

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		MP	04/06/24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	04/06/2024
Assistant Planner final checks and despatch:		JJ	04/06/2024

Application: 24/00247/FUL **Town / Parish:** Harwich Town Council

Applicant: Ms Margaret Mooney - Hanover Land and Developments Ltd

Address: Land at 22 George Street Harwich

Development: Proposed infill construction of 2 new build houses consisting of one 2.5 storey 2 bedroom house and one 3 storey 3 bedroom house. A communal rear garden / amenity space for both houses, enclosed secure cycle parking / storage areas and bin store. Proposed re-location of the existing vehicle access as shown on the site plan.

1. Town / Parish Council

Harwich Town Council Harwich Town Council objects to this application on the grounds of overdevelopment of the area with insufficient parking provision and little amenity space.

2. Consultation Responses

Essex County Council Archaeology 10.04.2024 The above application is for a proposed infill construction of 2 new build houses consisting of one 2.5 storey 2 bedroom house and one 3 storey 3 bedroom house. A communal rear garden / amenity space for both houses, enclosed secure cycle parking / storage areas and bin store. Proposed re-location of the existing vehicle access as shown on the site plan.

The proposed development is situated within the core of Harwich Town. The port of Harwich has existed since the 12th century; the town itself was planned and built by Roger, Earl of Norfolk as a commercial venture. In either 1222 or 1253 he granted a weekly market. In 1319 King Edward II confirmed a charter making Harwich a FreeBorough. By the fourteenth century Harwich had become an assembly point for the ships summoned by the King in times of war. Situated on a narrow promontory into the estuary of the River Orwell the town was walled by the mid 14th century, The present street plan is still largely that of the medieval town and later postmedieval expansion.

Historic mapping reveals former buildings within the proposed development site, likely early 19th century, or earlier, in date. Evidence for medieval activity has also been revealed along George Street and the site lies within the former extent of the medieval town walls. There is potential for the survival of further medieval occupation layers and remains of former historic buildings associated with the growth and development of the historic town.

In accordance with Para 200 and 211 of the NPPF an archaeological evaluation will be required to determine the significance of any

heritage assets affected and to preserve, by record, any heritage assets that will be lost.

The following recommendations are made in line with the National Planning Policy Framework:

RECOMMENDATION: Archaeological evaluation

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant for approval, in writing, by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.
3. The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and an Updated Project Design for approval in writing by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Further Recommendations:

A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

If you have any questions about this advice, please do not hesitate to contact me.

Tree & Landscape Officer
19.03.2024

No trees or other significant vegetation will be adversely affected by the proposed development.

ECC Highways Dept
17.04.2024

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, google earth image and in conjunction with a site visit. The proposal site is within George Street, Harwich, a quiet side road which is an old established residential area where the proposed development of the vacant land at 22 George Street will form a natural infill completing the street scene. The proposal offers adequate off-street parking and compared to the previous use of the site, the proposal is unlikely to give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site, 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. 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.

2. As indicated on drawing no. GSH-2024-203-A2 and 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.

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.

3. 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.

4. As indicated on drawing no. GSH-2024-210-A2, the powered two-wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8.

5. 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.

6. 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.

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:

i) 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

ii) 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.

iii) The ease of passage over access pathway between George Street and 5 West Street shall be maintained free and unobstructed at all times during the construction period. This is to ensure the continued safe passage of the public.

iv) 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.

v) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Essex County Council
Heritage
03.06.2024

The site is within the historic core of Harwich Conservation Area and in close proximity to a number of listed buildings, including the Grade II listed 4 and 5 West Street directly to the rear (north east) of the site (list entry number: 1298467).

The proposed development of the site has been amended following the withdrawal of a previous application (23/00264/FUL). An objection was raised to the previous proposal (letters dated 17/07/2023 and 31/08/2023) primarily due to the proposed set-back of the new houses from George Street which was not considered to be in keeping with the prevailing historic pattern of development.

The ground floors of both proposed houses have been amended; House A now has an undercroft to provide vehicle access to the rear of the site, and the ground floor of House B is now positioned at the pavement edge with the front door providing access to a narrow hallway with two undercroft parking spaces behind (not visible from George Street).

The amended ground floor of House B has gone some way to address the previous concern regarding the set-back of the front elevation which was not considered to reflect the historic and prevailing pattern of development along George Street. However, House A still remains set back from the frontage and appears incongruous within the streetscene. Comments were also made previously regarding the height of House B mirroring the height of 23 George Street and the proposed house not being subservient in scale. A historic photograph was provided (letter dated 17/07/2013) which shows the former building(s) on the site being lower in height.

There are additional concerns with the proposed design of the buildings. The lack of windows at ground floor is also not characteristic of this part of the Conservation Area and where there are examples, these buildings are often industrial or utilitarian in character rather than domestic. Also sash windows are the most common window form (of the historic properties) along George Street rather than the proposed horizontally proportioned casements. The proposed flat roof form of House A is not sympathetic to or in keeping with the traditional pitched roof forms prevalent throughout the Conservation Area and is not an appropriate design response.

Due to these design issues, the proposal is not considered to be an appropriate response to a sensitive site, and it does not preserve or enhance the character or appearance of the Conservation Area contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is therefore considered to result in harm to the significance of the Conservation Area. This harm is 'less than substantial' and paragraph 208 of the NPPF is relevant. Consideration should also be given to paragraphs 205 and 206 which afford great weight to the conservation of heritage assets and note that any harm requires clear and convincing justification.

Environmental Protection
19.03.2024

With reference to the above, please see below for comments from the EP Team:

Contaminated Land: Given the sites proximity a number of pieces of historical, registered contaminated land (ten395 - railway sidings / ten397 - munitions testing / ten244 - gas works / ten394 - dockyards) the EP Team are requesting a minimum of a Phase One

Contaminated Land Survey be performed, to ensure the land is suitable for the proposed end use - The following works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

A. Site Characterisation

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

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

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

Demolition / Construction Method Statement: In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Protection ask that the following is conditioned on any subsequent approval:

Prior to the commencement of any construction or demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control. This should at minimum include the following where applicable.

o Noise Control

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

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

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

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

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

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

o Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site.

3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

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

REASON: to protect the amenity of nearby residential dwellings.

Environment Agency
05.04.2024 (initial
comments)

Flood Risk

Our maps show the application site lies within fluvial/ tidal Flood Zone 3, the high probability zone. Paragraph 167, footnote 55 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit a site-specific flood risk assessment (FRA) when development is proposed in such locations. Details of a sustainable drainage assessment have been submitted, but no FRA detailing the risk of flooding from tidal sources has been submitted to support this application and we are therefore objecting on flood risk grounds.

An FRA is vital if the local council is to make an informed planning decision. In the absence of an FRA, the flood risk resulting from the proposed development is unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

Overcoming our Objection

You can overcome our objection by undertaking an FRA that demonstrates that the development is safe without increasing risk elsewhere and, where possible, reduces flood risk overall. 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.

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.

We have included a factsheet with our response, which sets out the minimum requirements and further guidance on completing an FRA is available on our website.

Our Customers and Engagement team can provide any relevant flooding information that we have available. Please be aware that there may be a charge for this information. 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

Strategic Flood Risk Assessments (SFRA) are undertaken by local planning authorities as part of the planning process. The SFRA may contain information to assist in preparing site-specific FRAs. Applicants should consult the SFRA while preparing planning applications. Please contact your local authority for further information.

Information on preparing property for flooding can be found in the documents 'Improving the Flood performance of new buildings' and 'Prepare your property for flooding' (<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings> and <http://www.environment-agency.gov.uk/homeandleisure/floods/31644.aspx>)

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.

Environment Agency
01.05.2024 (further
comments)

Thank you for re-consulting us on the above application. Following the amendments to the development designs and the Flood Risk Assessment (FRA) we have no objection to this planning application, providing that you have taken into account the flood risk

considerations which are your responsibility. We have highlighted these in the flood risk section below.

Flood Risk

The Flood Map for Planning shows that the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for the development of two 3-storey residential dwellings, which is classified as a 'more vulnerable' development, as defined 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 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 72082 and dated April 2024, are:

Actual 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 coastal defences. However, the Environment Agency's coastal modelling shows that these defences will overtop during the 0.5% AEP event including climate change and therefore the site is at risk of flooding in a 'design event'.

- o Finished ground floor levels have been proposed at 3.20m AOD. This is below the 0.5% AEP flood level including climate change of 5.37 mAOD and therefore both buildings are at risk of flooding internally by 2.17m depth in this event. The applicant has proposed 'non-habitable' development on the ground floor including car parking, a toilet and storage space. As the ground floors will flood internally during a design event, flood resilience measures have been proposed in the FRA.

- o All 'habitable' development has been proposed for the first and second floor. Finished first floor levels have been proposed at 5.85m AOD and therefore all habitable development will be located above the design flood levels including a 0.48m freeboard.

- o Finished first floor levels are also positioned above the 0.1% AEP flood level including climate change of 5.73 mAOD. Therefore, safe refuge will be available to occupants of both dwellings during this event.

- o The minimum site level is 2.85m AOD and therefore flood depths on site will be up to 2.52m in the 0.5% (1 in 200) annual probability flood event including climate change. Therefore, assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.

- 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 (up to a 0.5% (1 in 200) annual probability including climate change flood event). We have no objections to the proposed

development on flood risk access safety grounds because an Emergency Flood Plan has been submitted by the applicant, but you should determine its adequacy to ensure the safety of the occupants.

Residual Risk

o The site is also at a residual risk of flooding due to a breach of the coastal defences. The undefended flood levels from our coastal modelling provides an indication of a worst-case scenario should the defences breach. This shows that the 0.1% AEP undefended flood level including climate change is also 5.73m AOD. As this flood level is the same as the 'defended' 0.1% AEP flood level including climate change, safe refuge will be available during this event and all of the information above also applies in the residual risk scenario.

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.

Safety of Building - 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 inhabitants - 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.

Safety of Inhabitants - Emergency Flood Plan

We do 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 for all people (e.g. there will be danger of loss of life for the general public and the emergency services).

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.

Sequential Test / and Exception Tests

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

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.

3. **Planning History**

01/00698/FUL	Vehicular crossing to be constructed over the kerbed footway so as to provide access to the premises	Current	25.05.2001
23/00264/FUL	Proposed infill construction of 2 new build houses consisting of one 2.5 storey 3 bedroom house and one 3 storey 3-4 bedroom house. Associated parking or garage, rear garden/amenity space for both houses, cycle parking areas and bin store.	Withdrawn	13.09.2023

4. 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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19th December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

5. 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>

6. Relevant Policies / Government Guidance

National Planning Policy Framework:
National Planning Policy Framework (2023)
National Planning Policy Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1:
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:
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP5 Open Space, Sports and Recreation Facilities
DI1 Infrastructure delivery and impact mitigation
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
PP14 Priority Areas for Regeneration
PPL1 Development and Flood Risk
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL8 Conservation Areas
PPL9 Listed Buildings
PPL10 Renewable Energy Generation and Energy Efficiency Measures
CP1 Sustainable Transport and Accessibility

Local Planning Guidance:
Essex Design Guide
Essex Parking Standards (2009)

7. Officer Appraisal

Site Description

The application site is land at 22 George Street, directly adjacent to the north-west of Number 23, which falls within the parish of Harwich. The site is currently open except from an existing dilapidated garage and sheds and is bounded along the front boundary by a wall. The surrounding area is heavily urbanised, with predominantly residential properties located to all sides.

The site is within the Harwich Conservation Area, and there are numerous Grade II Listed Buildings located within the vicinity, most notably 4 and 5 West Street adjacent to the north. The site also falls within the Settlement Development Boundary for Harwich within the adopted Local Plan 2013-2033, is allocated as a Priority Area for Regeneration, and is also within Flood Zones 2 and 3.

Description of Proposal

This application seeks planning permission for the erection of two dwellings, one of which would be 2.5 storey and served by three bedrooms, and the other being a three-storey dwelling also served by three bedrooms.

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. Design, Layout and Appearance

Paragraph 135 of the National Planning Policy Framework (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.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 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 that relates well to its site and surroundings, create a unique sense of place.

The proposal would result in the erection of two dwellings, which would represent an infill of an existing open site along George Street. The surrounding area is heavily urbanised with residential properties, including high density terraced development. Given this, and that the scale of the development in the surrounding area is predominantly of a three-storey nature, there is not a principle objection to the siting of two dwellings on this site. However, as discussed in more detail below, the layout would see one of the dwellings set back within the site; this differs from the prevalent character of all dwellings in this location being sited to the front of sites adjacent to the footway.

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. On this occasion, Officers note that the three-bedroom dwelling is served by a small balcony measuring approximately 7.5sqm, whilst there is no amenity provision for the two bedroom dwelling. The supporting statement outlines that there is space to the rear of the site for private amenity, however the layout plans show the area to the rear to predominantly be hard standing and/or served by parking spaces and cycle storage. Officers do not consider that such an area would be an attractive proposition for future occupiers of the properties and therefore afford this very little weight.

Taking the above into account, given the number of bedrooms for each property, it is concluded that the area of private amenity space provided is not of a size and configuration that would be acceptable for the future occupants of both properties.

3. Heritage Impacts

Paragraph 208 identifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Adopted Policy PPL9 states proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.

The application site falls within the Harwich Conservation Area and there are also numerous Grade II Listed Buildings within proximity. As such ECC Place Services (Heritage) have been consulted and initially provided the following comments:

“The site is within the historic core of Harwich Conservation Area and in close proximity to a number of listed buildings, including the Grade II listed 4 and 5 West Street directly to the rear (north east) of the site (list entry number: 1298467).”

The proposed development of the site has been amended following the withdrawal of a previous application (23/00264/FUL). An objection was raised to the previous proposal (letters dated

17/07/2023 and 31/08/2023) primarily due to the proposed set-back of the new houses from George Street which was not considered to be in keeping with the prevailing historic pattern of development.

The ground floors of both proposed houses have been amended; House A now has an undercroft to provide vehicle access to the rear of the site, and the ground floor of House B is now positioned at the pavement edge with the front door providing access to a narrow hallway with two undercroft parking spaces behind (not visible from George Street).

The amended ground floor of House B has gone some way to address the previous concern regarding the set-back of the front elevation which was not considered to reflect the historic and prevailing pattern of development along George Street. However, House A still remains set back from the frontage and appears incongruous within the street scene. Comments were also made previously regarding the height of House B mirroring the height of 23 George Street and the proposed house not being subservient in scale. A historic photograph was provided (letter dated 17/07/2013) which shows the former building(s) on the site being lower in height.

There are additional concerns with the proposed design of the buildings. The lack of windows at ground floor is also not characteristic of this part of the Conservation Area and where there are examples, these buildings are often industrial or utilitarian in character rather than domestic. Also sash windows are the most common window form (of the historic properties) along George Street rather than the proposed horizontally proportioned casements. The proposed flat roof form of House A is not sympathetic to or in keeping with the traditional pitched roof forms prevalent throughout the Conservation Area and is not an appropriate design response.

Due to these design issues, the proposal is not considered to be an appropriate response to a sensitive site, and it does not preserve or enhance the character or appearance of the Conservation Area contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is therefore considered to result in harm to the significance of the Conservation Area. This harm is 'less than substantial' and paragraph 208 of the NPPF is relevant. Consideration should also be given to paragraphs 205 and 206 which afford great weight to the conservation of heritage assets and note that any harm requires clear and convincing justification."

Taking the above comments into consideration, it is acknowledged that a level of less than substantial harm to the character and appearance of the Harwich Conservation Area has been identified. Specific concerns relate to one of the dwellings being set back from the street scene, historically the built form on this site being lower in height than Number 23, a lack of fenestration at ground floor level, and the proposed flat roof form of House A not being in-keeping with the pitched roof forms relevant throughout the Harwich Conservation Area.

In line with the NPPF where a level of less than substantial harm is identified, it is for Officers to weigh this level of harm against any public benefits the proposal may generate. On this occasion, the Council are able to demonstrate a comfortable five-year housing land supply in the District, and while the site forms part of a wider area targeted for regeneration purposes it is noted that George Street itself is of a good visual appearance and the erection of two dwellings on the currently vacant site would not result in any significant regeneration of the area. Accordingly, on this occasion it is concluded that the harm identified outweighs any limited public benefits the creation of two additional dwellings would generate.

4. Impact to Neighbouring Amenities

Paragraph 135 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.

There are adjacent neighbouring properties to the south-east (Number 23), north-west (Number 21) as well as Numbers 2-5 West Street to the north-east. The development, being in such close proximity, will naturally be highly visible to all of these. However, Officers equally acknowledge that the built form is broadly set back as far as Number 23 and only slightly extended beyond Number 21. There is also an approximate separation distance of 12 metres to the neighbouring boundaries along West Street. Taking all of this into consideration, as well as the high-density nature of the existing development which already would feel reasonably oppressive, Officers do not consider, on balance, that the harm to neighbouring amenities in respect of the development appearing oppressive or resulting in a significant loss of sunlight/daylight would be so high that it would warrant recommending a reason for refusal.

In addition, with respect to potential overlooking, there are several first and second floor rear elevation windows, as well as the small balcony area. These will naturally result in a degree of overlooking, however as discussed above the existing development is high density where neighbouring amenity areas are already overlooked. Therefore, the increase in overlooking is not considered, on balance, to be so significant that it would warrant recommending a reason for refusal.

5. Flooding Impacts

Paragraph 165 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 173 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 include a site-specific Flood Risk Assessment. To address this, a Flood Risk Assessment has since been provided, and the EA have confirmed that they raise no objections with the flooding risks, however this is subject to the Council undertaking a Sequential Test assessment.

6. Sequential Test

Paragraph 167 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. This should be done by initially applying the Sequential Test and then, if necessary, the Exception Test.

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.

Having regard to the sequential test approach, the application site falls within Flood Zones 2 and 3 and accordingly the agent for the application has provided a Flood Risk Assessment, which includes an overview of the Sequential Test guidance but does not outline whether there are any alternative sites capable of accommodating the development in a location less at risk of flooding. However, the Council consider that the Sequential Test should be applied District wide, and it considers that there are a significant number of reasonably available alternative sites which could contain the development that are located within a lower flood zone. The Council therefore concludes that the sequential test requirement has not been satisfied, and the proposal is considered to be unacceptable and contrary to the above national and local planning policies.

Within the Flood Risk Assessment, it highlights that where development in a flood risk area cannot be avoided the Exception Test should then be undertaken/satisfied. Such a test needs to demonstrate that a development will provide wider sustainability benefits to the community that outweigh flood risk and will be safe for its lifetime taking account of the vulnerability of its users.

Notwithstanding the Council's clear position that there are alternative, safer locations within the District that could cater for the proposed two dwellings, it notes on this occasion that the Environment Agency have confirmed the proposal would be safe for its lifetime given that the ground floor is not to be used with habitable rooms. However, whilst the site is within an area prioritised for regeneration purposes, it is noted that George Street itself is of a good visual appearance and the erection of two dwellings on the currently vacant site would not result in any significant regeneration of the area.

In conclusion, the Council's position is that the Sequential Test must be satisfied, and no evidence has been provided to demonstrate that alternative sites in safer locations (i.e. Flood Zone 1) have been considered. Further, even if it were to be considered that the Exception Test can be applied instead of (as opposed to as well as) the Sequential Test, there is no evidence that the erection of two dwellings would provide wider sustainability benefits to the community that would outweigh the clear harm of the development in this high-risk flooding location.

7. Highway Safety

Paragraph 114 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. Policy SPL3 (Part B) of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and provision is made for adequate vehicle and cycle parking.

ECC Highways have been consulted and have stated that the proposal offers adequate off-street parking and compared to the previous use of the site, is unlikely to give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable subject to conditions relating to pedestrian visibility splays, the width of the access, the vehicular parking area, cycle parking, the submission of a Residential Travel Information Pack, and a Construction Method Statement.

The Essex Parking Standards (2009) state that for dwellings with two or more bedrooms, a minimum of two parking spaces is 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 submitted plans show that the three-bedroom dwelling will be served by two parking spaces, with the two bedroom dwelling served by one space. Whilst this falls just short of the Parking Standards requirements, Officers equally acknowledge the sites within a highly sustainable location in good walking distance to a number of amenities. Therefore, the harm of one parking space below the Standards is not considered to be so harmful that a reason for refusal is warranted.

8. Renewable Energy

Policy PPL10 of the Local Plan states that proposals for new development should consider the potential for renewable energy generation, appropriate to the site and its location, and should

include renewable energy installations, or 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.

9. Foul Drainage

Paragraph 180 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. Financial Contribution - Recreational Disturbance

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) but is approximately 150 metres from Stour and Orwell Estuaries RAMSAR and SPA. 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 planning condition is recommended to secure this via a future 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.

11. Ecology and Biodiversity

Paragraph 186 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified. Paragraph 180 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value. TDLP Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.

This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. The proposal is for two dwellings on an infill plot that is currently open. On this occasion, the Tree and Landscaping Officer has been consulted and has confirmed that a landscaping condition is not required, however an informative recommending the applicant is strongly encouraged to improve the biodiversity of the site through appropriate additional planting and wildlife friendly features could be included if approval was granted.

Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, would conserve and enhance biodiversity interests.

Biodiversity Net Gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals. The application was submitted prior to the introduction of this requirement and is not therefore applicable for Biodiversity Net Gain.

Protected Species

In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. The proposal includes for two dwellings on an infill plot. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Other Considerations

Harwich Town Council object to the application on the grounds the proposal is a form of overdevelopment with insufficient parking provision and private amenity space.

In response to this, these issues are addressed within the main body of the report above.

There has also been one letter of objection received, raising the following concerns:

1. Impact to the Conservation Area;
2. Impact to Listed Buildings;
3. Harm to neighbouring amenities; and
4. Proposal overall is a form of overdevelopment.

In response to this, all of these points are discussed and addressed within the main body of the report above.

Conclusion

The application would result in the erection of two dwellings, one being 2.5 storeys and the other three storeys, and would infill the currently open parcel of land along George Street. On this occasion given that the development is within the Settlement Development Boundary for Harwich the principle of residential dwellings in this location is acceptable. Furthermore, ECC Highways raise no objections and while there is a slight shortfall in parking given the site's sustainable location this is not considered to be significantly harmful. Similarly, there is a degree of harm to neighbouring amenities, however given the high density of development in this location, the harm of the additional built form is not, on balance, significant.

The above notwithstanding, concerns are raised that there is insufficient private amenity space generated by the proposal, with the three-bedroom dwelling having just a 7.5sqm balcony, and the two bedroom dwelling have no amenity space. Furthermore, it has been identified that the impact of the development will result in less than substantial harm to the setting of the Harwich Conservation Area, with there not being a level of public benefits that can outweigh this harm.

In addition to the above, the site lies within Flood Zones 2 and 3 and would result in a more vulnerable development. The submission has failed to demonstrate whether there are any alternative sites capable within the District of accommodating the two dwellings, and also not outlined why these would not be suitable, thereby failing to satisfy the Sequential Test. In addition, the Exception Test is also not satisfied on the basis that the proposal would not generate wider regeneration benefits given that this section of George Street is not in particular need of regeneration.

Therefore, in conclusion, the proposal is not considered to comply with local and national planning policies and is recommended for refusal.

8. Recommendation

Refusal.

9. Reasons for Refusal

- 1 Paragraph 208 identifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Adopted Policy PPL9 states proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.

The application site falls within the Harwich Conservation Area, and on this occasion the development will result in less than substantial harm to the setting of this Conservation Area through one of the dwellings being set back and thereby not according with the prevalent building line along George Street, the height of Dwelling B matching Number 23 which does not accord with the historical character, a lack of fenestration at ground floor level, and the flat roof form to Dwelling A is not in-keeping with the prevailing pitched roof forms relevant through the Harwich Conservation Area.

The Council is able to comfortably demonstrate a sufficient housing land supply, and while the site forms part of a wider area targeted for regeneration purposes it is noted that George Street itself is of a good visual appearance and the erection of two dwellings on the currently vacant site would not result in any significant regeneration of the area. Consequently, there are no public benefits that outweigh the identified harm, and therefore,

the proposed development is not considered to be contrary to the above local and national planning policies.

- 2 Paragraph 167 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. This should be done by initially applying the Sequential Test and then, if necessary, the Exception Test.

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.

Having assessed the information submitted, as the site falls within Flood Zones 2 and 3 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.

- 3 Adopted Local Plan Policy LP4(j) states that the design and layout of 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.

On this occasion, the three bedroom dwelling is served by a small balcony that measures approximately 7.5sqm, and no private amenity is provided for the two bedroom dwelling. There is an outdoor area to the rear of the site, however this is shown to be hardstanding and/or served by parking spaces and cycle storage, and consequently is not an area that would be an attractive proposition for future occupiers. Therefore, the proposal has failed to provide a level of private amenity space that is of a size and configuration that would be acceptable for the future occupants of both properties, and therefore fails to comply with the above policy requirement.

10. Informatives

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 GSH/2023/104/A GSH/2024/200/A2, GSH/2024/201/A1, GSH/2024/202/A1, GSH/2024/203/A2, GSH/2023/204/A1, GSH/2024/205/A1, GSH/2024/206/A1, GSH/2024/210/A2, and the documents titled 'Heritage Statement', 'Asgard Access Bike Store', and 'Flood Risk Assessment'.

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.

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral