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**15/00084/FUL**

**LAND BETWEEN 35 AND 43 VICTORIA DRIVE, GREAT WAKERING**

**CONSTRUCT THREE-BED DETACHED DWELLING**

**APPLICANT: LAWRENCE AND BROWNE LTD**

**ZONING: EXISTING RESIDENTIAL AND FLOOD ZONE 3A**

**PARISH: GREAT WAKERING PARISH COUNCIL**

**WARD: FOULNESS AND GREAT WAKERING**

**1 PLANNING APPLICATION DETAILS**

- 1.1 The application currently before the Council is for the construction of a three-bedroomed detached dwelling at land between 35 and 43 Victoria Drive, Great Wakering.
- 1.2 This application is currently before the Committee as one of the applicants is an employee of the Council.
- 1.3 The proposal is for a three-bedroomed house with a chalet style in appearance. It would have a pitched roof with half hips and pitched roofed gable ended front and rear projections. To the front the gable end would have a balcony at first floor and to the rear a small landing with external staircase is proposed. There would be two pitched roofed dormers to the front and two pitched roofed dormers to the rear.
- 1.4 The primary living accommodation would be at first floor level incorporating three bedrooms, en suite, bathroom, kitchen and lounge. At ground floor level there would be two car ports, a reception hallway, utility, WC and open bin/cycle storage area. The design, with primary accommodation located at first floor level, is due to the site's location within flood zone 3a.
- 1.5 An in and out driveway would be formed with some soft landscaping to the frontage.
- 1.6 This application is a re-submission following the refusal of a similar proposal in 2014 (reference 14/00568/FUL) for the following reason:-

*The proposal is considered to be contrary to policy ENV3 and paragraphs 100 and 101 of the National Planning Policy Framework (NPPF), which seek to direct development away from areas at risk of flooding by applying the sequential test and,*

*where necessary, the exceptions test. A proposal for one dwelling in the Rochford District, which has residential land that could support infill development such as this outside of flood zone 3a, could occur in an area with a lower risk of flooding within this District than the application site. For this reasoning, the proposal is not considered to meet the sequential test and therefore it is not necessary to apply the exception test. To site the dwelling the subject of this application within flood zone 3a without meeting the sequential test is creating unnecessary flood safety risks to the future occupants of the dwelling.*

- 1.7 The differences between the refused 2014 scheme and that currently before the Council are as follows:-
- At ground floor level there were previously shown to be two car ports, two storage rooms, a utility, WC and open plan gym. The current proposal now shows two car ports, a reception hallway, utility, WC and open bin/cycle storage area.
  - Doors at ground floor level now proposed to the east and west (side) elevations.
  - Changes to the ground floor fenestration to the rear elevation incorporating the removal of three doors and two windows and replacement with a single door and window within an inset and external open bin and cycle storage area.
  - Updated design and access statement received.
  - Updated Flood Risk Assessment by Evans Rivers and Coastal Ltd.

## **2 THE SITE**

- 2.1 The application site is to the south east of the main residential settlement of Great Wakering within the residentially designated area of Great Wakering.
- 2.2 The site consists of a detached bungalow (No. 20) with garden, which stretches between Goldsworthy Drive to the north and Victoria Drive to the south. The site is surrounded by residential development. Within Victoria Drive, to the west of where the proposed dwelling would be sited, is a detached chalet bungalow (No. 35) and to the east is a detached bungalow (No. 43). Within Goldsworthy Drive, to the west of the existing bungalow (No. 20) is a semi-detached pair of houses (No. 14 and 16 Goldsworthy Drive) and to the east is a detached bungalow (No. 24).
- 2.3 Whilst no works are proposed to No. 20 Goldsworthy Drive as part of this application, No. 20 is within the application site. This property has been the subject of various planning applications (summarised below).
- 2.4 The site is located within flood zone 3a.

## **3 RELEVANT PLANNING HISTORY**

- 3.1 The planning history that relates to this site as an independent site from No. 20 Goldsworthy Drive is as follows:-
- 3.2 14/00568/FUL - Construct three-bed detached dwelling. REFUSED, as set out above.

- 3.3 The site is currently part of the rear garden area of No. 20 Goldsworthy Drive. Planning history relating to No. 20 is as follows:-
- 3.4 13/00699/NMA - Change of roof tiles from Marley Modern to sample provided. APPLICATION WITHDRAWN.
- 3.5 13/00502/DPDP1 - Householder Prior Approval for Single Storey Rear Extension. Projecting 8m From Original Rear Wall, Eaves Height 2.4m Total Height 4m. PRIOR APPROVAL NOT REQUIRED.
- 3.6 13/00162/FUL - Part Demolition of Dwelling and Construct Two Storey Extension to Form Two Storey Dwelling, Rear Extension (Conservatory), Front Porch and Detached Garage. APPROVED.
- 3.7 12/00780/FUL – Part Demolition of Dwelling and Construct Two Storey Side and Rear Extensions Incorporating Garage to Side, Rear Conservatory and Front Porch. REFUSED.
- 3.8 No planning history for 20 Goldsworthy Drive pre-dates 2012.

#### **4 CONSULTATIONS AND REPRESENTATIONS**

##### **4.1 Great Wakering Parish Council**

Re: page 12 of the flood risk assessment. At 5.3.2 the depth of flood water during flooding at the present day would be up to 1 to 2 metres. 5.3.3 indicates the property would be flooded in less than an hour. This is described as 'dangerous for some and dangerous for most'. 5.3.6 indicates allowing for climate change in the future and increase in sea levels flood water at the site would reach between 2 and 3 metres in depth.

##### **Essex County Council Highways**

- 4.2 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:-
1. Prior to occupation of the development the vehicular accesses shall be constructed at right angles to the existing carriageway, as shown in principle on planning application drawing number VD/NAK/002 job 354 Rev B, prepared by The Draughtsman. The width of the accesses at their junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway and highway verge.
  2. The provision of two on-site parking spaces. Each vehicular parking space shall have minimum dimensions of 2.9 metres by 5.5 metres.
  3. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials shall be identified clear of the highway, submitted to and approved in writing by the Local Planning Authority.

4. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
5. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

#### **Environment Agency**

- 4.3 We have reviewed the information submitted and have no objection, providing that you are satisfied that the development would be safe for its lifetime and you assess the acceptability of the issues within your remit and subject to the conditions below being attached to any permission.
- 4.4 **Tidal Flood Risk** Our maps show the site lies within Flood Zone 3, the high risk zone. The application is for the construction of a three-bedroomed dwelling, considered to be a 'more vulnerable' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. It is therefore necessary for the application to pass the sequential and exception tests and to be supported by a site-specific flood risk assessment (FRA), which can demonstrate that the 'development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.
- 4.5 The National Planning Policy Framework (NPPF) Planning Practice Guidance (PPG) requires the submission of a flood risk assessment (FRA), which demonstrates a development will be safe for its lifetime, without increasing flood risk elsewhere, and will reduce the overall flood risk where possible. An FRA prepared by Evans Rivers and Coastal Ltd., referenced: 1210/RE/11-13/01 Revision B and dated February 2015 has been submitted in support of the application.
- 4.6 The main points from the FRA to inform your decision are:-
  - The site is located wholly within Flood Zone 3a tidal.
  - There are defences present that benefit the site, however these defences do not provide protection up to the 1 in 200 year standard. The site is therefore at actual risk of flooding.
  - Overtopping of the defences is likely to occur in the 1 in 200 present day to the 1 in 1000 event inclusive of climate change.
  - The design current day overtopping event is not modelled in the SFRA. Therefore it is not known if this will impact the site or building.
  - The ground floor of the building will be non-habitable. All habitable accommodation is to be located on the 1st floor. The local Council should be happy with this classification.
  - Actual risk depth of flooding on the site/access routes could reach up to 3m in the design flood event.

- Actual risk depth of flooding in the ground floor of the building could reach up to 2.59m in the design flood event.
- Residual breach risk depth of flooding on site/access routes could reach up to 3m in the design flood event.
- Residual breach risk depth of flooding in the ground floor of the building could reach up to 2.59m in the design flood event.
- Safe access and egress may not be available in the design current day overtopping event. However it is unknown how this will impact the site.
- In the event of a breach the access route will be inundated and dangerous for pedestrians. The flood hazard on the access/egress route is 'dangerous for all' in the residual risk breach design event.
- Safe refuge is available on the first floor of the building up to the design 1 in 1000 year event inclusive of climate change should the defences breach or overtop.
- A flood response plan has not been submitted. The safety of this development is reliant upon an effective FRP as significant depths of flooding could occur within the ground floor of the building.
- A water entry strategy and flood resilient construction is suggested within the FRA.

4.7 We expand on these points within the technical appendix. We are satisfied that the FRA provides you with the information necessary to make an informed decision. We therefore have no objection to the planning application. Although we are not raising an objection you should ensure that you consider the development to be safe for its lifetime prior to any approval. As the development is residential it should be safe for a lifetime of 100 years. The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s), as detailed in the Flood Risk Assessment submitted with this application, are implemented and secured by way of a planning condition on any planning permission.

#### **Condition**

The development permitted by this planning permission shall be carried out in accordance with the approved FRA prepared by Evans Rivers and Coastal Ltd., referenced: 1210/RE/11-13/01 Revision B and dated February 2015 and the following mitigation measures detailed within the FRA:-

1. All habitable accommodation should be located on the first floor and finished first floor levels are to be set no lower than 6.30 metres above Ordnance Datum (AOD), 300 mm above the 1 in 1000 year flood event inclusive of climate change. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

**Reason 1.** To reduce the risk of flooding to the proposed development and future occupants.

**4.8 Summary of Flood Risk Responsibilities for your Council**

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless, these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Whether insurance can be gained or not;
- Sustainability of the development.

4.9 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.

4.10 To help you with your decision, we have provided further information within a technical appendix on the characteristics of flooding and the mitigation measures proposed to manage this risk, along with more information on the responsibilities for your Council.

**Neighbours**

4.11 One response received (47 Victoria Drive), which can be summarised as follows:-

- The proposed plans clearly show the living accommodation to be on the first floor with outside stairs as access to the rear. This is in our opinion a glorified first floor flat that is not in keeping with the neighbouring properties that consist of mainly bungalows and like our property a chalet.
- It will overlook neighbouring gardens and will obscure the sunlight in our small north facing garden.
- We will also be overlooked as the living accommodation is on the first floor and will be disturbed by the noise of outside steps that serve as rear access to the living accommodation.
- I am aware the owners of the land and bungalow are the same family so I am concerned the rear access that has been left unfenced from the rear of the proposed site to the side of the bungalow will serve as a cut through to Goldsworthy Drive, again causing noise and disturbance.

- We are almost most concerned for the welfare of our dear friend and neighbour at No. 43 who has Parkinsons Disease and will be most affected by the loss of natural light in 3 of her rooms that are adjacent to the east elevation of the proposed plans, also with a view of nothing but a bare brick wall and the loss of sunshine in her rear north facing garden.
- Finally, we applied to the Council many years ago for our rear master bedroom to have a Juliet balcony and was informed that this was not allowed as it would overlook neighbouring gardens, the same applied to our neighbours at No. 53 Victoria Drive. I therefore object to the fact a flat disguised as a detached house can apply for a property with outside stairs that will clearly overlook neighbours.

## 5 MATERIAL PLANNING CONSIDERATIONS

- 5.1 The site is located within the residential area of Great Wakering where residential development would, in principle, be considered acceptable.

### Flooding

- 5.2 The site is located within flood zone 3a and is considered within Table 2 of the Technical Guidance to the National Planning Policy Framework (NPPF) to be a 'more vulnerable' flood risk vulnerability classification. Within flood zone 3a it states that 'the more vulnerable uses and essential infrastructure should only be permitted in this zone if the exception test is passed'.
- 5.3 Appliance of the exception test is only necessary if 'following application of the sequential test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding'. The sequential test involves looking at the flood zones and flood risk vulnerability classification tables 1 and 2 within the Technical Guidance to the NPPF, as referred to in the paragraph above. As a proposal for one dwelling could be located within the Rochford District in areas with a lower probability of flooding the proposal is considered to be contrary to paragraphs 101 and 102 of the NPPF. The Council has identified more suitable sites for residential development within the Allocations Plan 2014 that are not within flood zone 3a. Therefore, it is not considered appropriate or necessary to apply the exception test here as the proposal is considered to fall foul of the aspirations of the NPPF, which are to direct development away from areas at highest risk of flooding.
- 5.4 The current applicant draws attention to a planning resource data blog, which refers to Planning Minister Nick Boles presenting figures that show that 7,900 homes were built within areas of high flood risk in England in 2011. However, it is unknown what particular scenarios enabled such builds to occur. Without specific detail it is not considered that these figures would set a precedent to enable this proposal to overcome the sequential test at this particular site.
- 5.5 However, if the sequential test was considered to be passed, the exception test would still also need to be passed. In order for the exception test to be passed the proposal would need to:-

- 1) Demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a strategic flood risk assessment where one has been prepared; and
  - 2) Demonstrate via a site specific flood risk assessment that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall
- 5.6 The application is supported by a flood risk assessment (FRA) produced by Evans Rivers and Coastal Ltd. It is not considered that the FRA or the proposal in general demonstrates that the development provides wider sustainability benefits to the community that outweigh flood risk. The Environment Agency previously had concerns with regard to residential development at this site due to a gym and large hallway area proposed at ground floor, which could easily be converted into living accommodation and did not consider that it had been demonstrated that the development would be safe for its lifetime. As the current proposal has reduced the ground floor hallway significantly and the majority of the space will now contain an open bin and cycle storage area and toilet the Environment Agency no longer considers this to represent potentially habitable space at ground floor and does not object to the proposal.
- 5.7 The Environment Agency does suggest that a planning condition be imposed with regard to requiring all habitable accommodation to be located on the first floor and finished first floor levels to be set no lower than 6.3m above Ordnance Datum (AOD). The proposed first floor level is currently 3m, as shown on the section drawing, with AOD shown on the topographical survey where the dwelling would be located to be between 2.92 and 3.13m. This condition would therefore require the first floor to be between 3.38m and 3.17m. This condition should reasonably be imposed, but it will have repercussions for the proposal with internal head heights possibly needing re-visiting and external alterations to the heights of the balcony, stairs, doors and windows. This is likely to require external design alterations, which would either require a non material amendment application or an entirely new planning application to be submitted. It is suggested that this be re-visited within any re-submission to avoid the subsequent need for further applications to address the implications of this condition. If the proposal was to be considered acceptable, a flood response plan should be required to be submitted by planning condition.
- 5.8 The proposal is considered to be contrary to policy ENV3 and paragraphs 100 and 101 of the NPPF, which seek to direct development away from areas at risk of flooding by applying the sequential test and, where necessary, the exceptions test. A proposal for one dwelling in the Rochford District, which has residential land which could support infill development such as this outside of flood zone 3a, could occur in an area with a lower risk of flooding within this District than the application site. For this reasoning, the proposal is not considered to meet the sequential test and therefore it is not necessary to apply the exception test.



To site the dwelling the subject of this application within flood zone 3a without meeting the sequential test is creating unnecessary flood safety risks to the future occupants of the dwelling.

### **Layout, Scale and Design**

- 5.9 The street scene of Victoria Drive is varied with bungalows, chalets and houses all present, some of semi-detached and some of detached style. The properties in closest proximity to the site are bungalows and chalets.
- 5.10 The proposal for a single detached house with chalet elements including dormers and a projecting gable to the front and rear at first floor level is considered to have an acceptable relationship with the street scene, using chalet elements present on neighbouring properties. Whilst the gable ended first floor projection would appear prominent, it is not considered that this would appear so prominent that it would be detrimental to the street scene in this location. The hipped roofing helps to reduce impact in terms of scale within the street scene.
- 5.11 In excess of 1m separation would be provided between the site boundaries and the habitable rooms of the dwelling house in accordance with SPD2. The 9.25m site frontage distance required for infilling with detached properties is provided here. The dormers proposed are pitched in style and proportionate within the roof slope.
- 5.12 The habitable floor space of the dwelling would not meet the minimum required for a three-bedroomed house under policy DM4 of the Development Management Plan Document 2014. This policy requires properties with three bedrooms to provide 93m<sup>2</sup> of minimum habitable floor space. The application site would provide 78.14m<sup>2</sup>. The previous application was determined on 4 November 2014 (reference 14/00568/FUL), just prior to adoption of the Development Management Plan 2014 on 16 December 2014. However, due to the stage that the Development Management Submission Document had reached this policy was considered within the previous application. The previous application was not refused on the basis of the lack of adherence to the minimum habitable floor space criteria within policy DM4. It is considered that because this previous application was determined at a time when weight was being given to the submission document but the proposal was not refused for this reasoning, it would be unreasonable in this particular instance to refuse this application for the lack of compliance with policy DM4 now it has been formally adopted, when the habitable floor space remains the same as that previously considered.
- 5.13 Policy ENV9 of the Core Strategy requires all new residential development to reach Code level 4 for Sustainable Homes. Code level 4 is dealt with under the building regulations, however, an informative could also be attached to an approval. In addition to this, policy H6 of the Core Strategy requires all new housing developments to comply with the Lifetime Homes Standard. A condition requiring details and plans demonstrating assessment of the dwelling against the Lifetime Homes Standard should be attached to an approval. It is not considered appropriate to apply policy DM5 relating to light pollution to a proposal for a single dwelling.
- 5.14 The proposal incorporates some soft landscaping to the frontage, which is considered acceptable and the full landscaping details could be agreed by planning condition.

**Parking, Amenity and Refuse**

- 5.15 The dwelling would need to provide 100m<sup>2</sup> of garden with No. 20 Goldsworthy Drive also retaining 100m<sup>2</sup> (extension works permitted in 2013 enable this property to be extended to form a four-bedroomed property where 100m<sup>2</sup> of garden would be required). The dwelling would achieve this figure and No. 20 would retain well in excess of 100m<sup>2</sup> of garden.
- 5.16 The Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 requires that 2 plus bedroomed dwellings provide as a minimum 2 vehicle spaces per dwelling and 1 secure covered cycle space per dwelling. Therefore this scheme would require a minimum of 2 vehicle spaces and 1 secure covered cycle space. 2 car ports are shown, along with a driveway area. The car ports would exceed the 7m x 3m internal measurements for garage spaces and therefore these car ports alone provide acceptable vehicle parking provision at this site. In addition to this, a driveway area is shown, which would provide additional parking capacity. The open bin and cycle storage area to the rear would provide the necessary secure covered space for a bicycle and sufficient space for bin storage.
- 5.17 ECC Highways does not object, but suggests various planning conditions be attached to an approval. All are considered reasonable, except for the condition which relates to the loading/unloading/reception and storage of building materials, as the site has capacity to allow for such provision and this is not considered reasonable for this scale of development on a non-classified road.

**Impact on Neighbouring Properties**

- 5.18 One side window is proposed for this detached dwelling. This has the potential to generate unacceptable overlooking to No. 35, but a planning condition requiring this window to be obscure glazed and fixed shut below a height of 1.7m could be attached to an approval. This window would serve a bathroom where obscure glazing would be expected to be inserted anyway. A planning condition preventing the insertion of future first floor side windows should also be imposed to prevent future unacceptable overlooking. Two doors are now located to each side elevation at ground floor level, but these would serve the car ports and therefore it is not considered that unacceptable overlooking would be generated.
- 5.19 The 45 degree angle would not be breached for No. 43. Whilst the 45 degree angle is used to assess unacceptable overshadowing by way of first floor extensions to existing dwellings, it is also a useful way to assess such impact between a proposed dwelling upon existing dwellings. With regard to No. 35, the block plan supplied shows a stagger in the side elevation of this property, which is also shown on Ordnance Survey plans. However, such a stagger is not present on site. Regardless, it does not appear that the 45 degree angle would be breached for this property.
- 5.20 Due to the design and scale of this chalet style property, it is not considered that the proposal would appear detrimental to neighbouring properties in terms of scale. The proposed dwelling would be the same height as No. 35.
- 5.21 Three windows are located within the side elevation of No. 43. According to the response provided on behalf of the occupier of No. 43 with the previous application reference 14/00568/FUL, these serve a lounge, dining room and bedroom.

The original 1955 plan for No. 43 shows that only one window originated on this elevation serving a bedroom, with the internal layout showing two bedrooms positioned on the side of the property alongside the garden area of No. 20 Goldsworthy Drive. In the 1960s an extension to the rear allowed for 3 bedrooms to this side elevation, each with a window. At some point after this time the bungalow was re-formatted inside to provide for the lounge, dining room and a bedroom on the side of the application site. Whilst the proposal would reduce light to the only window to two of these rooms, these serve a bedroom and dining room where protracted periods of time are unlikely to be spent. The lounge would continue to receive light from its second window. Bearing this in mind and also considering the approximately 3m distance between the side elevation walling of the proposed dwelling and No. 43 and sloping roof style which would still enable some light through, it is not considered that it would be justified to refuse the current proposal due to the light loss to No. 43.

- 5.22 A balcony is proposed at first floor to the front elevation, however, the roof and walling would prevent unacceptable overlooking to No. 35 and No. 43. This would look towards No. 44 and No. 46 Victoria Drive. However, as this would not differ to the relationship already formed through properties on either sides of the road fronting each other, such a relationship here with a balcony to the front is not considered objectionable. To the rear a staircase is proposed leading to first floor level. A platform measuring 0.8m deep outside of the first floor doors is proposed. However, due to the limited depth of this platform and the clear intention for it to be an access rather than a balcony area, it is not considered that this would easily be used as a balcony and thus it would not generate unacceptable overlooking.
- 5.23 A 25m distance is achieved between the rear elevation of the proposed dwelling, No. 20 and other properties within Goldsworthy Drive, which would form an acceptable relationship with these properties to ensure no detrimental overlooking would occur.
- 5.24 The proposal is unlikely to have a detrimental impact upon any other neighbouring properties.

### **Trees and Ecology**

- 5.25 There are no trees subject to Tree Preservation Order on the site. However, there do appear to be trees present towards the rear of the site. It is unclear whether these would be removed or retained. If they are to be removed then other tree planting would be expected to outweigh this loss and this could be controlled by a landscaping condition.
- 5.26 The Council's ecological consultant previously noted that the site consists mainly of scrub-type habitat, highly suitable for nesting birds. As a precaution the consultant recommended that no clearance or preparation of the site occurs between the dates of 1 March until 31 August. This could be controlled by planning condition.

## **6 CONCLUSION**

- 6.1 The proposal is considered to be unacceptable due to the site's location within flood zone 3a.

**7 RECOMMENDATION**7.1 It is proposed that the Committee **RESOLVES**

That planning permission be refused for the following reason:-

- 1) The proposal is considered to be contrary to policy ENV3 of the Core Strategy 2011 and paragraphs 100 and 101 of the National Planning Policy Framework (NPPF), which seek to direct development away from areas at risk of flooding by applying the sequential test and, where necessary, the exceptions test. A proposal for one dwelling in the Rochford District, which has residential land that could support infill development such as this outside of flood zone 3a, could occur in an area with a lower risk of flooding within this District than the application site. For this reasoning, the proposal is not considered to meet the sequential test and therefore it is not necessary to apply the exception test. To site the dwelling the subject of this application within flood zone 3a without meeting the sequential test is creating unnecessary flood safety risks to the future occupants of the dwelling.

**STATEMENT**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently identifying matters of concern with the proposal. The issues identified are so fundamental to the proposal that it has not been possible/is not considered possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.



Shaun Scrutton

Director

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**Relevant Development Plan Policies and Proposals**

Policies H1, H5, H6, CP1, ENV3, ENV9, CLT1, CLT2, CLT3, CLT5, CLT6, CLT7, T1, T3 and T8 of the Core Strategy 2011

Policies DM1, DM2, DM3, DM4, DM5, DM25, DM26, DM27, DM28 and DM30 of the Development Management Plan 2014

Supplementary Planning Document 2

Allocations Plan 2014

Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010

National Planning Policy Framework 2012 (NPPF)

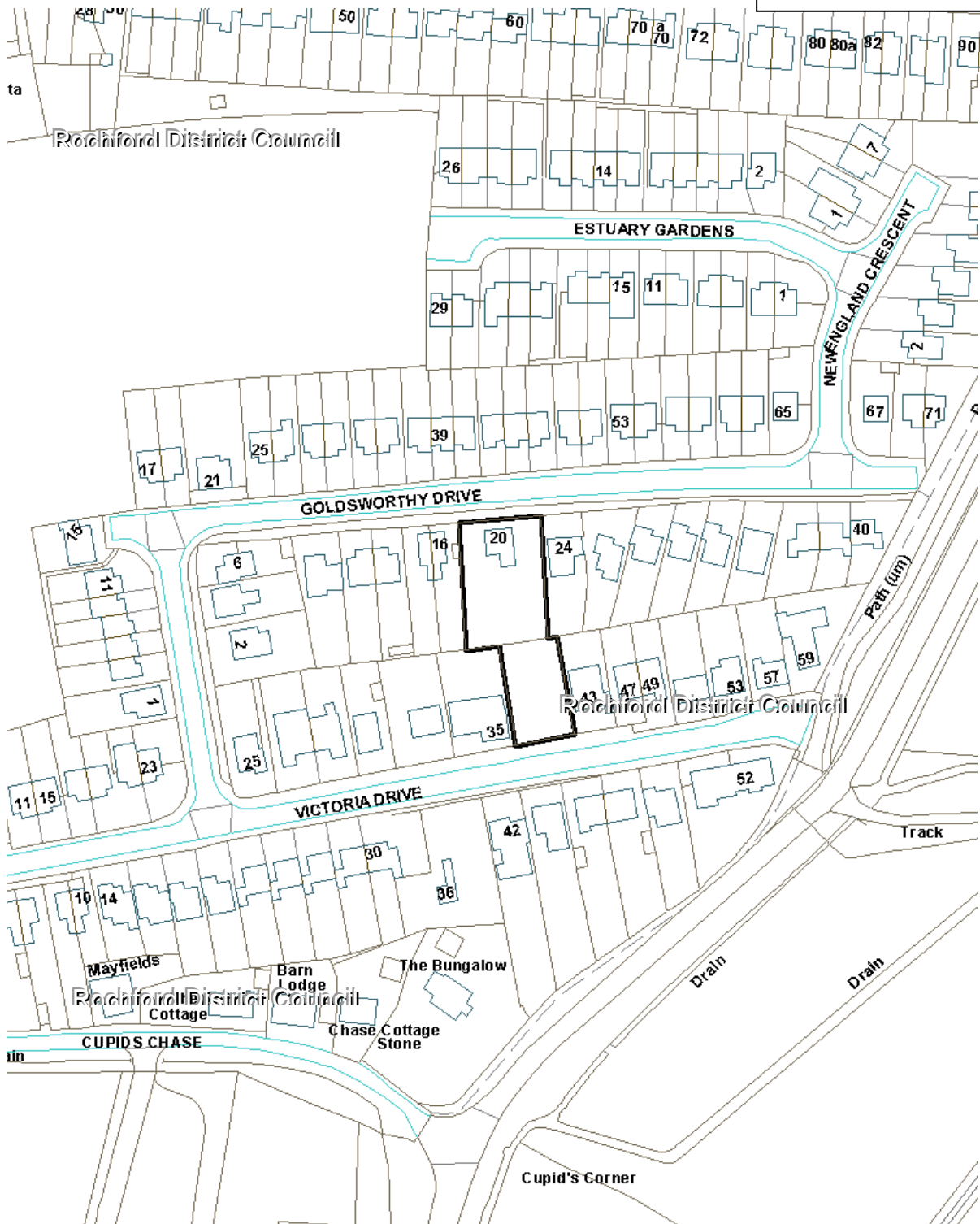
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