

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	MP	14/09/23
Planning Manager / Team Leader authorisation:	ML	14/09/2023
Planning Technician final checks and despatch:	JJ	15/09/2023

Application: 23/00694/FUL **Town / Parish:** Ramsey & Parkeston Parish Council

Applicant: Miss Lauren Heley - Lauren Nicole Homes

Address: 121 Garland Road Parkeston Harwich

Development: Proposed construction of 4no. two bedroom houses on site of former bungalow.

1. Town / Parish Council

Ramsey and Parkeston Parish Council No comments received.

2. Consultation Responses

HSE Explosives
Inspectorate
(Nuclear/Explosive
Sites)
27.06.2023

Thank you for your email of ** 2021 regarding the above planning application. From the information provided it appears that the proposed development falls within the SD3 distance of the nearby licensed explosives site, but outside SD2 distance. HSE therefore has no comment to make on the planning application provided that the development is not a vulnerable building.

"Vulnerable building" means a building or structure of vulnerable construction, that is to say—

(a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5m² and extending over more than 50% or 120m² of the surface of any elevation;

(b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5m² and extending over at least 50% of any elevation;

(c) a building of more than 400m² plan area with continuous or individual glazing panes larger than 1.5m² extending over at least 50% or 120m² of the plan area; or

(d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.

This advice is provided in relation to the proximity of the development to an HSE licensed explosives site. If the development is also in the proximity of any other major hazards site or pipelines then advice should be sought through HSE's WebApp in the first instance –

Thank you for re-consulting Place Services on the above application.

No objection subject to securing:

- a) a proportionate financial contribution towards Essex Coast RAMS
- b) biodiversity mitigation and enhancement measures

Summary

Further to our comments on 31st August 2023, we have reviewed the Skilled Ecology Response (Skilled Ecology, August 2023), in addition to the Preliminary Ecological Appraisal (Skilled Ecology, August 2023) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

The site falls within the evidenced recreational Zone of Influence (ZOI) of Essex Coast RAMs. Given the residential element of this development, the LPA will need to prepare a project level HRA Appropriate Assessment to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.

We are satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

We are satisfied that Skilled Ecology Response (Skilled Ecology, August 2023) provides reasonable justification outlining the likely absence of reptiles onsite. Therefore, the mitigation measures identified in the Preliminary Ecological Appraisal (Skilled Ecology, August 2023) including a precautionary measure for reptiles, should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly reptiles, nesting birds, and Hedgehogs.

We also support the proposed reasonable biodiversity enhancements of four bat boxes, two Sparrow terraces, two Starling bricks, and wildflower meadow planting which have been recommended by the Preliminary Ecological Appraisal (Skilled Ecology, August 2023) to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

In addition, the Preliminary Ecological Appraisal (Skilled Ecology, August 2023) highlights that it is likely bats could be foraging/commuting within and around the site. Therefore, if any external lighting is to be proposed, it is advised that a sensitive lighting scheme is developed to minimise any impacts. This should summarise the following measures will be implemented:

- o Light levels should be as low as possible as required to fulfil the lighting need.
- o Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue

spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.

- o The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- o Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Skilled Ecology, August 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

And if any external lighting is proposed;

3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Environment Agency
15.06.2023 (initial
comments)

Thank you for consulting us on 26 May on the above application. We have reviewed the documents as submitted and we are raising a holding objection to the proposed development on flood risk grounds. We have provided further details 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 four new dwellings, which is classified as a 'more vulnerable' development, as defined in Annex 3:Flood Vulnerability classification of the Planning Practice Guidance (PPG). Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

We have not seen evidence that you have applied the Sequential and Exception Tests. This is your responsibility and we recommend you consider them before the applicants review their FRA.

We have reviewed the submitted flood risk assessment (FRA), by MLM Consulting Engineers Ltd, referenced SJC/613665/JRC Rev B and dated 15 May 2012, and consider it does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change, Reference IDs: 7-020-20220825 to 7-022-20220825. 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. Use the correct flood levels from our 2018 Coastal Modelling, and take into account the UKCP18 updates to tidal climate change allowances.
2. Provide Finished Floor Levels above the modelled design flood level with new climate change allowances (0.5%CC AEP).
3. Provide refuge above the modelled extreme undefended (breach) flood level with new climate change allowances (0.1%CC AEP).
4. Correctly calculate the expected flood depths on site and within the building.

Overcoming our Objection

1. Flood levels can be requested from our Customers and Engagement team.

Please see the Advice to applicant section.

2. Please see the advice to applicant section
3. Please see the advice to applicant section
4. The applicant needs to compare the flood levels with the site levels and building levels to determine the potential flood depths.

The applicant can overcome our objection by submitting an FRA that covers the deficiencies highlighted above and demonstrates that the development will be safe will not increase risk elsewhere. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection. Further guidance on completing an FRA is available on our website.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

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.

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.

Informative advice

Our Customers and Engagement team can provide any relevant flooding information that we have available. Please contact: Enquiries_EastAnglia@environment-agency.gov.uk. For further information on our flood map products please visit our website at: www.environment-agency.gov.uk/research/planning/93498.aspx.

The coastal flood levels used in the FRA are out of date and have been superseded by our 2018 Coastal Modelling. These flood levels should

be obtained from the Environment Agency and used to assess the flood risk to the proposed development.

Tidal climate change allowances have also been updated since the 2018 coastal modelling was undertaken, with the UKCP18 update. Therefore, an additional 0.36m needs to be added onto the climate change flood levels within the 2018 coastal modelling, to account for the updated climate change allowances.

Finished Floor Levels

The development as proposed would be subject to floodwater entering properties in a 0.5% (1 in 200) annual probability event with climate change due to the revised flood levels. Finished floor levels for the proposed development should be set 300 millimetres above the 0.5% (1 in 200) annual probability with UKCP18 climate change flood level of 2.32mAOD. This is to protect the proposed development and its users from flooding. This is in line with the requirements of Paragraphs 004 and 042 of the Guidance Flood Risk and Coastal Change which advises measures to avoid flood risk vertically can be taken, by locating the most vulnerable uses on upper storeys, and by raising finished floor and/or ground levels.

Safe refuge should also be provided above the 0.1% undefended flood level (including allowances for UKCP18 climate change) of 5.70mAOD.

We trust that this advice is useful.

UU Open Spaces
15.06.2023

Public Realm Assessment

Play Space - current deficit:

- Deficit of 1.07 hectares of equipped play in Ramsey & Parkeston

Formal Play - current deficit:

- Adequate formal open space in the area to cope with some future development

Settlement provision:

- Welfare Park adjoins the development

Officer Conclusions and Recommendations

Contribution necessary, related, and reasonable?
to comply with CIL Regs*

- No contribution is being requested, the current facilities are adequate to cope with some additional development.

Identified project*:

(In consultation with Town / Parish Council on upcoming projects or needs for maintenance)

- None.

Environment Agency

Thank you for reconsulting us on 03 August 2023. We have reviewed the documents as submitted and have no objection to the proposed

21.08.2023 (revised comments following submission of amended information)

development 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 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 four new two-storey dwellings alongside parking areas and gardens, which is classified as a 'more vulnerable' development in Annex 3: Flood Vulnerability classification of the National Planning Policy Framework (NPPF). Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site-specific Flood Risk Assessment (FRA). To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced 3228/RE/06-23/01 and dated June 2023, are:

Actual Risk

The site is at risk of both tidal flooding from the North Sea/River Stour estuary, and fluvial flooding from the Ramsay main river. The tidal and fluvial risks have been summarised below.

Tidal Risk

- o The site lies within the flood extent for a 0.5% annual exceedance probability (AEP) event, including an allowance for climate change.
- o The site benefits from the presence of defences. However, the Environment Agency's Stour and Orwell coastal flood modelling indicates that these defences will overtop in the 0.5% AEP event including climate change, and the site is therefore at risk of flooding in the 'design event'.
- o Finished ground floor levels have been proposed at 2.35m AOD. This is above the 0.5% AEP flood level including climate change of 2.32m AOD and therefore will remain dry during a 'design flood'.

Please be aware that this finished floor level only provides 30mm freeboard above the design flood levels. The Agency strongly recommends that 'more vulnerable' development should be designed with a minimum of 300mm of freeboard above the design flood levels to account for modelling errors and the impact of wave action on the surface of the floodwater. The Local Planning Authority should take this into account when making their decision regarding the flood risks to the development.

- o Specific finished first floor levels have not been provided but the FRA states that they will be positioned above 4.46m AOD and therefore there is higher refuge above the 0.1% AEP flood level including climate change of 4.38m AOD.
- o The ground level in the area of proposed development is approximately 1.10m AOD and therefore flood depths on site are approximately 1.22m in the 0.5% AEP flood event including climate change. Assuming a velocity of 0.5m/s, the flood hazard is danger for most including the general public during this event.
- o 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. 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.
- o Compensatory storage is not required.

Fluvial Risk

o The site lies outside the flood extent for a 1% AEP event, including an allowance for climate change and is therefore not at risk of flooding in the fluvial design event. However, the site does lie within the 0.1% AEP flood extent including climate change and is consequently at an actual risk of flooding during an extreme event.

o All new residential development has been sited outside of the flood extent for the 0.1% AEP event including climate change represented in the Environment Agency's River Ramsay fluvial flood risk model. Therefore, all new 'more vulnerable' development is not at risk of flooding internally from fluvial sources.

Residual Risk

o Section 5.2.4 of the FRA explores the residual risk of a breach using the Harwich Strategic Flood Risk Assessment (SFRA). This indicates that the site would be inundated in both the 0.5% AEP and 0.1% AEP breach flood events including climate change. The maximum depth at the site during the 0.1% AEP event including climate change would be 3.36m, producing a maximum breach flood level of 4.46 mAOD, based on a ground level of 1.10 mAOD. Finished first floor levels have been proposed at above 4.46 mAOD and therefore higher refuge would be available to occupants during an extreme breach event.

In the absence of confirmed finished first floor levels there is no indication of how much freeboard will be provided above breach flood levels. The Environment Agency strongly recommend that a minimum of 300mm of freeboard is provided above the 4.46 mAOD breach flood level.

o Assuming a velocity of 0.5m/s the flood hazard would be danger for all including the emergency services in both the 0.5% AEP and 0.1% AEP breach event including climate change.

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

Flood Resilient Construction

The FRA proposes to include flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding.

You should determine whether the proposed measures will ensure the safety and sustainability of the proposed development. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Further information can be found in the document 'Improving the flood performance of new buildings' at: http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf.

Additional guidance can be found in our publication 'Prepare your property for flooding', which can be found on our website at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>

Safety of Building

The development has been designed to provide refuge above the predicted flood levels. Given that refuge is identified as a fall back mitigation measure it is important that the building is structurally resilient to withstand the pressures and forces (hydrostatic and

hydrodynamic pressures) associated with flood water. We advise that supporting information and calculations are submitted to you to provide certainty that the buildings will be constructed to withstand these water pressures.

Emergency Flood Plan

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

Planning practice guidance (PPG) to the National Planning Policy Framework (NPPF) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

We have considered the findings of the FRA in relation to the likely duration, depths, velocities and flood hazard rating against the design flood event for the development proposals. This indicates that there will be a danger to most people (e.g., there will be danger of loss of life for the general public).

This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your Emergency Planners and the Emergency Services on the evacuation proposals.

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 that this advice is useful.

Essex County Council
Ecology
31.08.2023 (initial
comments)

Holding objection due to insufficient ecological information on Protected species (reptiles).

Summary

We have reviewed the Preliminary Ecological Appraisal (Skilled Ecology, August 2023), relating to the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate mitigation.

The site falls within the evidenced recreational Zone of Influence (ZOI) of Essex Coast RAMs. Given the residential element of this development is relevant, the LPA will need to prepare has project level HRA Appropriate Assessment to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.

We are not satisfied that there is sufficient ecological information available for determination of this application.

This is because the Preliminary Ecological Appraisal (Skilled Ecology, August 2023), identifies the tall ruderal and scrub habitat onsite with suitable basking opportunities for reptiles. Furthermore, upon review of historical imagery (Google Earth Pro), we note that the habitat onsite has likely long been established. Therefore, although relatively isolated the site may include an existing reptile population. As a result, it is recommended that further justification from the applicant's ecologist be provided on why reptiles are likely to not be present and affected by the proposals, even with the mitigation outlined within the Preliminary Ecological Appraisal (Skilled Ecology, August 2023). As all suitable habitat and suitable areas for basking are to be completely cleared, with little to no suitable habitat surrounding the site, it is likely that any existing reptile could be killed or injured, if present.

This information is required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

ECC Highways Dept
05.06.2023

The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on submitted material. No site visit was undertaken in conjunction with this planning application. The proposal site is situated at the end of Garland Road, a local residential road that forms a cul-de-sac. It is noted that the application is similar to an earlier application: 17/00127/OUT that the Highway Authority did not object to. The proposal provides adequate off-street parking and turning for the development, considering these factors:

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

1. There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

2. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

3. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose and as indicated on drawing no. 2810/ 09 A, 6 metres should be provided behind each parking space to allow for manoeuvring.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

4. No unbound material shall be used in the surface treatment of the vehicular access or private drive throughout.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

5. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

6. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and if required marked out in parking bays. The vehicle parking area and associated turning 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 is provided in accordance with Policy DM8.

7. 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

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 in accordance with policies DM9 and DM10.

9. 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. vehicle routing,
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer.

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 DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: 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

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

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.

Tree & Landscape
Officer
06.06.2023

The site is overgrown with rank and ruderal vegetation and is rapidly being colonised by brambles. On the southern boundary of the former garden with the adjacent access road there are one or two small trees comprising of Hawthorn and Elder along with a remnant of a Privet hedge.

None of the trees or other vegetation on the application site merits retention and no significant trees or other important vegetation will be adversely affected by the proposed development.

3. Planning History

06/01241/OUT	Residential development (11 flats)	Refused	17.10.2007
08/01184/FUL	Demolition of existing bungalow and erection of three storey apartment block with 13 units.	Withdrawn	17.11.2008
09/00374/FUL	Erection of 3 storey building comprising of 13 no. apartments (following demolition of existing bungalow). Construction of new vehicular access.	Refused	20.10.2009
11/00653/OUT	Demolition of bungalow and erection of five houses and one flat	Refused	21.02.2012
12/00975/OUT	Demolition of bungalow and erection of five houses and one flat.	Refused (dismissed at appeal)	07.10.2013
16/00132/OUT	Demolition of bungalow and replacement with one 3 x bed house and one x 4 bed house.	Approved	12.10.2016
17/00127/OUT	Demolition of bungalow and replacement with four two bedroom houses.	Approved	24.03.2017

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2023 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

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

HP5 Open Space, Sports & Recreation Facilities

DI1 Infrastructure Delivery and Impact Mitigation

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) 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.

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

5. Officer Appraisal

Site Description

The application site is a parcel of land measuring 0.13 hectares and situated at the eastern end of Garland Road adjacent to Number 113. The site area is currently a vacant and overgrown area of land; while a derelict bungalow was previously in situ, this has now been demolished.

At the southern end of the site runs an access track, which leads to the rear of the adjacent terraced properties. Garland Road is characterised by high-density Victorian terraced properties. Several of the properties in the road have front projecting bay windows. The properties all have pitched roofs that consist of either concrete or slate roofing tiles. Opposite the site are semi-detached 1950's style properties. To the east of the site runs a footpath which leads to Parkeston Quay and a park area to the south of the site called 'Welfare Park'. The site is abutted to the west by terraced dwellings. Along the western boundary of the site runs a 1.8 metre close-boarded fence.

The typical character of the area is largely urbanised, with the aforementioned residential development along Garland Road, and industrial/commercial development further north and south.

The site falls within the Settlement Development Boundary for Harwich, and also within Flood Zones 2 and 3.

Description of Proposal

This application seeks full planning permission for the erection of four dwellings in a terrace formation, each of which are to be served by two bedrooms.

The site would be accessed via a new access point to the north-western corner of the site, which would lead to the rear of the site that includes nine parking spaces.

Site History

Planning application 06/01241/OUT was for 11 flats and was refused in 2007 on flood risk and highway concerns. The application was for a scheme of more traditional design which reflected elements of the surrounding Victorian dwellings in its design. Essex County Council Highways objected to the lack of visibility from the proposed access to the site and Environment Agency objected due to flood risk grounds.

A contemporary scheme with the accommodation at first and second floor was submitted in 2008. This application was withdrawn in an attempt to overcome highway objections and the objection from the Environment Agency. The re-design of the scheme had been brought about by the need to avoid accommodation on the ground floor for flood risk reasons and also to reflect the scale of nearby dwellings.

The re-submission was subsequently refused by members at planning committee on design, flood risk grounds and the lack of a unilateral undertaking to secure public open space contributions. The application was then dismissed on appeal in 2010. The planning inspector's decision made reference to the incongruous appearance of the modern design approach, the lack of a robust sequential test and the failure of the submitted FRA to prove that the future occupants of the building would be safe during a 1 in 200 year flooding event (including climate change).

A further application was submitted in 2011 (11/00653/OUT) in outline form with all matters reserved. The proposal was for the erection of five houses and one flat following demolition of the existing bungalow. This was refused on flood risk grounds as a robust Sequential Test had not been submitted and the FRA stated that all living accommodation had to be above 4.5m AOD and this would lead to a development out of character with the surrounding built development.

In 2012 a further application (12/00975/OUT) for 5 houses and 1 flat with all matters reserved was refused and subsequently dismissed on appeal. The sole reason being the absence of a robust Sequential Test.

In 2016 outline planning permission (16/00132/OUT) was approved for two dwellings (1x4 bed and 1x3). It was considered that although the site is within a high risk flood zone the development of the site would bring about wider sustainability benefits through the development of a brownfield site in a neglected state.

Most recently, under reference 17/00127/OUT, planning permission was granted in March 2017 for the erection of four dwellings following the demolition of the existing bungalow on site. However, whilst the bungalow has since been demolished, the applicant has confirmed that the permission was never implemented.

Assessment

1. Principle of Development

The site is located within the Settlement Development Boundary (SDB) for Harwich as established in the Adopted Local Plan. Adopted Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed

consideration against other relevant Local plan policies. As such, at an overarching high level, the principle of residential development on the site is acceptable, subject to the detailed considerations below.

2. Flooding Impacts

Paragraph 159 of the National Planning Policy Framework (NPPF) (2023) states 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.

Paragraph 167 of the NPPF (2023) says that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, and where appropriate, applications should be supported by a site-specific flood-risk assessment.

Policy PPL1 (Development and Flood Risk) of the adopted Tendring District Local Plan (2022) states that all development classified as "More Vulnerable" or "Highly Vulnerable" within Flood Zone 2 and 3 should set finished floor levels 300mm above the known or modelled 1 in 100 annual probability (1% AEP) flood level including an allowance for climate change, and development proposals should include appropriate measures to respond to the risk of flooding on and/or off site. In addition, within Flood Zones 2 and 3, development proposals must be accompanied by a Flood Risk Assessment.

The application site is located within Flood Zones 2 and 3, therefore an area at the greatest risk of flooding, and accordingly the Environment Agency (EA) have been consulted on the application. Within their initial comments the EA raised an objection as the information submitted did not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. To address this, a revised Flood Risk Assessment was provided to address the specific points made within the EA consultee response. Upon re-consultation, the EA have confirmed they no longer wish to raise any objections.

3. Sequential Test

Paragraph 161 of the NPPF (2023) confirms that all plans should apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change, so as to avoid, where possible, flood risk to people and property.

Adopted Policy PPL1 states all development proposals will be considered against the National Planning Policy Framework's 'Sequential Test', to direct development toward sites at the lowest risk of flooding, unless they involve land specifically allocated for development on the Policies Maps or Local Maps.

Within previous applications on this site, great reference has been made in relation to the sequential test. Initially, within reference 12/00975/OUT, the application was refused on the basis that the Council did not agree that the sequential test had been passed and that there were more reasonably available sites with a lower probability of flooding. This application was then dismissed at appeal, with the Inspector stating "*Bearing in mind both the appellant's data and those of the Council, it appears to me that there are other sites at lower risk of flooding in the area which could provide for residential development. Whilst the Environment Agency does not object on this point, the comments go on to note that it is for the Local Planning Authority to make the assessment and, in this case, I agree with its view and I do not consider that the scheme passes the Sequential Test.*"

Following this, within the determination of 17/00127/OUT, it was acknowledged that the re-development of this land would bring about wider sustainability benefits to the local community given that, at the time, the area was a long-term derelict brownfield site with an unsightly bungalow in a poor state of repair. In addition, weight was given to the Council being unable to demonstrate a five year housing land supply at that time, and in conclusion the proposal was considered acceptable via the exception test. Officers, however, note that this permission has long since expired and can therefore afford no weight to this. In addition, the key differences between that application and the current application are the unsightly bungalow has since been demolished, the Council now has a

sufficient five-year housing land supply, and, as the site is not visually harmful, its redevelopment would not provide significant regeneration benefits.

Given the proposal for 4 new residential dwellings, situated on land liable to flooding, a Sequential Test should be undertaken to address the availability of all potential sites within the Tendring District (the geographical area over which the test should be applied). There are no functional requirements and objectives of the proposed development (e.g. catchment area for a school, community facilities, a shop, a public house, appropriate land use areas etc.) to justify reducing the search area for the sequential test.

The application has provided a Flood Risk Sequential Test Assessment. Within this assessment, a review has been undertaken of allocated sites within the adopted Local Plan, sites identified on the Tendring District Council Brownfield Land Register, as well as available sites listed on Rightmove and OnTheMarket, and concludes that there are no reasonably available sites within the search area (which is defined as district wide), and therefore suggests the sequential test has been passed.

In this respect, it is considered that there are other sites within the District that lie within Flood Zone 1 (at lower risk of flooding) where new dwellings can be provided and that there is no requirement to provide new dwellings in this location that increases the chances of flooding for four additional households.

The proposal therefore fails the Sequential Test for flood risk as set out in the NPPF, as the District's housing need can be met by developments in areas at lower risk of flooding, and also the Exception Test as the development would not provide wider community benefits and may not be safe for its lifetime.

4. Scale, Design, Layout and Appearance

Paragraph 130 of the NPPF (2023) 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.

Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs. Policy SPL3 and LP4 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout which create a unique sense of place.

The proposed development would see the erection of four dwellings, which will be a row of terraces fronting onto Garland Road, all with a matching design. The character of the properties along Garland Road are two storey in a terrace formation, and in this regard the scale of the proposed dwellings is entirely in-keeping and no concerns are raised.

In terms of the design, the dwellings are of a simple and uncluttered layout, and each include a front bay window which matches the design of the existing dwelling adjacent to the west of the site. Additional features such as chimneys and window detailing also aid in reducing the bulk of the overall design. Furthermore, the layout will see the dwellings broadly in line with the strong existing building line running west to east along this section of Garland Road. Therefore, Officers consider the design and layout will be an acceptable addition.

Adopted Policy LP4 states the design and layout of new residential developments is expected to provide for amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of the dwelling and character of the area. The submitted plans show there to be sufficient private amenity space for all four dwellings.

5. Impact to Neighbouring Amenities

Paragraph 130 of the National Planning Policy Framework (2023) confirms planning policies and decisions 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.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The closest neighbouring is Number 113 Garland Road to the west. However, whilst Officers acknowledge the dwellings will be visible, there is a good separation distance that will reduce how overbearing/imposing the development would appear, and there are no concerns raised in relation to loss of daylight/sunlight. In terms of potential overlooking, the only first floor side elevation facing towards Number 113 is served by an en-suite so will be obscure glazed, whilst any views from first floor rear elevation windows will only be to the rear end of Number 113's garden area, an area unlikely to be regularly occupied.

The creation of a new access adjacent to Number 113, and the associated vehicular movements for the four dwellings, will generate a level of additional noise. However, given the low-level nature of the proposal, it is not considered that such noise generation would be significant enough to warrant recommending a reason for refusal.

6. Highway Safety

Paragraph 110 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and the design and layout of the development provides safe and convenient access for people.

Essex Highways Authority have been consulted and have stated that they have no objections subject to conditions relating to visibility splays, a vehicular turning facility, no unbound materials, the access width, the vehicle parking area, cycle parking provision, the submission of a Residential Travel Information Pack, and a Construction Management Plan.

Furthermore, Essex Parking Standards (2009) require that for dwellings with two or more bedrooms, a minimum of two parking spaces are required. Parking spaces should measure 5.5m x 2.9m and garages, if being relied on to provide a parking space, should measure 7m x 3m internally. The proposal results in a total of four dwellings each with two bedrooms, and therefore requires a total of eight parking spaces. The submitted plans show a total of nine spaces to the rear of the site at the above measurements, and therefore there is sufficient parking provision.

7. Ecology

Paragraph 174 of the Framework states planning decisions should contribute to and enhance the natural and local environment, by minimising impacts and providing net gains for biodiversity. Paragraph 180(a) of the NPPF confirms that in assessing planning applications where significant harm to biodiversity as a result of a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.

Adopted Policy SP7 requires that all new development should incorporate biodiversity creation and enhancement measures. Adopted Policy SPL3 Part A(d) includes that the design and layout of development should maintain or enhance ecological value.

The application site, upon Officers undertaking a site visit was overgrown and demonstrated the potential for being a habitat for protected species. Accordingly, a Preliminary Ecological Assessment

was requested and subsequently submitted by the agent for the application. Following this ECC Place Services (Ecology), but initially objected due to insufficient ecological information. Following this, a revised assessment was provided, and ECC Place Services (Ecology) confirmed they no longer raise any objections subject to the inclusion of conditions.

8. Tree Impacts

The Council's Tree and Landscape Officer has been consulted, and has provided the following comments:

"The site is overgrown with rank and ruderal vegetation and is rapidly being colonised by brambles. On the southern boundary of the former garden with the adjacent access road there are one or two small trees comprising of Hawthorn and Elder along with a remnant of a Privet hedge.

None of the trees or other vegetation on the application site merits retention and no significant trees or other important vegetation will be adversely affected by the proposed development."

There are therefore no objections raised in regard to the impacts of the development to existing trees.

9. Drainage

Paragraph 174 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 185 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.

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 agent for the application has confirmed on the application form 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 in the event of an approval.

10. Renewable and Energy Conservation Measures

Paragraph 112 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

The proposal includes for a development that has the potential to incorporate renewable energy features. No details, however, are provided within the application submission. Therefore, it is considered reasonable and necessary to include a planning condition requiring a scheme, together with a timetable to be submitted for the consideration and installation of these measures, as such a condition is capable of addressing these policy requirements.

11. Financial Contributions - Open Space and RAMS

(i) Open Space

Paragraph 55 of the National Planning Policy Framework (2023) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 57 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

Section 2 Policy HP5 states that the Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update.

The Council's Public Realm consultee identifies that there is currently a deficit of 1.07 hectares of equipped play in Ramsey and Parkeston, however no contribution is being requested as the current facilities are adequate to cope with the additional development.

(ii) Habitat Regulations Assessment

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 a residential on a site that lies within the Zone of Influence (Zoi) being approximately 460 metres from Stour and Orwell Estuaries SPA and RAMSAR. New housing development within the Zoi would be likely to increase the number of recreational visitors to these sites and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A unilateral undertaking has been prepared to secure this legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Other Considerations

HSE Advice

The application site lies within the relevant consultation distances of two hazardous installations. The site lies within the outer band of an explosive facility at Harwich International Port, however, as the proposed development is less than 3 storeys (12 metres) and at a density under 40 dwellings per hectare there are no objections from HSE. The site also lies within a consultation zone of the Carless refinery; however, the HSE does not advise, on safety grounds, against the granting of planning permission on this site.

Ramsey & Parkeston Parish Council have not commented on the application.

There have been no other letters of representation received.

Conclusion

The application site lies within the Settlement Development Boundary for Harwich within the adopted Local Plan 2013-2033, and therefore the principle of development in this location is acceptable. Whilst the Environment Agency initially raised an objection, following the submission of a revised Flood Risk Assessment this was removed. In addition, Officers are content that the proposed design is acceptable and will not result in significant harm to neighbouring amenities, and sufficient parking is also proposed. ECC Highways and ECC Place Services (Ecology) also raise no objections.

However, the site falls within Flood Zones 2 and 3, an area at highest risk of flooding, and while a sequential test has been undertaken, Officers consider that there are a significant number of reasonably available alternative sites which could contain the development that are located within a lower flood zone across the District. As such the sequential test requirement is not passed, the proposal is not in accordance with local and national planning policies and is therefore recommended for refusal.

6. Recommendation

Refusal.

7. Reason for Refusal

- 1 Paragraph 159 of the National Planning Policy Framework (NPPF) (2023) states 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.

Paragraph 161 of the NPPF (2023) confirms that all plans should apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change, so as to avoid, where possible, flood risk to people and property.

Policy PPL1 (Development and Flood Risk) of the adopted Tendring District Local Plan (2022) states that all development proposals should include appropriate measures to respond to the risk of flooding on and/or off site, and that all development proposals will be considered against the National Planning Policy Framework's 'Sequential Test', to direct development toward sites at the lowest risk of flooding, unless they involve land specifically allocated for development on the Policies Maps or Local Maps.

Having assessed the information submitted, Officers consider that the sequential test should be applied District wide, and as such there are a significant number of reasonably available alternative sites which could contain the development that are located within areas with a lower probability of flooding that are therefore considered sequentially preferable to the application site. The Council therefore does not agree that the sequential test requirement has been satisfied. As such, the proposal is considered to be unacceptable and contrary to the above national and local planning policies.

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. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Plans and Supporting Documents:

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

Drawing Numbers 2810/01 Rev C, 2810/03 Rev B, 2810/04 Rev A, 2810/06 Rev A, 2810/09 Rev A, and the documents titled 'Flood Risk Assessment' dated June 2023, 'Flood Risk Sequential Test Assessment' dated July 2023, 'Preliminary Ecological Appraisal' and addendum letter provided by Skilled Ecology Consultancy Ltd dated 31st August 2023.