

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	15/11/2018
Planning Development Manager authorisation:	SCE PW	16-11-18
Admin checks / despatch completed		20/11/18

Application:	18/01505/FUL	Town / Parish: St Osyth Parish Council
Applicant:	Mr Stephen Sproat	
Address:	34 Beach Road Lee Over Sands St Osyth	
Development:	Raising existing structure by 450mm.	

1. Town / Parish Council

St Osyth Parish Council No objections.

2. Consultation Responses

Building Control and Access Officer This proposal doesn't appear to detrimentally affect the existing building and therefore we have no comments.

3. Planning History

18/01505/FUL	Raising existing structure by 450mm.	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

EN3 Coastal Protection Belt

HG20 Plotland Development - Replacement Dwellings and Extensions to Existing Dwellings

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

SPL3 Sustainable Design

PPL1 Development and Flood Risk

PPL2 Coastal Protection Belt

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located to the south of Beach Road, outside the development boundary of St Osyth and within an area of Plotland Development, the Coastal Protection Belt and Flood Zone 3. It serves a flat roof dwelling set cross two levels, constructed of render. It is accessed via a gravel roadway and is surrounded by open marshland.

Proposal

The application is a retrospective application to raise the existing structure by 450mm with the insertion of additional concrete blocks.

Representations

St Osyth Parish Council has no objection to the application.

Building Control have been consulted on the application due to the structural works but have no comments as the proposal does not appear to detrimentally affect the existing building.

One letter of objection has been received raising concerns regarding:

- Structural alterations without the involvement of Building Control. (Building Control have no comments on the application)
- Works would not mitigate against flooding. (Flood Risk is addressed within officers report)
- No structural calculations. (Not a planning matter)
- Raised height will make structure unstable - building not attached to the pillars. (Building Control have no comments on the application)
- No betterment to the building. (Not a material planning consideration)

One letter of support has been received and further comments from the applicant both setting out how the works were carefully carried out.

Assessment

The main considerations of this application are the design, impact on residential amenity and flood risk.

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

Design

The proposed development is considered acceptable in terms of the design and visual amenity of the area. The nearby buildings are all of varying shapes, sizes and designs. The increase in height of 450mm is a modest alteration that will not alter the footprint or appearance of the dwelling or have a detrimental impact on the visual amenity when viewed from the surrounding area.

Impact on Residential Amenity

The buildings either side of the application site are evenly spaced with a separation distance of approximately 5m. The building subject to this application will not extend any closer to either of the neighbouring dwellings and the increased height of the building is not considered to cause any significant adverse impact on the amenities currently enjoyed by neighbouring property.

Flood Risk

Policy QL3 of the Tendring District Local Plan (2007) states that the Council will ensure that flood risk is taken into account. The site is located within Flood Zone 3. As the proposed development is not increasing the habitable space within the building and is solely raising the height by 450mm a Flood Risk Assessment was not required to form part of the application as there will be no impact or alteration to the living arrangements of the occupants.

As no additional living accommodation is created and the raising of the building might reduce risk of flooding, the development is considered acceptable in terms of flood risk.

Other Considerations

As the works have already been carried out there is no need to impose any conditions on this application.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

1 No conditions.

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