

be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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

5. The proposed dwelling shall not be occupied until such time as the vehicle parking areas indicated on the proposed block plan, drawing no. 18/02/sp-2 has been hard surfaced and sealed. The vehicle parking areas 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.

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

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8

7. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

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

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

10. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of

users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

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

Informative 1: 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.

Informative 2: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 3: 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

Essex County Council
Archaeology

The above application lies within an area of recorded historic workers cottages, there is no recorded evidence for below ground archaeological or historic remains in the area of the proposed development and the nature and scale of the development is unlikely to impact on any unrecorded archaeological remains. There is no recommendation for this application.

Building Control and
Access Officer

No comments at this time.

Tree & Landscape Officer

The application site currently forms part of the residential curtilage of the above property.

The construction of the dwelling would necessitate the removal of an early mature Oak situated to the south west of the existing dwelling. The tree is an early mature specimen of approximately 12 -15m in height. When inspected visually from the ground it appears to be in good health. It has no obvious structural defects and there is no indication of any significant pest or disease infestation or attack.

In terms of the amenity value of the tree it is noted that the area is generally well treed and that the subject tree is set back from the highway by something in the region of 50 metres. The tree can be seen from the highway and adjacent footway although this viewpoint offers only fleeting views and the foot traffic along the road is thought

to be low. Therefore the tree the tree makes only a moderate contribution to the amenity of the locality.

It is considered that the tree does not meet the criteria under which it merits formal legal protection by means of a tree preservation order.

Should planning permission be likely to be granted then consideration should be given to the retention of trees elsewhere on the site and to carry out new planting between the dwelling and the highway to soften and enhance the appearance of the development.

UU Open Spaces

Response from Public Realm
Open Space & Play

Application Details

Application No: 19/00352/FUL

Site Address: Land adjacent to 43 Harwich Road Lawford Essex

Description of Development: Proposed new detached dwelling

Current Position

There is currently a deficit of -3.44 hectares of equipped play/open space in Lawford.

Due to the geographical layout of the area, the play sites are spread widely across the village. The nearest play area to the site is located a distance from the development 1.4 miles in School Lane.

Recommendation

Due to the size of the development and the distance from the nearest play area, it is unlikely to impact on the current deficit in Lawford. Therefore no contribution is being requested on this occasion.

3. Planning History

99/01032/FUL	Demolition of single storey extension and erection of two storey extension to rear	Approved	07.09.1999
18/00649/FUL	Proposed new detached dwelling.	Refused	15.06.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

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)

CP1 Sustainable Transport and Accessibility

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

SPL1 Managing Growth

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal

Site Description

The application site is land adjacent to the south-west of 43 Harwich Road, which falls within the parish of Lawford. The site currently forms part of the side and rear garden of 43 Harwich Road. The character of the surrounding area is quite mixed; the site is located on a busy road with numerous development to the south-west and north-east, however further out, particularly to the north, are large areas of agricultural and grassed land. The site is outside of a recognised Settlement Development Boundary within both the Saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Description of Proposal

The application seeks full planning permission for the erection of a single detached 1.5 storey dwelling, serving two bedrooms.

Site History

Under planning reference 18/00649/FUL, permission was refused for the same scheme currently being submitted. The reason for this refusal was that the site fell outside of a recognised settlement boundary and was also socially unsustainable. An appeal for this is currently in progress.

Assessment

1. Principle of Development

The application site lies outside of a Settlement Development Boundary as defined within the Adopted Tendring 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 National Planning Policy Framework 2019 (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 report, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

Whilst it is recognised that there would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict.

Therefore, at this present time, it is correct to assess the housing development on its merits against the sustainable development objectives set out within Paragraph 8 of the NPPF. The economic objective, a social objective and an environmental objective are therefore assessed below.

Economic:

It is considered that the proposal for one dwelling would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants using the nearby facilities, and so meets the economic arm of sustainable development.

Social:

Within the submitted Planning Statement, reference is made by the agent to local decisions for nearby development that add weight to the suggestion the site in question is socially sustainable. Each of these will be addressed in turn.

Initially, within appeal decision APP/P1560/W/18/3196023 (Hope Cottage, Crown Lane South, Ardleigh) the Inspector stated it was "*reasonable to assume that the occupiers of the dwellings are likely to be reliant on the private car to access services and facilities to meet their day to day requirements.*" This, the agent states, shows the ability to access local amenities including the bus service along the A137 were decisive factors. However, the Inspector further stated "*the relative*

length of car trips to local services would be short and the number of car trips generated by a single additional house would be small. These factors would limit the extent to which the proposal would increase the number of sustainable journeys made. In addition, a regular bus service to Harwich and Colchester is at Fox Street, close to the Hyundai garage, which is some 400m south of the site. As a result, and taking into account the proximity of public transport to the site, I am of the view that the proposal would not lead to significant harm in this regard."

Therefore, while the agents point is noted, there are considerable differences to the site subject of this application; the site is located approximately 1 mile to the Ardleigh settlement, with the nearest bus stop being approximately 750m apart. Further, there is not a clear footway connecting the site to this bus stop or settlement, ensuring it would be highly unlikely these could be accessed by foot.

Secondly, planning permission 18/02015/FUL (Land Between Chantry's and Nia Roo, Fox Street, Ardleigh) is referenced as it involved two dwellings being approved which was located 1 ¼ miles from the village settlement and 1 ½ miles from the nearest shop. However, it is clear that within this decision, significant weight was attached to the fact the site was located within 800m of Welshwood Park, which forms part of the urban conurbation of Colchester and provides "a number of shopping and employment facilities". Further mention was made that there is a restaurant and takeaway to the south and other businesses to the north. Therefore, it is again considered that the circumstances between the two sites differ, and this previous decision does not demonstrate the site in question is equally as socially sustainable.

The site itself is located outside of a Settlement Development Boundary and is located within a semi-rural location. The nearest settlement is Ardleigh, which is approximately 1 mile away, and within the Established Settlement Hierarchy (2016) performs poorly, with no defined village centre, defined employment area or railway station, whilst the site does not benefit from good footpaths or street lighting to link the site to Ardleigh.

It is also acknowledged that the site is located approximately 1.10 miles from Lawford to the east. However, whilst Lawford offers some amenities, this is not considered to be within reasonable walking distance and there are not consistent footpaths or street lighting between the two.

Therefore it is considered that the majority of trips, including those for day-to-day needs, would need to be made by car to access essential services and facilities, and therefore the proposal fails to meet the social arm of sustainable development.

Environmental:

The environmental role is about contributing to protecting and enhancing the natural built and historic environment and is assessed below.

Impact to Surrounding Area

The site is located in a semi-rural area, with large open fields and agricultural land to the north. However, it is also acknowledged that the surrounding area sees numerous residential dwellings and commercial properties, including immediately adjacent. Against this backdrop, whilst there will be a small loss of some existing garden area, the impact to the surrounding area is not significant.

Furthermore, the Council's Tree and Landscapes Officer has noted the proposal would result in the removal of an early mature Oak to the south-west of the existing dwelling, however as it is well set back it makes only a moderate contribution to the amenity of the locality and does not warrant legal protection via a tree preservation order.

Therefore, whilst it is acknowledged there is some identifiable harm in respect of the environmental strand of sustainability, it is not enough to warrant a reason for refusal.

2. Self-Build

Reference is made within the appellant's statement regarding Policy LP7 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). However, this is a new

policy with no equivalent saved policy within the adopted Local Plan. The NPPF is silent on policies relating directly to self-build or custom-built dwellings.

Whilst the emerging Local Plan is progressing well, Draft Policy LP7 has not yet been scrutinised by the Planning Inspectorate by an appeal or through the Local Plan process. It can therefore only be given very limited weight. Other policies such as Draft Policy SPL1 have been endorsed by the Planning Inspector as being in line with the core planning principles under paragraph 17 of the NPPF.

The National Planning Policy Guidance tells us that The Self-build and Custom Housebuilding Act 2015 requires each relevant authority to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes (referred to in the guidance as self-build and custom housebuilding registers). The guidance accompanies the Self-build and Custom Housebuilding (Register) Regulations 2016 made under the Act.

Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register that relates to their area when carrying out their plan-making and decision-taking functions. The registers that relate to their area may be a material consideration in decision-taking. Plan-making functions should use their evidence on demand for this form of housing from the registers that relate to their area in developing their Local Plan and associated documents.

Regardless of the merits of the application failing to meet the policy, the status of Draft Policy LP7 means that a refusal based on this policy is not required at this time.

3. 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 submitted plans show that the proposed dwelling is to be sited to the south-west of 43 Harwich Road, with access coming via the existing access point to the north of the site. The immediate character to this section of Harwich Road sees a number of semi-detached properties, each pair being spaciouly separated. Whilst the introduction of a single dwelling within this backdrop will create a slight imbalance, the dwelling will maintain the existing building line and maintain appropriate distance to each boundary, and on balance will not significantly alter the areas character to the extent it would warrant a reason for refusal.

The dwelling itself is to be of a traditional 1.5 storey design. Whilst the design is not considered to be of a great standard, particularly the fenestration, it is noted that key features to break up the overall bulk have been incorporated, including a front porch, brick plinth and a rear dormer. Further the materials are considered to be acceptable in this semi-rural location, and therefore on balance the identified harm is not so significant as to warrant a reason for refusal.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedrooms should be a minimum of 75 square metres, and a dwelling of three bedrooms or more should be a minimum of 100 square metres. The plans submitted show that this level of amenity space can comfortably be provided for both the new dwelling and for 43 Harwich Road.

4. Impact upon Neighbouring Amenities

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).

In terms of the impact on neighbouring amenities, the only adjacent neighbour is Number 43 Harwich Road to the north-east. However, whilst it will be visible, there is an approximate separation distance of 7.5 metres which will ensure no significant impacts in terms of the dwelling appearing imposing or resulting in a significant loss of light. Furthermore, the dwelling has been designed with no first floor side elevation windows that could directly overlook, whilst the one rear elevation Juliet balcony will only have views to the bottom of the neighbouring garden, an area less likely to be occupied.

Therefore, there is considered to be only a minimal impact to existing neighbouring amenities and not enough to warrant a reason for refusal.

5. Highways

Essex County Council as the Highway Authority has been consulted on the application and has stated that they have no objections subject to conditions relating to a vehicular turning facility, the width of the drive, no discharge of surface water onto the highway, the use of no unbound materials, the parking areas being hard surfaced and sealed and new boundary planting being sited a minimum of 1 metre back from the highway boundary. Two further conditions relating to cycle storage provision and a Residential Travel Information Pack were requested but given the minor nature of the proposed development, and that there is sufficient room for cycle storage, it would not be necessary or reasonable to have included these 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 are 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. The submitted plans clearly demonstrate there is significant space to the front of each property to accommodate the necessary parking.

6. Legal Obligations

The Council's Public Open Space and Play team have been consulted and state there is currently a deficit of 3.44 hectares of equipped play/open space in Lawford, with the nearest play area to the site being 1.4 miles away in School Lane. However, given the size of the development and distance to the nearest play area a contribution is not being requested on this occasion.

7. Habitats Regulation Assessment

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular the Hamford Water SPA and Ramsar site, mitigation measures will need to be in place prior to occupation.

A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites.

The proposal is therefore considered to be contrary to Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Other Considerations

Ardleigh Parish Council have objected to the application, for the following reasons:

1. Falls outside of a Settlement Development Boundary; and
2. Similar application on this site previously refused.

In answer to this, both of these points have been addressed within the main body of the report above.

There has also been one letter of observation received, and two letters of support which are summarised below:

1. Will meet the three strands of sustainability;
2. Will make better use of the land;
3. There is a demonstrated need for more housing.

6. Recommendation

Refusal.

7. Reasons for Refusal

- 1 The application site lies outside of a Settlement Development Boundary as defined within the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The National Planning Policy Framework 2019 (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 report, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local plan. There are therefore significant doubts about the validity or extent of any housing supply 'deficit', albeit the tilted balance applies. This minimises the reduction in weight to conflict with Policy QL1, as per the *Hallam Land* judgement, especially in view of the fact that the Council has considerably increased its housing delivery figures in recent years.

Whilst it is recognised that there would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict.

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. 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. 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. 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 2013-2033 and Beyond Publication Draft June 2017 in recognition of its size and limited range of local services.

In this instance the site is located outside of a Settlement Development Boundary and is located within a semi-rural location. The nearest settlement is Ardleigh, which is approximately 1 mile away, and within the Established Settlement Hierarchy (2016) performs poorly, with no defined village centre, defined employment area or railway station, whilst the site does not benefit from good footpaths or street lighting to link the site to Ardleigh.

It is also acknowledged that the site is located approximately 1.10 miles from Lawford to the east. However, whilst Lawford offers some amenities, this is not considered to be within reasonable walking distance and there are not consistent footpaths or street lighting between the two.

For the reasons set out above the proposal is considered to fail the social objective. This together with the conflict with Saved Policy QL1 of the adopted plan and emerging Policy SPL1 amounts to an unsustainable form of development.

- 2 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. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular the Hamford Water SPA and Ramsar site, mitigation measures will need to be in place prior to occupation.

A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites.

The proposal is therefore considered to be contrary to Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

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.