 0.5% (1 in 200) annual probability flood event including climate change.

Therefore assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.

Therefore this proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event). We have no objections to the proposed development on flood risk access safety grounds because an Emergency Flood Plan has been submitted by the applicant but you should determine its adequacy to ensure the safety of the occupants.

Flood resilience/resistance measures have been proposed.

Compensatory storage is not required.

Flood Defences

In our letter AE 2018 123219 03-dated 10 December 2018 we made reference to the fact that drawings had been submitted as part of a Flood Risk Activity Permit application that gave assurance that this project would not adversely impact upon the sea wall. We suggest that the referenced drawings as submitted as part of the planning application to ensure that the build out of this permission is in line with the approved drawings.

Environment Agency

Thank you for your consultation received on 04 March 2019. We have inspected the application, as submitted, and we are maintaining our objection on flood risk grounds as it does not adequately address the issues raised previously.

Flood Risk

We refer to latest submitted FRA referenced QFRA 1197 version 1.1 and dated 18.03.2019 which has now been submitted in support of this application. We have reviewed this document and are maintaining our objection on flood risk grounds as it does not adequately address the issues raised previously.

-The latest FRA has used LiDAR Data, which is not acceptable. As stated in our previous holding objections you must provide a GPS verified topographic survey and the proposed finished floor levels in (m AOD) for all floors.

Without this information it cannot be determined whether the occupants of the building will have safe refuge above the in the 0.1% (1 in 1000) annual probability flood level including climate change and whether this replacement dwelling is providing flood risk betterment - If these points are not adequately addressed we will continue to maintain a holding objection. Other Sources of Flooding
In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Environment Agency

Thank you for your re-consultation dated 20 November 2018. We refer to the new FRA referenced QFRA 1197 - Version 1.0 and dated 16 November 2018 which has now been submitted in support of this application. We have reviewed this document and are maintaining our objection on grounds of flood risk as it does not adequately address the issues raised previously.

We are satisfied our objection with regard to flood risk activity interaction with the sea wall as detailed in our first letter, referenced AE/2018/123219/01-L01 and dated 19 September 2018, can now be removed. Please see the environmental permitting section below.
Flood Risk Assessment

The new FRA referenced QFRA 1197 - Version 1.0 and dated 16 November 2018 is still inadequate because the only point that the new FRA addresses is the evacuation plan. It still uses the wrong flood level data, has not undertaken a GPS Verified Topographic survey and still has not proposed finished floor levels for the development.

-Please see our previous holding objection letters with the points that still need to be addressed by the FRA. We have amended the last holding objection response to take account that the latest FRA provides information on an evacuation plan, and have added some extra information on relevant points to help further clarify why this information is required.

-The latest FRA has used LiDAR Data, which is not acceptable. As stated in our previous holding objections you must provide a GPS verified topographic survey and propose finished floor levels (FFL) in (m AOD). Without this information it cannot be determined whether the occupants of the building will have safe refuge and whether this replacement dwelling is providing flood risk betterment.

-The latest FRA failed to follow the instructions provided on how to overcome our holding objection. The FRA must get the latest flood risk levels (new coastal models published in October 2018) from us and use them to determine the depth of flooding in the building on both the First floor and Second floor.

-This is required to determine if the proposed development provides betterment in the 0.5% (1 in 200) annual probability event, including climate change event for all habitable proposed finished floor levels.

-It is also required to determine if the proposed development provides safe refuge in the 0.1% (1 in 1000) annual probability event, including climate change.

-If these points are not adequately addressed we will continue to maintain a holding objection.

Flood Risk

Amended Previous Objection Response: 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 a replacement dwelling, which is classified as a 'more 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 and Exception Tests 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. We have reviewed the submitted flood risk assessment (FRA), referenced QFRA 1197 - Version 1.0 and dated 16th November 2018 and do not consider it to comply with the requirements of the PPG. In particular:

- The proposed building would flood internally by 3.41m depth in the 0.5% (1 in 200) annual probability with climate change flood event, with 1.00m depth of flooding in this event on the proposed FFL for the first floor and would therefore be unsafe for the occupants. We note that the proposed ground floor is non-habitable, however we have estimated the proposed first floor FFL to be 4.29m AOD, using drawing referenced 1510 - E01 and dated 19 September 2018 along with the LiDAR estimate of the site level. We cannot confirm the accuracy of the depth of flooding as the FRA fails to provide a GPS verified topographic survey and does not propose finished floor levels in (m AOD).

It does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

1. Use the correct flood levels from us
2. No topographic survey has been submitted
3. Correctly calculate the expected flood depths on site and within the building
4. Provide Finished Floor Levels above the design level with climate change
5. Assess breach risk for the proposed development

Overcoming our Objection The applicant can overcome our holding objection by:

-Raising finished floor levels to prevent internal flooding of the development and damage to people and property above the 0.5% (1 in 200) annual probability with climate change flood level, including a 300millimetre freeboard. This is in line with the requirements of Paragraphs 059 and 060 of the Planning Practice Guidance, which advises that there should be no internal flooding in 'more vulnerable' developments from a design flood 0.5% (1 in 200) annual probability inclusive of climate change.

-The FRA must provide the following:

1. Flood levels can be requested from our Customers and Engagement team. Our Customers and Engagement team can provide any relevant flooding information that we have available. Please be aware that there may be a charge for this information. Please contact: Enquiries_EastAnglia@environment-agency.gov.uk. Please note that we have a new tidal flood risk model (2018) for this location that has recently come into use. Please use the flood levels from this new model, which are detailed in the tables within the technical appendix below.

2. Submit a GPS verified topographic survey. FRA appendix B provides a LiDAR map for the site. LiDAR data can contain significant errors within it and is not suitable for use within this FRA.

3. The applicant needs to compare the flood levels with the site levels and building levels to determine the potential flood depths. The FRA needs to propose finished floor levels in m AOD within the FRA and provide a GPS verified topographic survey to be able to do this. We have attempted to do this within the tables in the technical appendix below. However as the FRA and drawing referenced 1510 - E01 and dated 19 September 2018 does not provide the information detailed above, it is likely that these tables do not correctly show the flood risk to the site and building and should only be used as an estimate of flood risk.

The FRA needs to propose all the Finished Floor Levels for the development as they are needed to determine whether the proposed development provides flood risk betterment on the existing development and whether the development provides safe refuge.

4. The development as proposed would be subject to floodwater entering properties in a 0.5% (1 in 200) annual probability event with climate change. Finished floor levels for the proposed development must be set 300 millimetres above the 0.5% (1 in 200) annual probability with climate change flood level. This is to protect the proposed development and its users from flooding. This is in line with the requirements of Paragraphs 059 and 060 of the Planning Practice Guidance,

which advises that there should be no internal flooding in 'more vulnerable' developments from a design flood 0.5% (1 in 200) annual probability inclusive of climate change.

5. The FRA should either use our new 2018 tidal model's undefended levels shown in the breach section of the technical appendix to show the residual breach risk or refer to an SFRA's breach modelling if applicable or undertake its own breach assessment.

We look forward to being re-consulted following submission of an amended FRA. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us. Please see the Technical Appendix at the end of this letter for more information on expected flood depths. Environmental Permitting

We note that these works have already been granted a Flood Risk Activity Permit, under the reference EPR/FB3157ME.

Under this permit application additional drawings outlining the plans were submitted, these drawings were sufficient for us to consider the interaction between the works and the sea wall defence. As long as the drawings provided as part of the permit, and conditioned on the permit, are still the most up to date then we have no objection on grounds of flood risk activity.

Environment Agency

Thank you for your re-consultation dated 2 October 2018. We have inspected the application as submitted and are maintaining our holding objection on flood risk grounds and because there is insufficient detail regarding how the proposed development will interact with the sea wall on site.

Flood Risk

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 a replacement dwelling, which is classified as a 'more 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 and Exception Tests 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.

We have reviewed the submitted flood risk assessment (FRA), referenced 26 Tower Estate and submitted 30 August 2018 and note that:

-The proposed building would flood internally by 3.41m depth in the 0.5% (1 in 200) annual probability with climate change flood event, with 1.00m depth of flooding in this event on the proposed FFL for the first floor and would therefore be unsafe for the occupants. We note that the proposed ground floor is non-habitable, however we have estimated the proposed first floor FFL to be 4.29m AOD, using drawing referenced 1510 - E01 and dated 19/09/2018 along with the LiDAR estimate of

Environment Agency

Iceni House Cobham Road, Ipswich, IP3 9JD. Customer services line: 03708 506 506 www.gov.uk/environment-agency Cont/d..

the site level. We cannot confirm the accuracy of the depth of flooding as the FRA fails to provide a GPS topographic survey and does not propose finished floor levels in m AOD.

-The site/access route would be flooded by 3.41m in the 0.5% (1 in 200) annual probability with climate change flood event so the flood hazard on the access route would be danger for all. The FRA does not include details of a Flood Response Plan to adequately mitigate this. Consequently, there would be an unacceptable risk to the health and safety of the occupants in a flood event. We note that the FRA recognises that it needs to make residents aware of what to do for Flood Warnings and Evacuation in section 6.3, However the FRA fails to then provide any information on an emergency flood plan and how it would mitigate the flood risk.

We consider that the FRA does not comply with the requirements set out in the

Planning Practice Guidance, Flood Risk and Coastal Change, Reference ID: 7-03020140306. It does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

1. Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.
2. Use the correct flood levels from us
3. No topographic survey has been submitted
4. Correctly calculate the expected flood depths on site and within the building
5. Provide Finished Floor Levels above the design level with climate change Assess breach risk for the proposed development

Overcoming our Objection

The applicant can overcome our holding objection by:

-Raising finished floor levels to prevent internal flooding of the development and damage to people and property above the 0.5% (1 in 200) annual probability with climate change flood level, including a 300millimetre freeboard. This is in line with the requirements of Paragraphs 059 and 060 of the Planning Practice Guidance, which advises that there should be no internal flooding in 'more vulnerable' developments from a design flood 0.5% (1 in 200) annual probability inclusive of climate change.

-Demonstrating that a safe route of access and egress can be achieved in accordance with FD2320, up to the 0.5% (1 in 200) annual probability with climate change flood event. Or if the applicant demonstrates that a safe route of access/egress is not possible this element could be mitigated by an acceptable emergency flood plan submitted to you that deals with matters of evacuation and refuge to demonstrate that people will not be exposed to flood hazards.

The FRA must address the points above by providing the following:

1. The applicant should include a Flood Emergency Plan detailing the actions to take before, during and after a flood. Where safe access cannot be achieved, or if the development would be at residual risk of flooding in a breach, an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be submitted as part of the FRA and will need to be agreed with the Local Council.

2. Flood levels can be requested from our Customers and Engagement team. Our Customers and Engagement team can provide any relevant flooding information that we have available. Please be aware that there may be a charge for this information. Please contact: Enquiries_EastAnglia@environment-agency.gov.uk.

3. Submit a GPS verified topographic survey. FRA appendix B provides a LiDAR map for the site. LiDAR data can significant errors within it and is not suitable for use within this FRA.

4. The applicant needs to compare the flood levels with the site levels and building levels to determine the potential flood depths. The FRA needs to propose finished floor levels in m AOD within the FRA and provide a GPS verified topographic survey to be able to do this. We have attempted to do this within the tables in the technical appendix below. However as the FRA and drawing referenced 1510 - E01 and dated 19/09/20180 does not provide the information detailed above, it is likely that these tables do not correctly show the flood risk to the site and building and should only be used as an estimate of flood risk.

5. The development as proposed would be subject to floodwater entering properties in a 0.5% (1 in 200) annual probability event with climate change. Finished floor levels for the proposed development must be set 300 millimetres above the 0.5% (1 in 200) annual probability with climate change flood level. This is to protect the proposed development and its users from flooding. This is in line with the requirements of Paragraphs 059 and 060 of the Planning Practice Guidance, which advises that there should be no internal flooding in 'more vulnerable' developments from a design flood 0.5% (1 in 200) annual probability inclusive of climate change.

6. The FRA should either use our new 2018 tidal model's undefended levels shown in the breach section of the technical appendix to show the residual breach risk or refer to an SFRA's breach modelling if applicable or undertake its own breach assessment.

We ask to being re-consulted following submission of an amended FRA.

If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2009.

Please see the Technical appendix for more information on expected flood depths.

Sea Wall

Please see our response dated 19 September 2018. We have not received any additional information so are maintaining our holding objection in relation to how the development will interact with the sea wall on site.

We trust this advice is useful.

Yours sincerely

Mr Liam Robson

Environment Agency

Thank you for your consultation received on 30 August 2018. We have inspected the application as submitted and we are raising a holding objection to the proposed development on flood risk grounds and because there is insufficient detail regarding how the proposed development will interact with the sea wall on site.

Sea wall

We object to the application as submitted because the applicant has not supplied adequate information regarding how the proposed development will interact with the sea wall on site. We are therefore unable to determine the impact from the proposals on the sea wall.
Overcoming our objection

The applicant should provide full designs including diagrams and calculations demonstrating that the development will have no negative impact upon the defence. In addition this should show that future inspection and maintenance activities will be able to take place. We ask to be re-consulted with the full designs as outlined above. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until adequate information has been submitted.

Flood Risk

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 erection of a replacement dwelling with an additional floor, which we understand is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. 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 reviewed the submitted flood risk assessment (FRA), referenced FRA Report and dated August 2018, and consider it does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change, Reference ID: 7-030-20140306. It does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

1. Correctly calculate the expected flood depths on site and within the building
2. Provide Finished Floor Levels for both ground and first floor (and

confirm safe refuge will be achieved on the first floor and is above the 0.1% with climate change for residual risk)

3. Assess breach risk for the proposed development

4. No topographic survey has been submitted

Overcoming our Objection

The applicant can overcome our objection by submitting an FRA that covers the deficiencies highlighted above by addressing the points below and demonstrates that the development will be safe and will not increase risk elsewhere. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

1. The applicant needs to compare the flood levels with the site levels and building levels to determine the potential flood depths.

2. Please see the advice to applicant section

3. The applicant should refer to the Tendring Strategic Flood Risk Assessment (SFRA) for the relevant breach information

4. Submit a GPS verified topographic survey

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted. We have included a factsheet with our response, which sets out the minimum requirements and further guidance on completing an FRA is available on our website. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2009. Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Environmental permit for flood risk activities The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The Colne, is designated a 'main river'. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law. Advice for Applicant

- Flood Risk Safe Refuge Providing a satisfactory higher refuge accessible to the occupants of the two storey house above the 0.1% (1 in 1000) annual probability with climate change (breach) flood depths, including a 300 millimeter freeboard. The FRA proposes that the safety of the occupants is reliant on the Flood Response Plan (proposed) in the FRA. However due to the vulnerable nature of residential development we have concerns as to whether in this instance it is appropriate or safe for the proposed house to flood internally without a higher refuge available. Emergency Flood Plan Where safe access cannot be achieved, or if the development would be at residual risk of flooding in a breach, an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be submitted as part of the FRA and will need to be agreed with the Local Council. Strategic Flood Risk Assessments Strategic Flood Risk Assessments (SFRA) are undertaken by local planning authorities as part of the planning process. The SFRA may contain information to assist in preparing site-specific FRAs.

Applicants should consult the SFRA while preparing planning applications. Please contact your local authority for further information.

ECC Highways Dept

The Highway Authority does not object to the proposals as submitted.

Informative1: The public's rights and ease of passage over Coastal Footpath No.29 (St Osyth) shall be maintained free and unobstructed at all times.

Informative2: 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

Building Control and
Access Officer

It is difficult to tell from the scale of the site plan, but the agents are advised to check the amount of unprotected areas in relation to the distance to the side boundaries.

3. Planning History

18/01436/FUL	Erection of replacement dwelling following demolition of existing.	Current
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

HG14 Side Isolation

HG20 Plotland Development - Replacement Dwellings and Extensions to Existing Dwellings

QL3 Minimising and Managing Flood Risk

COM31A Sewerage and Sewage Disposal

COM33 Flood Protection

EN1 Landscape Character

EN3 Coastal Protection Belt

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

EN13 Sustainable Drainage Systems

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

PPL1 Development and Flood Risk

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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is 26 Tower Estate, which is located to the south west of Tower Estate, within the settlement boundary of the Saved Local Plan 2007 but located outside of the Publication Draft (2017). It is located within an area defined as Plotland Development, Flood Zone 3 and within the Coastal Protection Belt of the Saved and Publication Draft Local Plan. The area surrounding the site has a variety of different types of properties, all in close proximity to each other.

The existing dwelling is detached and constructed from render with a flat to pitched roof. The dwelling is built across two floors with external steps to the side of the dwelling, which leads to a public footway and the sea wall.

Proposal

The application seeks planning permission for the replacement of the existing dwelling.

As the ground level changes, the proposal will be viewed as having two storeys to from the front of the elevation and three storeys in height from the rear elevation at Tower Estate. The dwelling will comprise of a utility/shower area to the lower ground floor and a dining room, kitchen and bathroom to the promenade level. The first floor will comprise of three bedrooms, a lounge and a bathroom.

The dwelling will measure 6 metres in depth, 8.9 metres in width with an overall height of 8.7 metres from the rear elevation and 6.35 metres in height from the front elevation.

Assessment

The main considerations for this application are:

- Principle of Development
- Design and Appearance

- Residential Amenities
- Highway Safety and Parking
- Flood Risk
- Impact upon Coastal Protection Belt
- Protection of National and International Sites - RAMSAR and Sites of Special Scientific Interest
- Representations

Principle of Development

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.

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. The proposed dwelling has a larger footprint than the existing dwelling by approximately 79 square metres. This increase in size is considered acceptable as there are other examples along Tower Estate of a similar scale and design. The proposal is above any increase which could be done under permitted development rights.

Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The proposed replacement dwelling is larger in height and bulk than the existing chalet dwelling on the site. The surrounding area is a mixture of design and types of dwellings which all face the sea and are located on land which slopes downwards which results in the dwellings having an extra floor when being viewed from the rear elevation. The proposed dwelling is taller than the existing dwelling, but it will not be any higher than the two storey properties in the immediate vicinity and therefore it is considered to be in keeping with the character of the area. The proposed dwelling is considered to be of a better design than the existing dwelling and given the variety of designs in the surrounding area would not result in any material harm.

Residential Amenities

The proposed dwelling will be three storeys in height and therefore has the potential to impact upon the amenities of those residents living nearby.

To the North West, no. 25 is a three storey dwelling of a similar appearance and design to that of the proposed. There are windows proposed on the side elevation, however there are no windows serving number 25 and therefore the proposed dwelling will not cause any overlooking onto neighbouring amenities.

The neighbouring dwelling to the South West, no. 27 is a two storey dwelling. There are windows proposed to the side elevation of number 26 which may overlook the neighbouring dwelling. A condition will be imposed to ensure that the windows serving the two bathrooms at promenade level and the first floor level will be obscure glazed to reduce any impact of overlooking onto neighbouring amenities.

The proposed works would result in parts of the replacement dwelling, being less than 1 m set away from the boundary failing to comply with Policy HG14 of the Tendring District Local Plan. However, the reasons given for this requirement is to ensure that the proposed development is appropriate in its setting and does not create a cramped appearance and to safeguard the amenities of adjoining residents. In this regard it is noted that there are other replacement dwellings in the area of similar separation distances and therefore it is considered that the proposal would not result in any material harm to neighbouring amenities.

Highway Safety and Parking

Essex County Highways have been consulted on this application and do not wish to raise any objections. The proposed replacement dwelling provides two car parking spaces to the ground floor and to the front of the application site which complies with Essex Parking Standards.

Flood Risk

The application is for a replacement dwelling, there will be an increase in the number of bedrooms, however the additional bedrooms will be located to the first floor and there is no principle objection. A Flood Risk Assessment has been submitted which sets out measures that will be used to reduce the risk to persons and property from the potential flooding. This is considered to be acceptable. The Environment Agency have been consulted on this application and have no objection.

The proposal is for a replacement dwelling, so the risk from the danger of flooding is not increased. The dwelling provides betterment through the inclusion of flood resilient construction and safe refuge.

Impact upon the Coastal Protection Belt

Saved Policy EN3 of the Tendring District Local Plan 2007 and Draft Policy PPL2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development as well as seeking to improve public access to and enjoyment of the coast in accordance with the National Planning Policy Framework.

The proposal will not have a substantial impact upon the Coastal Protection Belt as the proposal is for a replacement dwelling and therefore the overall character will not change.

Protection of National and International Sites - RAMSAR and Sites of Special Scientific Interest

Policy EN11a of the Tendring District Local Plan 2007 states that development which may affect a European Site, a proposed European Site or a Ramsar site, will be subject to the most rigorous examination. Development that is not directly connected with or necessary to the management of the site for nature conservation, which is likely to have significant effects on the site (either individually or in combination with other plans or projects) and where it cannot be ascertained that the proposed would not adversely affect the integrity of the site, will not be permitted unless: i. There is no alternative solution; ii. There are imperative reasons of over-riding public interest for the development; and iii. And in the event that (i) and (ii) above are met, an appropriate compensatory habitat is provided. Policy EN11b of the Tendring District Local Plan states that Development in or likely to affect Sites of Special Scientific Interest will be subject to special scrutiny. Where such development may have an adverse effect, directly or indirectly on the special interest of the site it will not be permitted unless the reasons for the development clearly outweigh the nature conservation value of the site itself and the national policy to safeguard such sites. Where the site concerned is a National Nature Reserve (NNR) or a site identified under the Nature Conservation Review (NCR) or Geological Conservation Review (GCR) particular regard will be paid to the individual site's national importance.

It is considered that there would be no greater impact as the proposal is for a replacement dwelling.

Other Considerations

St Osyth Parish council have no objection to the application.

No letters of representation have been received.

Conclusion

Based on the details as set out in the above report, it is considered that the proposed development would not result in material harm to the character of the area or neighbouring amenity. The 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 plan: DWG No. P01e

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

- 3 Prior to occupation of the hereby approved development a Flood Warning and Evacuation Plan shall have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details and the Flood Warning and Evacuation Plan shall remain a live document and be updated where required.

Reason - The site is at risk from flooding and a detailed evacuation plan is essential to safeguard future occupiers of the development.

- 4 The development shall not be occupied until such time as the car parking area, indicated on the approved plans, has been hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 5 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the two windows proposed on the south easterly elevation serving both bathrooms to the promenade level and first floor level shown on Drawing No. P01e shall be non opening and glazed in obscure glass and shall thereafter be permanently retained in this approved form.

Reason -To protect To protect the privacy and amenities of the occupiers of adjoining property.

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