

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
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Planning Development Manager authorisation:	GS	21/8/19
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Application: 19/01009/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr G Levy

Address: 21 Saville Street Walton On The Naze Essex

Development: Proposed erection of 3 x 1 bedroom flats.

1. Town / Parish Council

Frinton and Walton Town Council REFUSAL – overdevelopment of the site, too great a bulk and mass for the location.

Lack of parking.

2. Consultation Responses

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

1. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

2. No unbound material shall be used in the surface treatment of the vehicular accesses.

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 of the development the single vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

4. Prior to the occupation of any of the proposed dwellings, the proposed double 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/verge.

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

5. 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.

6. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

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

7. Each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

8. 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.

9. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway 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: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 2: 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 3: 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 application proposes the erection of three, one-bedroom flats on the plot of land on the corner of Saville Street and Stratford Place. The open plot forms part of the setting of a listed building to the west, St Dominic's, No. 20 North Street (List UID: 1111505) and the site covers part of what is or was once, the garden of this building. The heritage statement states that the site was until recently 'associated' with the listed building, but there is no longer has any 'formal' connection. However, the site forms a fundamental part of the setting of the designated heritage asset, whether or not it is in the same ownership.

The site lies to the north of another group of listed buildings comprised of Nos 17 and 15 Saville Street (List UID: 1317129) as well as Blue Shutters (List UID: 1337142) and the Gothic House (List UID: 1165832).

The site also lies within the Walton on the Naze Conservation Area, the Appraisal Document for which highlights buildings on Saville Street as an example of the impressive survival from the early years of the development of Walton as a resort. The proposed building would result in this sensitive location at the junction of Stratford Place and Saville Street becoming cramped and over developed.

The new building would have a direct impact upon the setting of the Listed building at 20 North Street, causing less than substantial harm to the significance of the heritage asset. Paragraph 194 of the NPPF states that "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification." In addition, paragraph 196 of the NPPF states "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."

The development would also fail to preserve or enhance the character and appearance of the Conservation Area, by inappropriately building over a historically open garden space which contributes to the setting and significance of the designated heritage asset. As can be seen from the historic mapping, the site has survived as an open space since at least the production of the 1876 OS map. I therefore cannot support this application for the reasons given above.

I consider the proposal to cause harm to both the listed building (St Dominic's) and the Conservation Area and as such paragraph 196 of the NPPF is relevant.

3. Planning History

13/60012/HOUEN Q	New garden shed		17.01.2013
16/01765/TCA	1 No. Pear tree - reduce by 50%. No. Walnut tree - reduce by 33%.	1 Approved	29.11.2016
91/01500/TCA	Walnut tree - remove lower branches to height of 8 feet from the ground balance and reduce crown by 25%	Approved	29.10.1991
17/01625/FUL	Proposed 3 bedroom, three storey house.	Approved	05.12.2017
18/01630/FUL	Proposed erection of 3 x 1 bedroom flats.	Refused	28.11.2018

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

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

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

LP1 Housing Supply

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

PPL8 Conservation Areas

PPL9 Listed Buildings

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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 north of 19 Saville Street, Walton-on-the-Naze. The character of the surrounding area is largely urban, with examples of residential development to all sides. The site falls within the Settlement Development Boundary for Walton, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Furthermore, the site falls within the Walton Conservation Area, whilst there are numerous Grade II Listed Buildings adjacent to the west and further out to the south.

Site History

Under planning reference 17/01625/FUL, planning permission was granted on this site for the erection of a single detached dwelling that was a three storey town house serving three bedrooms.

Under planning reference 18/01630/FUL, planning permission was refused for a similar scheme to the one under determination within this application. This application included an extension to the existing semi-detached properties to create a terrace of three properties, with the proposal resulting in three flats each served by one bedroom. The application was refused on the grounds that the design was too great a width, not symmetrical with the existing semi-detached buildings, and thereby created an unbalanced and overdeveloped appearance, appearing cramped at the junction of Stratford Place and Saville Street. This, and the significant hardstanding proposed, particularly to accommodate three parking spaces, was not considered to preserve or enhance the conservation area. A further reason for refusal focussed on the harmful impacts of the proposal on the setting of the listed building at 20 North Street.

Description of Proposal

This application seeks planning permission for a similar scheme to 18/01630/FUL in that it is for the extension of the existing semi-detached properties to create a terrace of three properties. The additional building is to serve three flats, each with one bedroom.

There are alterations to 18/01630/FUL, notably that the design is to be more in-keeping with that approved under 17/01625/FUL, bar a setback linked arrangement between the proposal and the adjacent property to the south.

Assessment

1. Principle of development

The site is located within the Settlement Development Boundary (SDB) for Walton, as established in the saved and draft local plans. Policy HG3 of the Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. The principle for residential development is therefore accepted subject to the detailed consideration below.

2. Impact to Surrounding Area

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

The plans submitted show that the proposed building is to be attached to convert the existing semi-detached properties into a terrace of three properties. The three storey design is in-keeping with the scale and proportions of the adjacent properties to the south and also the Victoria terrace opposite to the east. The submitted plans also show the building to be situated in line with the adjacent neighbours to the south, thus helping to maintain the existing linear building line. There are therefore no principle concerns with the three storey design.

The site lies within the Walton Conservation Area and within the rear garden of the Grade II Listed Building at 20 North Street, known as St Dominic's, and as such the applicant has submitted a Heritage Statement to justify that the proposal will either preserve or enhance the existing area and setting of the listed building.

Following the previous refusal within planning reference 18/01630/FUL, the application sees a differing design that has attempted to be more in-keeping with the previous approval (17/01625/FUL). However, the design is still considered to be of too great a width and, with a higher and wider pitched roof, and differing window designs, does not appear symmetrical with the existing semi-detached buildings. The development would therefore represent an unbalanced and overdeveloped appearance in what is a sensitive location. Further the proposed link, which despite being set back will still be publically visible, is considered to be a poor design feature that is not in character with surrounding development, and is used to connect the proposed and existing buildings. Whilst the properties adjacent to the south were not built and therefore not referenced within the Frinton and Walton Conservation Area Appraisal, they are not considered to be of good visual merit in this sensitive location, and the proposed link would only serve to further highlight and intensify the existing problem. Moreover, the significant amount of hardstanding proposed, particularly to accommodate the three parking spaces will neither preserve or enhance the conservation area, is contrary to national and local policy, and can therefore not be supported.

The submitted plans indicate that a 1 metre high wrought iron bow top fence is to be included as a boundary treatment to enclose the front, rear and side boundaries. The submitted plans indicate the exact design is to match that existing to the south. Due to its low height and limited impact this is considered to be acceptable in this location.

Policy HG9 of the Tendring District Local Plan 2007 states that for a flat with one bedroom there is a requirement of either 25 square metres of private amenity space per flat within a communal area, or a minimum of 50 square metres for a ground floor flat and 5 square metres via a balcony area for any flats above. The submitted plans demonstrate there will be 18 square metres for flat 1 and a shared area of 37.5 square metres for flats 2 and 3. Whilst the ground floor flat provision falls short of the above requirements, the areas for flats 2 and 3 exceed the minimum requirements and therefore, on balance, the level of private amenity area provision is considered acceptable.

Within previous application 18/01630/FUL concerns were raised that the private amenity area arrangement appeared contrived, thereby further emphasising the cramped and overdeveloped nature of the development. Within the supporting statement the agent for the application has argued that the amenity area provision is of a flat shape that would not appear incongruous. Taken all of the above into account, given the amenity space amounts are acceptable and that the

amenity area is not of a contrived shape, on balance the previous harm identified has been addressed and will not form part of the reason for refusal. However the rear garden areas are still to be sub-divided via fencing, which will be particularly prominent from views along Stratford Place given the open parking area adjacent. Within the support statement the agent has suggested the fencing would be permitted development if erected post development. While this point is not disputed it carries little weight in the determination of this particular application.

The proposed detailed construction materials and finishes have not been confirmed, and would therefore have been included as a condition to this decision had it been recommended for approval.

3. Impact to Listed Building

Paragraph 196 of the National Planning Policy Framework (2018) 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.

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 rear garden of the Grade II Listed Building at 20 North Street, known as St Dominics, and as such the applicant has submitted a Heritage Statement to justify that the proposal will either preserve or enhance the setting of the listed building. Whilst the design is not considered to be of good visual merit, it is of a style relatively in-keeping with an extant permission for a three storey town house on the same application site. Therefore the presence of a three storey building will not in itself significantly alter the setting of this listed building. Furthermore, planting is to be included to the northern side boundary, which helps to soften the appearance of the proposal.

However, the proposed west (rear) elevation faces the listed building at 20 North Street and will therefore be viewed in context with it. The materials being proposed are render, brick and slate roof tile, in-keeping with the existing properties to the south. While the design has been amended from the previously refused application, it is still considered to be a poor addition. This, and the poorly designed linked element, are not considered to be of good visual merit, particularly given such close proximity to a listed building, and will therefore result in a harmful impact to its setting. Since the determination of the previous application the Council is now unable to demonstrate a five year housing supply, so there are minor public benefits of the development, however these benefits will not outweigh the less than substantial harm identified, and therefore the proposal fails to accord with the aims of the above local and national policies.

To the south beyond the neighbouring semi-detached development is a terrace containing listed buildings at number 17 to 15. Due to the siting of the proposed building reflecting the strong building line, and that views of these listed buildings will remain unaltered, the proposal would preserve their setting.

4. Impact to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposal will adjoin the existing semi-detached properties to the south, maintaining their existing height and with a similar depth. Therefore there will be no significant loss of light and the proposal will not appear imposing.

In terms of overlooking, whilst the property is to have three first floor and two second floor rear elevation windows which face directly to the neighbouring rear garden area, one of the windows on

the first floor will serve a study, a room less likely to be regularly occupied. Two additional windows on each floor will serve a living room; whilst this is a main habitable room, views will be to the rear of the neighbouring garden, an area less likely to be occupied and therefore on balance, does not form part of the refusal reason. Further the Essex Design Guide states that with rear-facing habitable rooms there should be a minimum of 25 metres space back-to-back to dwellings parallel. The submitted plans show an approximate distance of 28 metres and therefore complies with the above standards.

There is considered to be significant separation distance to the neighbouring properties to both the north and west, and therefore there are no concerns regarding loss of light or the proposal appearing imposing, whilst there are also no overlooking concerns.

5. Tree and Landscapes Impacts

Part of the application site has been planted with decorative shrubs and maintained so as to enhance the appearance of the area. None of the shrubs on the land merit retention or meet the criteria to justify the making of a Tree Preservation Order.

The position of the proposed development is situated on this land and in part of the garden of 21 Saville Street containing a few small Myrobalan Plums - none of these merit retention or protection by means of a Tree Preservation Order.

There are two trees situated within the garden of 21 Saville Street close to the existing dwelling: a Walnut and a Myrobalan Plum. Neither tree is threatened by the development proposal. Both are afforded formal legal protection because of their position within the Frinton and Walton Conservation Area. Both trees make a positive contribution to the appearance of the conservation area but as neither are threatened by the development proposal and as they are afforded conservation area protection it is not necessary to protect them by means of a Tree Preservation Order.

The current proposal fails to preserve or enhance the character and appearance of the Conservation Area. The loss of the existing soft landscaping would therefore be detrimental to the character and appearance of the Conservation Area and cannot be supported, while there is little opportunity for new soft landscaping associated with the development proposal. However that notwithstanding it is acknowledged that there is an extant planning permission for one dwelling on this site (reference 17/01625/FUL) which also reduces the existing landscaping.

6. Highways Impacts

Essex County Council Highways have been consulted as part of the process of the application, and have stated no objections subject to conditions relating to visibility splays, the use of no unbound materials, the width of the access, no discharge of surface water, any new boundary planting is to be sited a minimum of 1 metre from the highway, and cycle parking provision.

Furthermore, Adopted Car Parking Standards state that for a dwelling with one bedroom, minimum provision should be made for one parking space measuring 5.5m x 2.9m. The submitted plans demonstrate that there are three parking spaces that meet these requirements.

7. Unilateral Undertaking

There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby. However, there is more than adequate formal open space across the area.

Due to the development being one bedroom units only it is unlikely that there will be an impact of existing play facilities as a result. As such no contribution is required on this occasion.

8. Habitats Regulation Assessment

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or

otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular the Hamford Water 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

Frinton and Walton Town Council have recommended refusal on the grounds the proposal represents overdevelopment of the site, is too great a bulk and mass for the location, and there is a lack of parking. In answer to this, all of these points have been addressed within the main body of the report above.

There has been one letter of objection received, with the following concerns relating to there being a lack of car parking in the area. In answer to this, as detailed in the main body of the report above, the proposal includes sufficient off street parking that adheres to the requirements of the adopted Car Parking Standards.

6. Recommendation

Refusal.

7. Reasons for Refusal

- 1 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.

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.

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

The application site falls within the Walton Conservation Area and is currently an area of green space which positively contributes to the areas character and appearance.

The design is considered to be of too great a width and, with a higher and wider pitched roof, and differing window designs, does not appear symmetrical with the existing semi-detached buildings. The development would therefore represent an unbalanced and overdeveloped appearance in what is a sensitive location at the junction of Stratford Place and Saville Street. Further the proposed link, which despite being set back will still be publically visible, is considered to be a poor design feature that is not in character with surrounding development, and is used to connect the proposed and existing buildings. The buildings to be extended are not considered to be of good design in this sensitive location, and an extension of this would only serve to make the properties more prominent within the street scene. Further, the significant amount of hardstanding proposed, particularly to accommodate the three parking spaces, will neither preserve nor enhance the conservation area, is contrary to national and local policy, and can therefore not be supported.

- 2 Paragraph 196 of the National Planning Policy Framework (2018) 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.

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 proposed west (rear) elevation faces the listed building at 20 North Street and will therefore be viewed in context with it. However, the detailed design of this building, given its excessive width, higher and wider pitched roof, differing window designs and poorly designed linked element, and those existing adjacent to the south are not considered to be of good visual merit in this sensitive location. This equates to an unbalanced and overdeveloped appearance in close proximity to a listed building, which is considered to result in a harmful impact to its setting. The public benefits of the development do not outweigh this identified less than substantial harm, and therefore the proposal fails to accord with the aims of the above local and national policies.

- 3 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 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.