

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	28.01.2020
Planning Development Manager authorisation:	TF	29.01.2020
Admin checks / despatch completed	CC	29.01.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	29/1/2020

Application: 19/01843/OUT **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Nigel Rodwell

Address: Five Farthings Percival Road Kirby Le Soken

Development: Erection of dwelling following removal of existing garage.

1. Town / Parish Council

Frinton and Walton Town Council APPROVAL

2. Consultation Responses

UU Open Spaces No contribution is being requested from Open Spaces on this occasion.

ECC Highways Dept The Highway Authority observes that Percival Road is classified as a Private Road and has no interest there but Vista Avenue is classified as a Private Street for which highway rights exist over. However, the proposal fails to provide sufficient off street parking facilities for both dwellings which is likely to lead to additional vehicles being left parked in the adjoining roads and in the immediacy of the junction which is also likely to lead to obstruction, congestion and conditions of danger contrary to highway safety and Policy DM1 and 8 of the Highway Authority's Development Management Policies February 2011.

3. Planning History

02/00058/FUL	Single storey extension for bedroom	Approved	04.03.2002
19/01843/OUT	Erection of dwelling following removal of existing garage.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG9 Private Amenity Space

LP1 Housing Supply

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports And Recreation Facilities

PPL4 Biodiversity and Geodiversity

Local Planning Guidance

Essex Design Guide

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 (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 seeks Outline planning permission with all matters reserved for a two-storey detached dwelling to be located in the side garden of the main residence known as Five Farthings. Five Farthings is the first property on the left hand side as you enter Percival Road, which is a cul-de-sac. It is a corner-plot whose side garden is visible in the streetscene of Vista Avenue. Properties are typically single storey or chalet bungalows along the length of Percival Road, which is a private road. There is a verdant and very much low-key character to the locale primarily as a result of the scale of the existing dwellings, set back within their plots with hedges and ornamental street-trees.

The existing site is of an irregular L-shape with the existing bungalow and its garage occupying approximately two-thirds of the plot. At its widest the existing plot measures 33.5m, for 23m of this width the plot is 12.9m deep and for the remainder this depth increases to 17.9m. Overall the existing plot is 509sqm.

The plot would be subdivided against the left hand flank of the main dwelling and the removal of the existing attached garage. The resultant plot area for the donor dwelling would 306sqm and the proposed dwelling 200sqm.

Description of Proposal

The application seeks outline planning permission with all matters reserved for the erection of a detached two-storey dwelling.

An indicative plan accompanies the application that shows the dwelling would be sited 2.7m back from the front boundary (facing Percival Road), around 2.2m from the side boundary (adjacent Vista Avenue), around 2.9m from the rear boundary (adjacent 28 Vista Avenue) and 6.4m from the side boundary (adjacent Five Farthings). The indicate plan shows one parking space for the

proposed dwelling and one parking space for the donor dwelling. No information has been submitted in regards to how many bedrooms either the donor or proposed dwellings.

Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Neighbouring Amenities;
- Highway Considerations;
- Biodiversity;
- Financial Contributions - RAMS;
- Financial Contributions - COM6;
- Representations; and,
- Other Considerations.

1. Principle of Development:

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

2. Layout, Scale and Appearance:

The Government attach 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 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The introduction of a two-storey dwelling in this location, being a corner plot, would harm the established pattern of development on Percival Road which comprises bungalows and chalet bungalows, set back from their front boundary a range of distances between 4.5m and 10.5m, softened by the presence of attractive hedges, landscaped gardens and ornamental street trees. Further, the proposed dwelling would be sited between 2.5m and 3m in advance of the 'forward' building lines of both Nos. 26 and 28 Vista Avenue. Properties on Vista Avenue are typically at least 4.5m back from the pavement edge and siting a new dwelling a little of 2m back from the pavement edge would also harm the wider character of Vista Avenue.

The new dwelling would result in two plots of significantly smaller area than the vast majority of other plots in the locale, the donor dwelling being 306sqm and the proposed dwelling 200sqm; this would result in a cramped form of development.

3. 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).

Although only an indicative layout has been submitted and no elevations are available, the application form states that the scale of development would be two-storey. The rear elevation

would be sited approximately 2.9m from the boundary and to the south of No. 28 Vista Avenue. It is considered that a two storey dwelling would harm the amenities of the occupiers of this adjacent neighbour by reason of being overbearing. There are no first-floor side facing windows in the south-flank of No. 28 Vista Road and, considering the proposed siting so far forward; it is unlikely that the dwelling would result in a loss of privacy if any first floor rear-facing were proposed.

Different dwelling sizes and types provide accommodation for individuals and families with a wide range of expectations and need for private amenity space. "Private amenity space" comprises a private outdoor sitting area not overlooked by adjacent or opposite living rooms or outdoor sitting areas. It will therefore not necessarily always amount to the entire rear garden. Apart from its private recreation function, private amenity space is also important in achieving well laid out development.

Private amenity space shall be provided to new dwellings in accordance with the following standards:- a three or more bedroom house - a minimum of 100 square metres; two bedroom house - a minimum of 75 square metres; one bedroom house - a minimum of 50 square metres. In accordance with the policy requiring the area to not be overlooked by adjacent or opposite living rooms or outdoor sitting areas, the proposed dwelling would have the space available directly beyond the rear wall – this area amounts to 40sqm which fails to provide sufficient private amenity space for even a one-bedroom dwelling. The private amenity space for the donor dwelling would amount to approximately 75sqm which is sufficient providing that the dwelling has no more than two-bedrooms. Overall the proposal is considered to fail to secure a good standard of amenity for future occupants of the proposed dwelling.

4. Highways

The Highways Authority have been consulted and the outcome of the consultation is that the proposal fails to provide sufficient off street parking facilities for both dwellings which is likely to lead to additional vehicles being left parked in the adjoining roads and in the immediacy of the junction which is also likely to lead to obstruction, congestion and conditions of danger contrary to highway safety.

5. Biodiversity and Protected Species

The site is small domestic garden with sparse hedgerows and slender multi-stem trees. The proposal is contrary to Saved Policies EN6 'Biodiversity' and EN6a 'Protected Species' of the adopted Tendring District Local Plan 2007 which state that development proposals will not be granted planning permission unless existing local biodiversity and protected species are protected. A similar approach is taken in draft Policy PPL4 'Nature Conservation and Geo-Diversity' of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Paragraph 118 of the National Planning Policy Framework requires that Local Planning Authorities "conserve and enhance biodiversity", whilst paragraph 109 requires Local Planning Authorities to minimise impacts on biodiversity. Paragraph 99 of Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" it goes on to state "The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances". Paragraph 5.3 of government document 'Planning for Biodiversity and Geological Conservation: A Guide To Good Practice', states that "In the development control process, the onus falls on the applicant to provide enough information to enable the Local Planning Authority to assess the impacts on biodiversity and geological conservation. Planning applications must be supported by adequate information". Standing advice from Natural England recommends that an initial scoping or extended Phase 1 habitat survey should be conducted to assess the site and the results of this used to inform (the need for) subsequent species specific surveys. No such information has been provided with this application. Neither is evidence provided to outweigh the need to protect such species in accordance with the tests outlined in Article 16 of the EC Habitats Directive. As such, the proposal is in conflict with the afore-mentioned policies, guidance, directive and the Framework.

As the applicant has not provided an ecology survey, the Local Planning Authority is unable to say with confidence that the proposal will not have an adverse impact on a species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 and would therefore be contrary to saved Policies EN6 and EN6a as well as draft plan Policy PLA4. It would also be contrary to Paragraphs 109 and 118 of the National Planning Policy Framework, which requires that biodiversity should be protected and that significant harm should be avoided. In this case it is unknown whether significant harm will be caused.

6. Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

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. The contribution is secured by unilateral undertaking.

The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (ZoI) being approximately 400metres from Hamford Water Special Protection Area. Since the development is for 1 dwelling only, the number of additional recreational visitors would be limited and the likely effects on Hamford Water from the proposed development alone may not be significant. However, new housing development within the ZoI would be likely to increase the number of recreational visitors to Hamford Water; and, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured 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.

7. Public Open Space

Paragraph 54 of the National Planning Policy Framework (2019) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

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". These sentiments are carried forward within emerging Policy HP5.

In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space. The outcome of the consultation is that no contribution is being requested from Open Spaces on this occasion.

8. Representations

Frinton and Walton Town Council recommend approval for the proposed development.

Three contributions have been received as a result of the site notice, which was displayed on 7th January 2020 and letters sent to occupiers of adjacent properties. The contents are summarised here:-

Observation	Where in the report this is considered
Building Line	Layout, Scale and Appearance
Density of the proposal is overpowering.	Layout, Scale and Appearance
Overdevelopment	Layout, Scale and Appearance
Highway safety	Highways
Overshadow, infringe the privacy and loss of day light	Neighbouring Amenities
Vista Avenue and Percival Road is a private non adopted road and is maintained and paid for by the residents, the corner junction of Percival Road suffers considerable surface water and wear and taking away a garden area which affords natural drainage would have an adverse effect on this location.	Noted.

9. Other Material Considerations

In June 2014 planning permission (reference 14/00409/FUL) was granted for a detached two-storey dwelling on the parcel of land adjacent to No. 25 Vista Avenue which is immediately opposite to the development site. Little weight is given to this approval for the following reasons:-

- The resulting plot sizes remain comparable within the wider area
- The scale of development is comparable to that within the area
- A sufficient level of parking for both dwellings was provided
- A sufficient level of amenity space for both dwellings was provided

Conclusion

For the reasons set out above, the harm to the established scale of built form on Percival Road, harm to the established streetscene on both Percival Road and Vista Avenue, harm to the amenity of existing and future occupiers, the risk to highway safety, the potential risk to Biodiversity and the absence of a proportionate financial contribution in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements warrant refusal of planning permission.

6. Recommendation

Refusal - Full

7. Conditions / 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. 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 pattern of development along Percival Road is well defined by single storey and chalet bungalows properties sited well-back from the pavement edge within medium to large plots. The pattern of development along Vista Avenue is varied but, for the most part, comprises

single and chalet bungalows with a smattering of two-storey dwellings sited at least 4m back from the pavement edge within medium plots.

As a result of its two-storey nature, with minimal separation distances to all four boundaries, the siting within the plot and resulting plot size, the proposed two-storey dwelling will appear at odds with the form, scale, siting and pattern of development along Percival Road. Whilst there are more two-storey dwellings from this point of Vista Avenue travelling northwards, the forward siting of the flank elevation would introduce a form of development where there are no other examples of development situated forward of these well-defined building lines, where dwellings are set back at least 4m from the pavement edge. The proposed two storey dwelling will appear at odds with this strong development pattern and to the detriment of the character of the surrounding area. Further, in terms of the dwelling itself, it is considered cramped within its plot, ensuring it will not assimilate well within its surroundings.

Given this, the siting of the proposed dwelling on this irregular plot would appear contrived, incongruous and out of character within this setting, resulting in a harmful form of development contrary to the above policies.

- 2 Paragraph 127 of the National Planning Policy Framework 2019 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Saved Policy QL10 of the adopted Tendring District Local Plan (2007) requires that all new development should meet functional requirements. In particular the policy states that planning permission will only be granted if; buildings and structures are orientated to ensure adequate daylight, outlook and privacy and provision is made for functional needs including private amenity space. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives. Saved Policy HG9 sets out the minimum standards for private amenity space.

In accordance with the policy requiring the area to not be overlooked by adjacent or opposite living rooms or outdoor sitting areas, the proposed dwelling would have the space available directly beyond the rear wall - this area amounts to 40sqm which fails to provide sufficient private amenity space for even a one-bedroom dwelling. The private amenity space for the donor dwelling would amount to approximately 75sqm which is sufficient providing that the dwelling has no more than two-bedrooms.

The rear elevation would be sited approximately 2.9m from the boundary and to the south of No. 28 Vista Avenue. It is considered that a two storey dwelling would harm the amenities of the occupiers of this adjacent neighbour by reason of being overbearing.

The development fails to secure a good standard of amenity for existing and future occupants contrary to the afore-mentioned national and local plan policies.

- 3 The National Planning Policy Framework 2019 (NPPF) at paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area. Furthermore, Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users.

Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Furthermore, the adopted Essex County Council Parking Standards 2009 set out the requirements for residential development. A 1 bedroom dwelling requires 1 parking space and a property of 2 or more bedrooms require 2 parking spaces. The preferred vehicle

parking bay sizes are set out in paragraph 3.2.1 of the standards stating that each space should be 5.5m x 2.9m.

Policy TR7 of the Adopted Local Plan 2007 states that the adopted car parking standards will be applied. Outside town centres, variations to the adopted standards for residential development will be considered where local circumstances suggest this to be appropriate.

Policy TR1a of the Adopted Local Plan 2007 states proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated. The sentiments of this are carried forward within Policy SPL3 within the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

It is unlikely that either the proposed dwelling or the donor dwelling are one bedroom; as such - in showing only one parking space for each dwelling, the submitted plans fail to demonstrate that there is sufficient provision for off street parking spaces with dimensions in accord with the above current Parking Standards. This is likely to lead to vehicles being left parked in the access route or adjacent highway causing conditions of danger, obstruction or congestion contrary to highway safety.

The proposal therefore fails to accord with the above policies.

- 4 Saved Policies EN6 'Biodiversity' and EN6a 'Protected Species' of the adopted Tendring District Local Plan 2007 state that development proposals will not be granted planning permission unless existing local biodiversity and protected species are protected. A similar approach is taken in draft Policy PLA4 'Nature Conservation and Geo-Diversity' of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Paragraph 118 of the National Planning Policy Framework requires that Local Planning Authorities "conserve and enhance biodiversity", whilst paragraph 109 requires Local Planning Authorities to minimise impacts on biodiversity. Paragraph 99 of Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" it goes on to state "The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances". Paragraph 5.3 of government document 'Planning for Biodiversity and Geological Conservation: A Guide To Good Practice', states that "In the development control process, the onus falls on the applicant to provide enough information to enable the Local Planning Authority to assess the impacts on biodiversity and geological conservation. Planning applications must be supported by adequate information". Standing advice from Natural England recommends that an initial scoping or extended Phase 1 habitat survey should be conducted to assess the site and the results of this used to inform (the need for) subsequent species specific surveys. No such information has been provided with this application. Neither is evidence provided to outweigh the need to protect such species in accordance with the tests outlined in Article 16 of the EC Habitats Directive. As such, the proposal is in conflict with the afore-mentioned policies, guidance, directive and the Framework.

As the applicant has not provided an ecology survey, the Local Planning Authority is unable to say with confidence that the proposal will not have an adverse impact on a species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 and would therefore be contrary to saved Policies EN6 and EN6a as well as draft plan Policy PLA4. It would also be contrary to Paragraphs 109 and 118 of the National Planning Policy Framework, which requires that biodiversity should be protected and that significant harm should be avoided. In this case it is unknown whether significant harm will be caused.

The proposal therefore fails to accord with the above policies.

- 5 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. The contribution is secured by unilateral undertaking.

Policy EN6 - Biodiversity Development states that proposals will not be granted planning permission unless the existing local biodiversity and geodiversity is protected and enhanced. In exceptional circumstances, where the planning benefits are considered to outweigh the protection or enhancement of local biodiversity and geodiversity, appropriate compensating measures to outweigh the harm caused by the development must be provided.

Policy EN11a - Protection of International Sites: European Sites and Ramsar Sites states that development, which may affect a European Site, a proposed European Site or a Ramsar site, will be subject to the most rigorous examination. Development that is not directly connected with or necessary to the management of the site for nature conservation, which is likely to have significant effects on the site (either individually or in combination with other plans or projects) and where it cannot be ascertained that the proposed would not adversely affect the integrity of the site, will not be permitted unless an appropriate compensatory habitat is provided.

The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zoi) being approximately 400metres from Hamford Water Special Protection Area. Since the development is for 1 dwelling only, the number of additional recreational visitors would be limited and the likely effects on Hamford Water from the proposed development alone may not be significant. However, new housing development within the Zoi would be likely to increase the number of recreational visitors to Hamford Water; and, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured 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 the aforementioned policies and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

8. Informatives

Application Refused Following Discussion

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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO