

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	3 rd August 2022
Planning Development Manager authorisation:	AN	4/8/22
Admin checks / despatch completed	ER	04/08/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	04.08.2022

Application: 21/01567/FUL **Town / Parish:** Wrabness Parish Council

Applicant: Mr Robert Cowlin and Others

Address: Hut 14 Wrabness Foreshore Stone Lane

Development: Proposed reconstruction of log hut.

1. Town / Parish Council

Wrabness Parish Council
26.11.2021

Following discussion the Parish Council has NO OBJECTION providing the new hut is no higher than the hut it is replacing.

2. Consultation Responses

Environment Agency
14.01.2022

Thank you for consulting us on the above application. We have reviewed the documents as submitted and can confirm that we are raising a holding objection on flood risk grounds. We have provided further information in the Flood Risk section below.

We have reviewed the submitted flood risk assessment (FRA), prepared by K1 Developments Ltd & Advant Engineers, referenced Hut 14 East Foreshore and dated December 2021, 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. Use the correct flood levels from us.
2. Correctly calculate the expected flood depths on site and within the building for the 0.5% and 0.1% annual probability flood events, inclusive of climate change (please refer to climate change advice within the 'Advice to Applicant' section).
3. The FRA should discuss the likely flood characteristics at the site, considering how frequently flooding may be expected at and around the site over the developments lifetime and how often internal flooding may be experienced (if at all).
4. Provide details of a flood emergency plan including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.

Essex County Council
Ecology

As disturbance during construction is a potential pathway, embedded mitigation using a timing constraint to avoid August to March (this is the season for wintering birds) and best practice methods of construction including pollution prevention measures mean that this impact can also be screened out and not considered further.

Suffolk Coast and Heaths
Area of Outstanding
Natural Beauty
11.11.2021

Thank you for consulting the AONB team on the above planning application.

The AONB team have no objection to the proposal to replace beach hut number 14 on the east foreshore at Wrabness. Constructing a replacement hut on the fire damaged site will be a visual enhancement within this estuary frontage in the Suffolk Coast & Heaths AONB. While the replacement hut will have a slightly larger footprint than the hut it is replacing, this will not adversely impact on the natural beauty or special qualities of the AONB.

Dark brown as the colour finish for Hut 14 fits within the developed colour palette for the Coastal Levels Landscape Character Type in the Guidance on the selection and use of colour in development for the Suffolk Coasts & Heaths AONB and is considered appropriate with the estuarine environment and AONB.

It is noted that there is no mains electricity at the chalets therefore light spill from internal light sources, will unlikely to be an issue. The installation of any external lighting (solar or security) should be restricted until written approval has been obtained from the planning authority. Any external lighting should be shielded or hooded, with low lumens and the beam should be directed downwards. This is necessary to conserve the unique sense of place, tranquillity and dark skies that characterise this part of the AONB.

Environment Agency
16 June 2022

Thank you for re-consulting us on the above application. We have reviewed the newly submitted documents and can confirm we are maintaining a holding objection to this application on flood risk grounds. Further information can be found in the Flood Risk section below.

It should be noted that the comments in this statement are based upon the assumption that the hut is a replacement of a fire damaged hut, which was approved by the Council for providing sleeping accommodation previously.

We have reviewed the submitted flood risk assessment (FRA), prepared by K1 Developments Ltd & Advant Engineers and dated April 2022, 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. In particular, we have the following comments to make in addition to those above:

Refuge within the hut should be provided above the 0.1% flood level, inclusive of climate change and a freeboard. We note the accommodation has been designed to be set with a finished floor level of 5.74mAOD, which is above the 0.5% climate change flood level, inclusive of a freeboard. For 'more vulnerable' development types, we would expect refuge to be provided within the unit, which is above the 0.1% flood level, inclusive of climate change and with a 300mm freeboard. This is to ensure users have refuge above the extreme flood level and is an essential fall-back position should prior evacuation not have been made from the site, where there are concerns over access and egress, which is unlikely to be achievable as routes would be flooded in such an event.

3. Planning History

92/00220/FUL	(Hut No. 14, Wrabness Foreshore, Wrabness) Replacement beach hut	Approved	03.04.1992
21/01567/FUL	Proposed reconstruction of log hut.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

- SP1 Presumption in Favour of Sustainable Development
- SP3 Spatial Strategy for North Essex
- SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- PP8 Tourism
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape

Local Planning Guidance

Essex Design Guide

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal

Before preparing this summary report the planning officer has visited the application site, considered any relevant previous planning applications in relation to the development and considered any comments made by those interested in the application such as consultees with specialist knowledge, nearby residents and a Parish or Town Council where there is one.

By indicating that the development proposal complies with relevant Local Plan Policies, the planning officer is taking into account the information submitted with the application, any previous

relevant applications, observations during the site visit, any comments received in connection with the application and any other case specific considerations which are material to the decision.

Background

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 characterised by the open landscape and beach facing north across the River Stour with the south of the huts hard against the elevated access road. Vehicular access to the huts is typically along the access road, with steps leading down to the habitable accommodation and then further steps leading down to foreshore level. The huts varying significantly in their design and external appearance but there is commonality in their heights (which may well be a restriction imposed by the landowner).

In this particular case, Hut 14 is one of four huts which were destroyed by a fire on 31st May/1st June 2020.

Development

In regards to the proposed footprint, the application proposes a nominal increase in footprint of just under 7sqm, this would be in the southwest corner where the Oak tree was (lost in the fire); the space left by the tree would now contain a small, external, staging platform. The height of the building itself would be around 4.3m, sitting above 1.5m pillars – the total extent of build above the foreshore would be approximately 6m; this is around 0.4m higher than the razed building.

Principle of Development

To attract visitors to the Tendring District and support economic growth in tourism, the Council will generally support proposals that would help to improve the tourism appeal of the District to visitors, subject to other relevant policies in the Local Plan. Although the Wrabness Huts are owner-occupier, their seasonal occupation means that, when occupied, they contribute to the local economy of the village. It is not known when the original beach hut was constructed but the applicant's family has owned the site since the 1960's. Prior to the fire, the beach hut that existed had been there since 1992 (and was the subject of a planning application to replace a previous hut). As such, the principle of the replacement development is acceptable.

Design, Rural Landscape and Neighbouring Amenity

National and Local Policies seek to ensure that the design of development responds positively to local character and context; locally it is additionally expected that development will respect or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Development should also create places a high standard of amenity for existing and future users.

The design of the building closely replicates that which was destroyed by fire in regards to siting, footprint, height, design and construction materials. For these reasons the replacement building would both respond positively to local character/context, respect the local landscape character and have no greater impact on the rural character of the area than the previous development. The scale, siting and height of the building is not materially different to that which it replaces and for this reason the development would protect the amenity of existing users with regard to, loss of light, overbearing and overlooking.

Flooding

All new development within Flood Zone 3 should demonstrate that it has passed the sequential and the exception tests where required and as set out in the National Planning Policy Framework and Planning Practice Guidance 3. The National Planning Policy Framework (paragraph 159) states that: "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."

The sequential test is a method to test if a suitable alternative location for the development is available. The exception test is a method to test if a proposal will provide wider sustainability benefits to the community that outweigh the flood risk; and be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both tests *may* need to be passed in order for the proposal to comply with the NPPF. Planning Practice Guidance sets out the process for applying the sequential and exception tests, in order to comply with the National Planning Policy Framework position.

When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

As this is a replacement structure used for holiday accommodation, that is not materially larger nor proposes any intensification of the limited occupancy it is considered that the proposed location has been sequentially passed. As is commonplace in the locale, the huts are raised (circa 1.5m) above the foreshore; the anticipated sea level allowances between 2000 and 2135 are anticipated to rise by around 0.4m and this increase has been incorporated in the amended finished floor levels. Further, the design incorporates a safe refuge place at first floor level – this would have head-heights which range from 2m down to 1m (at eaves); there is also an escape window which measures 0.7 x 1m.

Representations

Wrabness Parish Council has no objection providing the new hut is no higher than the hut it is replacing. In response to this; the new building is 0.4m higher however this increase in height is deemed a necessity as it takes in to consideration the anticipated rise in sea levels.

6. Recommendation

Approval - Full

7. Conditions

- 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: RADC 1A, RADC 2B, RADC 3, RADC 4, RADC 5, RADC 6 (received 6th September 2021) and RADC 1C (received 29th June 2022)

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

- 3 The building shall be used solely for the provision of holiday accommodation and shall not be occupied as the domicile of any person and in addition the duration of any person(s) stay in the building shall not exceed 28 consecutive days.

Reason - The site of the permission is outside any area where planning permission would normally be forthcoming for residential development and is permitted only as a dwelling for holiday purposes in the interest of contributing to tourism and the economy of the area.

- 4 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.

- 5 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.

- 6 No external lighting shall be installed until details of the illumination scheme 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.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area.

- 7 Prior to the first occupation of the development, the applicant is required to sign up to the Environment Agency's Flood Warning service. This can be done at <https://www.gov.uk/sign-up-for-flood-warnings> or alternatively by telephoning 0345 988 1188 (call charges apply).

Reason - The site lies within Flood Zone 3 at high risk from flooding and advanced notice of a flood warning is essential to safeguard occupiers of the development.

8. **Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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?		NO
Are there any third parties to be informed of the decision?		NO