

## DELEGATED DECISION OFFICER REPORT

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	AP	02/01/2019
Planning Development Manager authorisation:	AN	3/1/19
Admin checks / despatch completed	ER	3/1/19

**Application:** 18/01868/FUL **Town / Parish:** St Osyth Parish Council  
**Applicant:** Mr Mark Relph  
**Address:** 37 Tower Estate St Osyth Clacton On Sea  
**Development:** Roof conversion with rear dormer and new front terrace at first floor level.

### 1. Town / Parish Council

St Osyth Parish Council No objections.

### 2. Consultation Responses

n/a

### 3. Planning History

14/00088/LUEX	Four bedroom dwelling for holiday use.		19.05.2014
14/01063/LUEX	Use of property as dwelling house between 1st April and 31st October per calendar year.		16.09.2014
17/01017/FUL	Removal of Condition 2 of TEN/148/1950 to allow all year round residential use of the property.	Approved	15.11.2017
18/01868/FUL	Roof conversion with rear dormer and new front terrace at first floor level.	Current	

### 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

EN3 Coastal Protection Belt

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design  
PPL2 Coastal Protection Belt  
PPL1 Development and Flood Risk

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

The application seeks permission for a roof conversion with rear dormer, a new front terrace at first floor and minor alterations to lower ground floor level to 37 Tower Estate, St Osyth. The application site is located outside of any settlement development boundary but within flood zones 2 and 3, and within the Coastal Protection Belt of Brightlingsea Reach and St Osyth Marsh.

#### **Design and Appearance**

Tower Estate is made up of houses and chalets of differing styles, constructed with a range of materials. The host property already has dormers at the front overlooking the sea which serve 2 bedrooms. The existing dormers will remain the same height and width although they will extend to the floor level to allow access to the newly created terrace. An enclosed patio area will also be created at ground floor level at the front using glazed screening which will also be used to enclose the first floor terrace. A new dormer will be constructed on the rear roof slope; the windows will serve a newly created bedroom and bathroom. Both first floor dormers and ground floor rear elevation will be clad in grey weatherboarding, which, along with the glazing will offer a modern contemporary look and revive the property. The changes to the lower ground floor are minimal. One garage door will be removed and replaced with a pedestrian access door with side lights.

Saved Policy HG12 of the Tendring District Local Plan 2007 permits extensions to an existing dwelling outside of Settlement Development Boundaries however the development must satisfy specific criteria which seeks to protect the rural character of the countryside. The construction of the proposal clearly meets the criteria set out in Policy HG12, and it is considered that no significant harm would be caused to the appearance and character of the area.

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 significant impact on the Coastal Protection Belt when taking into account the surrounding buildings as well as the improvement to the appearance of the dwelling following the alterations.

The design and scale of the alterations is acceptable in relation to the host property and would result in no material harm to visual amenity.

#### Impact upon Residential Amenity

The two new windows in the rear dormer at first floor level will have no additional significant impact of overlooking. There are existing rear windows serving 2 bedrooms and a kitchen which already overlook an enclosed area of caravans. The new windows serve rooms which will not be lived in during the day and there are no side facing windows. The front first floor terrace will also have no significant impact of overlooking. Although the terrace is at first floor there is a footpath in front of the properties and there are no areas which are entirely private on the south western side. The terrace will look out onto the roofs of the immediately neighbouring properties.

There is no formal private amenity space for this property and so the enclosing balustrade at the front will create some formal outdoor space. The loss of the garage space to a lobby and games room will not be at the detriment of parking space. One garage space that meets the parking standards of 7m x 3m will remain. In addition, 3 car parking spaces that meet the current parking standards where one space measures 5.5 m x 2.9m exist on the hardstanding in front of the garage.

#### Flood Risk

Due to the site being located within Flood Zones 2 and 3, Policy QL3 of the Tendring District Local Plan 2007 states that the council will ensure that flood risk is taken into account, and that all applications for development in Flood Zone 2 and 3 will require a Flood Risk Assessment.

The applicant has submitted a flood risk assessment which supports the application by confirming that a heavy duty Aco drainage system will be installed at the rear to protect the new entrance and that the additional floor space created is at first floor level.

Policy PPL1 of the draft Local Plan, Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states that '*development in areas of high flood risk must be designed to be resilient in the event of a flood.*' The safety of people living within flood zones is paramount.

The conversion of the garage at lower ground floor level is not considered to increase the risk of danger to people in the event of a flood as the new games room and lobby will not be rooms that are in constant use as living areas and will be used as occasional areas. The new staircase installed from the lower ground floor to ground floor level will aid the escape route should an unexpected flood event occur.

#### Other Considerations

St Osyth Parish Council have no objection.

No further letters of representation have been received.

#### Conclusion

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

## **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: Drawing number 1804-1210-P1, 1804-1211-P1, 1804-1212-P1, 1804-1213-P1, 1804-1312-P1, 1804-1411- and 1804-1601-P1, and Flood Risk Assessment.

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

## 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.

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