

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	05/06/2019
Planning Development Manager authorisation:	AN	6/6/19
Admin checks / despatch completed	[Signature]	07/06/19

Application: 18/01564/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr G Jordan

Address: Land Site at 22 to 24 Wolseley Avenue Jaywick

Development: Two detached houses.

1. Town / Parish Council

Clacton non parished.

2. Consultation Responses

ECC Highways Dept

The Highway Authority raises an objection to the above application for the following reasons:

As far as can be determined from the submitted plans the proposal fails to provide off street parking spaces with dimensions in accord with current Parking Standards which is likely to lead to vehicles being left parked in the access route or adjacent highway causing conditions of danger, obstruction or congestion contrary to highway safety and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

Environment Agency

Thank you for your consultation received on 5 October 2018. We have inspected the application, as submitted, and have no objection to this planning application because the site is currently defended and the Shoreline Management Plan (SMP) policy for this area which has an aspiration for hold the line. If the SMP policy is not taken forward the development would be unsafe in the future. Please take note of this and the other flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below. Flood Risk Our maps show 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. The proposal is for to build 2x 2 bedroom detached houses, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA). To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced 7353 and dated 25th July 2018, are: Actual Risk

- The site is currently protected by flood defences with an effective crest level of 4.950m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.19. Therefore the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line SMP 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 5.26m AOD, would overtop the existing defences.

Residual Risk

- Section 3.3 of the FRA explores the residual risk of a breach using the Jaywick Strategic Flood Risk Assessment (SFRA). The site could experience breach flood depths of up to 2.0 metre during the 0.5% (1 in 200) annual probability including climate change breach flood.

- Section 4.6 explores the 0.1% (1 in 1000) annual probability including climate change breach flood event (up to the year 2112) and shows that the site could be at risk of flooding depths of up to 3.06m.

- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.

- Finished ground floor levels have been proposed at 4.9m AOD. This is above the 0.5% annual probability breach flood level including climate change of 4.10m AOD and therefore dry in this event.

- Flood resilience/resistance measures have not been proposed.

- Finished first floor levels have been proposed at 7.45m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level of 5.26m AOD.

- A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access in the event of a breach flood.

Shoreline Management Plan The current defences protect this area against a tidal flood with a 0.5% (1 in 200) annual probability of occurrence. However, the impacts of climate change on sea levels over the development's lifetime will gradually reduce the level of protection afforded by the defences if they are not raised within this timeline. Without the raising of the defence, the site could flood should a tide with a 0.5% (1 in 200) annual probability flood event plus climate change occur, which could be contrary to the advisory requirements of Paragraphs 059 and 060 of the National Planning Policy Framework's Planning Practice Guidance. These advise that there should be no internal flooding in 'more vulnerable' developments from a design flood. This could also present challenges to the safety of the users of the buildings and a future reliance on evacuation or emergency response. The Essex and South Suffolk SMP has a policy of 'Hold the Line' until 2105 for the Jaywick location, so it is possible that the flood defences may be raised in line with climate change to continue to protect against the future 1 in 200 annual probability flood event for the lifetime of the development. The SMP policy is aspirational rather than definitive, so whether the defences are raised or reconstructed in the future will be dependent on the availability of funding. The level of funding that we can allocate towards flood defence improvements is currently evaluated through cost benefit analysis, and any identified shortfalls in scheme funding requirements would require partnership funding contributions from other organisations. When determining the safety of the proposed development, you should take this uncertainty over the future flood defences and level of flood protection into account. This may require consideration of whether obtaining the funds necessary to enable the defences to be raised in line with climate change is achievable. This would be required to prevent the proposed development being at unacceptable flood risk of internal flooding in the design event. Safety of Building - Flood Resilient Construction

The FRA does not propose to include flood resistant/resilient

measures in the design of the building to protect/mitigate the proposed development from flooding. We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing. Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Information on preparing property for flooding can be found in the documents 'Improving the flood performance of new buildings' and 'Prepare your property for flooding' (<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings> and <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>). Safety of Inhabitants - Emergency Flood Plan

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG). We have considered the findings of the FRA in relation to the likely duration, depths, velocities and flood hazard rating against the design flood event for the development proposals. We agree that this indicates that there will be: - A danger for all people (e.g. there will be danger of loss of life for the general public and the emergency services). This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your Emergency Planners and the Emergency Services to confirm the adequacy of the evacuation proposals. Partnership funding for new/upgraded defences

Please note that government funding rules do not take into account any new properties (residential or non-residential), or existing buildings converted into housing, when determining the funding available for new/upgraded defences. Therefore as the proposed development may reduce the funding available for any future defence works we would like to take opportunities to bring in funding through the planning system, so please can you consider this when determining the planning application. Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

3. Planning History

No site specific history.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG7 Residential Densities

HG9 Private Amenity Space

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

CL15 Residential Development in Jaywick

CL15a Jaywick Regeneration

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN6 Biodiversity

EN6A Protected Species

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

HP5 Open Space, Sports & Recreation Facilities

PPL4 Biodiversity and Geodiversity

PP14 Priority Areas for Regeneration

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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to a vacant double plot located at 22 – 24 Wolseley Avenue, Jaywick. The site is on the eastern side of Wolseley Avenue. The site is within the Settlement Development Boundary as defined by the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). The site is within National Flood Zone 3 and within the Jaywick Urban Regeneration Area.

Description of Proposal

The application seeks full planning permission for the erection of 2 no. 3 storey, 2 bedroom dwellings in a semi-detached arrangement with the parking, cycle and bin storage on the ground floor, living accommodation on the first floor and bedrooms on the second floor. The building will be finished in part render, part weatherboarding with eternity slate roof tiles.

Assessment

The main considerations in this instance are;

- Principle of Development;
- Flood Risk;
- Residential Development in Jaywick (including Design and Appearance);
- Highways and Parking;
- Residential Amenities;
- Biodiversity;
- Financial Contributions – RAMS;
- Financial Contributions - Open Space/Play Space; and,
- Other Considerations.

Principle of Development

The site comprises a double plot within the settlement development boundary for Jaywick which forms part of the 'town' of Clacton (as defined in Policy QL1 of the adopted Local Plan) and the 'strategic urban settlement' of Clacton-on-Sea (as defined in Policy SPL1 of the emerging Local Plan). As the site lies within the settlement development boundary in both adopted and emerging Local Plans, there is a general presumption in favour of development in principle.

However, this part of Jaywick falls within Flood Zone 3a and notwithstanding its location within the settlement development boundary, 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.

The Brooklands, Grasslands and Village areas of Jaywick are also defined as an 'urban regeneration area' in Policy QL6 of the adopted Local Plan and a 'Priority Area for Regeneration' in Policy PP14 of the emerging Local Plan'. Such areas will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility. The policy supports proposals for development that are consistent with achieving these regeneration aims.

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.

Flood Risk

The site, and the rest of this part of Jaywick, 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 2 new dwellings could be located but in Jaywick an exceptional

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.

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:

o 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

o 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.

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 4.950m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.19. Therefore the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line SMP 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 5.26m AOD, would overtop the existing defences.
- Section 3.3 of the FRA explores the residual risk of a breach using the Jaywick Strategic Flood Risk Assessment (SFRA). The site could experience breach flood depths of up to 2.0 metre during the 0.5% (1 in 200) annual probability including climate change breach flood.
- Section 4.6 explores the 0.1% (1 in 1000) annual probability including climate change breach flood event (up to the year 2112) and shows that the site could be at risk of flooding depths of up to 3.06m.
- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.
- Finished ground floor levels have been proposed at 4.9m AOD. This is above the 0.5% annual probability breach flood level including climate change of 4.10m AOD and therefore dry in this event.
- Flood resilience/resistance measures have not been proposed.
- Finished first floor levels have been proposed at 7.45m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level of 5.26m AOD.
- A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access in the event of a breach flood.

The minimum floor level and the implementation of the evacuation plan can be secured through planning condition. A condition will be added to require the submission of details of flood resilient

building methods. Overall, it is considered that the development will meet with the NPPF Exceptions Test if these conditions are imposed.

The Environment Agency does not object to the development.

Residential Development in Jaywick (including Design and Appearance)

Saved Policy CL15 of the adopted Tendring District Local Plan (2007) states that the Council will encourage the redevelopment of the original Brooklands, Grasslands and Village areas. This policy makes requirements on new dwellings aiming to contribute to the comprehensive re-development of Jaywick. Draft Policy PP14 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) carries forward these supportive aims siting the Brooklands, Grasslands and Village areas as one of the 'Priority Areas for Regeneration' in the district.

The proposal is for 3 storey dwellings with no habitable rooms on the ground floor. The lower level will provide secure parking for the dwellings with a direct road frontage. To the rear of the dwellings is a yard/amenity area approximately 20 square metres in size, 1 metre side isolation is retained and over 2.5 metres from the main front elevation to the highway, not including the porch area. Although the plot width and rear yard depth fall short, the proposal mostly complies with the detailed requirements of Saved Policy CL15.

The character of the area is predominantly one of densely built single storey dwellings on small plots with no real frontage, parking or private amenity space. Many are built up giving the appearance of 1 1/2 or 2 storey dwellings. The development in Lotus Way to the north of the site is a newer development of a different character being single and two storey with a timber clad finish more generously spaced with some parking and garden areas. There are other examples of more recent 2 storey properties in Triumph Avenue.

Of particular relevance is the recently approved developments at Bentley Avenue to the west, Lotus Way/Tamarisk Way to the east both examples of 3 storey dwellings and the other more dense, larger scale apartment developments approved nearby at Brooklands and Sea Pink Way.

In any other location, such a development is inappropriate in planning terms for being out of character with the wider area in terms of appearance and massing. However, this part of Jaywick is a priority area for regeneration and 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 this development contains no living accommodation on the ground floor the risk to residents in the event of a flood is kept to a minimum.

With this in mind, it is considered that the development, along with other development recently approved in Jaywick, could help set the tone for the future regeneration of the area. This development provides an opportunity to inspire other property owners to consider redevelopment to a more resilient, lower flood risk form of development.

Highways and Parking

Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Located in the heart of Jaywick on a bus route and public footpath, Officers are content that this is a sustainable location for development in transport and accessibility terms.

The Highway Authority raise an objection to the proposed development on the grounds that it fails to provide sufficient off street parking facilities in accordance with the current standards. Dwellings of this size require 2 parking spaces 5.5 metres by 2.9 metres in dimension. Where a garage is being used a minimum size for a single garage is 7 metres by 3 metres.

In this instance, the lower level of the proposed dwellings is 3 metres by 9 metres in size. Whilst this does fail to comply with standards, the development provides useable space for the parking of 2 vehicles together with secure cycle storage in a suitable sustainable location.

On balance, the benefits of the scheme outweigh any minimal harm there may be to highway safety.

Residential Amenity

Given the compact character of the area, the level of privacy and overlooking between properties and from the public domain is already compromised. Whilst the proposal will increase the level of overlooking to neighbouring properties due to the height of the dwellings with first and second floor windows, this is not considered to be so significant as to warrant refusal on this basis that only 2 out of the 8 windows serve living areas with the others serving bedrooms and stairways.

Due to the height and close relationship of the dwellings to the neighbouring properties, the development will have some impact upon sunlight, daylight and outlook. A good separation distance to numbers 25 and 27 Talbot Avenue and 18 and 28 Wolseley Avenue are retained and the development will not have a significantly harmful impact to the amenities the occupiers of these properties. The development will have the most impact upon the property directly to the rear at 21 Talbot Avenue. However, as mentioned above, in any other location, such a development is inappropriate in planning terms due to the back to back distance between dwellings. This part of Jaywick is a priority area for regeneration and 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 this development contains no living accommodation on the ground floor the risk to residents in the event of a flood is kept to a minimum. With this in mind, it is considered that the development, along with other development recently approved in Jaywick, could help set the tone for the future regeneration of the area. This development provides an opportunity to inspire other property owners to consider redevelopment to a more resilient, lower flood risk form of development.

The dwellings are served by small yard areas that fall short of the requirements under Saved Policy HG9 of the adopted Tendring District Local Plan (2007). However, small gardens are characteristic of the area, bin storage and cycle storage are provided internally ensuring the yard area is free for use and the site is within close proximity to the beach, open space and play areas.

On balance, the benefits of the scheme outweigh the minimal harm there may be to neighbouring amenities.

Biodiversity

Due to the overgrown condition of the site and its proximity to water and marsh land, an on-site ecological assessment and report have been submitted. This concludes that the development as very limited biodiversity or conservation value and the site has no existing protected species potential.

Financial Contributions - RAMS

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development.

Financial Contributions - Open Space/Play Space

The Council's Open Space Team have been consulted on the application making the following recommendation;

There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area. Any additional development in Clacton will increase demand on already stretched facilities. The nearest play area to the proposed development is located at The Resource Centre, Brooklands, Jaywick. The play area is classified as a Local Equipped Area for Play, but provides limited provision.

Due to the significant deficit in terms of play it is felt a contribution towards play is justified and relevant to this planning application. The contribution would be spend on improvements at Brooklands, Jaywick

The application is accompanied by a unilateral undertaking securing a financial contribution toward the above project in accordance with Saved Policy COM6 of the adopted Tendring District Local Plan 2007 and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Other Considerations

The application site is within the non parished area of Clacton on Sea.

No letters of representation have been received.

Conclusion

For the reasons set out above, the benefits of the development and the positive contribution it will have to the appearance of the area and housing need/choice outweigh any identified harm. The application is therefore 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 No: 1B.

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

- 3 Prior to the occupation of the development the vehicular parking, as shown on the submitted plans, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that sufficient on-site parking is provided in the interest of highway safety.

- 4 Notwithstanding the provisions of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), there shall be no alternative use of the lower level/garage area of the dwellings hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the parking for the dwellings is retained and to ensure that no habitable accommodation is provided within the lower level of the properties in the interests of flood risk.

- 5 Prior to any above ground works, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction shall be submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - In the interests of visual amenity as insufficient details have been provided with the application.

- 6 All new hardstanding and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site.
- Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.
- 7 The development shall be carried out in strict accordance with the Flood Risk Assessment Ref: 7353 dated July 2018.
- Reason - The site lies within flood zone 3 at high risk from flooding and an evacuation plan is essential to safeguard occupiers of the development.
- 8 The hereby approved development shall only be implemented in full accordance with the agreed Flood Management Plan within the Flood Risk Assessment Ref: 7353 dated July 2018. The Flood Warning Evacuation Plan shall remain in force for the duration of the occupation period and shall remain a live document and be updated where required.
- Reason - The site lies within flood zone 3 at high risk from flooding and an evacuation plan is essential to safeguard occupiers of the development.
- 9 Prior to the commencement of above ground works, details of flood resistant/resilient measures to be incorporated into the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.
- Reason - To help prevent or minimise the amount of water entering a building in order to reduce the consequences of flooding and speed up recovery from the effects of flooding.
- 10 The development hereby permitted shall be carried out in accordance with the submitted Construction Method Statement ensuring that the off-loading and storage of all building materials associated with the development are contained within the curtilage of the site clear of the highway during construction.
- Reason - To ensure that appropriate loading / unloading facilities are available to ensure that any obstruction to the highway is minimised during the construction period in the interest of highway safety.
- 11 No construction works, deliveries or vehicles movements in connection with the development shall take place outside the hours of 0730 hours and 1900 hours Monday to Friday and 0800 hours and 1300 hours Saturdays, with the exception of any piling or other percussive works which shall not take place outside the hours of 0800 hours and 1700 hours Monday to Friday. No working or deliveries of any kind are permitted on Sundays or any Public/Bank Holidays.
- Reason - To protect the local amenity and reduce the likelihood of complaints of statutory nuisance and in the interests of residential amenities.
- 12 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.
- 13 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures shall be erected forward of the front elevation of the dwellings

hereby approved except in accordance with details that shall previously be approved by the Local Planning Authority.

Reason - In the interests of visual amenity and highway safety.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Legal Agreement Informative - Open Space/Play Space Contribution

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Article 4 Direction

Please note that the site lies within a defined Article 4 Direction area removing permitted development rights for all extensions and alterations to the dwellings and its roof under the provisions of Classes A and B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Condition 9 Informative

Information on preparing property for flooding can be found in the documents 'Improving the flood performance of new buildings' and 'Prepare your property for flooding' which can be found at: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings> and <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>.