DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	13/06/2019
Planning Development Manager authorisation:	SCE	14.06.19
Admin checks / despatch completed	SB	17/06/19

Application:

19/00651/OUT

Town / Parish: Ardleigh Parish Council

Applicant:

Mr and Mrs Ramplin and Mr and Mrs Fincham

Address:

Land adjacent Cassjade Chapel Lane Ardleigh

Development:

Outline application for 2no. dwellings and associated access.

1. Town / Parish Council

2.

Ardleigh Parish Council

Ardleigh Parish Council objects to this planning application as the site falls outside a recognised settlement development boundary. Thus development is not supported in either the Saved Tendring Local Plan or Emerging Local Plan. The location is very rural and lacks local facilities. The nearest bus stop and shops are at least 1 mile away and would require walking along single lanes with no pedestrian walkways. Chapel Lane is a narrow rural single track lane and given all journeys would require a car this would be unsustainable development.

There is limited employment opportunity in the nearby vicinity. There is no requirement/need for additional detached housing in this area.

3. Consultation Responses

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

- Prior to first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2 metres by 38 metres westwards (to the bend) and 2 metres to the maximum site boundary eastwards, as measured from and along the southern 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 above 600mm at all times.
- Prior to first occupation of the development 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 be 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing.

- Prior to first occupation of the development the vehicular parking and turning facility, as shown on the block plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- There shall be no discharge of surface water onto the Highway.
- Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.
- All double garages should have a minimum internal measurement of 7m x 5.5m.
- Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.
- 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.
- Prior to first occupation of the proposed development, 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.
- Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway.

Tree & Landscape Officer

The main body of the application site has been cleared and is gradually being colonised by rank and ruderal vegetation.

The site boundary is demarcated, in places, by a dense hedgerow of two distinct sections: one section contains almost exclusively Symphoricarpus (Snowberry) and the remainder comprises Blackthorn.

The site contains several trees: there are two Oak and two multistemmed Silver Birch on the western boundary adjacent to the highway and on the western boundary there is a Horse Chestnut. There are three Ash trees situated approximately in the centre of the site.

At the present time the trees make a positive contribution to the character and appearance of the locality although their amenity value is only moderate as they are situated on a quiet rural lane with low vehicular use and even less pedestrian use.

The proposed site layout plan shows that the two Oak and the two Birches on the western boundary and the Horse Chestnut tree on the southern boundary are retained.

Two of the centrally situated Ash trees are shown as removed and the

third is shown on the site layout plan as retained. The removal of the two Ash trees will not have a significant detrimental impact on the character or appearance of the local landscape character.

Taking into account the current amenity value of the trees and in consideration of the proposed position of the dwellings there appears to be sufficient separation between the retained trees and the proposed dwellings to enable the development of the land to take place without causing harm to the trees.

It may not be necessary for the applicant to submit a complete tree survey and report however they will need to provide details of the way that the roots of the trees will be physically protected for the duration of the construction phase of any planning permission that may be granted. This information should be in accordance with BS5837 2012: Trees in relation to design, demolition and construction: Recommendations.

Taking into account of the location of the application site it would be desirable to secure details of soft landscaping to soften the appearance of the development and to ensure that it is assimilated into its setting.

UU Open Spaces

There is currently a deficit of -1.70 hectares of equipped play/open space in Ardleigh.

There are 2 play areas in Ardleigh both are located a distance away from the development.

Recommendation

Due to the size and the location of the play area to the development it is unlikely will see any impact from this development. Therefore no contribution is being requested.

4. Planning History

00/01836/OUT	Outline permission for single dwelling	Refused	18.01.2001
17/00287/FUL	Construction of a detached three bedroom bungalow with associated landscaping, vehicular access, and hardstanding.	Refused	26.04.2017
18/01983/OUT	Outline permission for 4no. dwellings and associated access.	Refused	24.01.2019
19/00651/OUT	Outline application for 2no. dwellings and associated access.	Current	

5. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

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

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

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.

6. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site forms a corner plot on the northern and eastern side of Chapel Lane within the small settlement of Crockleford Heath which is located in the Ardleigh Parish. The site is not located within any defined settlement boundary. The site at present is covered in low scrubby Blackthorn with several mature trees and hedging along its perimeters. To the north and west of the site are two-storey properties. Beyond which to the north-east is ancient woodland. The rest of Chapel Lane is characterised by a loose scattering of properties varying in age and style set within well vegetated grounds.

Proposal

This application seeks outline planning permission to erect 2 dwellings on the plot. All matters are reserved aside from access which is to be considered at this stage.

An indicative layout plan has been provided which shows a shared vehicular access on the southern boundary with Chapel Lane serving two detached properties with detached double garage. The trees and mature hedging to the site perimeters are shown to be retained.

Planning History

A planning application for a single bungalow on the plot was refused in 2017 due to the unsustainable location of the site detached from any local settlements and outside of any defined SDB.

A further planning application was then refused in 2018 for 4 no. dwellings due to the unsustainable location of the site detached from any nearby settlements and the adverse impact upon the rural character of Chapel Lane.

Principle

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

The 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.

- Assessment of Sustainable Development

While the NPPF advocates a plan-led approach, it is important to consider whether any circumstances outweigh the conflict. Development should be plan led unless material considerations indicate otherwise and it is accepted that the site is not in a preferred location for growth.

In line with Paragraph 8 of the National Planning Policy Framework (2018), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective. These are assessed below.

- social, and;
- environmental roles.

The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

- Economic

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

- Social

The emerging Local Plan 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. Crockleford Heath is not included within the hierarchy due to the lack of services and facilities within the settlement and due to it not being the main settlement within the parish. The Council's local plan settlement hierarchy document (2016) confirms that Crockleford Heath does not have a primary school, doctor's surgery, defined village centre, defined employment area, railway station or good bus route. As such the location is considered to be amongst one of the least sustainable locations for growth where development will only serve to increase the number of people having to rely on cars to go about their everyday lives.

In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The poor sustainability credentials of the site in terms of the social role and the fact that the development is contrary to the aims of the settlement hierarchy results in the proposal being contrary to the above mentioned policies.

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.

- Environmental

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

The application site forms a vegetated parcel of land that positively contributes to the rural character of Chapel Lane. Chapel Lane is a quiet and narrow rural lane which serves a handful of residential properties which are largely set in amongst existing vegetation. The site therefore forms part of a rural landscape with a setting of open fields interspersed with rural buildings, copses of trees and native hedgerows that positively contributes to the character and appearance of the area. The proposal would result in an intensification of built form in an area where the vegetated and undeveloped nature of the site contributes positively to the locally distinctive settlement pattern. It would introduce 2 no. dwellings that by virtue of the combination of engineering works, required vehicular visibility splays and the scale and form of the dwellings would result in the urbanisation of the site that would appear unduly dominant and erode the rural appearance of the lane. As such the development would be at odds with the character and appearance of the area and contrary to the aforementioned national and local planning policies.

Residential Amenities

Sufficient spacing would exist between the new properties and those existing to the north and east not to cause any adverse impact upon the residents in terms of loss of light, privacy and outlook. There is a distance of 25m to the rear garden serving the dwelling to the NW (Cassjade) along with mature vegetation present on the shared boundary. Due to this distance and the presence of vegetation it is consideration that, with careful consideration as to the position of openings at rserved matters stage, any impact upon not be significantly detrimental to resident's amenity.

Design/Layout

Notwithstanding the concerns raised above regarding the impact upon the rural character of the lane, the indicative layout plans provided show that 2 no. dwellings on the site can be accommodated without them appearing cramped and capable of being served by a minimum of 100sqm of private amenity space and sufficient parking/refuse provision.

Highway Considerations

Essex County Council Highways have no objections to the development subject to the following requirements;

- visibility splays of 2 x 38m (west) and 2m by site maximum (east)
- access width of 5.5m for first 6m into site
- vehicular parking and turning facility provided prior to occupation
- unbound material in first 6m of access
- no discharge of water onto the highway
- parking bay and garages in accord with the current parking standards
- new boundary planting set back 1m from highway and vis splay
- residential travel packs provided to each resident
- loading and storage of materials shall be clear of the highway.

These requirements could be secured via conditions. The parking and turning area shown on the submitted indicative plans accord with the requirements of the current parking standards in terms of size and number of spaces.

Trees/Ecology

The main body of the application site has been cleared and is gradually being colonised by rank and ruderal vegetation. The site boundary is demarcated, in places, by a dense hedgerow of two distinct sections: one section contains almost exclusively Symphoricarpus (Snowberry) and the remainder comprises Blackthorn. The site contains several trees: there are two Oak and two multistemmed Silver Birch on the western boundary adjacent to the highway and on the western boundary there is a Horse Chestnut. There are three Ash trees situated approximately in the centre of the site.

At the present time the trees make a positive contribution to the character and appearance of the locality although their amenity value is only moderate as they are situated on a quiet rural lane with low vehicular use and even less pedestrian use. The proposed site layout plan shows that the two Oak and the two Birches on the western boundary and the Horse Chestnut tree on the southern boundary are retained. Two of the centrally situated Ash trees are shown as removed and the third is shown on the site layout plan as retained. The removal of the two Ash trees will not have a significant detrimental impact on the character or appearance of the local landscape character.

Taking into account the current amenity value of the trees and in consideration of the proposed position of the dwellings there appears to be sufficient separation between the retained trees and the proposed dwellings to enable the development of the land to take place without causing harm to the trees. It may not be necessary for the applicant to submit a complete tree survey and report however they will need to provide details of the way that the roots of the trees will be physically protected for the duration of the construction phase of any planning permission that may be granted.

Taking into account of the location of the application site it would be desirable to secure details of soft landscaping to soften the appearance of the development and to ensure that it is assimilated into its setting.

A phase 1 habitat survey has been submitted to assess the habitat value of the site. The survey concludes the following;

With the exception of nesting birds and great crested newts, both of which are addressed by appropriate timing of works / precautionary methods of working, the site is unlikely to support any protected species, and no further surveys are recommended. The working recommendations provided within this report will ensure that the proposals do not affect the favourable conservation status of any local amphibian populations.

The mitigation measures and recommendations contained within the report would be secured by planning conditions.

Public Open Space

A public open space contribution is not required in this instance as due to the distance from the development site to the nearest play area, it is unlikely to have a significant impact on these facilities.

Habitat Regulations

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 objects to this planning application as the site falls outside a recognised settlement development boundary. Thus development is not supported in either the Saved Tendring Local Plan or Emerging Local Plan. The location is very rural and lacks local facilities. The nearest bus stop and shops are at least 1 mile away and would require walking along single lanes with no pedestrian walkways. Chapel Lane is a narrow rural single track lane and given all journeys would require a car this would be unsustainable development.

5 objections to the development have been received from local resident's outlining the following concerns;

- overlooking to nearby resident's gardens/dwellings
- Removal of trees/hedgerows destroying outlook/wildlife
- Poor drainage in local area leading to flooding
- Hazardous access on sharp bend and more congestion along Chapel Lane
- Urbanisation of area and erosion of Chapel Lane
- No facilities/public transport routes within walking distance
- Extra noise pollution
- Too many houses already constructed along Chapel Lane.

7. Recommendation

Refusal

8. Reasons for Refusal

The application site lies outside of any defined settlement development boundary 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 car 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.

The Emerging Local Plan 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. Crockleford Heath is not included within the hierarchy due to the lack of services and facilities within the settlement and due to it not being the main settlement within the parish. The Council's local plan settlement hierarchy document (2016) confirms that Crockleford Heath does not have a primary school, doctor's surgery, defined village centre, defined employment area, railway station or good bus route. As such the location is considered to be amongst one of the least sustainable locations for growth where development will only serve to increase the number of people having to rely on cars to go about their everyday lives.

In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The poor sustainability credentials of the site in terms of the social role and the fact that the development is contrary to the aims of the settlement hierarchy results in the proposal being contrary to the above mentioned policies.

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.

Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the National Planning Policy Framework 2019 requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes onto 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. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.

The application site forms a vegetated parcel of land that positively contributes to the rural character of Chapel Lane. Chapel Lane is a quiet and narrow rural lane which serves a handful of residential properties which are largely set in amongst existing vegetation. The site therefore forms part of a rural landscape with a setting of open fields interspersed with rural buildings, copses of trees and native hedgerows that positively contributes to the character and appearance of the area. The proposal would result in an intensification of built form in an area where the vegetated and undeveloped nature of the site contributes positively to the locally distinctive settlement pattern. It would introduce 2 no. dwellings that by virtue of the combination of engineering works, required vehicular visibility splays and the scale and form of the dwellings would result in the urbanisation of the site that would appear unduly dominant and erode the rural appearance of the lane. As such the development would be at odds with the character and appearance of the area and contrary to the aforementioned national and local planning policies.

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 RAMSAR and SPA, 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.

9. 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 reasons for the refusal, approval has not been possible.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO