

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	11/06/18
Planning Development Manager authorisation:	AN	12/6/18
Admin checks / despatch completed	AP	13/6/18

**Application:** 18/00592/FUL **Town / Parish:** St Osyth Parish Council

**Applicant:** Mrs C Chester

**Address:** 18 Eastern Promenade St Osyth Clacton On Sea

**Development:** Replacement four bedroom dwelling.

### 1. Town / Parish Council

St Osyth Parish Council      No objections.

### 2. Consultation Responses

ECC Highways Dept

NOTE: - Public Rights of Way - The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpaths no25 and 29 (St Osyth) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

NOTE - Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site. No vehicles associated with the development shall affect the ease of passage along the PROW.

Building Control and  
Access Officer

No comments at this time.

Environment Agency

We have inspected the application, as submitted, and have no objections to the proposal because the site is currently defended and the Shoreline Management (SMP) policy for this area has an aspiration for hold the line. If the SMP policy is not taken forward the development would be unsafe in the future.

The site is currently protected by flood defences with an effective

crest level of 4.570m AOD which is above the present-day 0.5% (1 in 200) annual probability level. Therefore the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event.

The replacement dwelling is of similar size and layout to the existing dwelling, so there is not increase in vulnerability at the site and the flood risk to the proposed development remains the same as the risk faced by the existing development. The proposed replacement dwelling also provides betterment through the inclusion of flood resilient construction / safe refuge / Flood Evacuation Plan.

### 3. Planning History

91/00381/FUL	Retention and completion of extension (under construction).	Approved	29.05.1991
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### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

HG9 Private Amenity Space

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

HG14 Side Isolation

HG20 Plotland Development - Replacement Dwellings and Extensions to Existing Dwellings

EN1 Landscape Character

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

TR4 Safeguarding and Improving Public Rights of Way

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

SPL3 Sustainable Design

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

Local Planning Guidance

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, 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 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. 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.

## **5. Officer Appraisal**

### Site Description

The application site is 18 Eastern Promenade, which is a detached two storey residential dwelling. The site is well set back and forms part of a linear pattern of development consisting of numerous two storey dwellings with either a pitched or gambrel style roof. To the north of the site lies a Public Right of Way, whilst the site also falls within Flood Zone 3. The site does not fall within a recognised Settlement Development Boundary within either the Saved Tendring Local Plan 2007 or the Emerging 2013-2033 Tendring Local Plan Publication Draft.

### Proposal

This application seeks planning permission for the erection of a 2.5 storey residential dwelling, to replace the existing dwelling. It will measure 5.7m in height, 8.6m in width and 14.9m in depth, and will incorporate a mansard style roof and a front balcony.

### Assessment

#### 1. Principle of Development:

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 minimalised 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.

The proposal involves a replacement to an existing dwelling sited outside of a Settlement Development Boundary. It is acceptable in principle subject to detailed consideration against saved policy HG12, which states the proposed works will be permitted provided it:

(i) is of a size, scale, and height in keeping with the character of the locality and in terms of design and materials would make a positive visual contribution to its setting;

The proposed replacement dwelling is well set back from the street scene along Eastern Promenade, and is to be sited in approximately a similar location to the existing dwelling, which helps to maintain the areas existing strong building line. Further, whilst the proposal will see an increase in height, it will be approximately similar to some neighbouring properties, and while it is acknowledged the proposal will have an additional second floor area, this has a limited impact due to the varying height of the plot, which reduces approximately 2.5m north to south. The gambrel style dwelling will sit well within the street scene, with other similar examples nearby and the size and scale is relatively in-keeping with existing. Overall, the height, scale and form is in proportion with surrounding properties and will not result in significant harm that would warrant a reason for refusal.

(ii) is well related and in proportion to the original dwelling;

The proposed replacement dwelling is of a similar footprint to the existing dwelling, whilst the plot is of a sufficient size to comfortably accommodate a larger dwelling. The proposal would therefore not appear overly cramped and would still leave sufficient space to neighbouring properties.

(iii) it is not visually intrusive on a skyline or in the open character of the surrounding countryside;

The surrounding area is well populated with residential development, and therefore does not represent an open character. Further, given there is an existing dwelling of a similar footprint, there will not be significant harm as a result of the replacement dwelling.

(iv) it retains sufficient space around the dwelling to protect its setting, that of any associated small group of rural housing, and the amenity and character of the countryside;

The dwelling would retain approximately 1.5m to each side boundary, thereby complying with Adopted Local Plan Policy HG14 and will therefore preserve the character of the locality.

(v) would not represent over-development of the site;

The proposed dwelling is of a larger size than existing. There is sufficient space to the front of the dwelling to accommodate the parking of two vehicles measuring 5.5m x 2.9m. There is a loss of some of the garden area to the rear of the property, however not significantly so and due to being sited adjacent to the promenade this garden area is not private regardless. The dwelling would therefore not represent over-development of the plot.

(vi) would not be detrimental to highway safety;

As a result of the proposal, access arrangements to the site will remain unchanged, whilst there is sufficient area to the front of the property to accommodate the parking of two vehicles by measurements of 5.5 metres x 2.9 metres, as per Adopted Essex Highway requirements.

(vii) would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect;

The replacement dwelling has been designed to ensure approximately 1.5m separation distance to each side boundary. Whilst this is less separation distance than the existing dwelling, there is an overall separation of 2m to Number 17 and 2.5m to Number 19, which thereby helps to avoid significant loss of light. Whilst the proposed balcony has the potential to cause overlooking to each adjacent neighbour, the areas are not private as there is full walking access along the promenade adjacent, and therefore any potential privacy is already lost.

(viii) would not replace an existing permanent dwelling which is capable of reasonable improvement and extension and which makes a positive contribution to local character;

Whilst it is accepted the dwelling is capable of reasonable improvement and extension, it is not currently of good visual merit that warrants any special protection or provides a positive contribution to local character. It is therefore considered the replacement dwelling will provide a small visual enhancement to the character of the area.

(ix) would not be a replacement for a mobile home, dwelling already demolished or abandoned, or a building not in lawful use as a dwelling house; and

This criterion is met.

(x) would not exacerbate any existing access, drainage or other problems associated with the site.

The proposal is not believed to exacerbate any of the above issues and is therefore acceptable against this criterion.

## 2. Flood Issues

The site falls within Flood Zone 2 and 3 and accordingly a Flood Risk Assessment has been submitted as part of the proposed plans to demonstrate the mitigation measures in place in the event of a flood. The Environment Agency, following consultation, have stated they have no objections as the site is currently defended and the replacement dwelling is of a similar size and layout, therefore resulting in no increase in vulnerability to flood risk. Further the dwelling provides betterment through the inclusion of flood resilient construction and safe refuge.

### Other Considerations

St Osyth Parish Council has no objections.

There have been no other letters of representation received.

### Conclusion

In the absence of any significant material harm as a result of the proposed development, this application is recommended for approval.

## 6. Recommendation

Approval.

## 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 1797-01 revision A and the submitted Flood Risk Assessment.

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

- 3 Prior to occupation of the hereby approved development a comprehensive Flood Evacuation Plan shall 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. The Flood Warning and Evacuation Plan shall remain a live document and be updated where required.

Reason - The site is at risk from flooding and a detailed evacuation plan is essential to safeguard future occupiers of the development.

**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.