

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	07/08/18
Planning Development Manager authorisation:	<i>AN</i>	9/8/18
Admin checks / despatch completed	<i>AN</i>	10/08/18

Application: 18/01002/FUL

Town / Parish: Ardleigh Parish Council

Applicant: Mr William Kerry

Address: 2 Shakespeare Cottages Turnpike Close Ardleigh

Development: Demolish existing large garage-workshop and build 2no, 3 bedroom chalet style houses.

1. Town / Parish Council

Ardleigh Parish Council No comment.

2. Consultation Responses

ECC Highways Dept

The Highway Authority observes that the proposed off street parking facilities for both dwellings fail to be dimensionally in accord with the current Parking Standards and the proposed turning facilities are totally reliant upon no car being parked in the additional car parking spaces, to be fully workable. It is strongly suggested that a similar proposal included improved facilities which are workable (not being reliant on unoccupied spaces) convenient and efficient.

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

1. Prior to the commencement of the proposed development, the applicant shall submit a scheme of off road parking and turning for motor cars in accord with current Parking Standards which shall be approved in writing by the Local Planning Authority. The car parking area shall be retained in this form in perpetuity and shall not be used for any purpose other than the parking of vehicles related to the use of the development and retained thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur and to enable cars to join the highway in a forward gear, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

2. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. Prior to the occupation of the proposed development, details of the

provision for the storage of bicycles for each dwelling sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

4. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: 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 or by post to:

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

Tree & Landscape Officer

The application site contains a few small trees at the front of the site although they can only just be seen above the boundary hedge.

The trees have very low visual amenity value and do not merit retention or protection by means of a Tree preservation Order. However the boundary hedge is a positive feature and will assist in the screening and enhancement of the completed development.

If planning permission were to be granted then a soft landscaping condition should be attached to secure an extension to the existing hedge to run the full length of the frontages of both properties. Additionally there appears to be sufficient space immediately to the east of the hedge to plant between 7-10 trees to both enhance the appearance of, and screen the development. This information could be provided prior to the determination of the application or secured by a planning condition.

3. Planning History

75/01315/FUL	Modernisation and extn and garage	Approved	02.02.1976
08/01263/FUL	Change of use of outbuilding to class B1(a) office.	Approved	28.11.2008

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

HG1 Housing Provision

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is 2 Shakespeare Cottages, which is located on the eastern side of Turnpike Close within the parish of Ardleigh. The site is predominantly laid to grass but does feature a large outbuilding which is proposed to be demolished as part of the proposal. The character of the surrounding area is semi-rural, with some sporadic detached residential development mainly to the south; however further out are large areas of grassed and agricultural land. The site is not situated within a recognised Settlement Development within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Proposal

The application seeks planning permission for the erection of two detached chalet-style residential dwellings, each with a detached cart lodge, following the demolition of the existing garage/workshop.

History

Under appeal reference APP/P1560/W/17/3187651 planning permission was granted for the erection of three detached dwellings approximately 30 metres to the north. The inspector acknowledged that the development would not be wholly car dependent but there would be some harm arising in accessing local shops and services. However, as the Council was unable to demonstrate a five year housing land supply at this time, the inspector felt that on balance the provision of three dwellings made the proposal acceptable.

Under appeal reference APP/P1560/W/16/3162850 planning permission was granted for the erection of two detached dwellings approximately 60 metres to the south. The inspector once again acknowledged the site is not within walking distance of many services and the A12 and A120 would be notable barriers for many pedestrians; however again afforded it little weight in the context that the Council was unable to demonstrate a five year housing land supply at this time.

However, since these appeal decisions the Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites, which have been confirmed within recent appeal decisions.

Assessment

1. Principle of development

The site lies outside of the Settlement Development Boundary for Ardleigh as defined by the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

- 5 year Housing Land Supply and Plan-led approach

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination on 27 June 2018 (Examination of the Strategic Section 1 Plan - Meeting the Need for New Homes (Plan chapter 4)). Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

Therefore, having regard to the latest housing land supply figures and with the emerging Local Plan progressing well, officers consider that greater weight can be given to Section 3 (Plan-Making) of the NPPF. Under this section, paragraphs 15, 17 and 20 state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraphs 15, 17 and 20 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

Ardleigh is identified as a village within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a Smaller Rural Settlement within Policy SPL1 of the emerging Tendring District Local Plan Publication Draft (2017). These smaller villages are considered to be the least sustainable locations for growth and there is a concern that encouraging too much development in these areas will only serve to increase the number of people having to rely on cars to go about their everyday lives. It is accepted that each of these smaller rural settlements can achieve a small scale increase in housing stock over the plan period. To allow for this to happen, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate a range of sites both within and on the edge of villages and thus enabling them to be considered for small-scale residential 'infill' developments. With this in mind, where appropriate the emerging Local Plan settlement development boundary has been extended but does not include the application site.

In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the undeveloped character of the locality and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there are no public benefits that might warrant the proposal being considered in an exceptional light. The proposal is therefore contrary to the aims of paragraphs 15, 17 and 20 of the NPPF and contrary to the development plan Saved Policy QL1 and emerging Policy SP1.

- Assessment of Sustainable Development

Officers consider that Saved Policy QL1 and emerging Policy SPL1 are in line with the aforementioned aims of the NPPF. However, until such time as the emerging local plan has been adopted, and for the purposes of completeness in assessing sustainable development, the 3 dimensions as set out under Paragraph 8 of the NPPF can be addressed as follows;

Economic:

Officers consider that the proposal would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants utilising local services, and so meets the economic arm of sustainable development.

Social:

The NPPF seeks to support a prosperous rural economy. It promotes sustainable transport and seeks a balance in favour of sustainable transport modes to give people a real choice about how they travel recognising that opportunities to maximise solutions will vary between urban and rural areas. With regard to the social dimension, this means supporting strong, vibrant and healthy communities by supplying the housing required to meet the needs of present and future generations and creating a high quality environment with accessible local services.

In the Council's "Local Plan Settlement Hierarchy" document (April 2016) Ardleigh is identified as a smaller rural settlement with no defined village centre, employment area or train station. Ardleigh is therefore classed as one of the District's lowest scoring settlements in terms of its sustainability credentials. Whilst the site is located more closely to Colchester and all the services that has to offer, under appeal reference APP/P1560/W/17/3187651, the inspector stated the following for a site within close proximity to this application site:

"Some shops and other local businesses are located adjacent to the A12 and A120 junction. Although the range of shops and facilities within walking distance of the appeal site is relatively

limited, bus stops are situated on Ipswich Road, to the south of the junction, providing an hourly service during the daytime, to Colchester town centre and railway station, where future occupiers would be able to access a wider range of services. Nevertheless, the busy A12/A120 road junction would represent a considerable barrier to some pedestrians, including those with mobility and sensory impairments or travelling with young children, making the route less attractive, despite the presence of a segregated footway along Old Ipswich Road and formal crossings at the junction."

The proposal site itself is detached, approximately 1.7 miles, from the Settlement Development Boundary of Ardleigh, which is defined within Policy SPL1 as a Smaller Rural Settlement, whilst accessing the main area of Colchester is considerably harmed by the barrier of the A12/A120 road junction, and is inaccessible on foot as there are not footpaths connecting the sites with also limited street lighting. As a result the proposal is not considered to be sited within a socially sustainable location and would likely require the use of a private vehicle to complete everyday trips, thereby failing to accord with the social strand of sustainable development.

Environmental:

The environmental role is about contributing to, protecting and enhancing the natural built and historic environment. Although the site is located in a fairly rural area there are examples of dwellings nearby to the north and south, with more built form further to the south and south-west. Against this backdrop, it is not considered that an additional two dwellings in place of an existing large outbuilding would result in significant detrimental harm to fail the environmental strand of sustainability.

2. Layout, Design and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The two proposed dwellings are to be detached, 1.5 storey and sited to the south-east of Numbers 1 and 2 Shakespeare Cottages. They will be accessed via an existing access point to the north-west corner of the site off Turnpike Close. The siting of the two dwellings will be set back approximately 8m from 1 and 2 Shakespeare Cottages; however due to there not being a consistent linear pattern of development along Turnpike Close, particularly with the adjacent property to the south 'Evergreen House' also being sited approximately 8m back, there is not significant identifiable harm with the dwellings' proposed siting.

In terms of the proposed design of the dwellings, there is not a principle objection with the 1.5 storey traditional design. Whilst there are some concerns regarding the low eaves height, off centre canopy area and that both dwellings are exactly the same design with no variety, it is also acknowledged that key features have been used to break up the bulk of the dwellings, including front and rear dormers, a brick plinth and chimney. Therefore, on balance, the identified harm is not sufficient to warrant a reason for refusal.

However, it is noted that the proposal will also see the erection of two detached cart lodges. There are no principle concerns with the cart lodge to serve Plot 1, which is set back within the site and assimilates well with the proposed dwellings. The cart lodge serving Plot 2 will however be sited to the front of the dwellings, and due to its height and siting in close proximity to the highway will appear unduly prominent and out of keeping within the street scene to the serious detriment of the character of the area. This visual harm is amplified by the inclusion of significant areas of hardstanding to the front of the dwellings that will appear unsightly and incongruous within this semi-rural location.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The information that has

been supplied shows that this is comfortably achievable for both new dwellings and for the existing dwelling.

3. Impact upon neighbours

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Whilst the two dwellings will be visible to the existing residential properties to both the north and south, there is an approximate separation distance of 20-25m to each side. This will ensure no loss of light or that the dwellings will appear imposing. Further, the dwellings have each been designed to ensure no direct overlooking via first floor side elevation windows. Whilst there are two rear dormer windows serving each bedrooms for each property, as the dwellings are well set back and maintain good separation distances, there will be no significant levels of overlooking that would warrant a reason for refusal.

It is also noted that the access for the properties is adjacent to Number 2 Shakespeare Cottage; however given there is approximately 10 metres distance and that the comings and goings associated with two dwellings would not be excessive, any noise disturbances would be minimal.

4. Highways

Essex County Council Highways have been consulted as part of the process of this application and have stated that they have no objections subject to conditions relating to the applicant submitting a scheme of off road parking and turning for motor cars, the use of no unbound materials and the submission of a Construction Method Statement.

A condition for details of the storage of bicycles was also requested; however given there is significant room within each plots curtilage, there is considered to be areas that can accommodate this and therefore this condition would not have been attached had the application been recommended for approval.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. Whilst the proposed cart lodges do not meet the above requirements, there is sufficient space to the front of each dwelling to accommodate the necessary parking. Further, there is also sufficient space for the parking of two vehicles at the above measurements for the existing dwelling.

5. Tree Impacts

The application site contains a few small trees to the front of the site which have a low visual amenity value and do not merit protection by means of a Tree Preservation Order. However the boundary hedge is a positive feature and will assist in the screening and enhancing of any development.

If permission was to be granted a condition to secure soft landscaping details would have been requested. This should include an extension to the existing hedge to run the full length of the frontages of both properties, and the planting of 7-10 trees to the east of the hedge which would enhance the appearance, and screen, the development.

Other Considerations

Ardleigh Parish Council has not commented.

There have been no other letters of representation received.

Conclusion

For the reasons set out above, the proposal is considered to represent an unsustainable form of development contrary to the aims of national and local plan policy and is therefore recommended for refusal.

6. Recommendation

Refusal.

7. Reasons for Refusal

- 1 The site lies outside of the Settlement Development Boundary for Ardleigh as defined by the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination on 27 June 2018 (Examination of the Strategic Section 1 Plan - Meeting the Need for New Homes (Plan chapter 4)). Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

Therefore, having regard to the latest housing land supply figures and with the emerging Local Plan progressing well, officers consider that greater weight can be given to Section 3 (Plan-Making) of the NPPF. Under this section, paragraphs 15, 17 and 20 state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

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Ardleigh is identified as a village within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a Smaller Rural Settlement within Policy SPL1 of the emerging Tendring District Local Plan Publication Draft (2017). These smaller villages are considered to be the least sustainable locations for growth and there is a concern that encouraging too much development in these areas will only serve to increase the number of people having to rely on cars to go about their everyday lives. It is accepted that each of these smaller rural settlements can achieve a small scale increase in housing stock over the plan period. To allow for this to happen, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate a range of sites both within and on the edge of villages and thus enabling them to be considered for small-scale residential 'infill' developments. With this in mind, where appropriate the emerging Local Plan settlement development boundary has been extended but does not include the application site.

In the Council's "Local Plan Settlement Hierarchy" document (April 2016) Ardleigh is identified as a smaller rural settlement with no defined village centre, employment area or train station. Ardleigh is therefore classed as one of the District's lowest scoring settlements in terms of its sustainability credentials. The proposal site itself is detached, approximately 1.7 miles, from the Settlement Development Boundary of Ardleigh, which is defined within

Policy SPL1 as a Smaller Rural Settlement, whilst accessing the main area of Colchester is considerably harmed by the barrier of the A12/A120 road junction, and is inaccessible on foot as there are not footpaths connecting the sites with also limited street lighting. As a result the proposal is not considered to be sited within a socially sustainable location and would likely require the use of a private vehicle to complete everyday trips, thereby failing to accord with the social strand of sustainable development.

In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the undeveloped character of the locality and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there are no public benefits that might warrant the proposal being considered in an exceptional light. The proposal is therefore contrary to the aims of paragraphs 15, 17 and 20 of the NPPF and contrary to the development plan Saved Policy QL1 and emerging Policy SP1.

- 2 Paragraph 127 of the The National Planning Policy Framework (2018) states that planning policies and decisions should ensure developments will add to the overall quality of the area, are visually attractive and are sympathetic to local character and history.

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The cart lodge serving Plot 2 will be sited to the front of the proposed dwellings, and due to its height and siting in close proximity to the highway, will appear unduly prominent and out of keeping within the street scene to the serious detriment of the character of the area. This visual harm is amplified by the inclusion of significant areas of hardstanding to the front of the dwellings that will appear unsightly and incongruous within this semi-rural location.

The proposal is therefore contrary to the aims and aspirations of the afore-mentioned national and local policies.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.