

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	24/06/19
Planning Development Manager authorisation:	AN	24/6/19
Admin checks / despatch completed	AP	26/6/19

*ANE*

**Application:** 19/00249/FUL **Town / Parish:** Harwich Town Council

**Applicant:** Ms M Gianoli & Mr N Bevis

**Address:** 45 Manor Lane Dovercourt Harwich

**Development:** Proposed erection of a two storey dwelling with a vehicular and pedestrian access from existing private driveway.

### 1. Town / Parish Council

Harwich Town Council Harwich Town Council has no objection to this application.

### 2. Consultation Responses

Essex County Council  
Heritage

The application is for the proposed erection of a two storey dwelling with a vehicular and pedestrian access from existing private driveway. The main heritage asset for consideration is Grade II listed Capital Gardens Nursery (List Entry ID: 1280854).

The listing description states:

House. c1600, converted to 2 cottages in C18, then back to one in C20. Timber-framed and plastered with gabled roof of plain clay tiles. 2-bay plus stack bay baffle entry house, 2-storey and attics with single storey timber-framed and rendered on east end with gabled plain clay tile roof. EXTERIOR: front elevation (originally back) has 4 late C18 Gothick cast-iron pointed arched windows with central small opening light and small panes. Two C20 doors, replicas of late C18 originals with planted intersecting tracery heads. Central stack rebuilt in C20. INTERIOR: stairs inside former front door with part of well curved against stack. Some posts are jowled and arch brace to tie beam on one side of stack bay. One surviving external wall brace is sharply cranked and rises from post to end tie beam. Chamfered spine beams with lamb's tongue stops and square joists with usual tenons near soffit and diminished haunches. One curved wind brace remains in side purlin roof. Stop-chamfered mantel beam and exposed brick back of fireplace to parlour.

I do not support this application in principle. The late nineteenth Ordnance Survey map demonstrates the listed building was orientated towards the south where the proposed development site is located. Whilst previous development has encroached on the setting of the listed building, vastly changing its context over the past 100 years, the land to the south is one of the last open elements which contribute positively to the setting and significance of this designated heritage asset.

This proposal will cause harm to the setting of the building by development in the last aspect of adjacent open land, and importantly

land towards which the building is orientated. This will irreversibly, permanently and adversely alter the manner in which this listed building is experienced, understood and appreciated.

I do not support this proposed development in principle, which will cause less than substantial harm to a designated heritage assets and therefore paragraph 196 of the NPPF is relevant.

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 the occupation, 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 footway and provided with an appropriate dropped kerb crossing of the footway.

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.

2. As indicated on the proposed block plan 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.

3. Prior to occupation and as per the Essex Parking Standards (Parking Standards: Design and Good Practice, Sept 2009) 6 metres should be provided behind each parking space to allow for manoeuvring.

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

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

6. 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.

7. 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.

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.

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: To assist the existing access and visibility splay it is recommended that any new boundary planting shall be planted a minimum of 2 metre back from the carriageway and retained free of obstruction above 600mm at all times.

It will also 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.

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

Informative 3: 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](mailto:development.management@essexhighways.org) or by post to:

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### 3. Planning History

15/00168/FUL	Demolition of dilapidated outbuildings to be replaced by new garage/store. Removal of conservatory to be replaced by new porch. Installation of new access door.	Refused	16.04.2015
15/00169/LBC	Demolition of dilapidated outbuildings to be replaced by new garage/store. Removal of conservatory to be replaced by new porch. Installation of new access door.	Refused	16.04.2015
15/01359/FUL	Demolition of dilapidated outbuildings to be replaced by new garage/store, removal of conservatory to be replaced by new porch, extension to rear elevation to kitchen, replacement of render and replacement of windows.	Approved	30.10.2015
15/01360/LBC	Demolition of dilapidated outbuildings to be replaced by new garage/store, removal of conservatory to be replaced by new porch, extension to rear elevation to kitchen, replacement of render and replacement of windows.	Approved	30.10.2015
16/30347/PREAPP	Erect 1 No. dwelling.	Refused	03.03.2017
17/00610/FUL	Detached garage within curtilage of listed building.	Approved	02.06.2017
17/00611/LBC	Detached garage within curtilage of listed building.		18.05.2017
17/00612/LUPRO P	Proposed garden room.		01.06.2017
17/00614/LBC	Internal alterations and removal of external cement render on south and east elevations to be replaced with boarding finish.	Approved	02.06.2017
17/01434/FUL	Detached garden room.	Approved	13.10.2017
17/01435/LBC	Detached garden room.	Approved	
19/00912/FUL	Detached garage within the	Refused	

curtilage of a listed building.

19/00913/LBC

Detached garage within the  
curtilage of a listed building.

Refused

#### **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

EN23 Development Within the Proximity of a Listed Building

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

PPL4 Biodiversity and Geodiversity

PPL9 Listed Buildings

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 to the rear of 45 Manor Lane, within the parish of Dovercourt. 45 Manor Lane is a Grade II Listed Building. The surrounding area is dominated by built form, predominantly in the form of residential dwellings. The site itself was overgrown upon site inspection but has since been cleared. The site lies within the Settlement Boundary for Dovercourt, as agreed within both the Adopted Tendring Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

### Description of Proposal

This application seeks full planning permission for the erection of a single detached dwelling, which will be two storey and serve three bedrooms.

### Assessment

#### 1. Principle of development

The site is situated within the defined settlement limits of Dovercourt, as defined by both the Adopted Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. Therefore the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

#### 2. Impact to the Listed Building

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 EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within policy PPL9 of the Emerging Plan.

The site lies within the setting of a Grade II Listed Building, Capital Gardens Nursery, 45 Manor Lane, Dovercourt, located approximately 20 metres to the north of the dwellings' siting. Following consultation with the Council's Historic Environment consultation, they have confirmed that late nineteenth century Ordnance Survey demonstrates the listed building was orientated towards the south where the proposed development site is located. Whilst there have been other examples of nearby development that have vastly changed the context of the buildings setting within the past 100 years, the application site is one of the last elements which contribute positively to the setting and significance of the designated heritage asset.

The proposal will therefore cause harm to the setting of the listed building by development in the last aspect of adjacent open land, and importantly land towards which the building is orientated.

This will irreversibly, permanently and adversely alter the manner in which the listed building is experienced, understood and appreciated.

The proposed development therefore represents less than substantial harm to a designated heritage asset, while there are no significant public benefits of one additional dwelling that can outweigh this identified harm.

### 3. Layout, Design and Appearance

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

The proposed dwelling is to be detached, two storeys and sited to the south of 45 Manor Lane. The dwelling is to be accessed via the existing access point serving 45 Manor Lane, to the east of the site. Notwithstanding the heritage impact above, the dwellings siting is approximately in line with the existing development to the west and will not appear contrived in this location. In terms of the design, initially there are no principle objections to the detached nature of the dwelling; the surrounding area is not defined and includes examples of detached, semi-detached and terraced properties.

In respect of the dwellings appearance, there is no set character in the surrounding area to adhere to. The dwelling includes numerous design features to help break up its bulk. These include a car port, brick plinth, canopy and chimney. Given this, and that the use of cream render and red pantiles are an acceptable mix, there are no principle concerns with the design of the dwelling.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three or more bedrooms should be a minimum of 100sqm. The submitted plans demonstrate that this is achieved.

### 4. Impact to Residential 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'. Policy SPL3 of the Draft Plan carries forward these sentiments.

There is an approximate separation distance of 25 metres to the neighbouring property to the north, Number 45 Manor Lane. Given this significant distance the proposed dwelling will not appear imposing or result in loss of light. While there are a number of first floor rear elevation windows, two are served by en-suites and in any case views will be to the front of 45 Manor Lane, an area that is not considered to be private.

The dwelling will be located in close proximity to the neighbouring properties to the west; however there is an approximate 3 metres separation distance and existing vegetation to the boundary which will reduce the dwellings impact. Further, there are no first floor side elevation windows that can directly overlook, while the first floor rear elevation windows will only have views to the area furthest rear of the garden, which is unlikely to be regularly habituated. Further, the built up nature of this section of Manor Lane means these dwellings are already being overlooked, so the proposal would not significantly add to this.

The neighbouring property to the east, 51 Manor Lane, is approximately 25 metres apart and separated by the access to 45 Manor Lane. Given this significant distance there will be a neutral impact to their existing amenities.

### 5. Trees and Landscaping



Prior to the site being cleared it was well populated with small to medium sized trees and shrubs that collectively made a positive contribution to the character and appearance of the area. The trees in best condition and with the greatest amenity value are the Silver Birch and the Holm Oak both of which have been retained.

As the best trees are shown as retained it is not considered necessary to make them the subjects of a tree preservation order at the present time. However if planning permission had been granted, a condition requiring the applicant to provide additional information to show how the trees would be protected for the duration of the construction phase of the development would have been requested.

Also, if planning permission had been granted details of new soft landscaping of the site frontage to soften and enhance the appearance of the development would have been conditioned.

The Council's Principle Tree and Landscaping Officer has been consulted and is satisfied that the trees and hedgerow to be removed to allow for the development are of no particular value and do not warrant protection by way of a tree preservation order.

The most important trees on the site, namely the Silver Birch and Holm Oak, are to remain as shown on the submitted plans. Their retention is encouraged and any application should be accompanied by a tree survey plan accurately identifying spread, girth and species of all existing trees, shrubs and hedgerows on the site to be retained, together with measures for their protection during construction which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in Relation to Design, Demolition and Construction."

## 6. Biodiversity

Upon undertaking a site inspection Officers noted the site was overgrown and therefore had the potential to host protected species. Therefore a Phase 1 Habitat Survey was requested in order to ascertain the level of species on site and, if necessary, provide mitigation measures during the course of the development.

Unfortunately, during the course of the application the site was cleared, thereby meaning there was no requirement to provide a Phase 1 Habitat Survey. Instead, upon request of the Case Officer, the applicant has provided a series of biodiversity enhancements. These include two nesting boxes, a small log pile and a biodiversity pond. Had this application been recommended for approval these enhancements would have been conditioned.

## 7. Highway Safety

Essex Highways Authority have raised no objections to the proposal subject to conditions relating to the width of the drive, the use of no unbound materials, parking spaces, cycle parking and a residential travel information pack.

However there is sufficient space within the site to accommodate cycle parking, and the development is not large enough to justify a residential travel information pack, so these two recommended conditions are not included.

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 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The plans highlight there will be 3 bedrooms and show there to be sufficient space to provide the necessary parking for all new dwellings.

## 8. 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 12.67 hectares of equipped play in Harwich and Dovercourt. However, although there is a current deficit it is unlikely that this development will have an impact and therefore no contribution is being requested on this occasion.

## 9. 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 Stour and Orwell Ramsar and SPA 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

Harwich Town Council do not object to the proposed development

There have been no other letters of representation received.

## 6. **Recommendation**

Refusal.

## 7. **Reasons for Refusal**

- 1 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 (2019) 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 EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value

and long distance views, will not be permitted. The sentiments of this policy are carried forward within policy PPL9 of the Emerging Plan.

The site lies within the setting of a Grade II Listed Building, Capital Gardens Nursery, 45 Manor Lane, Dovercourt, located approximately 20 metres to the north of the dwellings' siting. A late nineteenth century Ordnance Survey demonstrates the listed building was orientated towards the south where the proposed development site is located. Whilst there have been other examples of nearby development that have vastly changed the context of the buildings setting within the past 100 years, the application site is one of the last elements which contribute positively to the setting and significance of the designated heritage asset.

The proposal will therefore cause harm to the setting of the listed building by development in the last aspect of adjacent open land, and importantly land towards which the building is orientated. This will irreversibly, permanently and adversely alter the manner in which the listed building is experienced, understood and appreciated.

The proposed development therefore represents less than substantial harm to a designated heritage asset, while there are no significant public benefits of one additional dwelling that can outweigh this identified harm.

- 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 Stour and Orwell Ramsar and SPA 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.