

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	11/10/2019
Planning Development Manager authorisation:	TF	11/10/2019
Admin checks / despatch completed	SB	11/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	[Signature]	11/10/19

Application: 19/00873/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Tracey Baldwin - Bull & Baldwin Development Ltd

Address: Land adjacent 21 Waterside Brightlingsea

Development: Erection of 2no. semi-detached dwellings with parking.

1. Town / Parish Council

Brightlingsea Town Council Have not commented on this application.

2. Consultation Responses

Essex County Council
Archaeology

The above planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest.

The proposed development lies within the historic town of Brightlingsea and within the Conservation Area. To the north lies the core of the medieval town while the development lies within the area of the historic waterfront connected by 19th century expansion of the town. Historic mapping reveals that a number of buildings existed within the development area which no longer survive, evidence for these and possibly earlier remains associated with the maritime and industrial history of the town may survive below ground and will be impacted upon by the proposed development.

The following recommendations are made in line with the Department for Communities and Local Government National Planning Policy Framework:

RECOMMENDATION: A Programme of Archaeological evaluation

1. No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ, shall be submitted to the local planning authority.
2. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by

the local planning authority.

3. Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. In the first instance a programme of trial trenching investigation will be required. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. 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 in accordance with policy DM1.

2. Prior to occupation of the development, each vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3.6 metres (4 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

3. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles and each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

4. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

5. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway/carrageway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the

relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: 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.

Informative 2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 3: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

Environment Agency

Thank you for your consultation received on 21 June 2019, we have reviewed the plans as submitted and we have no objection to this planning application, providing that you have taken into account the 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 Erection of 2 Semi-detached dwellings 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 AEL-4491-FRA-918243 and dated 29th September 2017, are: The FRA has used out of date information. Levels below are from our latest 2018 Coastal modelling for the Colne and Blackwater.

Actual Risk

- The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.
- The site does benefit from the presence of defences. The defences have an effective crest level of 3.8m AOD which is below the 0.5% (1 in 200) annual probability flood level including climate change AOD and therefore the site is at actual risk of flooding in this event.
- Finished ground floor levels have been proposed at 5.63m AOD. This is above the 0.5% (1 in 200) annual probability flood level including climate change of 5.32m AOD and therefore at risk of

flooding by 0.31m depth in this event.

- Finished first floor levels have not been confirmed. However the ground floor level is above the above the 0.1% (1 in 1000) annual probability including climate change flood level of 5.54m AOD and therefore there is safe refuge.

- The site levels are a minimum of 3.71m AOD and therefore flood depths on site are up to 1.61m in the 0.5% (1 in 200) annual probability flood event including climate change.

- 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.

- This proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event). We have no objections to the development on flood risk access safety grounds because an Emergency Flood Plan has been submitted by the applicant but you should determine its adequacy to ensure the safety of the occupants.

- Flood resilience/resistance measures have been proposed

- A Flood Evacuation Plan has been proposed

We trust you find this advice useful.

3. Planning History

17/02138/FUL	Proposed 2 two bedroom semi-detached dwellings with parking.	Refused	27.02.2018
--------------	--	---------	------------

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG14 Side Isolation

EN17 Conservation Areas

EN29 Archaeology

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL7 Archaeology

PPL8 Conservation Areas

PPL4 Biodiversity and Geodiversity

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. 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.

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 site is located on the northern side of Waterside within the settlement boundary of Brightlingsea in both the saved and emerging local plans. The site is also located within the Brightlingsea Conservation Area and a Flood Zone 3a.

The site is currently vacant but was previously utilised for storage purposes. The site frontage is enclosed to the highway by 2m high metal railings.

Proposal

This planning application seeks permission to erect two bedroom semi-detached dwellings comprises of two bedrooms with associated parking.

Appraisal

Principle

The site is located with the settlement development boundary for Brightlingsea in both the saved and draft local plans. Furthermore, the site is not protected for any commercial use in either plan and the previous storage use on the site appears to have long since left. Consequently, as the site is vacant and does not accommodate an established commercial use its re-development for residential purposes is acceptable in principle and the provisions of saved policy ER3 (Loss of Employment) do not apply.

Consideration now turns to matters of detail including design/impact, residential amenities, highway safety, flood risk, trees and landscaping, financial contributions - open space and habitat regulations assessment.

Design/Impact

Paragraph 11 of the NPPF sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment including making effective use of land. Paragraph 127 of the NPPF states that developments should function well, should add to the overall quality of the area, are visually attractive as a result of good architecture and layout and are sympathetic to local character including the surrounding built environment and landscape setting.

Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) 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. These sentiments are carried forward in Policy SPL3 of the Emerging Plan. Saved Policy HG14 requires a minimum of 1 metre side isolation between dwellings.

In terms of design and appearance, the dwellings are two storey. The front elevation of both dwellings, incorporates a pop out window and canopy metal cladding with roof with a fixed glazed window to the first floor, roof lights and a hipped roof. Both dwellings comprise of two tandem parking spaces which are located to the side elevations of each dwelling. As stated within Brightlingsea Conservation Area Appraisal, 'Buildings on the north side general date from the Victorian period: they are typically two storeys, and detached with hipped roofs'. It is considered that the features are all positive and contribute positively to the overall design and appearance of the proposed dwelling and the Brightlingsea Conservation Area.

The materials proposed are red facing brick with black weatherboarding, grey slate tiles, white ppc windows, dark wood within white ppc aluminium frame, rear bifold doors - white ppc and black rain water good. It is considered that there is a mixture of dwelling styles and materials within the street scene and therefore the proposed materials are considered to be acceptable in terms of design and appearance.

The proposed dwellings would occupy a footprint similar to that of surrounding dwellings. As a result the additional two dwellings would not represent a cramped form of development detrimental to the street scene, as it would provide important gaps to both sides in excess of the minimum standards set out within saved Policy HG14.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedrooms or more should be a minimum of 75sqm. The submitted plans demonstrate that both dwellings can accommodate 75 sqm.

Residential Amenities

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).

To the south east of the application site is number 29 Waterside and to the north west is number 21 Waterside. Both side elevations of the proposed dwellings incorporate a fixed obscure glazed window and a high level window which will be obscure glazed and therefore will not cause any overlooking. To the rear of the application site is a boat yard. The internal arrangement of the proposed dwellings has been designed so that the first floor is recessed to ensure that there is not any overlooking onto neighbouring amenities. To the ground floor the proposal incorporates the raising of finished floor levels to 5.63m to comply with Flood Risk. Although this is higher, the floor levels will not interfere with the overlooking onto neighbouring amenities.

Highways

Essex County Council Highways have no objections subject to conditions relating to; no unbound materials, vehicular access, tandem parking, cycle parking, storage of building materials. All of the conditions will be imposed however the condition relating to the storage of building materials will be added as an informative only.

The plans provided demonstrate two tandem parking spaces to serve both dwellings. The parking spaces measure 5.5 metres by 2.9 metres which complies with Essex Parking Standards requirements. As such the parking provision is considered to be acceptable.

Flood Risk

Paragraph 155 of the NPPF states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- safeguarding land from development that is required for current and future flood management;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

Paragraph 157 of the NPPF further states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

These sentiments are echoed in draft policy PPL1 of the emerging Local Plan, which states that all development proposals will be considered against the National Planning Policy Framework's flood risk 'sequential test' to direct development toward sites at the lowest risk of flooding unless they involve land specifically allocated for development on the policies maps or local maps.

Saved Policy QL3 also supports this approach by stating that 'development should be located to avoid danger to people and property from flood risk now and for the lifetime of the development. For this purpose, development will not be permitted where sites of lesser flood risk are available to meet development need'.

It is acknowledged the EA has no objection to the proposal, in principle, but it is clearly highlighted in the EA response that the Council should be satisfied that the sequential test has been passed.

The submitted FRA makes reference to the need for the sequential test to be passed but no further information has been provided. However, it is considered that having assessed the information submitted, officers have identified other sites in the Brightlingsea area which could accommodate the development in a lower flood zone. The Council therefore does not agree that the sequential test requirement has been satisfied. The allocations in the emerging Local Plan, intelligence gathered in updating the SHLAA and knowledge of extant planning permissions indicates that there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding that are therefore considered sequentially preferable to the application site.

The need for a sequential test is also acknowledged through the recent planning appeal reference APP/P1560/W/18/3215282 dated 1st October 2019. The appeal was for the erection of a four bedroom dwelling within Flood Zone 3a. Paragraph 12 states that 'Development should not be permitted where there are reasonably available sites, appropriate for the proposal, in lower flood risk areas. If the Sequential Test shows it is not possible for the development to be located in

zones with a lower risk of flooding (taking into account wider sustainable development objectives) the Exception Test may have to be applied. The PPG5 classifies dwellings as development 'more vulnerable' in respect of flood risk. Should the appeal proposal satisfy the Sequential Test, it would therefore then also need to meet an Exception Test, based on it being a more vulnerable development located within a Zone 3a, high probability flood risk area'. Paragraph 25 concludes that 'the overriding aim of flooding policy is to direct new development away from areas at highest risk. For the reasons set out above, I find no essential reason to locate the dwelling proposed in a high flood risk area and thus the Sequential Test is not passed. Given that finding, there is no requirement to apply the Exception Test. The application of Framework policies to direct inappropriate development away from areas with the highest risk of flooding provides a clear reason for refusing the development'.

It is therefore considered that the proposal has failed the Sequential Test. The proposed residential development is therefore considered to be unacceptable and contrary to the advice contained in the NPPF, policy PPL1 of the emerging Local Plan, and policy QL3 of the 2007 Local Plan.

Trees and Landscaping

There are no trees or other vegetation on the application site and there is little scope for new planting. Therefore the development is acceptable in terms of trees and landscaping.

Financial Obligation - Open Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

There is currently a deficit of 13.68 hectares of play and formal open space in Brightlingsea.

There are two play spaces in Brightlingsea, a Local Area for Play and Skate Park at Promenade Way, Brightlingsea and a Local Equipped Area for Play at Regent Road Recreation Ground, Brightlingsea. Any additional development in the Brightlingsea area will increase demand on already stretched play facilities and formal open space. As the current play facilities and formal open space are not considered adequate to satisfy any additional need it is felt a contribution towards increasing the play facilities and formal open space is relevant and justified to the planning application. Any contribution would be used to make improvements Western Promenade play area.

Habitat Regulations Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Areas of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against the in-combination recreational impact from new dwellings.

A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England.

The application scheme proposes a residential dwelling on a site that lies within the Zone of Influence (Zoi) being approximately 0.1km away from Colne Estuary SAC. New housing development within the Zoi would be likely to increase the number of recreational visitors to Hamford Water and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Other Considerations

ECC-Archaeology Department have requested a programme of ground works if permission is granted due to the likely presence of archaeological remains on the site.

Brightlingsea Town Council have no comment to make on the application.

No letters of representation have been received.

6. **Recommendation**

Refusal - Full

7. **Conditions / Reasons for Refusal**

- 1 Paragraph 155 of the NPPF states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- safeguarding land from development that is required for current and future flood management;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

Paragraph 157 of the NPPF further states that the aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

These sentiments are echoed in Draft Policy PPL1 of the emerging Local Plan, which states that all development proposals will be considered against the National Planning Policy Framework's flood risk 'sequential test' to direct development toward sites at the lowest risk of flooding unless they involve land specifically allocated for development on the policies maps or local maps.

Saved Policy QL3 also supports this approach by stating that 'development should be located to avoid danger to people and property from flood risk now and for the lifetime of the development. For this purpose, development will not be permitted where sites of lesser flood risk are available to meet development need'.

It is acknowledged the EA has no objection to the proposal, in principle, but it is clearly highlighted in the EA response that the Council should be satisfied that the sequential test has been passed.

The submitted FRA makes reference to the need for the sequential test to be passed but no further information has been provided. However, it is considered that having assessed the information submitted, officers have identified other sites in the Brightlingsea area which could accommodate the development in a lower flood zone. The Council therefore does not agree that the sequential test requirement has been satisfied. The allocations in the emerging Local Plan, intelligence gathered in updating the SHLAA and knowledge of extant planning permissions indicates that there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding that are therefore considered sequentially preferable to the application site.

It is therefore considered that the proposal has failed the Sequential Test. The proposed residential development is therefore considered to be unacceptable and contrary to the advice contained in the NPPF, Draft Policy PPL1 of the emerging Local Plan, and Saved Policy QL3 of the 2007 Local Plan.

8. Informatives

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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