

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	07/05/2019
Planning Development Manager authorisation:	AN	7/5/19
Admin checks / despatch completed	RW	7/5/19

Application: 19/00215/FUL

Town / Parish: Frinton & Walton Town Council SR

Applicant: Mr and Mrs S Watcham

Address: Blue House 182 Thorpe Road Kirby Cross

Development: Proposed residential dwelling house and new vehicular access to Thorpe Road.

1. Town / Parish Council

Frinton and Walton Town Council APPROVAL

2. Consultation Responses

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is located within the 30-mph speed limit for Thorpe Road. The proposed site retains adequate room and provision for off street parking and turning, for the proposed dwelling therefore:

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 first occupation of the dwelling, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3.6 metres (4 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM1 and DM6.

2. Prior to occupation of the dwelling, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 43 metres to the west and 2.4 metres by 43 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

3. Prior to occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction

within the site at all times for that sole purpose.

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

4. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

5. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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

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. All single garages should have a minimum internal measurement of 7m x 3m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8

8. 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.

9. 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.

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.

10. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway/carriageway (delete as appropriate).

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

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

Informative 1: 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 2: Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

Informative 3: 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 4: 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.

UU Open Spaces

Response from Public Experience
Open Space & Play

Application Details

Application No: 19/00215/FUL

Site Address: Blue 182 Thorpe Road Kirby Cross Frinton on Sea

Description of Development Proposed residential dwelling house and new vehicular access to Thorpe Road

Current Position

There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby. Recommendation

Although there is a lack of play facilities in Frinton, Walton & Kirby it is not thought there will be a significant impact on the current facilities, as a result of this development.

Building Control and
Access Officer

Insufficient information to comment on.

Natural England

HRA Form Complete – no requirement to consult Natural England in this instance due to the small scale of the development.

Tree & Landscape Officer

In order to show the potential impact of the development proposal on the trees on the land the applicant has submitted a detailed tree survey and report. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations

The information provided by the applicant adequately demonstrates that the development proposal can be implemented without causing harm to the existing trees on the application site

If planning permission were to be granted then the tree protection measures set out in the tree report submitted with the application should be adhered to for the duration of the construction phase of the development.

With regard to the boundary hedge adjacent to the highway - steps should be taken to retain the hedge or to replace it with a similar species if it were necessary for all or part of it to be removed to facilitate access to the land.

Essex County Council
Heritage

The application is for a proposed two-storey residential dwelling to the east of the existing building, Blue House, 182 Thorpe Road. Blue House was Grade II Listed in 1986 and the listing description is as follows:

No. 182, Blue House Farmhouse - II House. C17 or earlier rear wing, C18 front range. Timber framed and plastered. Red plain tiled gambrelled roof. Red brick chimney stack. 2 storeys and attics. 2 C19 dormer windows. 2 window range of 3 light casements, centre lights small paned. Central enclosed gabled porch with pargetting to gable apex, C20 plank and muntin door. Interior features include, chamfered bridging joists to rear wing and some exposed frame. C18 fireplaces, one with original basket grate. 2 C18 cupboards. Original doors with ironmongery.

The Grade II Listed building was formerly a farmstead and has historically been isolated and set within an immediate area of open ground. The undeveloped nature the domestic curtilage of the Listed building, which has been a situation since the farmhouse was constructed, is in contrast to the later ribbon development along Thorpe Road.

This setting of Blue House Farm, particularly its undeveloped domestic curtilage and isolation from other properties, contributes to the significance of the listed building.

The proposed division of the land around the heritage asset, and the construction of a two-storey domestic building, would fundamentally divorce the listed building from its original context and draw the historically isolated farmhouse it into the modern ribbon development. The subdivision of the listed building's domestic curtilage will result in an unprecedented form of enclosure, which can only be considered harmful.

I consider the proposal to cause considerable, less than substantial harm to the significance of the designated heritage asset and therefore paragraph 196 of the NPPF is relevant in this case.

3. Planning History

02/00220/LBC	Conversion of existing garage to new breakfast room, erection of new garage	Approved	30.04.2002
02/00248/FUL	Proposed new garage and conversion of existing garage into breakfast room	Approved	30.04.2002
97/00097/FUL	New boundary fence to grade II listed dwelling house	Approved	24.02.1997
97/00098/LBC	Minor improvements and alterations as detailed on schedule of repairs	Approved	24.02.1997
97/00393/LBC	Alterations and Improvements	Approved	27.05.1997
06/00578/FUL	Swimming pool extension and covered link.	Refused	30.05.2006
06/00621/LBC	Proposed swimming pool extension and covered link. All new materials to match existing.	Withdrawn	18.07.2006
06/01320/LBC	Proposed swimming pool extension and covered link. All new materials to match existing.	Approved	26.09.2006
06/01321/FUL	Proposed swimming pool extension and covered link.	Approved	27.09.2006
09/00747/LBC	Erection of car port and 1.2m high brick wall to front of site.	Approved	10.09.2009
09/00801/FUL	Erection of car port and 1.2m high brick wall to front of site.	Approved	10.09.2009
10/01384/LBC	To replace external plaster with timber weatherboarding and decorate.	Refused	09.02.2011
13/01461/LBC	Proposed extension to single storey section of house built in 1989 to form new kitchen and family room.	Approved	12.02.2014

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

- QL11 Environmental Impacts and Compatibility of Uses
- HG1 Housing Provision
- HG3 Residential Development Within Defined Settlements
- HG6 Dwelling Size and Type
- HG7 Residential Densities
- HG9 Private Amenity Space
- HG14 Side Isolation
- COM6 Provision of Recreational Open Space for New Residential Development
- EN6 Biodiversity
- EN11A Protection of International Sites European Sites and RAMSAR Sites
- EN23 Development Within the Proximity of a Listed Building
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP5 Open Space, Sports & Recreation Facilities
- LP1 Housing Supply
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL4 Biodiversity and Geodiversity
- PPL9 Listed Buildings
- CP1 Sustainable Transport and Accessibility

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 (including Site Description and Proposal)

Site Description

The application relates to the Grade II listed Blue House, 182 Thorpe Road, Kirby Cross, specifically an eastern portion of the side garden area currently forming its curtilage. The site is located to the west of the village of Kirby Cross and currently comprises of improved grass, occasional early mature to mature trees and boundary hedgerow running parallel with the highway.

Description of Proposal

The application seeks full planning permission for the subdivision of the existing side garden area serving Blue House and the erection of 1 no. detached 4 bedroom house (with attached garage) served by a new vehicular access from Thorpe Road.

Assessment

The main considerations in this instance are;

- Principle of Residential Development;
- Design and Impact on the Heritage Asset;

- Residential Amenities;
- Trees and Landscaping;
- Financial Contributions - RAMS
- Financial Contributions - Open/Play Space
- Highways; and,
- Representations.

Principle of Residential Development

The site is situated outside of the Settlement Development Boundary (SDB) for the area as defined by the adopted Tendring District Local Plan 2007 but lies within the SDB as defined within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Policy HG3 of the adopted Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design and highway safety criteria, as appropriate, and can take place without material harm to the character of the local area including the impact upon heritage assets.

Policy SPL2 within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 is the equivalent policy and therefore echoes the aims of Policy HG3. SDBs have been drawn flexibly thus enabling them to be considered for small scale residential development provided that it does not detrimentally impact the historic and natural environment.

The principle of the residential development on the site is therefore established by the extension to the SDB within the emerging local plan. The impact is assessed in further detail below.

Design and Impact on the Heritage Asset

Paragraph 127 of the National Planning Policy Framework 2019 (NPPF) requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

Furthermore, Paragraphs 184 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Specifically Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The application is for a proposed two-storey residential dwelling to the east of the existing building, Blue House, 182 Thorpe Road. Blue House was Grade II Listed in 1986 and the listing description is as follows:

No. 182, Blue House Farmhouse - II House. C17 or earlier rear wing, C18 front range. Timber framed and plastered. Red plain tiled gambrelled roof. Red brick chimney stack. 2 storeys and attics. 2 C19 dormer windows. 2 window range of 3 light casements, centre lights small paned. Central enclosed gabled porch with pargetting to gable apex, C20 plank and muntin door. Interior features include, chamfered bridging joists to rear wing and some exposed frame. C18 fireplaces, one with original basket grate. 2 C18 cupboards. Original doors with ironmongery.

The Grade II Listed building was formerly a farmstead and has historically been isolated and set within an immediate area of open ground. The undeveloped nature of the domestic curtilage of the Listed building, which has been a situation since the farmhouse was constructed, is in contrast to the later ribbon development along Thorpe Road. This setting of Blue House Farm, particularly its undeveloped domestic curtilage and isolation from other properties, contributes to the significance of the listed building. The proposed division of the land around the heritage asset, and the construction of a two-storey domestic building, would fundamentally divorce the listed building from its original context and draw the historically isolated farmhouse into the modern ribbon development. The subdivision of the listed building's domestic curtilage will result in an

unprecedented form of enclosure, which can only be considered harmful. There are no public benefits that outweigh the identified harm.

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. Nevertheless, the benefits of a single dwelling do not outweigh the harm to the setting of the listed building.

Having regard to the aims of the aforementioned national and local plan policies, although the detailed design and scale of the proposed dwelling could be independently acceptable, the siting of the development within the curtilage of the Grade II listed building would cause considerable, less than substantial harm to the significance of the designated heritage asset and the application is therefore contrary to Paragraph 196 of the NPPF.

Residential Amenities

The proposed dwelling would be sited over 20 metres from the neighbouring property to the east and the donor dwelling to the west. The new dwelling would be served by a private garden area of approximately 1600 square metres.

Due to the size of the plot and distance to neighbouring properties, the development would not result in any material harm to the daylight, sunlight, outlook or privacy of existing occupants of the neighbouring dwellings or future occupants of the new dwelling.

Trees and Landscaping

In order to show the potential impact of the development proposal on the trees on the land the applicant has submitted a detailed tree survey and report. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction 'Recommendations'. The information provided by the applicant adequately demonstrates that the development proposal can be implemented without causing harm to the existing trees on the application site

Financial Contributions - Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

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.

Financial Contributions - Open/Play Space

The Council's Open Space Team has been consulted in accordance with the requirements of Saved Policy COM6 of the adopted Tendring District Local Plan and Draft Policy HP5 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Due to the size and location of the development to the nearest play area, it is unlikely that this development will impact existing facilities. Therefore, no contribution is sought in this instance.

Highways

Consultation with Essex County Council Highway Authority has been undertaken. The proposal is located within the 30-mph speed limit for Thorpe Road. The proposed site retains adequate room and provision for off street parking and turning, for the proposed dwelling therefore from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the conditions.

Representations

Frinton and Walton Town Council recommend approval.

No individual letters of representation have been received.

Conclusion

For the reasons set out above, the harm to the setting of the heritage asset and the absence of a proportionate financial contribution in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements warrant refusal of planning permission.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

- 1 Paragraph 127 of the National Planning Policy Framework 2019 (NPPF) requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

Furthermore, Paragraphs 184 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Specifically Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Additionally, Saved Policy EN23 of the Tendring District Local Plan (2007) and Policy PPL9 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that proposals for development that would adversely affect the setting of a listed building will not be permitted.

The Grade II Listed building was formerly a farmstead and has historically been isolated and set within an immediate area of open ground. The undeveloped nature of the domestic curtilage of the listed building, which has been a situation since the farmhouse was constructed, is in contrast to the later ribbon development along Thorpe Road. This setting of Blue House Farm, particularly its undeveloped domestic curtilage and isolation from other properties, contributes to the significance of the listed building. The proposed division of the land around the heritage asset, and the construction of a two-storey domestic building, would fundamentally divorce the listed building from its original context and draw

the historically isolated farmhouse into the modern ribbon development. The subdivision of the listed building's domestic curtilage will result in an unprecedented form of enclosure, which can only be considered harmful. There are no public benefits that outweigh the identified harm.

Having regard to the aims of the aforementioned national and local plan policies, although the detailed design and scale of the proposed dwelling could be independently acceptable, the siting of the development within the curtilage of the Grade II listed building would cause considerable, less than substantial harm to the significance of the designated heritage asset and the application is therefore contrary to Paragraph 196 of the NPPF.

- 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.