

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CT / AL	05/03/2021
Planning Development Manager authorisation:	SCE	05.03.2021
Admin checks / despatch completed	DB	05.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	05/03/2021

**Application:** 19/01824/OUT **Town / Parish:** Harwich Town Council

**Applicant:** AJ Woods Engineering Ltd SSAS

**Address:** Former Anchor Hotel 7 Stour Road Harwich

**Development:** Residential development of up to 9 self-contained flats (all matters reserved).

### 1. Town / Parish Council

Harwich Town Council  
11.12.2019

Harwich Town Council has no objection to the principal of a 9 flat development on that site but would advise that HTC has concerns over the nature of the parking, amenity space and access/egress. Additionally there is no allocation for bicycle parking/storage.

### 2. Consultation Responses

Emergency Planner -  
Catherine Boyer-Besant  
26.01.2021

Having read through their document, on the whole it is pretty good. I have attached a template that is actually aimed at a domestic dwelling, but can easily be adapted to fit for a commercial property.

This should be a plan with a cover and contents pages.

For ease of reference for the reader, the sections should be numbered and page numbers would be useful.

Throughout the document, page 3 and 4 reference is made to "all clear", this is not a phrase used during flood response. However on page 5 reference is made to No Longer in Force, which is correct.

There is no advice about not walking or driving through flood water.

The explanation of the 3 levels of flood warning, is good, but would be better broken up, so the reader can very quickly refer to the level of warning that they have received and the actions they need to take.

There will not be an "official" evacuation at FLOOD WARNING, this is the hardest of the 3 levels for response, and any response will normally only happen once reports of flooding have been received. The question is, will they evacuate at FLOOD WARNING? However at SEVERE FLOOD WARNING, there will be an "official" evacuation. So it is really important to understand what different actions will be taken at FLOOD WARNING.

Stage 4 All Clear, as previously mentioned this is not a phrase used for flood response. The Environment Agency will issue a No Longer in Force message and then emergency responders will provide advice on whether it is safe to return to the site.

Is there any flood mitigation that can be deployed, airbrick covers, flood boards, sandbags?

I hope the above comments, along with the attached template provide assistance for developing this Flood warning and Evacuation Plan. However as I mentioned, much of the content in the document is very good.

Environment Agency  
18.12.2019  
**ORIGINAL COMMENTS**

Thank you for your application received 06 December 2019 we have reviewed the plans as proposed and we are raising a holding objection to the application on flood risk grounds.

#### 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 the development of the site to include 9 self-contained flats and associated parking, 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).

We have reviewed the submitted flood risk assessment (FRA), prepared by RAB Consultants, referenced 423SE and dated November 08, 2012, and do not consider it to comply with the requirements of the PPG. In particular:

- The submitted FRA was prepared in 2012 for a previous application. The drawings and text contained within the FRA still relates to the previous development design, and would ideally be updated to reflect the latest application.

- Flood level data has also been updated since the 2012 publication, and the most recent data should be requested from us to ensure the most relevant information is referred to. We have, however, provided comments in the technical appendix based upon the information contained within the FRA and knowledge of the latest flood risk information.

- Floor levels should be provided above the 0.5% annual probability flood level, inclusive of climate change and with a freeboard. The development should also provide a satisfactory higher refuge accessible to the occupants of development above the 0.1% (1 in 1000) annual probability with climate change (breach) flood depths, including a 300 millimeter freeboard. First floor levels are proposed at 5.26mAOD, which is 0.10m below the 0.1% flood level, and does not provide any freeboard. First floor levels should ideally be raised above this level to ensure sufficient refuge is provided

- As the safety of occupants may be dependent upon refuge within the building, it is imperative that the building is designed to withstand the hydrostatic and hydrodynamic pressures of flood water. Overcoming our Objection The applicant can overcome our holding objection by:

- Providing a satisfactory higher refuge accessible to the occupants of the development above the 0.1% (1 in 1000) annual probability with

climate change (breach) flood depths, including a 300 millimetre freeboard. The FRA proposes that the safety of the occupants is reliant on the Flood Response Plan (proposed) in the FRA. However due to the vulnerable nature of residential development, consideration should be given to the appropriateness of first floor development without a higher refuge.

Consequently if a higher refuge is not provided for the first floor accommodation then we will only remove our objection if the local council, in consultation with their Emergency Planner, inform us in writing that they accept the flood risk to the future occupants and consider the proposed risk of internal flooding in a breach to be acceptable and safe and able to be managed through the Flood Response Plan.

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.

#### Technical Appendix

##### Actual Risk

- The site is currently protected by flood defences with an effective crest level which is above the present-day 0.5% (1 in 200) annual probability flood level of 3.94mAOD. 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/CFMP policy is followed and the defences are raised in line with climate change, which is dependent on future funding.

- If the SMP/CFMP 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 4.97m AOD, would overtop the existing defences.

##### Residual Risk

- Section 3.2 - 3.3 of the FRA explores the residual risk of a breach using the 2008 Strategic Flood Risk Assessment (SFRA). The site could experience breach flood depths of up to 2 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event.

- No outputs are provided for the 0.1 (1 in 1000) annual probability including climate change breach flood event. However, our undefended flood depth data shows that in a worst-case scenario the site could experience undefended flood depths of up to 3.79 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 4.16 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event (using the undefended flood level minus the car park level of 1.2mAOD). You may wish to ask the applicant to provide a breach assessment for the development site in their FRA so that you can make a more informed decision on flood risk.

- 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 first floor levels (where accommodation is proposed) have been proposed at 5.26 m AOD. This is above the 0.5% (1 in 200) annual probability breach flood level including climate change of 4.98m AOD and therefore dry in this event.

- Flood resilience/resistance measures have not been proposed. The building should be designed to ensure it can withstand the hydrostatic and hydrodynamic pressures of flood waters, should the defences overtop and/or breach. This is particularly important in this instance where access to and from the property may not be possible during a flood.

- A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access. Shoreline Management Plan / Catchment Flood Management Plan

The current defences protect this community from 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. This could also present challenges to the safety of the users of the buildings and a future reliance on evacuation or emergency response.

The Shoreline Management Plan (SMP) has a policy of 'Hold the Line' until 2105, 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.

#### 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.

We trust you find this advice useful.

Thank you for your consultation, we have reviewed the plans as proposed and, we are now in a position to remove our holding 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 the construction of 9 self-contained flats and associated parking, 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).

#### Sequential Test and Exception Tests

The requirement to apply the Sequential Test is set out in Paragraph 158 of the National Planning Policy Framework. The Exception Test is set out in paragraph 160. These tests are your responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning Practice Guidance.

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, prepared by RAB Consultants, referenced 2395B, version 1.0 and dated 20/02/2020, are:

#### 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, but these would be expected to overtop in the future based on the current crest level of defences and future climate change predictions for the 0.5% (1 in 200) annual probability flood event. Therefore the site is at actual risk of flooding in this event.
- Finished first floor levels have been proposed at 5.66m AOD. This is above the 0.5% (1 in 200) annual probability flood level including climate change and therefore dry in this event.
- Flood resilience/resistance measures have not been proposed as the accommodation (other than parking and access) is proposed above the 0.5% (1 in 200) annual probability flood level including climate change.
- Modelled defended flood levels suggest that flood levels on site following overtopping of the defences could reach depths of 4.3m 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.

- Therefore 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 proposed 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.

#### Residual Risk

- Section 3.5.1 of the FRA explores the residual risk of a breach using the Stour and Orwell 2018 breach modelling outputs). The site could experience breach flood depths of up to 1-1.5 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 1.5-2 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event.

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

- Finished first floor levels have been proposed at 5.66m AOD. This is above the 0.5% (1 in 200) annual probability breach flood level including climate change and therefore dry in this event.

- Flood resilience/resistance measures have not been proposed as the first floor shall be provided above flood level.

- Section 4.1.1 of the FRA recommends that a structural engineer assesses the structural integrity of the building to ensure it can withstand the hydrostatic and hydrodynamic pressures of flood water. As safe access/egress cannot be guaranteed during a flood event, residents may be required to seek refuge within the building if prior evacuation has not been possible. It is therefore imperative that the building can withstand these pressures, so that it can provide the required refuge.

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

#### 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 Protection  
15.02.2021

I have reviewed the above application and EP would recommend the following if this application is to proceed to a full application:

19/01824/OUT - Former Anchor Hotel 7 Stour Road Harwich Essex  
CO12 3HF

Contaminated Land:

It would appear that although the planning application for 'storage of vehicle prior to disposal' (18/00726/FUL) was refused the site was used for this in recent history therefore:

No development shall take place until the ground conditions on the site have been subject to a Risk Assessment. This will enable Tendring District Council to decide whether the site is suitable for its proposed use prior to any development taking place.

This will incorporate a 'phase one' assessment in the form of a desktop study/site walkover report. This will include a review of previous investigations; previous uses; potential sources of contamination; and potential pathways and receptors. If necessary, this shall be followed up by a 'phase two' risk assessment that shall incorporate a detailed intrusive investigation referring to the phase one study.

Individual risk assessments shall be submitted to Environmental Protection for approval on completion.

### Lighting

Any lighting of the development shall be located, designed and directed [or screened] so that it does not [cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary]. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Professionals ([www.theilp.org.uk](http://www.theilp.org.uk) )

### Demolition and Construction

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control.

#### - Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.

4) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

5) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

#### - Emission Control

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site.
- 3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Essex County Council  
Archaeology  
01.04.2020

The Essex Historic Environment Record indicates the potential for below ground archaeological deposits in this area.

The proposed development lies on land formerly occupied by the Anchor Hotel. The site lies adjacent to the Bath Side battery which is a scheduled monument. The battery is one of few such sites in England to have been investigated archaeologically. The results of the excavation have demonstrated that the structure remains substantially intact and retains details of the original design, armament and alterations undertaken to improve its capability.

The battery formed an integral part of the fortifications for the harbour alongside the Harwich Redoubt, Landguard Fort and the Martello towers of the Suffolk shore. By c.1870 the battery was largely ruinous and the eastern side of the peninsula began to be developed for housing. Remains associated with the construction and use of the battery may survive in the areas surrounding the monument and within the proposed development site. While there is likely to be some disturbance to below ground archaeological remains from the development of the land since the battery was demolished, there is potential for survival in less developed areas.

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.

2. 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.



3. 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.

4. 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. 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.

Essex County Council  
Heritage  
05.03.2020

Built Heritage Advice pertaining to an application for: Development to include 9 self-contained flats and associated parking (all matters reserved).

The proposal is sited at the boundary of Harwich Conservation Area and is adjacent to the Scheduled Monument 'A Napoleonic Coastal Battery at Bath Side, 400m North West of Tower Hill' (List Entry ID:1018957), thought to be the only battery solely of the Napoleonic period excavated in Britain due to its short period of use.

The site was formerly the location of The Anchor Hotel which closed in 2004 and was subsequently demolished. The Anchor Hotel was a significant local landmark and was historically of great communal value locally.

While I agree in principle to the development of the site for residential use, I do not consider the proposed design to positively contribute towards or enhance the setting of Harwich Conservation Area, particularly at a site of such prominence. The proposal drawings are of inadequate detail which has the potential to harm the setting and therefore the significance of both the Conservation Area and the Scheduled monument.

The applicant has not supplied a heritage statement within this application and has therefore not demonstrated an understanding of the heritage assets to be affected, as is required by paragraph 189 of the NPPF.

I am therefore unable to support this application.

Were the applicant to submit further applications it is expected that the following be provided:

- A heritage statement demonstrating understanding of the heritage assets to be affected by the proposal as required by paragraph 189 of the NPPF.
- Views of the proposed scheme with regards to the setting of the Conservation Area and Scheduled Monument.

- Consideration of articulation, materiality, and massing appropriate to the setting of the conservation area, and the low rise, nineteenth century terraced housing of the Bathside area.

Any new development of this site requires a bespoke response which responds to its sensitive context. This considered or realised in this application with regard to scale, massing, and materiality. I recommend that the applicant seeks pre-application advice and that any future application is a full and detailed application, given the sensitive nature of the site.

This application will cause considerable less than substantial harm to the setting and significance of the Conservation Area and the Scheduled Monument, this harm should be considered with regard to paragraph 196 of the NPPF and within the context of the 'great weight' that should be given to the conservation of heritage assets as noted in paragraph 193 of the NPPF.

Historic England  
11.02.2021

Historic England have no remit to be consulted on the application as it is not in a conservation area.

ECC Highways Dept  
09.01.2020

The proposed parking spaces proposed for the 9 flats do not conform with Essex County Council's Parking Standards (Design and Good Practice) September 2009 in respect to the parking bay sizes.

While in principal the Highway Authority would not object to the application, this aspect would need to be looked at again and amended should this application proceed to a FULL or DETAIL application in the future to be acceptable to the Highway Authority.

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

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

1. Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM 1.

2. No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM1.

3. Prior to the proposed access on the proposed development being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.

Reason: To ensure adequate inter-visibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1.

4. The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy DM1.

5. Prior to occupation of the proposed development, a vehicular turning facility for motor cars of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and in accordance with Policy DM1.

6. All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter..

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8.

7. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1.

8. No doors or windows shall open over the highway or proposed highway, maintainable at public expense.

Reason: To ensure the unimpeded passage of pedestrians and cyclists, in the interests of highway safety and in accordance with Policy DM 1.

9. No balconies or rainwater harvesting equipment shall be located overhanging or into the highway or proposed highway, maintainable at public expense.

Reason: To ensure the unimpeded passage of pedestrians and cyclists, in the interests of highway safety and in accordance with Policy DM 1.

10. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

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

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: 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](mailto:development.management@essexhighways.org) or by post to:

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### **3. Planning History**

02/01924/FUL	Redevelopment of site for 17 flats and associated works	Withdrawn	19.12.2002
03/00091/FUL	Redevelopment of site for 15 flats and associated works. (Resubmission of 02/01924/FUL)	Approved	17.04.2003

08/01213/FUL	Redevelopment of site for 14 flats and associated works.	Withdrawn	02.12.2008
10/01085/FUL	Redevelopment of site for 4 houses and 5 flats and associated works.	Withdrawn	25.11.2010
10/01474/FUL	Redevelopment of site for 4 houses and 5 flats and associated works.	Refused	24.02.2011
12/01216/FUL	New marine co-ordination centre for commercial use.	Approved	10.04.2013
15/30176/PREAPP	Proposed redevelopment of site to create 14 units.	Approved	
18/00726/FUL	Proposed change of use of land to store vehicles prior to disposal.	Refused	29.06.2018
18/00809/OUT	Construction of 14 self contained residential dwellings and associated parking.	Refused	17.08.2018

#### **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

QL6 Urban Regeneration Areas

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

EN6 Biodiversity

EN17 Conservation Areas

COM1 Access for All

COM2 Community Safety

COM6 Provision of Recreational Open Space for New Residential Development

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL14 Safeguarding of Civil Technical Site, North East Of Little Clacton/South of Thorpe-Le-Soken

PPL1 Development and Flood Risk

PPL5 Water Conservation, Drainage and Sewerage

PPL8 Conservation Areas

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Conservation Area Character Appraisals

### **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. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The application site consists of 0.1ha of land which is triangular in shape bordered to the west by Stour Road and to the east by Albermarle Street in the town of Harwich, within the Bathside area. The junction of Stour Road and Albermarle Street forms the northern tip of the triangle. The Anchor Hotel used to stand on the site but that building was demolished in 2004. The site is currently vacant. An application has previously been refused to store cars on the site, although it is noted that the site photos submitted as part of the application show cars parked across much of the site. The site is currently enclosed by a combination of brick walls and plywood hoardings. There are a mix of land uses within the surrounding area. Approximately 20m to the west of the site, beyond Stour Road, is the A120 which serves the port. Beyond the A120 is the Mercedes Site which is currently used

predominantly for open storage and port related activities but it is noted that the 7.4ha site is proposed to be allocated for employment use in the Publication Draft Local Plan, including the potential relocation of some aspects of the current port facilities. To the south of the site there is narrow access lane, with a hardstanding and single storey commercial building being used as a car repair business and residential housing to the south beyond that. Albemarle Street on the eastern side of the site is a predominantly residential street with two and three storey buildings. Also, on Albemarle Street there is a two-storey office building a short distance to the north east of the site. To the rear of the houses on Albemarle Street is the railway line and Harwich Town station, which can be reached on foot from the site in around 7 minutes.

There are a number of designated heritage assets near the site including the Harwich Conservation Area which borders the site and the site of the Napoleonic Town Battery, a Scheduled Ancient Monument which is located opposite the site on land underneath Stour Road and the grass verge that borders the A120. In addition, approximately 40m south of the site, is the Grade II listed Rose Cottages on Pepys Street.

The site is located with Flood Zone 2 and 3a as designated by the Environment Agency.

The Anchor Hotel site is listed in Appendix 1 of the adopted Local Plan which identified Rolled Forward Dwelling Commitments on Large Sites at 1st April 2007 that accord with this Local Plan.

The site lies within an area proposed to be designated as the Harwich Old Town Priority Area for Regeneration under Policy PP14 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

### Proposal

This application seeks outline planning permission, with all matters reserved, for the erection of up to 9 dwellings and associated residents car parking.

It should be noted that when the application was initially submitted the application specified that the development would consist of 8 x no.2-bed flats and 1 x flat with 4 or more bedrooms. Whilst all matters are reserved (access; appearance; layout; landscaping; scale) the applicant submitted a site layout, floor plans and elevations for a three-storey building. The plans were intended to demonstrate that nine dwellings of the type described in the application form could be provided on the site. Officers did not consider that these illustrative plans demonstrated that adequate car parking and amenity space for future residents could be provided. The applicant has agreed that those illustrative plans should be withdrawn and the description of development can be amended so that permission is now sought for up to 9 dwellings, with the number of bedrooms not specified.

### Appraisal

The main issues in the determination of this application are:

- The Principle of Development, including Flood Risk;
- Appearance & Impact on Heritage Assets;
- Archaeology;
- Highway Safety & Parking;
- Residential Amenities;
- Financial Contributions - Open Space;
- Financial Contributions - Recreational Disturbance Mitigation; and
- Other Considerations.

### The Principle of Development, including Flood Risk

As one of the two main settlements in the District, Harwich was identified as a focal point for growth in the adopted Local Plan, in order that development could be located where residents would have the potential for access to all essential services including employment opportunities without relying solely on the use of the car. The application site is located within the Harwich Settlement



Development Boundary and is also within the Harwich Masterplan area which is a designated Urban Regeneration Area.

The site has historically been used for commercial purposes and the hotel and public house provided employment. Whilst the Local Plan seeks to protect land used for employment from being redeveloped for residential use Officers accept that in this instance there is no requirement for the site to be marketed for employment uses as that use has been long abandoned.

Planning permission has previously been granted in 2003 for a development of 15 flats at the site. More recently permission was granted for a marine co-ordination centre (a non-residential use) in 2012, however both planning permissions have now lapsed and this application must be assessed against relevant current national and local planning policies.

#### - Flood Risk

The site lies within tidal Flood Zone 3a which is defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal for residential development is classified as a 'more vulnerable' development. 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).

#### - Sequential Test

The Council commissioned the Harwich Strategic Flood Risk Assessment in 2008 to help guide development in the town with reference to flood risk. The Harwich SFRA concluded that, notwithstanding the Council's longstanding desire to see regeneration of the peninsula, the flood risk is such that further residential development in this area would be unlikely to be supported. However, with the passing of time and the introduction of the NPPF and associated Planning Practice Guidance (PPG) this SFRA is considered out of date.

The requirement to apply the Sequential Test is set out in Paragraph 158 of the National Planning Policy Framework. The Sequential Test seeks to ensure that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The aim is to steer new development to Flood Zone 1 (areas with a low probability of flooding). Where there are no reasonably available sites in Flood Zone 1, Councils should consider the flood risk vulnerability of land uses and consider the use of sites within Flood Zone 2 (medium risk of flooding). Usually, development within Flood Zone 3 would only be considered if there were no reasonably available sites in Flood Zones 1 or 2, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

The NPPG states that for individual planning applications where there has been no sequential testing of the allocations in the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. It notes that the designation of an area for regeneration can be one factor which can result in the catchment area for a sequential test being restricted. The Guidance explains that where there are large areas in Flood Zones 2 and 3 and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.

In the adopted Local Plan, the site is identified as being within an Urban Regeneration Area. This designation is proposed to be carried forward to the new Local Plan. Policy PP14 identifies priority areas of the District which require regeneration. Harwich Old Town is one of the areas identified, and this includes the application site. These 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, accessibility and green infrastructure. The Council will support proposals for new development which are consistent with achieving its regeneration aims. The site is located in an area of flood risk and there are sites available for housing within the District which would be at a lower risk of flooding, however these would not support the regeneration of the Harwich Masterplan area. There are no similar sized, available sites within the Harwich Masterplan area which would have a lower risk of flooding. The Council considers that the

regeneration policies and objections for the peninsula mean that the residential development of this site passes the Sequential Test.

#### - Exception Test

Having passed the Sequential Test the PPG states that residential development within Flood Zone 3a must also pass the Exception Test, which is set out in paragraph 160 of the NPPF. The exception test shows how the flood risk to the development will be managed and that the sustainability benefits of the development to the community outweigh the flood risk. It must also be shown that the development will be safe for its lifetime taking into account the vulnerability of its users and that it won't increase flood risk elsewhere.

The site does benefit from protection from existing sea defences; however, the Environment Agency confirm that modelling shows that it is expected flood events could overtop the defences in the future based on the current crest level of defences and future climate change predictions for the 0.5% (1 in 200) annual probability flood event.

The applicant proposes no ground floor residential accommodation and that the finished first floor levels have been proposed at 5.66m AOD - above the 0.5% (1 in 200) annual probability flood level including climate change. The living accommodation is therefore designed to remain dry in this flood event.

Modelling suggests that flood levels on site following overtopping of the defences could reach depths of 4.3m in the 0.5% (1 in 200) annual probability flood event there would be a danger for all in those flood waters. The applicants FRA acknowledges that there would be no safe means of access in that flood event and that instead residents should remain in the building, above the flood waters. An Emergency Flood Plan has been submitted with the application to set out how residents would be kept safe in a flood and the Council's Emergency Planner considers the principles contained within the plan to be generally sound. Some minor revisions would be required due to inconsistent terminology however this can be covered by condition. The redevelopment of this underutilised site will provide significant public benefits, consistent with the Council's long held aims to see regeneration of the Harwich peninsula. These public benefits would outweigh the residual flood risk that future residents of the development would be exposed to.

Subject to the finished first floor levels being 5.66m AOD; confirmation from a structural engineer that the structural integrity of the building can withstand the hydrostatic and hydrodynamic pressures of flood water; and a Flood Evacuation Plan being provided for residents the Exception Test is passed and there is no objection to the principle of development.

#### Appearance & Impact on Heritage Assets

The site is considered to be sensitive in terms of redevelopment. Whilst the site was cleared following demolition over a decade ago the Anchor Hotel which used to stand on the site was a local landmark building. The site is also located at the boundary of Harwich Conservation Area and is adjacent to the Scheduled Monument 'A Napoleonic Coastal Battery at Bath Side, 400m North West of Tower Hill'.

The Council has taken advice from ECC's Historic Environment consultants in respect of both the Built Environment and Archaeology. This monument is scheduled under the Ancient Monuments and Archaeological Areas Act 1979 as amended as it appears to the Secretary of State to be of national importance. In accordance with Article 18 of Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 the Council have consulted Historic England as this is a development which would be likely to affect the site of a scheduled ancient monument, however they have responded to say that they have no comment to make on the application.

One of the reasons cited in the refusal of the 2018 planning application to build 14 dwellings on the site was due to concerns over the design and appearance and the adverse effect that those proposals would have had on important views in to and out of the Conservation Area. While the Council's Historic Buildings consultant raises no objection to the principle of residential development

on the site, they considered the design indicated in the original submission to be unacceptable as it would be likely to result in harm to the setting and therefore the significance of both the Conservation Area and the Scheduled monument. Officers agreed that the illustrative plans provided were not acceptable and the applicant has agreed to withdraw those from this application. The design and appearance of the building will be matters that are determined through Reserved Matters submissions.

The relatively narrow triangular shape of the site, with two street frontages that need to be addressed, including a very prominent pointed corner at the northern end of the site all pose additional issues for the redevelopment of the site. The building will need to be sensitively designed so that it preserves or enhances the character and appearance of the locality, including designated heritage assets, whilst also providing suitable amenity space for the future occupants and parking that meets the Council's adopted standards. Particular care will be required around the servicing of the building and the means of enclosure given the sensitivities of the site and conditions are recommended to ensure that these details are submitted with the Reserved Matters applications. However, Officers do not believe that a suitable scheme could not be developed and as such there are no design grounds for refusing this application for Outline planning permission with all matters reserved. Given the various identified issues and the planning history the Council would strongly encourage the applicant to work with Officers by applying for pre-application advice.

### Archaeology

The site lies adjacent to the Napoleonic Bath Side battery which formed part of the fortifications of the harbour. The battery site has been subject to archaeological investigation previously and the structure remains substantially intact. Remains associated with the construction and use of the battery may survive in the areas surrounding the monument and within the proposed development site. The Council's Historic Environment adviser has recommended a planning condition requiring the completion of an agreed programme of Archaeological investigation and evaluation and implementation of an agreed mitigation strategy, prior to the commencement of development.

### Highway Safety & Parking

The application seeks Outline planning permission with all matters reserved, including access.

When the application was originally submitted an illustrative site layout was provided which proposed that the vehicular access be formed off Albermarle Street, however the illustrative plans were subsequently withdrawn.

The Highway Authority initially raised no objection, but as details of the access arrangements were not being provided or approval sought, they recommended a number of conditions to establish their expectations / requirements for the access at Reserved Matters stage. These conditions covered: details of the vehicular access and visibility splays; no unbound materials; reinstatement of redundant dropped kerbs; turning facility within the site; construction management plan; no doors, windows or balconies to over sail the public highway; provision of cycle parking; and vehicle parking to comply with the Council's parking standards.

The Highway Officer subsequently noted that the proposed parking spaces proposed for the flats did not conform with Essex County Council's Parking Standards (Design and Good Practice) September 2009 in respect to the parking bay sizes. The inadequate parking arrangements were one of the reasons that Officers advised the applicant to amend the application, so permission is now sought for up to 9 flats, with no details about bedroom numbers being approved.

It will be for the applicant to demonstrate that the required number and size of spaces can be provided at Reserved Matters stage. The layout of the site and appearance of the car parking will be important considerations given the sensitivity of the site. The applicant will already be aware that the extent and prominence of the car parking was one of the reasons that the 2018 application was refused.

With the Highway Authority satisfied with the principal of development, as safe access can be provided to the site and the development will not have a severe impact on the highway network, there is no reason to withhold planning permission on highway grounds.

### Residential Amenities

Another reason that the 2018 application was refused was due to the significant harm existing residents living in properties immediately to the south of the site, on Pepys Street, would suffer as a result of 3 storey buildings standing hard against the boundary.

As all detailed matters, including appearance, scale and layout are reserved it is not possible to fully assess the extent to which redevelopment of the site could impact upon residential properties surrounding the site. The amended description of development means that the scale and mass of the building could be significantly smaller than the illustrative layout suggested - for example the reserved matters approval may only be for seven flats, or nine one-bedroom flats. Whilst the potential impact on residential amenity will need careful consideration at the Reserved Matters stage there are not considered to be grounds to withhold Outline permission on this basis currently.

### Financial Contributions - 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 12.59 hectares of equipped play/open space in Harwich and Dovercourt.

A contribution towards improving Public Open Space and play provision is both relevant and justified to the application, to help reduce the current deficit given the additional demand that this development will create. A completed unilateral undertaking has been received. The amount of the contribution will be determined by the number and size of dwellings that are ultimately constructed and the contribution will be used to make improvements at the play area at Harwich Green.

### Financial Contribution - Recreational Disturbance Mitigation

Following Natural England's recent advice and the introduction of Zones of Influences around all Internationally 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.

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes the erection of up to 9 dwellings on a site that lies within the Zone of Influence (Zol) with the site being approximately 70 metres from the Stour and Orwell Estuaries SPA and Ramsar.

New housing development within the Zol would be likely to increase the number of recreational visitors to the Stour and Orwell Estuary 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. The Essex Coast RAMS requires that a financial contribution is made to mitigate the impact.

A completed unilateral undertaking has been received to secure the financial contribution required to mitigate against any recreational impact from the new dwelling 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. A Habitat Regulations Assessment Record has been completed for the application.

### Representations

One written representation supporting the application has been received by the Council. The Harwich Society support the proposed development stating that they consider residential development of the site is an appropriate use of the site and that it has been demonstrated that 9 flats can be accommodated on the site. They recommend that a good standard of design should be secured through the Reserved Matters as this is a prominent site.

### Conclusion

The site is considered to be broadly consistent with the principles of the currently adopted and emerging Local Plan. Whilst it is located within an area which is designated as being at high risk of flooding the residential redevelopment of the site passes the Sequential and Exception tests required by the NPPF. In principle the proposed development would constitute sustainable development fulfilling economic, social and environmental objectives. Whilst this report identifies issues that are to be overcome these can all be addressed at Reserved Matters and none of the issues would constitute a reason for refusal. The proposal is therefore recommended for approval.

## **6. Recommendation**

Approval - Outline

## **7. Conditions**

- 1 Application for the approval of Reserved Matters must be submitted before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 3 No development shall be commenced until plans and particulars of "the Reserved Matters" referred to in the above conditions relating to the Access, Appearance, Landscaping, Layout and Scale have been submitted to and agreed in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 4 Concurrently with the reserved matters application, a Construction Management Plan (CMP) shall be submitted to, and approved in writing by, the local planning authority. The Statement shall provide for:

- safe access to/from the site;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;

- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance or construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

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

- 5 The reserved matters application shall be accompanied by a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings; Full details of the proposed ground levels and finished floor levels of all buildings. The development shall be carried out in accordance with the approved details.

Reason - To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site, to ensure future occupants' safety in a flood event; prevent changes in levels which could adversely affect flood behaviour, or which could lead to a development which would appear out of character with its surrounding or result in unneighbourly development.

- 6 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 local planning authority.

i. 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.

ii. 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.

iii. 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 local 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.

Reason - To enable full investigation and recording of this site of archaeological importance.

- 7 No development shall take place until details of a scheme of sustainable surface water drainage to serve the development has been submitted to and been approved in writing by the local planning authority and the scheme shall be implemented in accordance with the details as approved and an accompanying programme. The submitted details shall include:

- a) details of the design storm period and intensity, the method to be employed to delay and control the surface water discharged from the site and the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters;
- b) a timetable for implementation;
- c) management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker; and,
- d) any other arrangements necessary to secure the operation of the scheme throughout its existence.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 8 Development shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination;
- ii. an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 9 All soil and waste plumbing and service intakes shall be run internally and shall not be visible on the exterior.

Reason - To ensure the use of appropriate detailing of the building and to preserve and enhance views to / from the adjoining Conservation Area.

- 10 Prior to the commencement of development, confirmation shall be provided by a suitably qualified structural engineer that the structural integrity of the building has been designed to withstand the hydrostatic and hydrodynamic pressures of flood water. The written confirmation shall be submitted to and approved in writing by the local planning authority. All construction activities shall be implemented in accordance with the approved details.

Reason - To ensure that building is designed to withstand flood events in order that residents can shelter safely within the building.

- 11 The development shall be constructed with a minimum finished first floor level of 5.66m AOD.

Reason - To ensure the appropriate protection to the development and /or occupants in the interests of flood safety.

- 12 Prior to the occupation of any part of the proposed development a Flood Evacuation Plan shall be submitted to and approved in writing with the Local Planning Authority. The plan shall set out how it will be made available to all future occupants of the development hereby approved.

Reason - To ensure the appropriate protection to the future occupants of the development.

- 13 The reserved matters applications shall be accompanied by details of the number, location and design of a covered parking facility for powered two wheelers and bicycles. The storage facilities shall be provided as approved prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.

Reason - To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity and that the storage is provided in an appropriate manner within the site.

- 14 The reserved matters applications shall be accompanied by full details of the location and design of the refuse and recycling facilities and of accompanying arrangements for access/servicing. The refuse facilities shall be provided as approved prior to the first occupation of the units within the development to which those facilities relate and shall be retained in the approved form thereafter.

Reason - To ensure that the development provides suitable facilities, to prevent the unsightly storage of refuse containers and in the interests of amenity.

- 15 The reserved matters applications shall be accompanied by full details of all gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development hereby approved and shall be permanently maintained as such.

Reason - To ensure that the development provides suitable means of enclosure with regards to visual amenity, given that the shape of the site and the dual frontage and given the proximity of the scheme to a Conservation Area.

- 16 No doors or windows shall open over the highway or proposed highway, maintainable at public expense.

Reason - To ensure the unimpeded passage of pedestrians and cyclists, in the interests of highway safety.

- 17 No balconies or rainwater harvesting equipment shall be located over sailing or into the highway or proposed highway, maintainable at public expense.

Reason - To ensure the unimpeded passage of pedestrians and cyclists, in the interests of highway safety.

- 18 The landscaping scheme required by Condition 3 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next



planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

Reason - To enhance the appearance of the development and in the interests of amenity and privacy.

- 19 Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

- 20 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 21 Prior to the proposed access on the proposed development being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.

Reason - To ensure adequate inter-visibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety.

- 22 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason - To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

- 23 Prior to occupation of the proposed development, a vehicular turning facility for motor cars of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site which shall be maintained free from obstruction and retained thereafter.

Reason - To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

- 24 All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, 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 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 - 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.

#### Archaeology Informative

In discharging the archaeology condition above, the applicant is advised that a professional team of archaeologists should undertake the archaeological work at the applicant's expense. A brief outlining the level of archaeological investigation can be issued from the local planning authority's historic environment consultants on request.

#### Highways Informatives

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.
2. 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](mailto:development.management@essexhighways.org) or by post to:

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

3. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

#### Secured by Design Informative

Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development. Essex Police, provide a free, impartial advice service to any applicant who request this service; we are able to support the applicant to achieve the requirements to gain the nationally acknowledged Secured by Design accreditation and would invite the them to contact Essex Police via [designingoutcrime@essex.police.uk](mailto:designingoutcrime@essex.police.uk).

#### Emergency Planning Informative

In discharging condition no.19 the applicant's attention is drawn to the comments of the Council's Emergency Planner, which can be viewed under this application reference number on the Council's website.