

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	18/12/19
Planning Development Manager authorisation:	AN	19/12/19
Admin checks / despatch completed	EC	23/12/14
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	23/12/19

**Application:** 19/00587/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Azad Gulabakh

**Address:** 37 Wolseley Avenue Jaywick Clacton On Sea

**Development:** Proposal to build 3 x 2 bedroom houses, 1 to be replacement of existing dwelling on the plot near number 37 & other 2 on empty plots near 39 & 41.

### 1. Town / Parish Council

Clacton – Non Parished.

### 2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is at the end of a private road and provides adequate room and provision for off street parking, for the replacement and proposed dwellings therefore:

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

1. Prior to first occupation each vehicular access shall be constructed at right angles to the carriageway. The width of the access at its junction with the highway shall not be less than the standard width is 4 low kerbs which is 3.6 metres and 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/highway.

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

2. 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 encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

3. Any garage erected with its vehicular door(s) facing the highway shall be set back not more than 0.5m from the highway boundary (or flush with the Highway Boundary where inward opening gates or roller shutter doors are provided), unless a full 6m parking space is

provided in front of the garage.

Reason: To prevent vehicles parking and overhanging the highway in the interest of highway safety and amenity in accordance with Policy DM8

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.

4. Any new boundary planting shall be planted a minimum of 1 metre back from the highway.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1

5. Prior to the first occupation of the proposed dwellings, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

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

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the carriageway 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:

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 2:

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the

Environment Agency  
(Initial comments dated 4  
December 2019)

commencement of works.

Thank you for consulting us on the above application, we have reviewed the documents as submitted and can confirm that we are raising a holding objection to the application on flood risk grounds. We have highlighted our reasons for objection below with details on how to overcome our objection.

#### 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 three dwellings which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG). 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) which falls under your remit. We are therefore not providing specific comments on the sequential test.

We have reviewed the submitted flood risk assessment (FRA), by GTA Civils, referenced 7223 and dated April 2019 and do not consider it to comply with the requirements of the PPG. In particular:

- The proposed building would flood internally by 0.40m depth in the actual risk 0.5% (1 in 200) annual probability with climate change overtopping flood event and would therefore be unsafe for the occupants.

#### Overcoming our Objection

The applicant can overcome our holding objection by:

Raising finished floor levels to prevent internal flooding of the development and damage to people and property above the 0.5% (1 in 200) annual probability with climate change overtopping flood level, including a 300millimetre freeboard, to a level of 5.45m AOD. This is in line with the requirements of Paragraphs 059 and 060 of the Planning Practice Guidance, which advises that there should be no internal flooding in 'more vulnerable' developments from a design flood (0.5% (1 in 200) annual probability inclusive of climate change).

While the SMP Policy covering Jaywick is Hold the Line, our new 2018 coastal modelling shows that the defences in this location overtop and flood the site in the present day 0.5% (1 in 200) annual probability flood event, therefore as the site is not defended against the present day 0.5% flood event the Hold the Line Policy will not necessarily defend against the future climate change 0.5% flood event. Therefore the proposed development must be safe and dry in the future 0.5% (1 in 200) climate change overtopping flood event through raised floor levels.

We look forward to being re-consulted following submission of an amended FRA. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2009.

Please see the technical appendix for more information on expected

flood depths.

#### 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.

#### Environmental Permit for Flood Risk Activities

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert. The Brooklands Ditch to the north of the site, is designated a 'main river'.

Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

Environment Agency  
(Amended comments  
dated 18 December 2019)

Thank you for your re-consultation received 17 December 2019. As a result of the revised floor levels, we remove our previous objection. We therefore have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility.

### 3. Planning History

00/01603/FUL	Demolish existing bungalow and build new chalet ( 37-41 Wolseley Avenue)	Refused	22.11.2000
96/01197/FUL	(37/41 Wolseley Avenue, Jaywick, Essex) Chalet bungalow	Refused	11.12.1996
18/00074/FUL	Proposal to build 3 x 2 bedroom houses, 1 to be replacement of existing dwelling on the plot near number 37 & other 2 on empty plots near 39 & 41.	Approved	13.04.2018

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG9 Private Amenity Space

HG14 Side Isolation

CL15a Jaywick Regeneration

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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

CP1 Sustainable Transport and Accessibility

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

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**

### Site Description

The site is located on the western side of Wolseley Avenue adjacent to no.43 at the northern end and the culmination of the residential cul-de-sac. The site lies within the Settlement Development Boundary of Jaywick as defined by the adopted Tendring District Local Plan (2007) and the Tendring District Local Plan 2013 - 2030 and Beyond Publication Draft (June 2017). The site also lies within National Flood Zone 3a and the Jaywick Urban Regeneration Area.

### Description of Proposal

This application seeks full planning permission for the erection of three dwellings following the demolition of 37 Wolseley Avenue. The dwellings are each to be three storeys, with undercroft parking at ground floor and residential accommodation at first and second floor.

The proposal is largely similar to that previously approved under reference 18/00074/FUL, but will be of a differing design.

### Site History

Under planning reference 18/00074/FUL planning permission was granted for the demolition of the existing single storey dwelling at no.37 Wolseley Avenue and to erect 3no 3-storey, 2 bedroom dwellings with under croft car parking for two vehicles at ground floor level and the residential accommodation above. Balconies were proposed for the front and rear at first floor level and a second floor balcony at the front of the dwelling.

This permission is extant and can be implemented regardless of the determination of this application.

## Assessment

The main considerations are whether the design and layout of the scheme meets the aims of regeneration policy, mitigation against flood risk, and the satisfactory provision of amenities for occupiers.

### 1. Principle of Development

The site is situated within the defined settlement limits of Jaywick Sands as defined by both the adopted Tendring District Local Plan (2007) and emerging Publication Draft (2017), and therefore the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

### 2. Jaywick Regeneration Policies

The Brooklands, Grasslands and Village areas of Jaywick are 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.

The regeneration of Jaywick is one of the Council's top long-term objectives and the Council has been leading a multi-agency project to explore and deliver improvements in the area to better the quality of life for residents and secure a long-term sustainable future for the community. Part of the strategy for regenerating Jaywick is to actively encourage the redevelopment of the poorest and most vulnerable properties in the area and to introduce a new benchmark for built design that addresses flood risk concerns, improves the quality of accommodation, maximises the enjoyment of Jaywick's assets (particularly the beach) and inspires property owners and developers to redevelop and remodel other parts of the area.

Saved Policy CL15 sets out specific requirements for development in Jaywick which are:

- i) Any new residential development should take the form of single dwellings on combined plots, the desirable width and depth of resulting plots to be at least 18 metres and 15 metres respectively. The minimum width and depth of resulting plots to be 15 metres and 15 metres respectively;
- ii) Only three storey development that excludes habitable rooms on the ground floor will be allowed;
- iii) Direct road frontage access should be available to each plot;
- iv) A minimum of 5 metres deep rear yard/amenity area shall be provided;
- v) a minimum one metre space between side boundaries and any detached, semi-detached or end terraced dwelling, or a minimum distance of 2 metres between the flank walls of any two such dwellings will be required;
- vi) Any off street car parking should be provided within the ground floor of each dwelling;
- vii) The front building line to be 2 metres from the highway;
- viii) Subsequent extensions to new dwellings will not be allowed if they contain living accommodation on the ground floor in the form of habitable rooms;
- ix) No development will be allowed within four metres of the ditch to the rear of Brooklands and Grasslands to allow for the passage of Maintenance Plant;
- x) Development along the Brooklands Frontage will need to be set back 2 metres to allow for the expansion of the road and minimum 1.2 metre-wide foot path.

However, this 2007 policy aimed at strictly controlling development to facilitate a phased programme of redevelopment has failed to bring about any positive changes in the area. 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.

## 2. Design, Layout and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application proposal is for three dwellings, each three storeys in height, on a combined plot measuring 15m in depth and approximately 18m in width. There are no habitable rooms on the ground floors and the lower level will provide secure parking for two vehicles and accessed via a direct road frontage. To the rear of the dwellings there is a yard/amenity area measuring 3 metres in depth, however available amenity is supplemented by a single balcony at first floor level to the rear and to the front of the properties, and a balcony at second floor front. The first floor rear balconies measure 1m depth and 4.5m width and are accessed either through the dwellings or via staircase at the rear of the dwellings. Other balconies at the front of the house are narrower, measuring 0.8m depth and 3m and 4m width across the face of the elevation. Each dwelling retains 1m side isolation to all side boundaries and are set back 2m front of house from the back of pavement.

The character of the area is predominantly one of densely built single storey dwellings on small plots with ambiguous frontages and orientation, 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 two storey properties in Triumph Avenue to the north-west, Bentley Avenue to the west and Brooklands to the south of the application site.

It is recognised that the height and scale of the dwellings will appear prominent in the street scene, the detailed design of the dwellings, the spacing around them and the amenity and parking provision achieved are all considered an improvement on the appearance of the existing site and dwelling and will contribute positively to the area. The balconies to the rear of the dwellings, particularly Building A and the relationship with no38. Sunbeam Avenue, is not ideal given the proximity. However, it is considered that the need for amenity space is necessary in order to achieve an acceptable level of residential accommodation given the limited space available.

In respect of the proposed design, it differs to that previously considered acceptable under 18/00074/FUL due a change of materials from cladding to render, and amendments to the fenestration. While these amendments are considered to be slightly detrimental to the design, the wider proposal is still considered to be of good design. Features including balconies and winding staircases bring interest to the scheme and help to soften its overall appearance. Therefore despite not being of a similar level of design to that previously accepted, the changes proposed are not considered to be so detrimental that a reason for refusal would be warranted.

## 3. Flood Risk

The site and a large area of this part of Jaywick falls within Flood Zone 3a, which is the highest area of risk due to its low-lying position on the coast. The NPPF, as supported by policy QL3 in the adopted Local Plan and policy PPL1 in the emerging Local Plan, requires a 'sequential approach' to the location of new development. 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. There are clearly many locations of lower risk where two dwellings could be located. However, in Jaywick an exceptional approach is justified where new



development can assist in the regeneration of the area and help 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:

- 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.

The Environment Agency initially raised a holding objection to the proposed development, stating the proposal would flood internally by 0.40m depth, and would therefore be unsafe for the occupants. Following this the agent for the application submitted a revised Flood Risk Assessment, a Flood Warning and Evacuation Plan, and an amended set of plans to show an extended external stairwell to the front elevation.

Accordingly the Environment Agency has now removed their earlier objections. As per previous planning permission 18/00074/FUL on this site, a condition relating to the finished floor level of the development will be imposed on the decision.

The proposal is therefore considered to pass the sequential and exception tests and is acceptable in relation to flood risk.

#### 4. Highway Safety

The Highway Authority raise no objection to the proposed development subject to conditions relating to the width of the access, the garage doors being set back 0.5m, and any new boundary planting being set back 1m from the highway. Further conditions relating to the submission of a Residential Travel Information Pack and cycle parking provision were requested, however given the scheme is not a major development and there is sufficient space for bicycles within the garage it would not be reasonable to attach these as conditions on this occasion.

Adopted Car Parking Standards state that for a dwelling of two or more bedrooms, there should be minimum provision of two parking spaces measuring a minimum of 5.5m x 2.9m or, if being relied upon as one of the spaces, a garage with minimum internal measurements of 7m x 3m. The proposal shows that each dwelling will be served by a garage and a space in front, which meet the above requirements and are therefore acceptable.

#### 5. Impact to Neighbouring 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).

Given the compact character of the area, the level of privacy and overlooking between properties is already compromised. Whilst the proposal will increase the level of overlooking to neighbouring properties due to the height of the dwellings, the heights of the first floor balconies are likely to directly face onto the roof level of the surrounding dwellings given the heights. There is unlikely to be much difference in terms of vantage between views from the rear balconies and rear facing windows. Further, the orientation of the site and siting of the dwellings, together with the distance to neighbouring properties, means that there will be no material loss of light or sunlight.

Therefore, on balance, the identified harm is not sufficient to warrant a reason for refusal, with the regeneration benefits of the scheme outweighing this harm.

## 6. Legal Obligations

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 41.08 hectares of equipped play in the Clacton-on-Sea/Holland-on-Sea area, and any additional development will increase demand on already stretched facilities. The nearest play area is located at Brookland Gardens approximately 0.2 miles away. Due to the proximity to the site it is highly likely the largest impact will be to this area. Therefore a contribution towards play is both relevant and justified to this planning application, with the contribution being used towards replacement equipment.

A unilateral undertaking has been completed to secure this legal obligation and to ensure compliance with saved policy COM6.

## 7. Habitats Regulation 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 Area of Conservation); within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on the Essex Estuaries SAC. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of the Essex Estuaries SAC 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

Clacton is non-parished so no comments are required.

There have been no other letters of representation 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 future development outweigh any identified harm. The application is therefore 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 numbers 050rA, 051rA, 102rA, 103rA, 104rA, 105rA, 106rA, 107rA, 108rA, 109rA, 110rA, 111rA, 112rA, and the documents titled 'Flood Risk Assessment' received 17 December 2019, 'Flood Warning and Evacuation Plan 37 Wolseley Avenue', 'Flood Warning and Evacuation Plan 39 Wolseley Avenue', and 'Flood Warning and Evacuation Plan 41 Wolseley Avenue'.

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

- 3 The finished first floor levels of the development hereby approved shall be no lower than 8 metres above Ordnance Datum (AOD).

Reason - To reduce the risk of flooding to the proposed development and future occupants.

- 4 No above ground works shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been 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.

- 5 Prior to first occupation each vehicular access shall be constructed at right angles to the carriageway. The width of the access at its junction with the highway shall not be less than the standard width is 4 low kerbs which is 3.6 metres and 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/highway.

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

- 6 Any garage erected with its vehicular door(s) facing the highway shall be set back not more than 0.5m from the highway boundary (or flush with the Highway Boundary where inward opening gates or roller shutter doors are provided), unless a full 6m parking space is provided in front of the garage.

Reason: To prevent vehicles parking and overhanging the highway in the interest of highway safety.

- 7 Any new boundary planting shall be planted a minimum of 1 metre back from the highway.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

## **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.

### 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.

#### 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.