

QL3 Minimising and Managing Flood Risk

HG20 Plotland Development - Replacement Dwellings and Extensions to Existing Dwellings

EN3 Coastal Protection Belt

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL1 Development and Flood Risk

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 side of beach road, outside the development area of St. Osyth and within an area of "Plotland" development, the Coastal Protection Belt and Flood Zone 3. The site is accessed by Beach Road, a gravel roadway and it is surrounded by open marshland. There is a wide range of designs and construction of properties in the area with several buildings that are already raised.

The property is a timber framed single storey building with a pitched roof. The building is supported by a series of concrete foundation posts giving approximately 600mm clearance between the underside of the floor and the natural ground.

Description of Proposal

The application proposes raising the building up by 1m by way of siting it on top of a raised steel frame; the resultant building would be a combined total of 1.6m above ground level.

Principle

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. The dwelling is located outside the settlement boundary. Policy HG12 requires that 'Proposals for an extension to an existing dwelling outside the defined development boundaries of settlements will be permitted provided that the extension or replacement satisfies the general design criteria set out in Policies QL9 and QL10'. In addition, the proposal must:-

- be of a size, scale and height and in keeping with the character of the locality
- its design and materials would make a positive visual contribution to its setting
- be well related and in proportion to the original dwelling
- not be visually intrusive on a skyline or in the open character of the surrounding countryside
- retain sufficient space around the dwelling to protect its and the amenity and character of the countryside
- not represent over-development of the site or be detrimental to highway safety
- not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect
- not exacerbate any existing access, drainage or other problems associated with the site.

In regards to existing development in the locale, raising the unit up on a steel framework would not be visually intrusive on a skyline or in the open character of the surrounding countryside. The unit would remain in proportion to other units within a very close proximity and the proposal, by not extending outwards from the existing footprint, would retain sufficient space around the dwelling to protect its and the amenity and character of the countryside. There are 4.3m (to No. 16) and 5.6m (to No. 18) separation distances; these distances are such that a 1m raising on height would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect.

Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

Raising the unit up on a steel framework would relate well to existing development within the vicinity where many of the units have been raised above original ground level for similar reasons.

Impact to Neighbouring Amenities

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

There are 4.3m (to No. 16) and 5.6m (to No. 18) separation distances; these distances are such that a 1m raising on height would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect.

Flooding

The property is located within Flood Zone 3a and is deemed to fall in to the category of having a more-vulnerable use. The property is outside the existing sea defences, so it is unprotected from current flash floods and anticipated rise in sea levels. A flood risk assessment has been submitted with the application in accordance with the Environment Agency's standing advice.

Following consultation with the Environment Agency they raised a holding objection to the proposal; subsequent negotiations took place where evidence of existing built form and the suggestion of a condition in relation to permanently-retaining the void as open and free from debris, the Environment Agency removed their objection.

Plotland

The proposal constitutes an extension to a dwelling in an area of Plotland Development, as defined in Policy HG20 of the Saved Plan, in such areas these policies oppose extensions to existing dwellings, due to the effect they can have on residential amenity and living conditions in the vicinity.

There are 4.3m (to No. 16) and 5.6m (to No. 18) separation distances; these distances are such that a 1m raising on height would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect.

Coastal Protection Belt

Saved Policy EN3 of the Tendring District Local Plan 2007 confirms that the purpose of the Coastal Protection Belt is to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development. Emerging Policy PPL2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) goes on to say that the undeveloped coast of Tendring District has an important role in terms of quality of life for residents and visitors, not only in terms of visual amenity but in terms of access to the natural environment.

The proposal will not have a substantial impact on the Coastal Protection Belt as it is considered a 1m increase in overall height to a modest plot thereby still protects the coastal views and open character of the local landscape.

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: 1332-001 and 1332-002, received 18th July 2019 and Flood Risk Assessment received 10th July 2019.

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

- 3 On completion of the development hereby approved, the area beneath the raised structure shall be cleared from any debris or storage materials. Voids can become blocked over time by debris or domestic effects and, in order not to impede the free flow of floodwaters, the area shall be kept clear and be permanently retained as such.

Reason – 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.

8. Informatives

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?		NO
Are there any third parties to be informed of the decision?		NO