

Our Ref: CP/AS/170702/R

27 July 2017



Planning Policy  
Tendring District Council  
Thorpe Road  
Weeley  
CO16 9AJ

BY EMAIL:

[planning.policy@tendringdc.gov.uk](mailto:planning.policy@tendringdc.gov.uk)

Dear Sirs,

**Town and Country Planning (Local Planning) (England) Regulations 2012**

**Tendring District Council Draft Local Plan, Sections 1 & 2 - Consultation to 28<sup>th</sup> July 2017**

**Representation on behalf of Mr T. Parker, landowner**

On behalf of Mr T. Parker, Fowler Architecture and Planning Ltd is pleased to have the opportunity to respond to the latest consultation and engage in the process of preparing the new Local Plan Section 1, shared by the North Essex Local Authorities, and Section 2, which pertains specifically to Tendring District.

Mr Parker ('the Representor') is a landowner within the District, and seeks the allocation of his land holding for housing within the eventually adopted Local Plan. The site in question is considered to represent a sustainable opportunity for housing development, that will help Tendring District Council to meet the full objectively assessed needs (OAN) for housing in the District.

**Policy SP8**

The concept of the Garden Community in the area identified is **supported** as a means to deliver sustainable growth in the area.

The North Essex Local Authorities are applauded for the formulation of the Garden Communities concept set to be adopted in the relevant Districts, which will likely be of significant help in achieving the worthy Strategic Objectives set out in Chapter 1.7 of Section 1 of the Publication Draft.

Within Policy SP8, it is noted that the diagrammatic representation of the Tendring Colchester Borders Garden Community “*identifies the broad location*” of the proposed new Garden Community on Map B.7, and sets out guiding principles to shape the new settlement. The identification of the broad location is supported at this stage in advance of the detailed proposals being developed in the forthcoming Development Plan Document (DPD), a ‘Strategic Growth DPD’.

The Policy mentions a proposal for around 2,500 dwellings within the Plan period and potential for ‘between 7,000-9,000 dwellings’. However, it is not clear whether this relates to all or part of the green shaded area on Map B.7, or indeed whether this relates to purely land within Tendring District. Furthermore, Table LP2 identifies only 1,250 homes within the Garden Community to 2033, which is fewer than the quantum stated in Policy SP8. Again, clarification should be provided on the expected delivery within Tendring District.

The Map on B.7 therefore should be clarified as to whether this relates to the plan-period, or the obvious potential beyond; also it should be amended to show the strategic context in Colchester Borough Council to identify the broad extents of the Garden Community.

An objection exists to the use of two shades of green on Map B.7 as it is unclear what these represent. Any distinguishing of land use within the Garden Community is unsupported by any published masterplan at this stage and is premature of the decisions to be taken in the Strategic Growth DPD.

Early consultation must be undertaken with all affected landowners within this broad location for growth as part of the Strategic Growth DPD process.

### Policy SPL1

The Tendring Colchester Borders Garden Community is identified within Section 2 as being a Strategic Urban Settlement (by Policy SPL1). This is **strongly supported** by the Representor. It is clear that the broad location is highly sustainable and accessible in the context of the District and adjoining authorities. The placing of the Garden Community in the first tier of the settlement hierarchy therefore correctly recognises its strategic importance to deliver sustainable growth at the current time, during this plan-period and beyond.

### Policy SPL2

While there are no objections to the principle of defining settlement boundaries, the policy is unclear as to how sustainable development will be guided in accordance with the allocations and settlement hierarchy.

Policy SPL2, ‘Settlement Development Boundaries’, sets out a general presumption against development proposals in the countryside. Development in the countryside is

said to be considered “*in relation to the Settlement Hierarchy and any other relevant policies in this plan*”. The meaning of this sentence is not wholly clear, as by definition, sites outside of Settlement Development Boundaries are not included within any of the settlements listed within the hierarchy. More positive language should be employed at this juncture, or more appropriately in a separate policy or policies, to clarify the exceptions to this general presumption, beyond the explicit statement of the Rural Exception Sites. Exceptions in terms of housing should include: allocated housing sites, small infill plots that are otherwise sustainable, replacement dwellings, and the exceptions set out in paragraph 55 of the NPPF. As currently written, this runs contrary to those exceptions set out in the Framework, which is a significant material consideration but cannot overturn the Development Plan’s primacy in law. Furthermore, owing to the Council’s recent experience, a policy should be set in place that will help development control officers to identify sustainable development in the event of circumstances where the Council is unable to demonstrate a five year supply of housing.

In relation to the proposed new Garden Community, the Settlement Development Boundary for the proposed settlement has not yet been set, and the size, location, density, mix of uses and other relevant considerations will need to be consulted on at such time as the Strategic Growth DPD is prepared. Nonetheless, a broad location for growth has been identified and the overall boundary of this is clear, whereby the settlement boundary should be drawn to be inclusive of the overall Garden Community.

### **Policies Map**

The overall extents of the proposed broad location for growth of the Garden Community area supported, subject to clarification provided in the representations to Policy SP8.

Table LP2 identifies that the allocation for new homes at Tendring Colchester Borders Garden Community is projected to deliver 500 homes by 2027/28, but none by 2022/23. The proposed new settlement is therefore not expected to contribute to the District’s 5-year supply of housing imminently. The NPPF, at paragraph 47, requires Local Planning Authorities “*to boost significantly the supply of housing*” by identifying and annually updating a supply of deliverable sites, to ensure that five years’ worth of housing can be delivered. To that end, I now refer to the site outlined in the supplied plan, which we consider to be a deliverable site, that should be allocated for housing in the adopted Local Plan.

The site identified is land at Crockleford Mill, a parcel of land extending to around 1.3 hectares in the west of the District, very close to the Greenstead and Parson’s Heath areas of Colchester and abutting the District boundary. It sits on the northern side of Crockleford Hill, a short stretch of the Bromley Road, postcode CO4 3JG. There is a slope downwards from the road, towards Salary Brook, part of which falls within the Representor’s ownership, but which both forms the District boundary and

sits outside of it. The site is not subject to any ecological, landscape or heritage designations.

Recent planning permissions have been granted on sites adjacent or very near to the site, and the area has been agreed by development control officers to perform well against a range of sustainability measures. In determining Application No. 17/00056/OUT, the Case Officer noted that, although Crockleford Heath was not itself a settlement with strong sustainability credentials, that application site was sufficiently close to the Colchester Fringe to allow reasonable access to local facilities and public transportation, rendering the location suitable for housing development. That application site abuts the site current site being proposed for housing allocation, to the west. Application No. 17/00271/OUT was assessed in similar fashion, with the same result. That application site sits adjacent to the Representor's site, to the east.

Footnotes 10 and 11 of the NPPF define the terms 'deliverable' and 'developable', respectively. In order to be considered deliverable, a site must be available now, be suitable for development now, and the delivery of housing within five years must be realistically achievable. Sites in a suitable location, with a reasonable prospect of availability and that could be viably developed at the point envisaged can be considered developable.

As the Garden Community is not currently a specific site, and is currently, until the production of the Strategic Growth DPD, a 'broad area for growth', it may be considered 'developable', but cannot be seen as deliverable. The Representor's site offers a deliverable addition to housing supply for West Tendring, which will help the District Council in its duty to "*boost significantly*" the supply of housing.

The holistic approach in this instance would be to extend a new Settlement Policy Boundary that covers the locality of the Representor's site, including the site, the sites for which planning permission for new housing has already been granted, and other small parcels of land nearby that, when positively assessed, display sustainable characteristics. The area has already repeatedly been agreed to be a sustainable location for housing, a fact that should be reflected in the Local Plan by directing development to this vicinity as an appropriate location for new housing.

In light of the requirements of the Local Plan making process, it is considered that the inclusion of the site as a housing allocation or within a Settlement Development Boundary would promote the soundness of the Local Plan. Its inclusion would be a sign of the Plan being:

- **Positively prepared:** helping to meet development requirements, and consistent with achieving sustainable development;
- **Justified:** correctly assessed, the site would be found to represent an opportunity for deliverable sustainable development;

- **Effective:** the site is deliverable in the current circumstances, and would help the Council to meet its housing requirements; and
- **Consistent with national policy:** the site is sustainable, would boost the supply of housing, and does not sit at odds with any national policies that restrict development.

We look forward to working with you on behalf of our client.

Yours faithfully,

*Callan Powers*

MPlan

**FOWLER ARCHITECTURE AND PLANNING**

cc: Clients

Enc: Proposed Site Allocation Plan

# GUIDANCE NOTES

## & RESPONSE FORM

to accompany the Publication Draft Local Plan (2017)

**Please read these guidance notes before completing the response form**

### Introduction

Braintree District Council, Tendring District Council and Colchester Borough Council, have each published their own Publication Draft Local Plan for consultation. Section 1 is common to each plan. This response form can be used to respond to any part of the 3 Plans. It is important to specify which.

The 3 Plans have been published in order for representations to be made prior to submission of the documents to the Planning Inspectorate for examination. All representations will be examined by a Planning Inspector. The purpose of the examination is to consider whether the Plan complies with the legal requirements, the duty to co-operate and is sound.

**Each Local Plan has two parts:**

**Publication Draft Local Plan Section 1** - A set of strategic policies constructed in partnership between the three authorities and Essex

County Council. This means that the Section 1 policies are intended to apply across all three Local Authorities. These policies include those relating to Garden Communities, housing supply, employment, shopping and the environment. You can send your response to any one of the authorities as all responses to Section 1 will be collated. Only 1 response to the 3 authorities is required.

**Publication Draft Local Plan Section 2** - relates to the specific district, contains more detailed policies and is used to determine planning applications. If you wish to comment on the Tendring Publication Draft Local Plan Section 2 you should send your comments to Tendring District Council.

If you would like assistance in completing your representation or have any other questions about the Publication Draft Local Plan please contact the Planning Policy Team by email [planning.policy@tendringdc.gov.uk](mailto:planning.policy@tendringdc.gov.uk) or by phone on 01255686177 and ask for Planning Policy.

**Tendring**  
District Council



**Local Plan**  
COLCHESTER BOROUGH



## Part A - Personal Details

Please note that it is not possible for representations to be considered anonymously. Representations will be published on the Council's websites and included as part of the Publication Draft Local Plan submissions to the Inspector. Address and contact details will be removed from published responses. (Village/town shown).

The Council reserves the right not to publish or take into account any representations which it considers offensive or defamatory.

Please supply an email address if you have one as it will allow us to contact you electronically. Everyone who submits a representation will be added to the relevant consultation database (if not already included) so that we can keep you up to date with the plan. If you do not wish to be contacted in this way please state this clearly on the form.

If an agent or consultant has been engaged to act on your behalf please fill in both sets of details in full. Correspondence will be sent to the agent. If you are a landowner with an agent acting on your behalf, please ensure that your agent knows the site name and reference number which your site has been given.

## Part B - Representation

Please specify which section of the Publication Draft Local Plan your comments relate to, by choosing one of the following;

**Section 1** A response to this section will be reported to all 3 authorities.

**Section 2 Colchester**  
**Section 2 Tendring**  
**Section 2 Braintree** } These plans are specific to each authority.

Which part of the plan are you responding to (please use one form per submission):

**Paragraph:** for a representation on wording or paragraph content

**Policy:** for a representation on the wording or inclusion or omission of a policy

**Other:** for example a map inset number, site reference or the wording or content of tables or appendices

## Legal Compliance and Duty to Co-operate

If commenting on how the Publication Draft Local Plan has been prepared, it is likely that your comments will relate to a matter of legal compliance.

The Inspector will check that the Plan meets the legal requirements

You should consider the following before making a representation on legal compliance:

- The Plan should be included in the current Local Development Scheme (LDS) and the key stages should have been followed.
- The process of community involvement for the Plan in question should be in general accordance with the Statement of Community Involvement (SCI).
- The Plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations; making them available on its website and at its principal offices. It must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA must provide a Sustainability Appraisal Report. This should identify the process by which it has been carried out, baseline information used to inform the process and the outcomes of that process.
- LPAs will be expected to provide evidence of how they have complied with the Duty to Co-operate.
- Non-compliance with the duty to cooperate cannot be rectified after the Plan's submission. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

## Soundness

Soundness is explained in National Planning Policy Framework (NPPF) paragraph 182. The Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.

More details and further guidance on what is meant by the term 'soundness' can be found below and at; [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

### Positively prepared

This means that the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

### Justified

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on a proportionate, robust and credible evidence base.

### Effective

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities, sound infrastructure delivery planning and no regulatory or national planning barriers. It should be flexible to changing circumstances

### Consistent with national policy

The Plan should be consistent with national policy. Departure must be clearly justified.

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so it does not need to be included?
- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered, how is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

Using the spaces provided please give details of why you think the Publication Draft Local Plan is not 'sound having regard to the legal compliance, duty to cooperate and the four requirements set out above. You should try to support your representation by evidence showing why the Plan should be modified. **If your representation is over 100 words please include a summary of its main points in the box provided.**

It will be helpful if you also say precisely **how** you think the Plan should be modified. Representations should cover succinctly all information, evidence and supporting information necessary to support/justify the representation and suggested modification, as there will not normally be a further opportunity to make submissions based on the original representation made at publication.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

All the formal representations received during this stage will be submitted to and considered by the appointed independent Planning Inspector at the public examination on the Plan. The process is likely to include public hearings. The Inspector will determine the most appropriate procedure to adopt to hear those who choose to participate at this stage. If you would like to appear and speak at the hearings, please state this and explain in the space provided why you consider it is necessary that you participate.

Representations can be sent:

- Via the Council's online consultation portal: <http://tendring-consult.objective.co.uk/portal>
- Via a representation form which can be downloaded from the website and returned via email to [planning.policy@tendringdc.gov.uk](mailto:planning.policy@tendringdc.gov.uk)
- or by post to:  
**Planning Policy,  
Tendring District Council  
Thorpe Road  
Weeley  
Essex  
CO16 9AJ**

For internal Use only	ID:	Rep No:	

## Draft Local Plan

# RESPONSE FORM

Responses are encouraged via the council's online consultation system available on the website, see <http://tendring-consult.objective.co.uk/portal> However, this form can be returned electronically to [planning.policy@tendringdc.gov.uk](mailto:planning.policy@tendringdc.gov.uk) or in hard copy if necessary to:

Planning Policy, Tendring District Council, Thorpe Road, Weeley, Essex, CO16 9AJ  
**The consultation runs from 9am Friday, 16th June to 5pm on Friday, 28th July 2017**

This form has two parts:  
Part A - Personal Details and Part B - Your comments

## PART A

### 1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Terry"/>
Last Name	<input type="text" value="Parker"/>
Organisation <i>(Where relevant)</i>	<input type="text"/>
Address Line 1	<input type="text" value="Crockleford Mill"/>
Address Line 2	<input type="text" value="117 Bromley Road"/>
Address Line 3	<input type="text" value="Colchester"/>
Post Code	<input type="text" value="CO4 3JG"/>
E-mail Address	<input type="text"/>
Telephone Number	<input type="text"/>

### 2. Agent's Details (if applicable)

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Callan"/>
Last Name	<input type="text" value="Powers"/>
Organisation	<input type="text" value="Fowler Architecture and Planning Ltd"/>
Address Line 1	<input type="text" value="19 High Street"/>
Address Line 2	<input type="text" value="Pewsey"/>
Address Line 3	<input type="text"/>
Post Code	<input type="text" value="SN9 5AF"/>
E-mail Address	<input type="text"/>
Telephone Number	<input type="text"/>

## PART B

# REPRESENTATION FORM

**Please Note:** If your representation relates to Section One of the North Essex Strategic Plan / Garden Communities you only need to respond to one of the Local Authorities. All representations received by Braintree, Colchester and Tendring relating to Section One of the Plan(s) will be submitted together.

You do not need to return this form if you have completed a response using any of the Council's online systems for this consultation. Duplicates will not be considered

**Please specify which section of the Publication Draft Local Plan your comments relate to by choosing one of the following:**

Section 1     Section 2 Colchester     Section 2 Tendring     Section 2 Braintree

**Which part of the section are you responding to?**

e.g. Paragraph/Policy/Map/Other

**Do you consider the Local Plan is Legally compliant?**

Yes     No

**Does it comply with the Duty to Co-operate?**

Yes     No

**Do you consider the Local Plan is Sound?**

Yes     No

**If you do not consider the Local Plan is sound, please specify on what grounds:**

Positively prepared     Justified     Effective     Consistent with National Policy

**Enter your full representation here:**

Please refer to attached letter

*Continue onto next page*

**If your representation is more than 100 words, please provide a brief summary here:**

**Please specify the changes needed to be made to make the Plan sound / legally compliant**

**Do you wish to participate at the oral part of the examination?**

Yes     No

**If Yes - you wish to participate at the oral part of the examination, please outline why you consider this to be necessary**

In order to make representation in favour of a site being promoted by the Representor.

**Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.**

**Did you raise the matter that is the subject of your representation with the LPA earlier in the process of the preparation of the Local Plan**

Yes     No

**If yes which stage**

Issues and Options     Preferred Options

**Do you wish to be notified?**

When the document is submitted for independent examination?

When the Inspectors Report is published?

When document is adopted?

**Braintree & Tendring: Return by 5pm 28th July 2017**

**(responses to section 2 Braintree and Tendring will not be accepted after this date. After this date responses to Section 1 should be sent to Colchester Borough Council)**

**Colchester: Return by 5pm 11th August 2017**

