

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	2 nd August 2022
Planning Development Manager authorisation:	AN	5/8/22
Admin checks / despatch completed	CC	05.08.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	05/08/2022

Application: 21/01539/FUL **Town / Parish:** Clacton Non Parished

Applicant: Miss Holly Aspinal

Address: 35 Humber Avenue Jaywick Clacton On Sea

Development: Proposed erection of one detached bungalow.

1. Town / Parish Council

Not applicable

2. Consultation Responses

Environment Agency
11.01.2022

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 on the proposed development on flood risk grounds, further information can be found in the Flood Risk section below.

We have reviewed the submitted flood risk assessment (FRA), by Aegaea, referenced AEG0184_CO15_Jaywick_01 and dated 29/11/2021, and consider it does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change, Reference ID: 7-030-20140306. It does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

1. Correctly calculate the expected flood depths on site and within the building
2. Provide Finished Floor Levels above the design level with climate change if the development is for a new dwelling rather than a replacement dwelling
3. Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event

Environment Agency
16.02.2022

We have reviewed the latest information, as submitted, and are maintaining our holding objection to the application on flood risk grounds. We have highlighted the outstanding issues we consider to remain with the submitted Flood Risk Assessment, and provided guidance for how the applicant can overcome these in the flood risk section below.

We have reviewed the submitted flood risk assessment (FRA), by Aegaea, referenced AEG0184_CO15_Jaywick_01 and dated 25/01/2021 and do not consider it to comply with the requirements of the PPG. In particular:

- The FRA shows that the proposed building would flood internally by 2.46m depth in the 0.5% (1 in 200) annual probability with climate change flood event, and by 2.82m depth in the 0.1% (1 in 1000) annual probability with climate change flood event, and the planning application plans show that there is no higher refuge available within the single storey development, or safe access available. Consequently, there may be an unacceptable risk to the health and safety of the occupants in a flood event.

The applicant can overcome our holding objection by:

- Providing a satisfactory higher refuge accessible to the occupants of the dwelling above the 0.1% (1 in 1000) annual probability with climate change flood depths, including a 300 millimetre freeboard. This can be within the roof space but will need to include a permanent staircase to access the refuge and a window to aid possible escape if required.

Environment Agency
13.04.2022

We have reviewed the application, as submitted, and are maintaining our holding objection on grounds of flood risk.

We note that there is a revised FRA submitted, however, there appears to be no new evidence provided to demonstrate that there will be safe refuge in accordance with the requirements we set out in our previous response to overcome our concerns.

Environment Agency
13.04.2022

Regarding your query, I would like to acknowledge that our most recent formal letter referenced AE/2021/126568/03 and dated 13 April 2022, did not clarify our position reasoning. Apologies for any confusion.

Our holding objection position does in fact remain. Whilst we acknowledge and welcome that the applicant has confirmed within the FRA amended sections that safe refuge will be provided, this is not satisfactory evidence.

We note from the case officers email, confirming that they are satisfied the roof architecture can be adjusted to accommodate this upper floor level space, they do state the need for redesigned plans.

This is the evidence that should be provided. There should be clear plan drawings including finished floor levels provided to demonstrate that there can be satisfactory safe refuge. This and a narrative of the amendments should be appended to the FRA under any submission, and we request to be re-consulted.

We look forward to reviewing any future FRA and plan revisions.

We note that there was a re-consultation, dated 21 April, but the drawing '6947/2; revision b' does not show the necessary information.

Environment Agency
22 July 2022

We can confirm that our position still stands, and are maintaining our holding objection. We refer you to our previous responses issued, which remain valid, and are providing the following additional comments in relation to the latest details submitted.

We note, since our previous correspondence, the applicant has provided an amended drawing, referenced 6947/2; revision c

'Proposed plan/elevations'. This has also been added to the FRA version 1.3, to note drawing section A-A being added. We note the submission of an evacuation response plan too, and whilst this is welcomed, we do not comment on the adequacy of these plans.

The applicant has updated their floor plan/design/layout drawing, which goes further in providing additional detail of some finished floor levels and heights between levels, except for the roof space. The applicant has therefore, failed to satisfy our outstanding concerns. This drawing does not provide sufficient detail to demonstrate that the space in the roof would be suitable for safe refuge. Assuming the plans are designed to scale, it would appear that the roof space would only offer approximately 1600mm-1800mm clearance of headroom. Given that this space needs to offer sufficient space to residents in the event of a flood, for possibly the duration of the event or until such time that they can be evacuated, we would question whether this is appropriate.

However, even if the drawing was completed in full with the annotated upper floor/roof space height added, as noted above this would seem unacceptable. As noted in our previous responses, correspondence issued to the applicant from the Case Officer, confirmed that raising the roof architecture would be possible to accommodate an increase in roof space – It would appear the applicant has not done this from the information submitted.

Additionally, we would also raise the question to the LPA as to the appropriateness of the small window (as it appears from the scale of drawings), for what would appear the only means of access/egress from the refuge space in the event of an evacuation during a flood event. This would be for yourselves and the emergency planner to consider further. To summarise, we still require the applicant to clearly demonstrate the safe refuge space, and confirm with added narrative to the FRA what changes are being made and how this space can be safe during a possible flood event. Failure to provide satisfactory information will lead to us maintaining our holding objection.

ECC Highways Dept
22.02.2022

The revised information submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated October 2012. Humber Avenue is classed as a private road and as such the Highway Authority would not normally comment. Humber Avenue is a narrow single track unmade road predominantly residential with no segregated footways. It is noted that the revised proposal is to provide one dwelling with a car parking space, the majority of the existing properties have at least one space, considering these factors:

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

1. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the private road.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

2. Prior to occupation of the dwelling the vehicular access shall be constructed at right angles to the private road. The width of the access at its junction with the highway shall not be less than 3.6 metres (equivalent to 4 drop kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/verge.

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

3. Any gates provided at the vehicular access shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the footway or where no provision is present, the carriageway.

Reason: In the interest of highway safety.

4. Any new boundary planting shall be planted a minimum of 1 metre back from the private road and any visibility splay and retained free of obstruction above 900mm at all times.

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.

5. The proposed dwelling shall not be occupied until such time as the vehicle parking area indicated on the approved plan, has been hard surfaced, and sealed. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking.

6. The vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

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

7. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

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

8. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public

transport operator)

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

Tree & Landscape Officer 15.10.2021	There are no trees or other significant vegetation on the application site and little opportunity to secure new soft landscaping.
UU Open Spaces 01.11.2021	<p>Response from Public Realm Open Space & Play</p> <p>Proposed erection of two semi-detached bungalows</p> <p>There is currently a deficit of –17.68 hectares of equipped play/open space in Clacton-on-Sea.</p> <p>Any additional development in Clacton will increase demand on play facilities further.</p> <p>It is felt that any further development in this area will impact on the current facilities. If future development was to take place it would be necessary to increase play provision in the vicinity.</p> <p>A contribution towards play is justified and relevant to the planning application. The closest play area to the development site is Brooklands, any contribution will be used to improve the play area and or the Multi Games Area.</p>
Building Control and Access Officer 08.10.2021	No comments at this stage.
Building Control and Access Officer 25/05/2022	The designer may want to look at the head height of the staircase as will need to meet Part K requirements (minimum headroom in loft conversions).

3. **Planning History**

90/00381/FUL	Porch extension and new pitched roof to replace flat roof over rear of dwelling.	Approved	11.05.1990
21/01539/FUL	Proposed erection of one detached bungalow.	Current	

4. **Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Statutory guidance -Technical housing standards: nationally described space standard Published 27 March 2015

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

- SP1 Presumption in Favour of Sustainable Development
- SP3 Spatial Strategy for North Essex

- SP4 Meeting Housing Needs
- SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP4 Housing Layout
- PP14 Priority Areas for Regeneration
- PPL1 Development and Flood Risk
- PPL5 Water Conservation, Drainage and Sewerage
- CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Jaywick Sands - Draft Technical Guidance for builders and developers 21 April 2022

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery

Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal

Site Description

The application site is a vacant parcel of land which, at the time of the site visit (October 2021), contained the destroyed remnants of a dwelling and its contents. The plot is a 'double-plot' having a width in the region of 12m and an area around 186sqm. Historically the dwelling was sited towards the northern side boundary with the southern part of the plot being vacant.

The site is located on the west side of Humber Avenue within the Settlement Boundary of Jaywick and in an area at a high risk of flooding.

Description

As initially submitted in August 2021 the proposal was for one replacement and one additional new dwelling; following the site visit the applicant was notified that the proposal for two dwellings was unlikely to be supported (flooding, design, occupier-amenity and highways concerns). It was suggested that a proposal for one replacement dwelling was far more likely to be supported.

On 26th November 2021 the first draft of the revised scheme for a replacement dwelling was received with the first Flood Risk Assessment (FRA) received 1st December 2021. What followed was a number of revisions to the FRA (26th January 2022, 8th March 2022, 21st April 2022 and 18th May 2022) all of which were the subject of consultations with the Environment Agency.

As the head-height varied between 1.6 and 1.8m the applicant was advised that we would accept a nominal increase in the ridge height in the region of 0.3m in order to increase the internal head-space to around 2.3m. Revised amended plans were received on 21st April 2022 which indicated a proposed safe place for refuge without increasing the ridge height and it is this set of plans the application is being determined on (6947/2, revision C).

The proposed dwelling would be sited inset from the right hand boundary by around 0.9m and 3m to the left hand boundary (to facilitate space for an off-street parking space). The footprint would be in the region of 85sqm and provide three downstairs bedrooms. Access to the front and from the rear elevations would be provided by staircase, with the finished internal floor level being around 0.9m above natural ground level. Externally the property would be finished in a self-coloured render and would have a tiled roof.

Assessment

The main planning considerations are:

- Principle of Development
- Layout, Scale and Appearance
- Residential Amenities
- Highway Considerations
- Water Conservation, Drainage and Sewerage
- Flooding & Regeneration
- Representations

Principle of Development

Within Settlement Boundary

The site is located within the Development Boundary of Jaywick, therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Layout, Scale and Appearance

Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Section 2 Policy SPL3 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Section 2 Policy LP4 requires that the design and layout of new residential and mixed-use developments in the Tendring District will be expected to deliver new dwellings that are designed to high standards of architecture, which respect local character and which together with a well-considered site layout, create a unique sense of place. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Form is the three-dimensional shape and modelling of buildings and the spaces they define. Buildings and spaces can take many forms, depending upon their size and shape in plan; height; bulk - their volume; massing - how bulk is shaped into a form and relationship to the plot boundary. Scale is the height, width and length of each building proposed within a development in relation to its surroundings. This relates both to the overall size and massing of individual buildings and spaces in relation to their surroundings, and to the scale of their parts. It affects how a space can be used and how it is experienced. The relationships between the different dimensions of a building or component are known as its proportions. Appearance is the aspects of a building or space within the development which determine the visual impression the building or space makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

The proposed dwelling is entirely typical of those in the locale in terms of both height, width, footprint, its simplistic design and external appearance. For these reasons the development respects local landscape character and existing street patterns and is sympathetic to local character.

Neighbouring Amenities

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Section 1 Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. Section 2 Policy LP4 requires that new residential developments will be expected to provide for private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.

Space Standards:-

In March 2015, the government launched a new approach to housing standards and published a new set of streamlined national technical standards. This included publication of Technical housing standards – nationally described space standard.

No. of Bedrooms	No. of Bed Spaces	Storeys	Min Requirement	Actual Floorspace	Compliance
3	4/6	1	74/95	76sqm	Yes if the bedrooms are 1 x double and 2 x single bed-spaces, no if more than one double bedroom is proposed

On the basis that the proposed dwelling is in roughly the same location as the one it replaces, the presence of one ground floor side facing window to the north elevation is unlikely to introduce a materially more harmful form of development than the one it replaces.

The garden size is commensurate in regards to both size and configuration of other properties in the locale.

Overall the proposal is considered to secure a good standard of amenity for both existing occupiers of adjacent properties and future occupants of the proposed dwelling.

Highway Considerations

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Paragraph 112 states that applications for development should (a) give priority first to pedestrian and cycle movements and (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter. Paragraph 130 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported under adopted Policy SP7 of the Tendring District Local Plan 2013-2033.

Humber Avenue is classed as a private road and as such the Highway Authority would not normally comment. Humber Avenue is a narrow single track unmade road predominantly residential with no segregated footways. It is noted that the revised proposal is to provide one dwelling with a car parking space, the majority of the existing properties have at least one space, considering these factors, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions.

Water Conservation, Drainage and Sewerage

Paragraph 170 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 180 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.

Adopted Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.

The application form accompanying the application has stated that the development would be connected to the existing public foul sewer. This is in accordance with the above policy requirements and is therefore considered to be acceptable.

Flooding & Jaywick Regeneration

All new development within Flood Zone 3 should demonstrate that it has passed the sequential and the exception tests where required and as set out in the National Planning Policy Framework and Planning Practice Guidance 3. The National Planning Policy Framework (paragraph 159) states that: "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."

The sequential test is a method to test if a suitable alternative location for the development is available. The exception test is a method to test if a proposal will provide wider sustainability benefits to the community that outweigh the flood risk; and be safe for its lifetime taking account of

the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both tests *may* need to be passed in order for the proposal to comply with the NPPF. Planning Practice Guidance sets out the process for applying the sequential and exception tests, in order to comply with the National Planning Policy Framework position.

Jaywick Sands is identified as a Priority Area for Regeneration under Policy PP14 of the adopted Tendring Local Plan. Policy PP14 states that Priority Areas for Regeneration 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, and that the Council will support proposals for new development which are consistent with achieving its regeneration aims.

Jaywick Sands has a high proportion of poor quality homes which are also at risk of flooding, now and in the future. Actual flood risk today includes flood depths of 700mm (0.7m) for some homes along the seafront in the design (0.5% AEP) flood event, and rises to depths of 3m and above over the next 100 years. Therefore, improving the safety of residents in a flood event, and the flood resistance and resilience of homes, is an important part of meeting the aims of Policy PP14. All of the Priority Area for Regeneration, as shown on the adopted Policies Map, falls within Flood Zone 3. For proposals which can demonstrate that they meet the regeneration aims of PP14, sites outside the identified policy area boundary are unlikely to provide reasonable alternatives, so the sequential search area would reasonably be set as the boundary of the policy area. Although the whole of this area is in Flood Zone 3, some areas within Jaywick are at greater risk due to increased depths, velocities and other factors. The sequential approach should be applied to consider whether there are suitable lower risk alternative sites within the policy area. This reflects the approach to the sequential test identified in Diagram 2 in paras 020 and 021 of the Flood Risk and Coastal Change section of the PPG as well as the advice given in para 033. If the sequential test was passed, the first part of the Exception Test would also be passed as wider sustainability benefits would be demonstrated.

In order to satisfy the second part of the Exception Test, applicants must provide evidence to show that the proposed development would be safe and that any residual flood risk can be overcome to the satisfaction of the local planning authority, taking account of any advice from the Environment Agency.

Jaywick Sands benefits from flood defences but there is a present day flood risk for a 0.5% AEP event in seafront areas, with inundation depths of up to 0.7m. The Shoreline Management Plan has a 'Hold the Line' policy position for the coastal defences protecting Jaywick Sands, which states that an appropriate flood defence for the community will be maintained into the future, although the standard of protection is not defined. This is an unfunded aspiration for the future flood management of the frontage, and its delivery will require continued partnership working, and significant partnership funding. While uncertainties regarding funding and viability exist, it is important that any new development is designed to be both resilient to flooding (should there be any delay to the delivery of improved coastal flood defences) as well as being safe for the future occupants.

To meet the NPPF requirement for 'safe development', the Environment Agency typically look to ensure that internal habitable space for 'more vulnerable' development (which includes residential uses) should have floor levels set above the design flood level, plus the appropriate 'freeboard' allowance. This is to ensure that future residents are not placed in danger from flood hazards and the development is appropriately flood resistant and resilient in the event of a flood (reflecting aims of para 167 of the NPPF). The design flood level for tidal flooding is typically the level of inundation for an 0.5% AEP event plus an allowance for climate change over the lifetime of the property (which for residential is typically set at 100 years). It may be considered acceptable for 'more vulnerable' development types, which include residential development, to flood on the ground floor in a residual risk scenario, provided there is refuge above the flood level, and the development is protected by flood defences for the lifetime of the development.

The Environment Agency have indicated that a holding objection will not be raised for proposals in the areas of Jaywick Sands which lie within Flood Zone 3, which are for on-plot replacement dwellings and involve no net increase in bedspaces, six criteria are met in full by the applicant.

Whilst the development proposal meets five of the six criteria; the refuge having a minimal headspace (maximum 1.7m and as low as 1m in some areas) does not offer sufficient space to residents in the event of a flood, for possibly the duration of the event or until such time that they can be evacuated and the nominal 0.7m x 0.7m escape window is the only means of access/egress from the refuge space in the event of an evacuation during a flood event. For these reasons, the development does not adequately demonstrate that a safe means of refuge with a viable escape route and therefore fails the Exceptions Test.

RAMS & Public Open Space

As described above, the application was submitted on the basis of one replacement in addition to one new dwelling. Following discussions with the applicant the new dwelling was omitted from the proposal. Replacement dwellings do not place *additional* pressures on European designated sites or public open space, sports and recreational facilities and for this reason, legal agreements to seek appropriate mitigation were not required once the application was amended.

Representations

No letters have been received in response to the publicity of this application.

6. Recommendation

Refusal - Full

7. Reason for Refusal

- 1 The National Planning Policy Framework makes it clear that inappropriate development in areas at risk of flooding should be avoided. New development should be directed away from areas at highest risk of flooding, but where such development is necessary it should be made safe. Matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards.

By reason of the clearance of headroom being limited, in conjunction with the width of the proposed escape window being a nominal 0.7m wide, given that this space needs to offer sufficient space to residents in the event of a flood, for possibly the duration of the event or until such time that they can be evacuated, it has not been satisfactorily demonstrated that the development will not expose people to flood hazards. For this reason the development fails to demonstrate that people/occupiers will not be exposed to flood hazards, contrary to Paragraphs 159 and 164 (b) of the National Planning Policy Framework (2021) and Policy PP1 Development and Flood Risk of the Tendring District Local Plan 2013-2033 and Beyond.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO