

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	06/06/19
Planning Development Manager authorisation:	AN	11/6/19
Admin checks / despatch completed	AP	12/6/19

Application: 19/00611/OUT **Town / Parish:** Frinton & Walton Town Council
Applicant: Parkers Farms
Address: Land adjacent 41 The Street Kirby Le Soken
Development: Proposal for 2no. dwellings.

1. Town / Parish Council

Frinton and Walton Town Council REFUSAL - lack of sufficient information for a development adjacent to the conservation area.

2. Consultation Responses

Essex County Council Heritage The proposal is for 2no. dwellings a on the site on the southern side of The Street and adjacent to the boundary of the Kirkby-le-Soken Conservation Area, which borders the site on three sides, the west, north and east.

The proposal is an outline application. Given the site is directly adjacent to a conservation area (a designated heritage asset), and within its setting, an outline application is inappropriate. Paragraph 200 of the NPPF states:

Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Given this is an outline application it is not possible to ensure the quality of development required is realised. Furthermore the application is not compliant with paragraph 189 as impact on the significance of heritage assets can not be determined with an outline application of this type.

Should a new application be brought forward I recommend the significance of the conservation area is understood so that a proposal (if appropriate in principle) can respond in a bespoke manner in a detailed application. I encourage the applicant to undertake pre-application advice with the local planning authority.

ECC Highways Dept

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

1. Prior to occupation of the development, the access at its centre line

shall be provided with a clear to ground visibility splay with dimensions of 4.5 metres by 43 metres in both directions, 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 any obstruction at all times.

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

2. Prior to occupation of the development appropriate vehicular turning facilities, in accordance with current policy standards, shall be provided 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

3. Prior to the first occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway and provided with an appropriate dropped kerb crossing of the verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

4. All dwellings shall be provided with 2 parking spaces, and 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.

5. Any single garages should have a minimum internal measurement of 7m x 3m and any double garages should have a minimum internal measurement of 7m x6m.

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.

6. The public's rights and ease of passage over public footpath no 164_18 (Frinton and Walton) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

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: There shall be no discharge of surface water onto the

highway.

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.

Informative 2: 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

3. Planning History

N/A

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

EN17 Conservation Areas

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

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL8 Conservation Areas

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

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 east of 41 The Street, within the parish of Kirby-le-Soken. The site is currently open grassed land, with a small hedgerow to the front northern boundary. The character of the surrounding area is semi-rural, with the surrounding development a variety of sizes, types, scales, ages and architectural types.

The site is outside of a recognised Settlement Development Boundary within the Saved Tendring District Local Plan (2007) and is adjacent to the Kirby-le-Soken Settlement Development Boundary within the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

The application site does not lie within the Kirby-le-Soken Conservation Area although its boundary wraps around the north, west and east of the application site. Nonetheless, the field forms part of the setting of the Conservation Area.

Description of Proposal

This application seeks outline planning permission for the erection of two dwellings. All matters, notably access, appearance, landscaping, layout and scale are all reserved for a future detailed application.

Site History

The site itself has not been subject to previous planning applications; however the nearby area has.

Under planning reference 15/01566/OUT, planning permission was refused for the erection of two dwellings approximately 75 metres to the west due to adversely impacting the character of the special landscape and detracting from the special character and appearance of the adjoining part of Kirby-Le-Soken Conservation Area. However this decision was allowed at appeal (reference APP/P1560/W/16/3146590), where the Inspector stated "*In conclusion, I do not find that the principle of development here would cause material harm to landscape quality or character, the setting of the CA or the more general character and setting of the village.*"

Under planning reference 16/02067/OUT, planning permission was refused for the erection of five bungalows approximately 40 metres to the north on the grounds the site performed poorly against

the social strand of sustainability. However, again this was allowed at appeal (reference APP/P1560/W/17/3176998), where the Inspector stated "*Concluding on the planning balance, while not fully in accordance with Policies QL1, HG13 and SPL1, applying the approach of the NPPF as a material consideration indicates that the development would be acceptable and would represent sustainable development in this instance. Thus, it would provide a suitable location for housing having had regard to the accessibility of services and facilities and the character and appearance of the area.*"

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 two dwellings 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:

In respect of the social dimension, the site lies on the edge of the Kirby-le-Soken settlement. There is a bus stop located approximately 500 metres to the east, while there are footpaths and street lighting connecting the site to the main hub of Kirby-le-Soken and beyond. Further to that, within nearby appeal decision APP/P1560/W/17/3176998 (Sunnyside, 64 The Street, Kirby-le-Soken dated 10 October 2017) the Inspector stated the following: "*The proposed development would be connected to most of the village by a pavement which runs along the north side of The Street . . . while the range of facilities in the village is limited, they include a shop and post office which provides for everyday needs . . . as such, occupants of the proposed development would not be overly reliant on the private motor car to access everyday services and facilities*". Given that the application site in question is located in close proximity to this previous appeal site, the site is considered to be socially sustainable.

Environmental:

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

Impact upon Conservation Area:

Paragraph 189 of the National Planning Policy Framework (2019) states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Paragraph 193 of the National Planning Policy Framework (2018) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 196 of the National Planning Policy Framework (2019) 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 including, where appropriate, securing its optimum viable use.

Policy EN17 of the Adopted Local Plan states that development should look to either preserve or enhance the character and appearance of a conservation Area. The sentiments of this are carried forward within Policy PPL8 in the Emerging Local Plan.

The Kirby-le-Soken Conservation Area Review summarises the character of the area as resting in the "*sinuous layout of The Street and the relationships between the wide variety of buildings associated with it*". Within nearby appeal decision APP/P1560/W/16/3146590 (Land between 45-53 The Street, Kirby-le-Soken dated 14 June 2016) the Inspector stated "*I recognise that the informal and linear nature of development in this area is a part of its character. This informality has led to various architectural styles and varying degrees of separation between buildings as development becomes less dense toward the end of the village . . . clearly the design of the dwellings and associated landscaping would have to be of a high quality with careful consideration given to the scale and layout of development*", before concluding that the principle of development would not cause material harm to the setting of the Conservation Area.

The proposal is for two dwellings on a site that is adjacent to the boundary of the Kirby-le-Soken Conservation Area, which it borders to three sides - east, west and north. The Council's Historic Environment consultant has stated that given the proposal is an outline application it is not possible to ensure the quality of development required is realised, and accordingly is unable to support the scheme. However, it is acknowledged that the proposal would represent an infill development that is surrounded by existing development to the west and north. There are no long

distance views of the site from either the east or west, and any views from the south will not be significantly compromised subject to a suitable design with sufficient soft landscaping within a future detailed application. Therefore, while the concerns raised are noted, on balance it is considered a future detailed proposal could ensure two dwellings are accommodated without harming the setting of the adjacent Conservation Area. Furthermore, important street scene views of the listed buildings to the north-west and north-east of the site would not be harmed.

Therefore the proposal is considered to meet 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 application is in outline form only, with all matters reserved for a future application. As such, no elevational or layout plans have been provided. That notwithstanding, it is considered that the site is capable of accommodating two dwellings, with all of the necessary parking and private amenity requirements. Design within a future detailed application would be especially important given the adjacent Kirby-le-Soken Conservation Area; it would be expected that the dwellings are of a similar size as those adjacent to the west of the site.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of one bedroom should be a minimum of 50 square metres, for a dwelling with two bedrooms there should be a minimum of 75 square metres, and for a dwelling of three bedrooms or more there should be a minimum of 100 square metres. The submitted plans provide no information as to the number of bedrooms, but the above minimum measurements must be adhered to within a future application.

3. 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).

Whilst the application is in outline form with all matters reserved, Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.

4. 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 visibility splays, vehicular turning facilities, the width of the private drive and that the adjacent Public Right of Way should be free and unobstructed at all times.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with two or more bedrooms that a minimum of two parking spaces are required. Parking spaces should measure 5.5m x 2.9 metres and garages, if being relied on to provide a parking space, should measure 7m x 3m internally. The submitted plans do not indicate the number of bedrooms, but it is considered there is sufficient space within the site to provide the necessary parking for both dwellings.

5. Tree Impacts

Paragraph 170 of the National Planning Policy Framework (2019) states planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and should protect and enhance valued landscapes.

Policy EN1 of the Saved Local Plan states the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. The sentiments of this policy are carried forward within Emerging Local Plan Policy PPL3.

The main body of the application site is set to grass with a low level and poor quality hedgerow situated on the boundary with the highway. There are no trees or other significant vegetation on the application site.

On the western boundary of the application site and situated within the curtilage of 41 The Street there are two established trees that make a reasonable contribution to the character and appearance of the area. They are a large Horse Chestnut and a smaller False Acacia. Taking into account the size of the trees it is likely that roots will have encroached onto the application site.

The agent for the application was asked to provide an Arboricultural Impact Assessment to show the likely impact of the development on trees on land adjacent to the application site, in order to show the extent to which the trees are a constraint on the development potential of the land, and to show details of the way that the trees would be physically protected for the duration of the construction phase of any development. However this information was not provided.

It has therefore not been properly demonstrated that the proposed development can be constructed without causing harm to trees that make a positive contribution to the local area, and therefore fails to accord with the above national and local policies.

6. Legal Obligations

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton and Kirby, with the nearest play area in Kirby in Halstead Road, approximately 1 mile away. Due to the size and location of the development it is not considered there will be a significant impact on the existing facilities. Therefore no contribution is 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-

Other Considerations

Frinton and Walton Town Council have objected to the application as there is a lack of sufficient information for a development adjacent to a Conservation Area.

In answer to this, the impact to the Kirby-le-Soken Conservation Area has been addressed within the main body of the report above.

There has also been three letters of objection received, which are summarised below:

1. Access to main road is dangerous;
2. Impact to Conservation Area;
3. Site is outside of a Settlement Development Boundary;
4. Harm to adjacent Public Right of Way; and
5. Harm to setting of Listed Building.

In answer to this, points 2, 3, 4 and 5 have been addressed within the main body of the report above. In response to point 1, Essex Highways Authority have not objected to the proposal, while it is also noted that the access arrangement would be the subject of a future detailed application.

6. Recommendation

Refusal.

7. Reasons for Refusal

- 1 Paragraph 170 of the National Planning Policy Framework (2019) states planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and should protect and enhance valued landscapes.

Policy EN1 of the Saved Local Plan states the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. The sentiments of this policy are carried forward within Emerging Local Plan Policy PPL3.

The main body of the application site is set to grass with a low level and poor quality hedgerow situated on the boundary with the highway. There are no trees or other significant vegetation on the application site.

On the western boundary of the application site and situated within the curtilage of 41 The Street there are two established trees that make a reasonable contribution to the character and appearance of the area. They are a large Horse Chestnut and a smaller False Acacia. Taking into account the size of the trees it is likely that roots will have encroached onto the application site.

The agent for the application was asked to provide an Arboricultural Impact Assessment to show the likely impact of the development on trees on land adjacent to the application site, in order to show the extent to which the trees are a constraint on the development potential of the land, and to show details of the way that the trees would be physically protected for the duration of the construction phase of any development. However this information was not provided.

It has therefore not been properly demonstrated that the proposed development can be constructed without causing harm to trees that make a positive contribution to the local

area, and therefore fails to accord with the above national and local policies. Avoiding the root protection areas of these trees will also impact upon the layout of the site, which will need to be carefully assessed given the location abutting the Kirby-le-Soken Conservation Area.

- 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. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.