

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DC	01.06.21
Planning Development Manager authorisation:	JJ	02.06.21
Admin checks / despatch completed	CC	03.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	03.06.2021

**Application:** 20/01543/OUT **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Brown - AH Brown Farm Limited

**Address:** Old Larges Farm Yard Kirby Road Great Holland

**Development:** Erection of three single storey dwellings.

### **1. Town / Parish Council**

FRINTON & WALTON  
TOWN COUNCIL  
15.12.2020

Recommendation: REFUSAL - outside the village envelope and a loss of open green gap.

### **2. Consultation Responses**

ECC Highways Dept  
15.12.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal is [accessed from] within an existing development utilising an existing private vehicular access and retains adequate room and provision for off street parking and turning, for the proposed development therefore:

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

1. As indicated on drawing no. Po1 and prior to occupation of the development, a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. No unbound material shall be used in the surface treatment of the vehicular access/ private drive throughout.

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 each vehicular access shall be constructed at right angles to the highway and to the proposed carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres (equivalent to 5 low kerbs), shall be retained at that width for 6 metres within the site.

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. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

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

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

6. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

7. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and 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.

Informatives:

1: 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.

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.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

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

Tree & Landscape Officer  
03.12.2020

The application site is set to rough grass and does not contain any trees or other significant vegetation.

The site is situated in a prominent location on what appears to be agricultural land. The development has the potential to have an adverse impact on the landscape character in the immediate vicinity of the application site by way of the intensification of development in a semi-rural location.

In order to mitigate the potential harm soft landscaping should be carried out on the perimeter of the application site and on each individual plot.

Boundaries should be demarcated with new hedges comprising indigenous species and tree planting opportunities should be maximised.

Should planning permission be likely to be granted then details of soft landscaping should be secured by a condition attached to any such planning permission.

Environmental Protection recommend the following is submitted:

### Construction Method Statement

Prior to the commencement of any demolition and/or construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control.

#### - Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.

4) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

#### - Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site.

3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

## Contaminated Land

A Risk Assessment shall be provided to enable Tendring District Council to decide whether the site can be made suitable for its proposed use prior to any permission being granted. This will incorporate a 'phase one' assessment in the form of a desktop study/site walkover report. This will include a review of previous investigations; previous uses; potential sources of contamination; and potential pathways and receptors. If necessary, this shall be followed up by a 'phase two' risk assessment that shall incorporate a detailed intrusive investigation referring to the phase one study.

Individual risk assessments shall be submitted to Environmental Control for approval on completion.

Building Control and  
Access Officer  
18.11.2020

No comments at this stage.

UU Open Spaces  
14.12.2020

There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby and Great Holland. There is only one play area in Great Holland located on the corner of Pork Lane and Main Road, approximately 0.2 miles from the proposed development.

Due to the deficit of open space and play facilities in the area a contribution is both justified and relevant to this application. Any contribution will be used to improve/maintain facilities at the play area/open space in Pork Lane, Great Holland.

### 3. Planning History

15/01653/OUT	The development of 3 dwellings having a combined gross floor area (g.f.a.) not exceeding 450 square metres [south of the site the subject of this application].	Refused (Appeal allowed – appeal Ref APP/P1560/W/16/31458 30)	18.12.2015
18/01227/FUL	Proposed detached dwelling with use of existing garage [north of site].	Refused	18.09.2018
18/01950/FUL	Proposed detached dwelling and new vehicular access to replace existing [north of site].	Approved	10.05.2019
19/00946/FUL	Erection of one dwelling with associated garage [south of site].	Approved	26.10.2019
19/01486/FUL	Variation of Condition 2 of 18/01950/FUL to amend the previously approved design [north of site].	Approved	13.11.2019

#### **4. Relevant Policies / Government Guidance**

National:

National Planning Policy Framework 2019 (the Framework)  
National Planning Practice Guidance

Local:

Saved Tendring District Local Plan 2007 Policies (the 2007 Local Plan)

QL2	Promoting Transport Choice
QL11	Environmental Impacts and Compatibility of Uses
QL12	Planning Obligations
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
COM1	Access for All
COM2	Community Safety
COM6	Provision of Recreational Open Space for New Residential Development
COM19	Contaminated Land
COM21	Light Pollution
COM31a	Sewerage and Sewage Disposal
EN1	Landscape Character
EN2	Local Green Gaps
EN6	Biodiversity
EN6b	Habitat Creation
EN11a	Protection of International Sites: European Sites and Ramsar Sites
EN13	Sustainable Drainage Systems
TR1a	Development Affecting Highways
TR3	Provision for Walking
TR7	Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond (the 2013-33 Local Plan)

Section 1 (adopted):

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP7	Place Shaping Principles

Section 2 (emerging):

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP3	Green Infrastructure
HP5	Open Space, Sports and Recreation Facilities
LP1	Housing Supply
LP3	Housing Density Standards
LP4	Housing Layout
PPL1	Development and Flood Risk
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
CP1	Sustainable Transport and Accessibility

Supplementary Planning Guidance:

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)  
Essex County Council Development Management Policies 2011  
Essex County Council Parking Standards Design and Good Practice Guide 2009  
Tendring Provision of Open Recreational Open Space for New Development SPD 2008 (Open Space and Play SPD)  
Tendring Landscape Character Assessment 2001

**Status of the Local Plan**

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the Framework.

The 'development plan' for Tendring comprises, in part, the 'Saved' policies of the 2007 Local Plan. Paragraph 213 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26<sup>th</sup> January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets have been found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the NPPF 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. In this regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. It is therefore at an advanced stage of preparation. Following the Inspectors' final report and further public consultation, adoption is expected in late 2021. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan.

In relation to housing supply:

The Framework requires Councils 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, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, the tilted balance at paragraph 11 d) ii) of the Framework requires applications for housing development be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

With the adoption of Section 1 of the 2013-33 Local Plan the Council's 'Objectively Assessed housing Need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years, and the titled balance at paragraph 11 d) ii) of the Framework does not therefore apply.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The site comprises part of a relatively flat field on the edge of the village adjacent to Main Road. Together with adjacent undeveloped land the site forms an important part of the agricultural setting of the separate parts of Great Holland and provides a visual break between existing built up areas. This contributes to the areas strong sense of place. A Public Right of Way lies to the east.

### The Proposal

The application is in outline for 3 single-storey dwellings with approval for means of access sought. Access would be taken from the existing vehicular access to the south which serves existing residential development. An indicative layout plan details an arc-shaped internal access road with a turning head. Dwellings are indicatively shown as following the arc of the access road, broadly echoing the existing development to the south. Indicative floor plans and elevations show three bedroom dwellings of pitched-roof design, with an off-set front gable and central porch.

### Principle of Development

Adopted Policy SP3 of the 2013-33 Local Plan sets out the Spatial Strategy for North Essex and states that existing settlements will be the principal focus for additional growth within the plan period. Development will be accommodated within or adjoining settlements, according to their scale, sustainability and existing role. Future growth will be planned to ensure existing settlements maintain their distinctive character and role and to avoid coalescence between them, and to conserve their settings. In Section 2 of its Local Plan each local planning authority will identify a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity, and local needs.

Emerging Policy SPL1 sets out the proposed Settlement Hierarchy for Tendring. Although located close to a bus stop offering access to larger settlements, Great Holland is identified as a 'Smaller Rural Settlement' at the bottom of the hierarchy. However, because there are unresolved objections to SPL1 and following Paragraph 48 b) of the Framework this reduces the weight that can be attached to it. Nevertheless, the site is not located within a main urban area – it is located outside of a village. While the village contains some services and facilities, the Councils spatial approach to the location of new housing is consistent with Paragraph 103 of the Framework. Contrary to the assertion at 2.1 and 6.2 of the submitted Planning Supporting Statement, the development is not adjacent to the Great Holland Settlement Development Boundary (SDB) - it is located beyond development which adjoins it at Larges Farm.

While future occupants would not necessarily be wholly reliant on the use of the private car for access to larger settlements and although the Framework does not impose a blanket restriction on development outside defined settlement boundaries, in view of the housing land supply position the Council does not need to look beyond identified settlements to meet its housing requirement. The development is not for a rural exception scheme or to house essential rural workers and the proposal is therefore contrary to the Council's plan-led spatial strategy to direct new development to the main urban areas and manage growth. It is therefore contrary to Policy SP3 and unacceptable in principle.

### Landscape and Visual Impact

Policy EN1 of the 2007 Local Plan states that the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. Criterion c), amongst other considerations, seeks to conserve the settings and character of settlements. This is consistent with Paragraph 127 c) of the Framework which requires developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.



The site is designated as a 'Local Green Gap' under Policy EN2. It is not proposed for similar designation under emerging Policy PPL6, because it is considered that other Local Plan policies can satisfactorily control development within these areas. However, the weight that can be given to the emerging policy is reduced by the extent to which there are unresolved objections. Adopted Policy EN2 states that land within Local Green Gaps will be kept open and essentially free of development to prevent the coalescence of settlements and to protect their rural setting. This is consistent with the Framework's requirement that planning decisions should recognise the intrinsic character and beauty of the countryside. Policy SP7, amongst other things, requires that all new development responds positively to local character and context to preserve and enhance the quality of existing places and their environs.

The proposal would be located on undeveloped land which forms an important part of the countryside setting of this part of Great Holland, and it would reduce the separation between built up areas. The site is located within the 'Clacton and The Sokens Landscape Character Area' of the Tendring Landscape Character Assessment which recognises that the strategic gaps between settlements are important to maintaining their individual identities. Although the proposal would not be unduly assertive in the street scene the development would nevertheless be visible from Main Road, and in these views the proposal would encroach into the countryside and have a moderately harmful urbanising effect. This would be contrary to the aspirations of the Great Holland Parish Plan and Village Design Statement and would conflict with the environmental objective of the Framework, and Paragraphs 127 d) and 170 b).

The Council's Trees and Landscape officer observes that the site is in a prominent location and the development has the potential to have an adverse impact on landscape character. Due to its location and taking all the above factors into account the proposal would be harmful to the landscape and visual amenity of the area and it is not a suitable location for further residential development. It is not considered that the use of conditions, such as to require a scheme of landscaping, could overcome the identified harm. The proposal would therefore conflict with development plan policies EN1, EN2 and SP7.

#### RAMS and Open Space and Play

The proposal lies within the Zones of Influence of the Colne Estuary SPA and Ramsar and Dengie SPA and Ramsar designated sites. The applicant has been offered the opportunity to enter into the requisite Unilateral Undertaking in order to secure the undertakings required in respect of the effect of the proposal on these designated sites in accordance with Policies QL11a, QL12 and SP2, and the RAMS SPD.

There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby and Great Holland and there is only one play area in Great Holland located on the corner of Pork Lane and Main Road, approximately 0.2 miles from the proposed development. Due to the identified deficit of open space and play facilities in the area the Council's Public Realm Open Spaces and Play consultee comments that a contribution is both justified and relevant to the application. Any contribution would be used to improve/maintain facilities at the play area/open space in Pork Lane. The applicant has also been offered the opportunity to enter into an agreement so as to accord with Policy COM6 and the Open Space and Play SPD.

Rather than enter into an obligation at this stage in respect of RAMS (as indicated would be the case at 13.2 of the submitted Planning Support Statement) and Open Space and Play policy requirements, mindful that refusal is to be recommended on other grounds the applicant would instead prefer to receive a reason for refusal in these regards before considering their options for an appeal.

In the absence of the necessary agreement the Council cannot be certain the proposal would not harm European Designated sites and it would not address the identified Public Open Space and Play infrastructure requirements. As such the proposal would conflict with Policies EN11a, QL12, SP2 and COM6, guidance contained within the Open Space and Play and RAMS SPDs, and the policies of the Framework.

## Other Considerations

Following the comment of the Highway Authority the proposal does not raise highway safety concerns and there is no evidence that protected species or their habitats would be harmed. The requirement for acceptable drainage solutions and net biodiversity gains could be addressed by planning condition. The application is in outline with indicative proposals only. Matters in relation to appearance, layout, scale, housing standards and the living conditions of existing and future occupants would therefore all fall to be considered at a later date.

In their submissions the applicant refers to a number of appeal decisions which relate to different developments on other sites where the considerations were not therefore the same and they are not therefore directly comparable. In any case, these decisions all predate the adoption of Part 1 of the 2013-33 Local Plan and were therefore determined at a time when the Council could not demonstrate a five-year supply of housing land and were thus determined in accordance with the 'tilted balance' set out at Paragraph 11 d) ii) of the Framework.

In support of the proposal the applicant refers to appeal decision letter reference 3145830 for a residential development to the south of the application site (which the current scheme would adjoin). Under the appeal it was uncontested that the Council was unable to demonstrate a five-year supply of housing land. That is not the case now. Furthermore, due to the presence of an existing building in a 'relatively poor state of repair' the Inspector reasoned, amongst other things, that the contribution the appeal site made to the green gap between the separate parts of the settlement was marginal. In contrast, the current application site does not contain any buildings and it therefore makes an important contribution to the gap between built up areas and the countryside setting of the settlement.

The appellant has highlighted the registration of a local pub as an Asset of Community Value. While that may be, and although in time it might add to the range of local services and facilities from which future occupants of the development might benefit, it does not outweigh the identified harm and fundamental conflict with the spatial approach to new housing delivery.

## Representations

The objection of Frinton and Walton Town Council is set out in the header above. Great Holland Residents Association object on grounds that it is unable to support development outside the adopted development boundary, the development is not adjacent to the development boundary contrary to the submitted Planning Statement, and the Public House has been closed since March 2020 - an application is currently being considered to change its use to a dwellinghouse. Moreover, the development represents incursion into the countryside and will not enhance the rural landscape.

Three third-party objections have been received which can be summarised as follows:

- The proposal is for development in a small village with no facilities.
- The tidying up of the derelict farm buildings and the construction new development [adjacent] was an improvement but the application site is undeveloped.
- Additional traffic would be a danger.

These comments and representations have been fully considered above.

One letter of support has been received from a local resident, stating that their dwelling was built on land that was once an orchard, the land does not appear to be cultivated, and that permission has been granted on adjacent sites. Also, there would appear to be no impact on biodiversity or trees and the scheme would not be detrimental to visual or neighbouring residential amenity. Furthermore, the proposal is for dwellings of a size that is needed and it is located in the centre of areas of housing to the north and south, and is an appropriate location for three dwellings.

For the above reasons the Council agrees that the proposal would not harm biodiversity or trees or neighbouring residential amenity, but finds that it is not an appropriate location for further residential development.

### Conclusions

The proposal would be harmful to the character and appearance of the area and it would erode the Local Green Gap between parts of the settlement. It would therefore be contrary to Policies EN1, EN2 and SP7. Because it would be located beyond the SDB for Great Holland it would conflict with the spatial approach set out in Policy SP3. In the absence of the necessary Unilateral Undertaking the Council cannot be certain the proposal would not harm European Designated sites, or address Public Open Space and Play infrastructure requirements. As such, the proposal would also conflict with Policies SP2, COM6, QL12 and guidance contained within the Open Space and Play and RAMS SPDs.

Paragraph 12 of the Framework states that the presumption in favour of sustainable development does not change the statutory status of the development plan. Moreover, where a planning application conflicts with an up-to-date development planning permission should not usually be granted. The proposal is, severally, contrary to the development plan, and the long-held principle of a plan-led system. The use of planning conditions cannot make the development acceptable. According to S38(6) and S70(2) of the Acts planning permission should therefore be refused unless material considerations indicate otherwise.

In favour of the proposal it would add three family homes to the local housing supply. In view of the current supply of housing land and the modest contribution it would make little weight is attached to this benefit. There would be some economic benefit through initial construction and the subsequent local spend of future occupants. However, these benefits would be limited in view of the proposal's small scale. The combined weight attached to these benefits therefore attracts limited weight and does not approach the point at which it would indicate that planning permission should be forthcoming. In accordance with Paragraph 12 of the Framework the application should therefore be refused.

Even if it were the case that the council did not have a 5 year housing land supply and Paragraph 11 d) ii) of the Framework and the tilted balance were engaged, for the above reasons the adverse environmental impacts would significantly and demonstrably outweigh the benefits, when considered against the Framework as a whole.

## **6. Recommendation**

Refusal - Full

## **7. Conditions / Reasons for Refusal**

1. The proposal is for development in a countryside location beyond the Settlement Development Boundaries of a village, and would harm its landscape setting and the visual amenity of the area. The scheme would also erode a Local Green Gap. As such the proposal is not an appropriate location for further housing development, contrary to the spatial approach to housing delivery and development plan Policies EN1, EN2, SP3 and SP7, and the policies of the Framework.
2. In the absence of a Unilateral Undertaking to address the necessary contributions, in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy and the Council's Open Space and Play Supplementary Planning Documents, the proposal would be contrary to development plan Policies EN11a, QL12, SP2 and COM6, and the policies of the Framework.

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

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