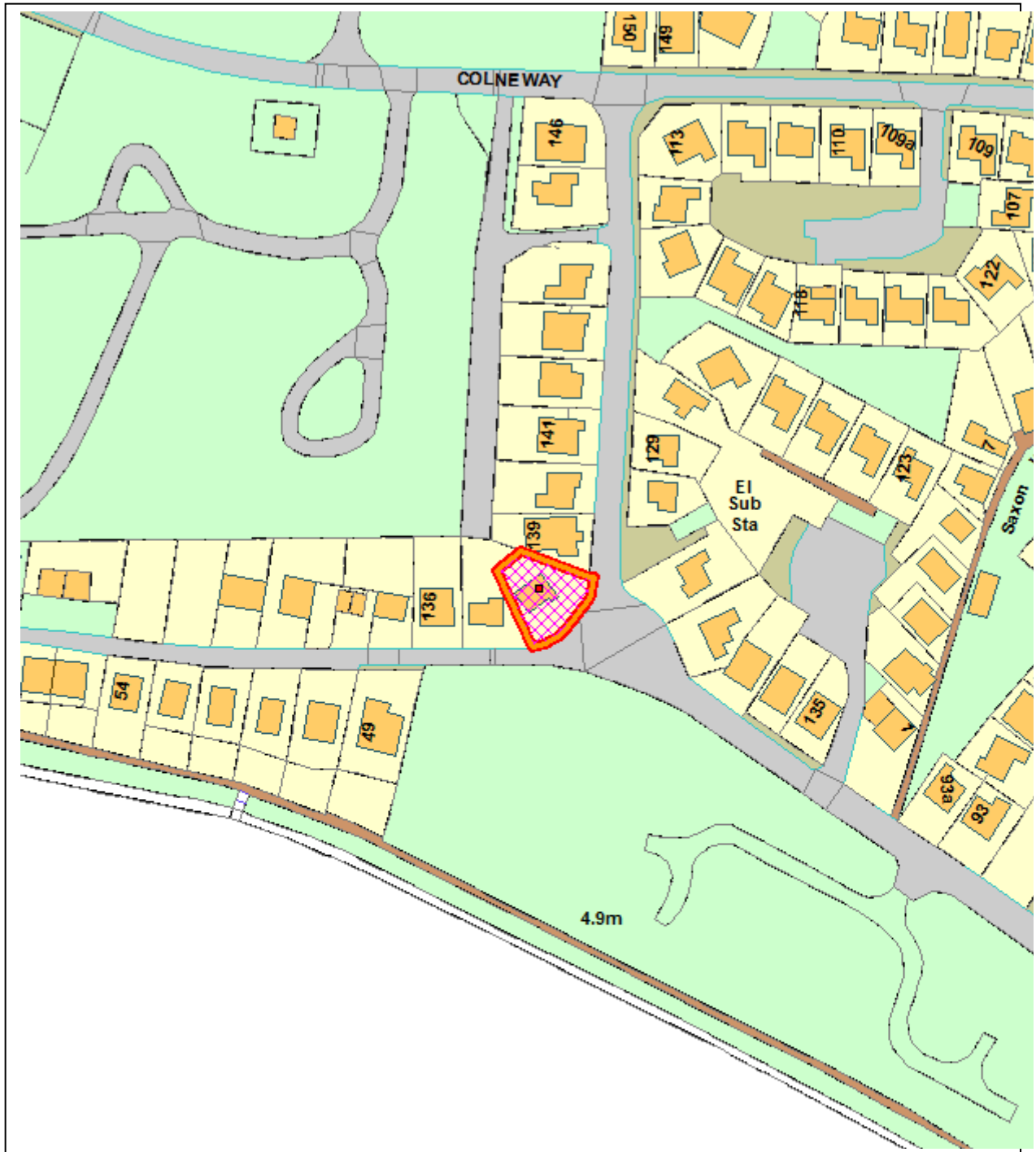


PLANNING COMMITTEE

13 JUNE 2017

REPORT OF THE HEAD OF PLANNING

A.6 PLANNING APPLICATION - 16/01985/FUL - 138 COLNE WAY, POINT CLEAR BAY, ST OSYTH, CO16 8LU



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| Application: | 16/01985/FUL | Town / Parish: St Osyth Parish Council |
| Applicant: | Mr M Skeels | |
| Address: | 138 Colne Way Point Clear Bay St Osyth CO16 8LU | |
| Development: | Proposed replacement dwelling following demolition of existing. | |

1. **Executive Summary**

- 1.1 This is a full planning application to build a 3 storey two bedroom dwelling to replacement 30.05an existing single storey chalet. The planning application has been referred to Planning Committee as the applicant is an elected Councillor of Tendring District Council.
- 1.2 The application site is located in Point Clear Bay where the existing properties were predominantly built as holiday homes. Most properties are substandard by modern day expectations and are within the tidal flood zone where the risk of flooding is set to increase with the effects of climate change.
- 1.3 The replacement property would be significantly higher and bulkier than the existing property on the plot and those surrounding the site. However, this is an area where the current standard of residential property places residents at a high risk of flooding – particularly if climate change results in rising sea levels as projected by the Environment Agency and in poor residential conditions. By including only storage, utility rooms and parking on the ground floor the development would bring about a net improvement in flood safety.
- 1.4 With this in mind, Officers are advising the Committee to consider whether this approach is justified and to set aside normal planning concerns in order to facilitate a development that could help set the tone for the future regeneration of the area. If the Committee agrees that this approach is acceptable, this development provides an example to other property owners who might consider redevelopment to a more resilient, lower flood risk form of development.
- 1.5 Therefore in the absence of any objections from the Environment Agency and Essex County Council Highways and in weighing up the advantages of the development against the disadvantages, the application is recommended for approval.

Recommendation: Approve

Conditions:

1. Standard 3 year time limit for commencement.
2. Accordance with approved plans.
3. Garage available for use prior to occupation and retained as approved for parking purposes only.
4. Submission of flood evacuation plan.
5. Ground floor shall only be used for purposes as shown on plans and retained (parking, storage and wet room/utility room).
6. Details of materials/surface finishes
7. Obscure glazing installed as per plans and retained.
8. Removal of permitted development rights (extensions/outbuildings and windows).

2. Planning Policy

NPPF National Planning Policy Framework
National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy
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
HG1 Housing Provision
HG9 Private Amenity Space
HG12 Extensions to or Replacement of Dwellings outside Settlement Development Boundaries
HG14 Side Isolation
HG20 Plotland Development
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

SP1 Presumption in Favour of Sustainable Development
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
PPL1 Development and Flood Risk

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. 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 216 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.

3. Relevant Planning History

None

4. Consultations

ECC Highways Dept I have had a look at the details of this application and having regard to the fact that the proposal is a like for like replacement the Highway Authority does not wish to submit a formal recommendation

Environment Agency We have no objection to this planning application as the site is currently defended and the Essex and South Suffolk Shoreline Management Plan (SMP) policy for this area has an aspiration for “hold the line.”

5. Representations

- 5.1 St Osyth Parish Council objects to the development on the basis that the application as submitted is considered to be of poor design and is not in keeping with similar dwellings in the vicinity.
- 5.2 Additionally, the proposed site plan would suggest over development of a small site, given that the new dwelling would seemingly extend to the physical boundary of the property.

6. Assessment

The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Flood Risk;
- Design/Visual Impact;
- Residential Amenities, and;
- Highway Considerations.

Site Context

- 6.1 The application site is located on a prominent corner plot on the western side of the junction between Western Promenade and Colne Way within the Point Clear Bay area. The area comprises of a mixture of private dwellings and holiday chalets of differing age, scale and design.
- 6.2 The application site currently accommodates a small holiday chalet partly brick built with a shallow felted pitched roof. The chalet appears to have been constructed in the 1950's and, due to the presence of a restrictive occupation condition, cannot be occupied in the winter months (November through to April).
- 6.3 The front of the property is laid to grass and there are no formal parking arrangements. To the rear is a small grassed garden area. The boundaries are marked by bushes and low level timber fencing.
- 6.4 The site is located within a Flood Risk Zone 3 but is protected by current sea defences.

Proposal

- 6.5 This application proposes the replacement of the existing chalet with a 3 storey permanent dwelling. The property would comprise of 2 bedrooms with a dining area at first floor and lounge at second floor level. The ground floor would accommodate a double garage and small utility room and wet room.
- 6.6 The dwelling would comprises of facing brickwork at ground level with 'set in' elements above consisting of fibre cement boarding. The roof of the property would be flat and comprise of a fibre glass GRP finish. The property would measure 8m in height and 10.2m in width by 7.5m in depth.
- 6.7 It is proposed that the property would be lived in all year round and not just on a holiday basis as per the existing chalet.

Principle of Development

- 6.8 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.
- 6.9 The site comprises existing development outside of any defined settlement boundary contained in the saved or emerging local plans. However, as the site already accommodates a dwelling and the application represents a replacement property there is a general presumption in favour of development in principle.
- 6.10 However, this part of Point Clear Bay falls within Flood Zone 3a, therefore the Council is still required to give special consideration to flood risk issues and the requirements of the NPPF i.e. the 'sequential' and 'exceptions' tests. These are considered in more detail later in this report.
- 6.11 In the saved local plan the Point Clear Bay area falls within an area controlled by saved policy HG20 which is aimed at limiting development on Plotland sites such as this. The preamble to the policy states, amongst other things, that it is recognised that many Plotland dwellings offer substandard living accommodation and usually located on small sites. The purpose of the policy is therefore to ensure that the impact upon the landscape, street scene and residential amenity is minimised and to assist in controlling the demand on local services and infrastructure. The main content of saved policy HG20 states that the replacement of lawful Plotland dwellings will be allowed 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. This policy is however clearly out of date as the General Permitted Development Order has since changed and permitted development rights for extensions are no longer calculated on a cubic content basis.
- 6.12 Furthermore, as in Jaywick, the policy aimed at strictly controlling development has failed to bring about any positive changes in the area particularly in respect of flood risk. Since the NPPF has given Councils more freedom to apply planning policies to better reflect local circumstances the Council, the Environment Agency and other partners have agreed that lifting some of the planning restrictions and moving towards flexible policies aimed at encouraging developers to provide high-quality, resilient and innovative new homes in the area is a better approach. This is reflected by the fact that the Plotland policy has not been carried forward within the 2016 Preferred Options Draft.
- 6.13 Saved Policy HG12 concerns the replacement of dwellings outside settlement development boundaries. This policy is criteria based and in particular sets out that new development should be well related to the original dwelling, is not visually intrusive, is not detrimental to

highway safety, would not adversely affect the residential amenities of adjoining neighbours and sufficient spacing is retained around the dwelling to protect its setting.

- 6.14 Again as stated above a more flexible approach is required in assessing the development against this policy. It is evident that the dwelling will be significant larger than the existing property and higher to incorporate flood resilient measures which is consistent with the Council's approach in Jaywick. As such the principle of replacing the existing building with a larger property is acceptable in principle. Consideration therefore turns to the detailed design of the proposal.

Flood Risk

- 6.15 The site, and the rest of this part of Point Clear Bay, is in Flood Zone 3 - the highest area of risk due to its low-lying position on the coast. The NPPF, as supported by relevant policies in the adopted and emerging Local Plans, requires a 'sequential approach' to the location of new development which seeks to direct new development to the locations at lowest risk. In Tendring, there are clearly many locations of lower risk where a single dwelling could be located however as this development relates to the replacement of a single storey chalet in a poor state of repair a more flexible approach is justified where new development can assist in the regeneration of the area and helping to reduce the risk of flooding to life and property overall.
- 6.16 The NPPF and Local Plan policies refer to the 'Exception Test' which must apply if a development in a higher risk area is being considered having undertaken the sequential test. Paragraph 103 of the NPPF requires such developments to be informed by site-specific flood risk assessment and to demonstrate that:
- 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; and
 - Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- 6.17 The application is accompanied by a site-specific flood risk assessment which, as advised by the Environment Agency, provides sufficient information for the Council to make an informed decision. The conclusions and recommendations in the assessment are summarised as follows:
- The site is currently protected by flood defences with an effective crest level of 4.5m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.3m AOD. Therefore the site is not at risk of flooding in this event. The current defences will continue to offer protection over the lifetime of the development, provided the hold the line policy is followed and the defences are raised in line with climate change, which is dependent on future funding.
 - If the SMP policy is not followed then at the end of the development lifetime, the 0.5% (1 in 200) annual probability including an allowance for climate change flood level of 5.41m AOD, would overtop the existing defences and the actual risk depth of flooding on site using the minimum site level of 1.96 m AOD would be 3.42m deep and in the building using the proposed finished floor levels of 2.11 m AOD 3.27m deep.
 - Finished ground floor levels have been proposed at 2.11m AOD. This is below the 0.5% annual probability breach flood level including climate change of 5.38m AOD and therefore is at risk of flooding by 3.27m depth in this event.

- Flood resilience/resistance measures have been proposed.
- Finished first floor levels have not been provided and there may be refuge above the 0.1% (1 in 1000) annual probability breach flood level of 5.77m AOD.
- A Flood Evacuation Plan has not been provided and is necessary to ensure the safety of the development.

6.18 The submission of an evacuation plan can be secured through a planning condition. The submitted plans show living accommodation at first and second floor levels which in the event of the SMP not being followed and a 1 in 200yr and 1 in 1000yr breach would allow for the safe refuge of residents.

6.19 Overall, it is considered that the development would meet with the NPPF Exception Test and when considering the lightweight construction and single storey nature of the current property on site would represent a significant improvement in terms of flood risk to future residents.

Design/Visual Impact

6.20 The proposed replacement property would be significantly larger in terms of its height and bulk than the existing chalet dwelling on the site. Consequently, the property would be highly visible in views along Western Promenade particularly as the building would occupy a prominent corner plot that forms a vista in views from the east. However, the height and scale of properties in the area is mixed. To the west of the site is a tall chalet style dwelling with large dormers to the roof space and to the north is a brick built bungalow with a high ridge line. To the west along Western Promenade are some examples of three storey high properties of considerable bulk.

6.21 The design of properties in the locality is mixed. There are traditional brick built properties but there are also examples rendered and boarded buildings too. Consequently the flat roofed contemporary style design proposed incorporating cement boarding and fibre glass roofing would represent an appropriate response to the eclectic appearance of the area.

6.22 It is acknowledged by Officers that the dwelling would be significantly higher and more bulky than the existing property on site, those opposite and those situated on either side. However, this is an area where the current standard of residential property places residents at a high risk of flooding – particularly if climate change results in rising sea levels as projected by the Environment Agency and in poor residential conditions. Because of this the development contains no living accommodation on the ground floor to reduce the risk to residents in the event of a flood. As a result the building is required to be higher to allow for safe refuge in an event of a flood. Officers have also sought amended plans to reduce the width of the building ensuring that 1m side isolation is retained to the boundaries and to set in the top two levels to assist in breaking up the main bulk of the building. The amended plans also show each level being broken up by a banding section which further assists in enhancing the aesthetics of the building.

6.23 With this in mind, Officers are advising the Committee to consider whether this approach is justified and to set aside normal planning concerns in order to facilitate a development that could help set the tone for the future regeneration of the area. If the Committee agrees that this approach is acceptable, this development provides an opportunity for other property owners to consider redevelopment to a more resilient, lower flood risk form of development. If the Committee feels that the harm to the character of the area and to the amenities of neighbouring residents is not outweighed by the potential benefits, then refusal could be justified in planning terms.

Residential Amenities

- 6.24 The proposed dwelling would be three stories high and therefore has the potential to impact upon the amenities of those residents living nearby. To the north no.139 has an entrance door and associated window within it's facing flank wall. As these are located northwards of the development and are not primary windows the impact upon light received by these openings would be minimal. In terms of outlook, no.139 has a small rear garden from which the development would be visible and fairly imposing. However, the distance and angle of the new property would reduce any impact in this regard.
- 6.25 To the west is no.137 which has an entrance door at first floor level accessed via a spiral staircase and a small high level window within its facing flank. These are not primary openings and therefore are not affected by the development. To the rear the property is served by a conservatory. It is conceded that the conservatory would lose some light and outlook as a result of the development, however the conservatory faces north and receives limited light at present. Furthermore, the identified impact upon the amenities of neighbouring residents is not outweighed by the potential flood risk/regeneration benefits as outlined above.
- 6.26 In terms of overlooking, the front balcony faces south-east over an existing open grassed area and the frontage of properties on the opposite side of the road. Therefore views would be limited to public areas only. The windows to the rear of the building have been designed to be high level or obscured to preserve existing resident's privacy.

Highway Considerations

- 6.27 Essex County Council Highways have confirmed that they have no comments to make upon the proposals as the proposed development is for the replacement of an existing property.
- 6.28 In terms of parking provision, the double garage at ground floor provides space for 2 vehicles. This is sufficient for a two bedroom property and accords with the current parking standards.

Background Papers

None