



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

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

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

5. 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. Any new boundary planting for St Michaels House shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1

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

Informative 1: As per the comments in the Design and Access Statement prior to first occupation it will be necessary for the front boundary wall of St Michaels House to be demolished and re-built clear of the visibility splay 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

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.

### **3. Planning History**

04/01260/FUL      Proposed games room      Approved      23.08.2004

### **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

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG9 Private Amenity Space

HG13 Backland Residential Development

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

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

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 comprises of a 0.27ha parcel of land situated on the western side of Brightlingsea Road and a cluster of residential properties within the smaller rural settlement of Thorrington. The site consists of an open grassed area to its most western point, but does also incorporate a triple garage and workshop. The site is outside of a recognised Settlement Development Boundary within both the Saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. The site falls within a Coastal Protection Belt within the Adopted Local Plan but has since been removed within the Emerging Local Plan.

### Description of Proposal

The application seeks outline planning permission for the erection of one detached dwelling following the demolition of the existing workshop, with access from Brightlingsea Road to the east also being considered. All other matters, namely layout, scale, appearance and landscaping are reserved for future approval.

### Assessment

#### 1. Principle of Development

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

Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The National Planning Policy Framework 2019 (NPPF) requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

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

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

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

#### Economic:

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

#### Social:

The site is located outside of a Settlement Development Boundary and is located within a semi-rural location. The nearest settlement is Thorrington approximately 0.5 miles away, which within the Established Settlement Hierarchy (2016) performs poorly, with no defined village centre, defined employment area, primary school, GP Surgery or railway station. It is also acknowledged that the site is located approximately 0.9 miles from Brightlingsea to the south. However, whilst Brightlingsea offers a number of amenities this is not considered to be within reasonable walking distance. Therefore it is considered that the majority of trips, including those for day-to-day needs, would need to be made by car to access essential services and facilities, and therefore the proposal fails to meet the social arm of sustainable development.

## Environmental:

The development involves the construction of one detached dwelling in a 'backland' location to the rear of the established residential frontage along Brightlingsea Road. With regards to Policy HG13 of the 2007 Local Plan (and echoed in policy LP8 of the draft Local Plan), it states proposals for the residential development of backland sites must comply with the following criteria:

- i. the site lies within a defined settlement development boundary and does not comprise land allocated or safeguarded for purposes other than a residential use;
- ii. where a proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements, an unacceptable reduction in existing private amenity space or any other unreasonable loss of amenity to existing dwellings;
- iii. a safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged;
- iv. the proposal does not involve "tandem" development using a shared access;
- v. the site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;
- vi. the site is not on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting; and
- vii. the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

The main problems that can arise as a result of backland development include undermining the established character of an area (especially if similar schemes were to be repeated elsewhere in a locality); dwelling plots appearing cramped relative to their surroundings; the fragmentation of established gardens with a loss of mature landscaping; and the infringement of neighbouring residents' amenities. Development behind an established building line can also appear incongruous, particularly with isolated dwellings.

There must also be proper means of access to backland development, which is safe and convenient for both drivers and pedestrians, with a turning area where necessary to avoid the need for vehicles to reverse onto a public highway. A proposed access should avoid excessive disturbance or loss of privacy to neighbouring residents through, for example, an access drive passing unreasonably close to an adjoining dwelling. The likely frequency of use by vehicular traffic and the suitability of the access for service vehicles and the emergency services will also be relevant material considerations.

In respect of the policy criteria noted above the development is considered to meet the requirements as follows;

- i. the site is not located within a defined settlement boundary in both the saved and emerging local plans; however is not designated for any particular use;
- ii. Policy HG9 of the Adopted Local Plan states properties with three or more bedrooms should have a minimum of 100sqm private amenity space. The submitted plans demonstrate there is sufficient provision for both the existing and proposed dwellings. The proposal also shows off street parking provision that meets the Adopted Car Parking Standards minimum provision of two spaces measuring 5.5m x 2.9m for each dwelling.
- iii. the access for the new dwelling will be shared with the existing dwelling, utilising the existing site access point off Brightlingsea Road to the east of the site. The comings and goings associated with one additional dwelling will not result in significant noise disturbances to the occupiers of

either adjacent property to the north and south, whilst the access is in situ currently so will result in no visual detriment to the street scene. However, the access to the site is approximately 75m in length, with a width of just 2.4m for the first 25m, thereby failing to comply with the above criterion.

iv. whilst the layout indicates a form of 'tandem development' with a shared access, it is important to assess if there is any identifiable harm as a result. The preamble of Policy HG13 states that tandem development consists of rows of dwellings immediately behind an existing residential frontage served by shared access ways - it is generally unsatisfactory due to difficulties of access to the dwelling at the rear and the disturbance and lack of privacy suffered by residents at the dwelling in front.

On this occasion, there will be no significant impacts to the front dwellings in regards to loss of privacy or disturbance given it only involves one dwelling. Therefore, on balance, whilst the layout shows tandem development with a shared access, there is not significant enough harm to add as a refusal reason.

v. The site is considered to be of an irregular and awkwardly L-shaped parcel of land, which is capable of accommodating additional development. However, this additional development would only likely consist of a small number of dwellings and would therefore not prejudice a more comprehensive development scheme.

vi. the development of the site would not form a hard urban edge to the settlement as there is an existing workshop of a similar size in situ, and various other adjacent outbuildings to the south.

vii. The surrounding area is semi-rural, with residential development adjacent to the east of the site. This development pattern is well defined and runs linear north to south along Brightlingsea Road. There are no other examples of residential dwellings situated behind these well-defined building lines. Given this, the siting of the proposed dwelling on this irregular plot would appear contrived, incongruous and out of character within this setting. Further, the proposal would set an unwanted precedent for future similar forms of development to the north and south. Therefore the proposal represents a harmful form of development contrary to the above policies.

## 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 with all matters bar access reserved, and as such no elevational drawings have been submitted. However as previously discussed above, the surrounding area is semi-rural with residential development to the east well defined within a linear pattern of development running north to south. The proposed siting of the dwelling would not be in-keeping with the existing pattern of development and would therefore be a harmful addition to the character of the surrounding area.

Access is the one matter to be considered within this application. The access to the site will be via an existing access point to the east off Brightlingsea Road. Given there will be no amendments to this, there will be a neutral impact to the character and appearance of the area as a result.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The information that has been supplied shows there will be enough private amenity space for the proposed and existing dwellings.

### 3. Impact upon Neighbouring Amenities

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, 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. Tree Impacts

The Council's Tree and Landscapes Officer has offered the following comments:

*"The position of the proposed new dwelling is currently occupied by a workshop. There are established trees close to the workshop that would need to be removed if the new dwelling were to be granted planning permission.*

*These are; a small Larch to the rear of the existing workshop, a pine to the front of the workshop and four trees, comprising 2 Pines 1 Poplar and 1 Ash on the southern boundary of the application site and close to the left hand side flank wall of the proposed dwelling.*

*The Larch is poorly formed and of little value however the remaining trees are mature healthy specimens with a reasonable safe useful life expectancy.*

*In terms of the amenity value of the trees it should be noted that the degree to which they can be seen from the public highway, to the east, is restricted by the existing 'Ribbon Development' on the Brightlingsea Road and by other trees on the application site.*

*The application site can also be seen from the Public Right of Way to the west although similarly, views if the trees are partially obscured by intervening vegetation.*

*The site is generally well planted with trees and shrubs and the surrounding area also contains established trees ' in this respect the removal of the trees required in order to facilitate the development proposal will not have a significant detrimental impact of the character of the area*

*On balance, It is considered that the removal of the trees will not have a significant impact on the local environment or its enjoyment by the public therefore the trees on the land do not merit retention or formal legal protection by means of a tree preservation order.*

*Should planning permission be likely to be granted it would be desirable to secure new soft landscaping to assist with the assimilation of the proposed development into its setting. The intention should not be to completely screen the dwelling but to soften and enhance its appearance."*

Therefore, while a degree of harm to existing trees on site is identified this is not significant enough to warrant a reason for refusal. Had the application been recommended for approval, conditions would have been imposed to ensure a soft landscaping scheme was provided.

### 5. Highways

Essex County Council as the Highway Authority has been consulted on the application and has stated that they have no objections subject to the inclusion of conditions relating to visibility splays, a vehicular turning facility, the use of no unbound materials and no discharge of surface water onto the highway.



Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is 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. Whilst the plans do not show an indicative layout, it is considered the site is of sufficient size to adhere to the above standards.

## 6. Legal Obligations

The Council's Public Open Space and Play team have been consulted and state there is currently a deficit of 0.4 hectares of formal open space in Thorrington. However, given there will be no significant impact on the current open space and play facilities a contribution is not being requested on this occasion.

## 7. Habitats Regulation Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with 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

Thorrington Parish Council have not commented on the application.

There have been 3 letters of objection received, with the following concerns:

1. Not in-keeping;
2. Overbearing and out of scale;
3. Loss of privacy;
4. Impacts to trees;
5. Would prefer single storey dwelling; and
6. Detrimental to wildlife

In answer to this, points 1, 2, 3 and 4 have been addressed within the main body of the report above. With regards to point 5 the design of any future dwelling would be the subject of a later reserved matters application. In response to point 6, upon undertaking a site inspection it is clear the site is largely clear and it would therefore be unreasonable to request a Phase 1 Habitat Survey.

## **6. Recommendation**

Refusal.

## **7. Reasons for Refusal**

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

The National Planning Policy Framework 2019 (NPPF) requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

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

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

Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft. Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas. Thorrington is identified as a 'Village' within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a 'Smaller Rural Settlement' within Policy SPL1 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft June 2017 in recognition of its size and limited range of local services.

In this instance the site is located outside of a Settlement Development Boundary and is located within a semi-rural location. The nearest settlement is Thorrington approximately 0.5 miles away, which within the Established Settlement Hierarchy (2016) performs poorly, with no defined village centre, defined employment area, primary school, GP Surgery or railway station. It is also acknowledged that the site is located approximately 0.9 miles from Brightlingsea to the south. However, whilst Brightlingsea offers a number of amenities this is not considered to be within reasonable walking distance. Therefore it is considered that the majority of trips, including those for day-to-day needs, would need to be made by car to access essential services and facilities, and therefore the proposal fails to meet the social arm of sustainable development.

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

- 2 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 124 is to always seek to secure high quality design. 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).

Policy HG13 (vii and viii) of the Adopted 2007 Local Plan states that proposals for residential development of 'backland' sites will only be permitted if the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development, or if they will result in long and narrow driveways. These sentiments are echoed within Policy LP8 (b and f) of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

The surrounding area is semi-rural, with residential development adjacent to the east of the site. This development pattern is well defined and runs linear north to south along Brightlingsea Road. There are no other examples of residential dwellings situated behind these well-defined building lines. Given this, the siting of the proposed dwelling on this irregular plot, with a long and narrow access, would appear contrived, incongruous and out of character within this setting. Further, the proposal would set an unwanted precedent for future similar forms of development to the north and south. Therefore the proposal represents a harmful form of development contrary to the above policies.

## **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.