

# *Tendring* *District Council*



## **TENDRING DISTRICT COUNCIL LOCAL DEVELOPMENT FRAMEWORK**

### **Planning Services**

#### **Core Strategy and Development Policies Document**

#### **Technical Paper 9 – Development Policies**

October 2010

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# 1. Introduction

- 1.1 This document is the ninth in a series of ten ‘technical documents’ that have been prepared by officers of Tendring District Council to explain the background to the Council’s ‘Core Strategy and Development Policies Document’, an important element of the wider ‘Local Development Framework’ (LDF) for the Tendring district. The series of technical documents comprise:
- 1 – Introduction;
  - 2 – Structure of this Document;
  - 3 – Strategic Context;
  - 4 – Spatial Portrait;
  - 5 – Key Issues;
  - 6 – Spatial Vision and Objectives;
  - 7 – Spatial Strategy;
  - 8 – Core Policies;
  - 9 – Development Policies; and
  - 10 – Implementation and Monitoring.
- 1.2 These technical documents correspond directly with each of the ten chapters in the Core Strategy and Development Policies Document (hereafter ‘the Core Strategy’) and provide the ‘audit trail’ explaining how different factors, pieces of evidence, events, discussions and decisions have affected the content of the Core Strategy.
- 1.3 In accordance with best practice, we have attempted to keep the Core Strategy itself as slim and succinct as possible. However, given the complexity and the importance of the Core Strategy, particularly in a district like Tendring, we anticipated that a lot of questions would be asked, from a variety of stakeholders, about the rationale behind certain policies and/or proposals. Rather than explaining everything in the text of the Core Strategy which would have increased its length to an unacceptable and potentially unreadable level, we hope that many of the questions raised by different parties are answered somewhere in the text of these technical documents.
- 1.4 This particular technical document explains some of the background to the ‘Development Policies’, which provide the criteria against which most planning applications will be assessed. .

## 2. Development Management and Scoping Policies

### Development Management

- 2.1 Development management is a shift in approach from the former development control and involves seeking balanced planning decisions that supports positive and sustainable development but resists inappropriate or harmful schemes. It aims to solve problems rather than create compromise that pleases no one.
- 2.2 Decision making should be transparent, involving Councillors and developers early, including before a formal decision is made at committee in appropriate circumstances. This involvement is aimed at encouraging developers to consider the wider neighbourhood benefits and impacts for that community and including the local community in the decision making process to help ensure the desired outcome.

### Development Policies

- 2.3 Unlike the core policies which set out very broad principles, the development policies will set out the detailed criteria against which individual planning applications for new development will be assessed.
- 2.4 Some of the development policies contained in this section of the Core Strategy include very specific development standards, for example, the percentage of affordable housing that will be sought on sites above a certain threshold and policies that set out detailed design requirements that applicants would have to satisfy within their planning application and its supporting material.
- 2.5 In general the development policies are “generic” i.e. dealing with a wide range of planning scenarios. They do not deal with the specific development requirements of an individual area or site where special “one-off” policies might apply such as an area of special character or a scheme within a regeneration area such as Jaywick. These more site-specific policies will be more appropriate within the text of the Site Allocations Document or the Clacton Area Action Plan.
- 2.6 The development policies complement the broad spatial objectives and core policy principles set out earlier in the Core Strategy but are worded very carefully to ensure that there are not any “loopholes” that might allow an unacceptable development to happen and set a precedent for similar developments to come forward in the future.
- 2.7 The government requires local planning authorities to have a framework of development policies that are succinct, avoids unnecessary proliferation and duplication and therefore minimises the total number of policies required. This in turn makes life easier for professionals and members of the public making planning application, the Planning Officers dealing with them and any other stakeholder with an interest in Planning.
- 2.8 In line with the Government’s Planning Policy Statement 12 (PPS12), only policies that relate to the delivery of the Core Strategy objectives will be included. Repetition of national policy will be avoided. More use of national guidance (PPS) for decision making is now expected rather than developing local policy to cover all possible scenarios. Also if national policy changes as it often does, it does not invalidate a large number of the policies contained in the local development framework.

### Tendring District Local Plan (2007)

- 2.9 The current Tendring District Local Plan (2007) contains more than 200 policies; some of which are strategic in their nature, some of which are area-specific and others that are effectively development policies regularly used in the day to day process of determining planning applications.
- 2.10 Whilst the Local Plan is considered a robust planning document, one of the criticisms of the Local Plan is that it is too long and too detailed. Some policies unnecessarily repeat national policy or are never used and there were many opportunities to slim down policies that had hardly been used during the life of the plan.
- 2.11 However, given that the Local Plan Inquiry was less than two years ago and its policies have received the endorsement of the Planning Inspectorate we did not want to completely re-write the current policies, especially given that there are certain policies such as the design policies that have been successful and should be carried forward into the Local Development Framework.

### How we reviewed the Local Plan Polices and identified new LDF policies

- 2.12 As part of the policy review process a “policy review steering group” was assembled involving key officers from Development Management, Regeneration and the Development Plan Team. It was considered that working in partnership with representatives from the above departments would ensure an appropriate balance between achieving overarching planning objectives achieving effective implementation of LDF policy.
- 2.13 Over 200 Local Plan policies were reviewed by the steering group and assessed against the following criteria:
- What is the purpose of policy?
  - Does the policy repeat national guidance set out in PPS or other guidance?
  - Is the policy contrary to any national guidance set out in PPS or other guidance?
  - How effective has the policy been in practice? This involved reviewing the Annual Monitoring Reports where appropriate, appeal decisions and officer’s experiences of implementing a particular policy.
  - How many times has the policy been used? The Council uses “Uniform” software package to manage its planning applications. Therefore, it was possible to review how many times a particular policy had been used in planning decisions.
  - Is it possible to combine a number of polices into one generic policy whilst still ensuring effective policy coverage?
- 2.14 This assessment allowed the steering group to cull many unnecessary Local Plan policies. The next stage was for the steering group to identify any new policy areas that required a development or core policy. Again this was a process of reviewing the AMR’s, appeal decision, consultation responses from the “issues and options” report and officers experiences to identify new policy areas that would not be repeating national guidance, such as “Aspirational Housing” and “Health Impact Assessments”.
- 2.15 The next stage for the Local Development Framework team was to consult with the Council’s key stakeholders and partners to ensure that the new Development Management Policies were considered “sound”, succinct, specific to Tendring and could be effectively implemented.

### **3. Development Policies – Justification and Implementation**

3.1 The ‘Development Policies’ selected for inclusion in the Core Strategy were:

#### Managing Growth

- DP1 – Design of New Development
- DP2 – Backland Residential Development
- DP3 – Garden Extensions into the Countryside
- DP4 – Private Amenity Space for Residential Development

#### Our Place

- DP5 – Landscape Impacts
- DP6 – Development Affecting Protected Trees and Hedges
- DP7 – Development in Conservation Areas
- DP8 – Development Affecting Listed Buildings

#### Our Prosperity

- DP9 – Development in Defined Centres
- DP10 – Conversion and Re-Use of Redundant Buildings in the Countryside
- DP11 – Occupancy Timescales for Tourist Accommodation
- DP12 – Agricultural/Forestry Buildings and Structures
- DP13 – Equestrian Development

#### Our People

- DP14 – Health Impact Assessments
- DP15 – Protecting Existing Community Facilities
- DP16 – Provision of Green Infrastructure in New Residential Development
- DP17 – Affordable Housing in New Developments
- DP18 – Rural Exception Sites
- DP19 – Aspirational Housing
- DP20 – Residential Institutions and Care

3.2 This chapter provides some background to these policies including their justification, their ‘fit’ with overall strategic objectives of the Core Strategy, their performance against the Sustainability Appraisal criteria and an indication of how these policies will be implemented.

## **DP 1 –Design of New Development**

### Purpose of Policy:

Development Policy contains the design criteria against which every planning application for development will be considered which expand upon the principles set out in Core Policy 5 on 'achieving a sense of place'. Part A of the policy provides the local planning criteria for ensuring development is well designed and relates well to its surroundings and part B ensures that practical requirements have been addressed.

### Link to Spatial Objectives:

**MG1:** Direct new development towards locations that are either already well served by existing infrastructure, services and facilities or can accommodate their provision or improvement, as necessary, as part of a comprehensive delivery package

Growth linked to housing in existing areas must be planned properly. This objective will be delivered through Development Policy 1 which ensures that new development in existing areas must be of high quality, address any practical requirements and be compatible with surrounding uses.

**MG2:** Promote a shift in travel behaviour away from reliance on private car use by maximising the opportunities for walking, cycling and the use of public transport.

Providing suitable provision for cyclists is crucial in the overall scheme of promoting a shift in travel behaviour. This objective will be delivered through Development Policy 1 which ensures that new development makes provision for cycle parking.

**PL2:** Protect and enhance the district's biodiversity, attractive countryside, its coastal assets and the character of its historic and architecturally important assets.

Development in sensitive areas is restricted. This objective will be delivered through this policy ensuring that all new development in terms of design does not impact unduly on the districts natural assets.

**PL3:** Expand the district's network of green infrastructure as a means of creating new wildlife habitats, achieving sustainable drainage and delivering green corridors and open spaces that improve the health and quality of the environment for residents and visitors.

Poor health and environment is identified as a major concern in some of the districts deprived areas. This objective will be delivered through Development Policy 1 and will ensure where appropriate that recreational facilities are designed appropriately to meet practical requirements.

**PL5:** Promote high quality, energy efficient design that respects local character and contributes positively to achieving a sense of place.

It is important that all new development is designed appropriately respecting the surrounding environment. This object delivered through this policy will ensure and promote high quality design which contributes positively to achieving a sense of place.

**PE5:** Ensure, through design, that the new development promotes social inclusion and minimises the opportunities for crime and antisocial behaviour.

This objective will be delivered through this policy ensuring that all proposals for new development demonstrate that every chance has been taken through the design process to promote social inclusion and designing out crime and antisocial behaviour.

Link to National Planning Policy:

Planning Policy Statement 1 (Delivering Sustainable Development) (PPS1) calls for an approach to design policies based on understanding the local area with a clear framework setting out design principles and criteria. It emphasises that good planning must care about how a place feels and functions. PPS1 sets out key principles on sustainable development, including the need for planning policies to promote high quality design not just for the short term but also long into the future. Design which fails to take the opportunity for improving the character and quality of an area should not be accepted.

PPS1 goes on to say that an area's characteristics and needs should influence design policies so ensuring that developments are right for the location.

Planning Policy Statement 3 (Housing) (PPS3) says local authorities should aim to create: "Places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character." Councils should, therefore, look positively at plans which create or enhance a distinctive character and support a sense of local pride and civic identity.

There is a growing recognition that design affects people's lives. Health can be a good example of this. Well-designed buildings with good use of open space, for example, can encourage healthy lifestyles with scope for walking, cycling, and other leisure pursuits that may help to prevent problems such as obesity. This approach has to be applauded but should not overshadow the need to secure good architectural and landscape design for buildings and spaces.

Good design is about making places that are functional, durable, good for people to use, and that reflect the importance of local character and the surrounding area. The result should be places that are attractive to look at and live and work in. The Commission for Architecture and the Built Environment (CABE), which works with many different individuals and organisations offering guidance on projects, advises that the basics of design policy should be set out in the Core Strategy.

CABE itself has produced a Building for Life standard that gives 20 criteria for achieving good design. This provides a useful guide for developers on the standards that are now expected and what factors are considered when assessing design. The criteria are not exhaustive nor meant to be regarded as providing a ceiling to innovation. Rather they are seen as helping to provide a framework for assessment.

Local input in any development is, of course, crucial and that is why town and village design statements are so important. Putting up new buildings alongside something much older can sometimes be contentious, so it is important to be aware of any local special features of particular merit and to relate any proposals to the context of the site. The design of new buildings should be woven into the fabric of the living and working community. This point is reinforced in PPS1 paragraph 34 which says: "Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted."



### Evidenced Justification:

Tendring is a desirable place to live with coastal towns/resorts steeped in history and full of potential with attractive villages in delightful countryside. The buildings, open spaces and landscape all contribute to the character of the area. Throughout the district there are approximately 1300 listed buildings (buildings of special architectural or historic interest), 20 conservation areas (areas of architectural or historic interest) and 27 scheduled ancient monuments which are registered for special protection. It all adds up to a rich heritage for people who live and work here and also attracts tourists and visitors.

The Council understands that to achieve a high quality environment it must ensure new development makes a positive contribution to the appearance of our towns and villages. Design and layout should take account of neighbouring buildings as well as the surrounding area. New development can be striking but must respect or enhance local character. It is vital that design goes beyond the focus of the individual development and takes account of sense of place, safety and security.

The Core Strategy, therefore, needs to include policies to achieve high quality in new development and at the same time to protect and enhance existing historic character. Due to the importance of the historic environment within the district this is considered separately in this section.

Government guidance already requires new development to be of the highest quality and break the mould of mediocrity that has previously characterised so much development. Tendring is blessed with attractive historic buildings and village centres, but also outstanding countryside that, in many cases surrounds these settlements. In order to try to respect this distinct character the Council needs to raise the standard of design that is currently accepted. Only the best exemplary design that respects and enhances the special qualities of our towns, villages and countryside will be acceptable. This will be a key challenge for all development in the district.

The main settlements of Clacton, Harwich, Frinton and Walton provide opportunities for encouraging new high-quality and imaginative designs. In addition, smaller rural villages will benefit from high quality design while retaining their overall character. The close relationship between new development, existing features and open spaces will be given priority in all future proposals for the district.

Policy DP1 contains the design criteria against which every planning application for development will be considered which expand upon the principles set out in Core Policy 5 on 'achieving a sense of place'. Part A of the policy provides the local planning criteria for ensuring development is well designed and relates well to its surroundings and part B ensures that practical requirements have been addressed.

When considering whether a development proposal meets these criteria, the Council will have regard, where applicable, to the criteria set out in 'Building for Life' and other guidance including the Essex Design Guide for Residential and Mixed-Use Areas, any design/development briefs for particular sites, and adopted Village Design Statements. Schemes which include 10 or more dwellings will be expected to achieve a 'Good' or 'Very Good' rating against the 'Building for Life' criteria. It will also be considered against other policies in this document whilst the Site Allocations Document will provide additional design standards for certain developments or areas such as Conservation Areas (Policy DP7).

### Comments raised during Public Consultation:

Overall, the majority of respondents agreed that a core policy should be provided to promote high quality design in new developments, with very few comments to the contrary. The Council understands that to achieve a high quality environment it must ensure new development makes a

positive contribution to the appearance of our towns and villages. Design and layout should take account of neighbouring buildings as well as the surrounding area. New development can be striking but must respect or enhance local character. It is vital that design goes beyond the focus of the individual development and takes account of sense of place, safety and security. Therefore Development Policy 1 address these points by providing a design criteria against which every planning application for development will be considered which expand upon the principles set out in Core Policy 5 on 'achieving a sense of place'.

#### Findings of the Sustainability Appraisal:

Option 1 is the inclusion of a criteria based policy on measures that will be needed to ensure good design and also functional design. General design criteria includes ensuring that development is well designed and should maintain or enhance local character and distinctiveness; relates well to its site and surroundings; respects or enhances views, skylines, landmarks, existing street patterns, open spaces and other locally important features; incorporates important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings (as well as opportunities to enhance such features e.g. habitat creation); and well designed boundary treatments and landscaping. Functional design criteria includes ensuring practicable access to the site; provision of safe and convenient access for people with mobility impairments; contribution to community safety; orientation to ensure adequate daylight, outlook and privacy; and provision of private amenity space, waste storage, separation and recycling facilities, servicing, vehicle and cycle parking.

Option 2 is the inclusion of a criterion based policy that includes criteria on general design issues (as above) but ignores criteria relating to functional design.

Option 3 is to not include a policy on design.

Options 1 and 2 include a general design section, which will bring many positive impacts. For example, the provision and retention of open space will help to protect soil quality and form part of the green infrastructure network; water bodies will be protected; light pollution will be limited; ecological assets will be protected; landscape character will be protected and enhanced; and development will be required to protect or enhance local character and distinctiveness. Option 1, which includes a functional design section, will have additional benefits to option 2, which just includes general design criteria. It will require cycle parking, which will encourage sustainable travel, which will subsequently lead to a reduction in air pollution and greenhouse gas emissions. The fear and incidence of crime will be reduced by minimising opportunities for crime. Considering the orientation of a building to secure daylight will reduce the amount of electricity used as fewer lights will be used and will result in solar gain, which will help reduce the amount of energy used in heating the building. Water storage will be required, which will help to reduce surface water flooding by intercepting water. Finally, the provision of space for recycling facilities will increase rates of recycling. To maximise climate change mitigation and adaptation through the design of new development consideration should be given to requiring a sustainability statement as part of the statutory design and access statement. This is an approach that many other local authorities have taken and the Environment Agency has suggested that Tendring use a climate change checklist. This helps to ensure that sustainable design and construction is considered from the earliest stages of development. It is difficult to appraise the option of not including a design policy as some of the issues considered in this policy are covered elsewhere in the DPD. However, the inclusion of a policy will have many beneficial effects and these would not be as certain in the absence of a design policy. One negative impact has been identified for this option; whilst other policies and PPS25 address flood risk, in the absence of a design policy measures to minimise flooding as part of the design process for, in particular, small sites and sites outside of a flood risk zone, will not be considered. Historic assets will be protected without this policy but the inclusion of this policy ensures that non statutory historic features are protected.

✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
<b>Opt 1</b>				✓	✓		✓	✓	✓
<b>Opt 2</b>								✓	
<b>Opt 3</b>									

It is considered that option 1 which meets 5 out of the 9 sustainability criteria and is the most sustainable option compared with options 2 and 3.

Policy wording:

## **POLICY DP1 – DESIGN OF NEW DEVELOPMENT**

### PART A - Design

All new development must make a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met:

- i. new buildings, alterations and structures are well designed and maintain or enhance local character and distinctiveness;
- ii. the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials;
- iii. the development respects or enhances views, skylines, landmarks, existing street patterns, open spaces and other locally important features;
- iv. the design and layout of the development incorporates or enhances important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings; and
- v. boundary treatments and hard and soft landscaping are designed as an integral part of the development reflecting the function and character of the development and its surroundings.

### PART B – Practical Requirements

New development should meet practical requirements. The following criteria must be met:

- i. access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate;
- ii. the design and layout of the development maintains and/or provides safe and convenient access for people with mobility impairments;
- iii. the development incorporates or provides measures to minimise opportunities for crime and anti-social behaviour;
- iv. buildings and structures are designed and orientated to ensure adequate daylight, outlook

and privacy for future and existing residents; and

- v. provision is made for private amenity space, waste storage, separation and recycling facilities, servicing, vehicle and cycle parking.

#### PART C – Impacts and Compatibility

New development should be compatible with surrounding uses and minimise any adverse environmental impacts. The following criteria must be met:

- i. the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties;
- ii. the development, including any additional road traffic arising, will not have a materially damaging impact on air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes of other forms of pollution or nuisance; and
- iii. the health, safety or amenity of any occupants or users of the proposed development will not be materially harmed by any pollution from an existing or committed use.

Any measures necessary to meet the above requirements are to be established by the applicant/developer.

#### Implementation:

This policy will be implemented through the LDF and Development Control Process. Policy DP1 contains the design criteria against which every planning application for development will be considered which expand upon the principles set out in Core Policy 5 on 'achieving a sense of place'. The effective implantation of this policy will promote high quality development in Tendring.

#### Monitoring:

The effectiveness of the policy will be measured by assessing and monitoring the quality of new development and how well new development integrates with the surrounding uses. Whether the Council is meeting the objectives linked to this policy will be reported each year in the Council's Annual Monitoring Report.

## **DP2 – Backland Residential Development**

### Purpose of Policy:

Policy DP2 provides criteria against which any proposal for residential development of backland sites must comply.

### Link to Spatial Objectives:

**MG3:** Manage urban growth to minimise environmental impacts, maximise the re-use of previously developed land, prevent uncontrolled sprawl into the open countryside or along the coast and maintain and secure important countryside gaps between different settlements

Whilst it is essential to maximise existing urban land for residential purposes it is necessary to ensure that urban growth is properly managed and Development Policy 2 will aim to ensure this.

**PL5:** Promote high quality, energy efficient design that respects local character and contributes positively to achieving a sense of place.

Achieving a sense of place is critical for all new developments in Development Policy 2 will aim to promote high quality sustainable design that promotes and builds sustainable communities.

Development Policy 2 will promote high quality, energy efficient design that respects local character and contributes positively to achieving a sense of place.

**PE5:** Ensure, through design, that new development promotes social inclusion and minimises the opportunities for crime and antisocial behaviour.

Development Policy 2 will assist in ensuring that new back land development demonstrates that every chance has been taken through the design process to promote social inclusion and designing out the opportunities for crime and antisocial behaviour associated with deprived areas.

### Link to National Planning Policy:

PPS1: Delivering Sustainable Development requires that development plan policies take account of issues such as sustainable development.

PPS3: Housing requires that development plan policies take account of issues such as achieving high quality residential developments. Reflecting policy in PPS1, good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

### Evidenced Justification:

“Backland” developments are, for the purposes of Policy DP2 below, defined as the proposed erection of one or more dwelling houses on a parcel of land:

- a. which lies generally behind the line of existing frontage development;
- b. has little or no frontage to existing public highway; and
- c. which would constitute piecemeal development in that it does not form part of a large area allocated for development.

Typical sites include the back gardens of existing dwellings, “Tandem” development sites of the kind found in Jaywick, smallholdings, yards, or small vacant sites. On these sites, it will often be difficult to achieve the design requirements of Policy DP1 due to a combination of location, restricted access and intensity of residential use in the vicinity.

The main problems that can arise as a result of backland development include undermining the established character of an area (especially if similar schemes were to be repeated elsewhere in a locality); dwelling plots appearing cramped relative to their surroundings; the fragmentation of established gardens with a loss of mature landscaping; and the infringement of neighbouring residents’ amenities. Development behind an established building line can also appear incongruous, particularly isolated dwellings. To avoid these problems, backland development requires particularly thorough planning, and Policy DP2 provides specific criteria that the Council will apply in such proposals.

The Council will have particular regard to Policy DP4 and to the existing character of the area in terms of space about buildings.

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

“Tandem” development consists of a dwelling or dwellings immediately behind an existing residential frontage which are served by a shared access. It is generally unsatisfactory because of the difficulties of access to the dwelling at the rear and the disturbance and lack of privacy suffered by the residents of the dwelling in front.

#### Comments raised during Public Consultation:

Overall, the majority of respondents agreed that a development policy for controlling inappropriate development in residential areas should be included.

Development Policy 2 addresses this point by ensuring that proposals for new residential development of backland sites does not conflict with the stringent criteria outlined in the development policy DP2.

#### Findings of the Sustainability Appraisal:

Option 1 is to support backland development where there is no unacceptable loss of amenity space or parking, safe access/egress can be provided, it doesn’t involve tandem development, the plot is not awkwardly shaped, development is unlikely to produce a hard urban edge and development is not out of character with its setting.

Option 2 is to maximise all space in urban areas and support backland development and tandem development.

Option 1 will ensure that new backland development does not adversely affect residential amenity, which will help to promote social cohesion. It will protect landscape character and historic assets by ensuring that development that creates a hard urban edge or is out of character with the setting is not supported. This option will also ensure that issues that could cause pollution are addressed. Whilst both options will contribute to the provision of new homes and make efficient use of land; a more positive impact will occur under option 2. However, for some sites option 2 will increase

noise pollution through overdevelopment of the plot and noise and air pollution through an unacceptable access, close to neighbouring properties. Development of sites used as gardens will increase the risk of surface water flooding, which could lead to water pollution, through an increase in hard surfaces and reduction in space to hold water. To minimise the increased risk of flooding SuDS should be incorporated into all backland schemes. Option 2 will result in a more adverse impact on surface water flooding as it will intensify development.

✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
Opt 1					✓	✓		✓	
Opt 2	✓								

It is considered that option 1 which meets 3 out of the 9 sustainability criteria and is the most sustainable option compared with the alternative of option 2.

Policy wording:

#### **POLICY DP2 – BACKLAND RESIDENTIAL DEVELOPMENT**

Proposals for the residential development of “backland” sites must comply with the following criteria:

- i. a safe and convenient means of vehicular and pedestrian access/egress can be provided that does not cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged;
- ii. the proposal does not involve “tandem” development using a shared access;
- iii. the site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;
- iv. the site is not on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting; and
- v. the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

Implementation:

The Councils Development Management Officers will use this policy effectively by ensuring that a proposal for new residential development on backland sites does not undermine the established character of an area; dwelling plots appearing cramped relative to their surroundings; the fragmentation of established gardens with a loss of mature landscaping; and the infringement of neighbouring residents’ amenities.

Monitoring:

The effectiveness of the policy will be measured by assessing and monitoring the number and quality of back land developments in the district. Whether the Council is meeting the objectives linked to this policy will be reported each year in the Council's Annual Monitoring Report.



## **DP3 – Garden Extensions into the Countryside.**

### Purpose of Policy:

Policy DP3 provides criteria against which any proposal to extend a domestic garden into adjoining countryside will be considered.

### Link to Spatial Objectives:

**MG3:** Manage urban growth to minimise environmental impacts, maximise the re-use of previously developed land, prevent uncontrolled sprawl into the open countryside or along the coast and maintain and secure important countryside gaps between different settlements.

It is essential to protect the countryside from intrusive development and Development Policy 3 will help uncontrolled sprawl into the open countryside

**PL2:** Protect and enhance the district's biodiversity, attractive countryside, its coastal assets and the character of its historic and architecturally important assets.

Development in sensitive locations is restricted to protect the districts natural assets. Development Policy 3 will help to stop garden extensions that would be detrimental to the surrounding countryside.

### Link to National Planning Policy:

PPS1: Delivering Sustainable Development) requires that development plan policies take account of issues such as the **protection and enhancement of the environment**. The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources. Those with national and international designations should receive the highest level of protection. The condition of our surroundings has a direct impact on the quality of life and the conservation and improvement of the natural and built environment brings social and economic benefit for local communities. Planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through positive policies.

PPS7: Sustainable development in rural areas requires that development plan policies take account of issues such as **countryside protection and development in the countryside**. Planning policies should provide a positive framework for facilitating sustainable development that supports traditional land-based activities and makes the most of new leisure and recreational opportunities that require a countryside location. Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development.

### Evidenced Justification:

An increasing number of planning applications are being made to extend gardens into adjoining farmland. These proposals can raise important concerns regarding the impact upon the landscape. The typical character of an urban or rural, back garden is quite different to the open landscape that surrounds the built up areas. The Council's primary concern is the protection of this open character, and the value of the landscape, for the benefit of all residents of the district. It is also important to protect the best and most versatile agricultural land from unnecessary development.

Proposals to extend domestic gardens into the adjoining countryside can lead to considerable landscape impact and visual amenity problems. They have the potential to undermine the open character of the countryside by introducing an urban, residential type of land use which carries with it certain permitted development rights for a range of domestic activities, such as swimming pools, greenhouses and garden sheds. However, in many cases, garden extensions do not raise any significant concerns and can be readily approved.

Comments raised during Public Consultation:

Overall, the majority of respondents agreed that a development policy for protecting the countryside should be included.

Development Policy 3 addresses these points by ensuring that Proposals to extend domestic gardens into the adjoining countryside do not lead to considerable landscape impact and visual amenity problems.

Findings of the Sustainability Appraisal:

Option 1 is to allow garden extensions in the countryside where there would be no material visual harm to the surrounding countryside and no loss of vegetation or habitats of nature conservation value. Planting would be required if permitted.

Option 2 is to not allow any garden extensions in the countryside.

Option 1 will ensure that biodiversity is preserved by not allowing garden extensions in the countryside where they would harm nature conservation sites and enhances biodiversity by requiring native tree or hedge planting. Furthermore, incorporating an area of agricultural land into a garden could enhance biodiversity; back gardens are important for wildlife and agricultural land often has limited biodiversity value. The impact of option 1 on greenfield land and landscape depends upon implementation; if summer houses, etc are located on the new garden area there will be a sense that greenfield land has been lost and the character of the open landscape will be lost. Option 2 will protect greenfield land and landscape quality by not allowing proposals for garden extensions.

Option 2 scores most favourably as it does not allow garden extensions in the countryside. However, if the decision is taken to permit garden extensions in the countryside, in principle, mitigation measures can minimise adverse effects.

✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
<b>Opt 1</b>									
<b>Opt 2</b>								✓	

It is considered that option 2 which meets 1 out of the 9 sustainability criteria and is the most sustainable option compared with the alternative of option 2.

Policy wording:

**POLICY DP3 – GARDEN EXTENSIONS INTO THE COUNTRYSIDE**

Proposals for the extension of a domestic garden into the countryside will only be permitted if:

- i. there is no material visual harm to the surrounding countryside; and
- ii. there would be no material loss of existing trees, shrubs or hedgerows or damage to other habitats of nature conservation value.

To secure privacy and attain a good standard of visual amenity for the countryside, the planting (and retention thereafter) of native species trees and hedging may be required.

Implementation:

The Council's Development Management Officers will use this policy effectively to by ensuring that proposals to extend domestic gardens into the adjoining countryside do not lead to considerable landscape impact and visual amenity problems.

Monitoring:

The effectiveness of the policy will be measured by assessing and monitoring any detrimental impacts that garden extensions may have on the countryside. Whether the Council is meeting the objectives linked to this policy will be reported each year in the Council's Annual Monitoring Report.

## **Policy DP4 - Private Amenity Space for Residential Development**

### Purpose of Policy:

To ensure the provision of appropriate private amenity space to meet the needs of occupants of new residential development.

### Link to Spatial Objectives:

**PL5:** Promote high quality, energy efficient design that respects local character and contributes positively to achieving a 'sense of place'.

Development Policy 4 will ensure the character of new residential development has regard to the needs of future occupants for appropriate private outdoor space.

**PE5:** Ensure, through design, that new development promotes social inclusion and minimises the opportunities for crime and antisocial behaviour.

Development Policy 4 will ensure that, where appropriate, private amenity space is designed to also overlook adjacent public spaces to enhance community safety.

### Link to National Planning Policy:

PPS1: Delivering Sustainable Development aims to develop strong, vibrant and sustainable communities and deliver safe and attractive places to live. High quality and inclusive design considerations include private spaces and good design should help to make places better for people. Developments should create or reinforce local distinctiveness.

PPS3: Housing requires that new development provides private outdoor space such as residential gardens, patios and balconies. Particularly where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens. Development should be well integrated with and complement neighbouring buildings and the local area.

### Evidenced Justification:

Private amenity space is considered an essential component of successful and sustainable residential developments. It will usually comprise of part of a rear garden to a house or balcony to a flat which is not overlooked by adjacent or opposite living rooms or outdoor sitting areas. It contributes to the quality of life for residents in terms of living conditions and has wider benefits including the natural surveillance of public areas. The provision of suitable private amenity space will bring health benefits and promote social inclusion.

### Comments raised during Public Consultation:

In response to the 2009 Discussion Document on Issues and Possible Options, members of the public and other stakeholders raised the following points:

The vast majority of respondents were supportive of high quality design including in new housing developments, with adequate private amenity space being considered an important issue.

Development Policy 4 addresses these points by stating the minimum standards which will apply to the provision of private amenity space.

### Findings of the Sustainability Appraisal:

Option 1 is to set out the standards from the Essex Design Guide for private amenity space for new dwellings, but to adopt a more flexible approach to development in town centres to make efficient use of land. The standards are:

- A minimum of 100 sq m for 3 or more bedroom dwellings.
- A minimum of 75 sq m for 2 bedroom dwellings.
- A minimum of 50 sq m for 1 bedroom dwellings.
- A minimum of 25 sq m communal space per flat or 50 sq m for ground floor flats and 5 sq m balcony space for others.

Option 2 is to require private amenity space for new dwellings but not to set out standards.

Option 3 is to have no policy on this issue.

The provision of private amenity space will bring health benefits and promote social cohesion. Private amenity space, provided it does not involve an impermeable surfacing, will minimise the risk of surface water flooding. Back gardens can have high biodiversity value and so the provision of private amenity space will contribute to the district's biodiversity resource. The provision of these standards will ensure that residents have space available for the storage of recycling facilities, which will help to increase rates of recycling. Option 1 will contribute to making efficient use of land by exceptionally allowing lower levels of private amenity space for town centre sites, in order to maximise sites with the highest accessibility. Option 1 may help to enhance the vitality and viability of the town centres; developing vacant sites in the town centre and providing residential development in the upper storeys of buildings will bring more people into the town centre and contribute to the night time economy. Option 2 is likely to have positive effects similar to option 1, as it will require the provision of private amenity space. However, as this option does not set targets it is uncertain whether sufficient levels of amenity space will be provided to bring the same benefits as option 1. If very small areas of amenity space are provided, negative effects on social cohesion could occur as residents will not be provided with sufficient privacy and would not have enough storage space for recycling facilities. Impacts under option 3 are largely uncertain. Without a policy requiring the provision of private amenity space the local planning authority would find it difficult to require private amenity space and so it would be likely that very low levels or even no space at all would be provided. As with option 2, it is very likely that there would be negative effects on social cohesion by failing to provide private spaces and storage space for recycling facilities would not be provided.

✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
Opt 1	✓					✓			✓
Opt 2									
Opt 3									

The 2010 Sustainability Appraisal found that option 1 meets 3 out of the 9 sustainability criteria and is the most suitable option, including having no policy at all.

Policy wording:

**POLICY DP4 – PRIVATE AMENITY SPACE FOR RESIDENTIAL DEVELOPMENT**

Private amenity space shall be provided for new dwellings in accordance with the following minimum standards:

For houses:

three or more bedroom house - 100 square metres;

two bedroom house - 75 square metres;

one bedroom house - 50 square metres;

For flats, apartments or maisonettes:

- i. 25 square metres per dwelling provided communally; and
- ii. 50 square metres private garden area for a ground floor dwelling and a minimum balcony area of 5 square metres for units above.

In Town Centres, a lower provision of private amenity space may be acceptable.

Proposals involving the change of use, development or sub-division of existing areas of private amenity space must ensure that the above minimum standards are maintained for those existing properties.

For proposals for specialist residential accommodation, including care homes, nursing homes and other non-custodial institutions, the development must ensure sufficient external space to accommodate the normal recreational and other needs of residents, visitors or employees.

Implementation:

Development Management decisions will ensure the provision of adequate private amenity space through the grant of planning permission.

Monitoring:

The effectiveness of the policy can be measured by monitoring whether:

- Outside of town centres, new residential development meets the minimum private amenity space standards; and
- Specialist residential accommodation proposals identify and make appropriate provision for external space needs.

**DP5 – Landscape Impacts** – See Technical Paper 8 – “Core Policies” which provides background to this policy along with Core Policy 10 – “The Countryside Landscape”.

## **DP6- Development Affecting Protected Trees and Hedges**

### Purpose of Policy:

To ensure that adverse impacts of development on protected woodland, trees and hedgerows are prevented.

### Link to Spatial Objectives:

**PL2:** Protect and enhance the district’s biodiversity, attractive countryside, its coastal assets and the character of its historic and architecturally important assets.

Development Policy 6 will ensure that protected trees and hedges, as important assets to the district’s environment, are protected from development which could cause them harm.

### Link to National Planning Policy:

PPS1: Delivering Sustainable Development aims to protect and enhance the natural environment, reducing negative impacts of development on landscape quality, habitats and biodiversity. It is important to ensure the delivery of healthy, attractive places to live, supporting a better quality of life and also supporting the creation of natural habitats and sustainable landscapes.

PPS9: Biodiversity and Geological Conservation requires the value of biodiversity and natural habitats to be recognised. Natural habitats, including protected trees, hedges and ancient woodlands need to be conserved, enhanced and where possible restored to avoid the loss of these important spaces which contribute to quality of life, sustaining attractive landscapes and protecting our important natural environment.

### Evidenced Justification:

Policy DP6 expands upon the principles of Core Policy 8 on nature conservation by setting out the Council’s position on development affecting protected trees and hedges which provide important habitats for a range of wildlife, contribute towards the appearance and quality of the environment, provide shelter and help reduce noise and atmospheric pollution.

The Landscape Character Assessment, 2001, recognises the importance of all elements of a landscape, including important or protected trees, hedgerows and woodlands. The assessment highlighted key sensitivities within 30 different landscape character areas that need to be taken into account when considering development proposals, whether it is covered by a landscape designation or not. This assessment also highlighted particular measures of protection and management that are required to protect (and where possible enhance) important landscapes within the district, including the protection and management of trees, hedgerows and woodlands.

Development that would result in the loss of or damage to protected woodlands, trees and hedgerows, will not normally be granted planning permission. When it is not feasible to retain a preserved tree or important hedgerow, the Council will require the provision of appropriate replacements to ensure the landscape character of the area is not compromised.

### Comments raised during Public Consultation:

In response to the 2009 Discussion Document on Issues and Possible Options, members of the public and other stakeholders raised the following points:

- The natural environment, including protected trees and hedges, are an important asset within Tendring which must be safeguarded in the planning process.

Development Policy 6 addresses this point by following the recommended approach to protect the natural environment, in particular protected trees and hedges.

Findings of the Sustainability Appraisal:

Option 1 is to include a policy requiring the protection of protected woodland, trees and hedges.

Option 2 is to not include a policy.

Trees and hedges are an important biodiversity resource and contribute to landscape setting. They also reduce noise and atmospheric pollution. Whilst important trees and hedges are protected by legislation the inclusion of a policy requiring their protection ensures that this issue is considered at the development control stage and that where a loss is considered acceptable a replacement tree is provided.

✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
Opt 1					✓			✓	
Opt 2									

The 2010 Sustainability Appraisal found that option 1 meets 2 out of the 9 sustainability criteria and is the most suitable option, including having no policy at all. As much of the district is rural in character it is particularly important that features of the natural environment are protected. Protected trees and hedges are important environmental assets within Tendring with their presence creating attractive places for people to live and work and contributing to the well being of the community.

Policy Wording:

**POLICY DP6 – DEVELOPMENT AFFECTING PROTECTED TREES AND HEDGES**

Planning permission will be refused for development that would cause demonstrable harm to protected woodland, trees and hedgerows or conditions will be imposed requiring the developer to secure their protection. Where the felling of a preserved tree or removal of a hedgerow is permitted a replacement tree or hedge of an appropriate type, size and in a suitable location, will be required.

Implementation:

The policy will be implemented by ensuring that advice from specialist consultees, including Natural England and the Essex Wildlife Trust is taken into account to ensure protected trees and hedges are considered during proposals for new development. Development Management



decisions will ensure that development which could adversely affect a protected tree or hedge would be refused or have conditions imposed requiring the developer to secure their protection.

Monitoring:

The effectiveness of the policy will be measured by monitoring:

- Whether protected trees or hedges are removed or felled; and
- Whether, if protected trees or hedges are removed or felled appropriate replacements have been planted.

## **Policy DP7 – Development in Conservation Areas**

### Purpose of Policy:

To highlight criteria against which proposals within the district's conservation areas will be considered. The purpose of the policy is to protect the character and setting of the district's conservation areas from inappropriate forms of development.

### Link to Spatial Objectives:

**PL2:** Protect and enhance the district's biodiversity, attractive countryside, its coastal assets and the character of its historic and architecturally important assets.

Development Policy 7 will protect and enhance important historic and architectural features within the district's conservation areas.

**PL5:** Promote high quality, energy efficient design that respects local character and contributes positively to achieving a 'sense of place'.

Development Policy 7 encourages high quality design that respects the character and setting of the district's conservation areas.

### Link to National Planning Policy:

PPS1: Delivering Sustainable Development (and Climate Change Supplement) requires development plan policies to take into account important environmental issues such as conserving and enhancing the built heritage.

PPS3: Housing requires design policies that seek to maintain and enhance existing character.

PPS5: Planning for the Historic Environment requires policies that take a proactive and positive approach to conserving and enhancing the historical environment.

PPS7: Sustainable Development in Rural Areas requires design policies that seek to maintain and enhance existing character.

PPG19: Outdoor Advertisement Control encourages local planning authorities to consider policies that seek to control outside advertisements to ensure inappropriate development within conservation areas is prevented.

### Evidenced Justification:

Within Tendring's Conservation Areas there is evidence of a decline in quality caused by inappropriate development in the past that has had a negative effect on the character and setting of the Conservation Area. This demonstrates the need to carefully manage change to ensure areas of important architecture and heritage are protected for future generations.

Character appraisals were prepared for all of Tendring's Conservation Areas highlighting both positive and negative aspects of each area. A number of Conservation Areas have recently had management plans prepared which take the character appraisals a stage further and set out what changes are needed to retain the positive aspects of each area and the measures needed to improve and enhance the negative aspects.

Comments raised during Public Consultation:

In response to the 2009 Discussion Document on Issues and Possible Options, members of the public and other stakeholders raised the following points:

The historic environment is an important asset that must be protected (and wherever possible, enhanced) through the planning process.

Conservation area designations should continue to be used to help protect areas of important architecture or historic character.

Development Policy 7 addresses these points by setting out detailed criteria against which proposals for development within the district's conservation areas will be considered.

Findings of the Sustainability Appraisal:

Option 1 is to include a policy setting out the criteria that will need to be met for development in conservation areas.

Option 2 is to not include a policy.

Whilst conservation areas are statutorily protected the inclusion of a policy ensures that the different aspects that make a conservation area unique are carefully considered as part of all development proposals. A policy could also include criteria that generally may not be considered such as the protection of important open spaces within the conservation area and trees/hedges (which will also help to protect nature conservation interests). Whilst climate change objectives can conflict with the conservation of the historic environment applications within conservation areas (and indeed elsewhere in the district) should seek to reduce carbon dioxide emissions. Development in conservation areas can provide opportunities for enhanced energy efficiency, improved resilience to weather, greater renewable energy and sustainable drainage and use of water.

✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
Opt 1					✓		✓	✓	
Opt 2									

The 2010 Sustainability Appraisal found that option 1 meets 3 out of the 9 sustainability criteria and is the most suitable option, including having no policy at all.

Policy wording:

**POLICY DP7 – DEVELOPMENT IN CONSERVATION AREAS**

Within a Conservation Area, development will not be permitted unless the proposal:

- a) is of a design and/or scale that preserves or enhances the special character or appearance of the area and is compatible with neighbouring buildings and spaces;
- b) uses building materials, finishes and building techniques, including those for features such as walls, railings, gates and hard surfacing, that are appropriate to the local context;

- c) retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges;
- d) retains and restores, where relevant, traditional features such as shop fronts, walls, railings, paved surfaces and street furniture, and improves the condition of structures worthy of retention;
- e) does not harm important views into, from or within the area;
- f) protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the special character and appearance of the Conservation Area; and
- g) results, where relevant, in the removal of unsympathetic features and the restoration or reinstatement of missing features.

Permission for development involving demolition within Conservation Areas will only be granted if it can be demonstrated that:

1. the proposed structure/development would result in a material visual improvement to the appearance of the area; or
2. the existing structure is beyond repair, incapable of beneficial use or is itself harmful to the character of the Conservation Area.

Permission will not be granted for development outside but near to a Conservation Area if it detracts from that Area's character, applying the above criteria.

In applying this policy, the Council will have regard to its Conservation Area Appraisals.

#### Implementation:

Implementation will be through the grant of planning permission. Some planning permissions may include conditions or planning obligations to further enhance the conservation area.

#### Monitoring:

The effectiveness of the policy will be measured by monitoring:

- the number of planning applications granted permission contrary to English Heritage advice on design and compatibility of development in the conservation area;
- the demolition or removal of important heritage assets within the conservation area; and
- the amount of change taken place with the conservation area when appraisals/management plans are updated.

## **Policy DP8 – Development Affecting Listed Buildings**

### Purpose of Policy:

To highlight criteria against which proposals for development affecting a listed building will be considered. The purpose of the policy is to protect listed buildings and their setting from inappropriate forms of development or demolition.

### Link to Spatial Objectives:

**PL2:** Protect and enhance the district's biodiversity, attractive countryside, its coastal assets and the character of its historic and architecturally important assets.

Development Policy 8 will protect listed buildings from inappropriate forms of development and seek their enhancement, wherever possible.

**PL5:** Promote high quality, energy efficient design that respects local character and contributes positively to achieving a 'sense of place'.

Development Policy 8 encourages high quality design for development affecting a listed building, seeking to restore the original character and appearance of the building wherever possible.

### Link to National Planning Policy:

PPS1: Delivering Sustainable Development (and Climate Change Supplement) requires development plan policies to take into account important environmental issues such as conserving and enhancing the built heritage.

PPS3: Housing requires design policies that seek to maintain and enhance existing character.

PPS5: Planning for the Historic Environment requires policies that take a proactive and positive approach to conserving and enhancing the historical environment.

PPS7: Sustainable Development in Rural Areas requires design policies that seek to maintain and enhance existing character.

PPG19: Outdoor Advertisement Control encourages local planning authorities to consider policies that seek to control outside advertisements to ensure inappropriate development within conservation areas is prevented.

### Evidenced Justification:

Tendring has a high number of important listed buildings that make a positive contribution to local character and the area's rich historic built environment. However, these buildings and their settings are sensitive to change and can be negatively affected by poor design and inappropriate development if left unchecked. The need to protect these buildings for future generations is a key objective of national planning policy. The planning system already places strict controls on what changes can and cannot be made to listed buildings including the need to gain a special type of permission for any works on a listed building.

### Comments raised during Public Consultation:

In response to the 2009 Discussion Document on Issues and Possible Options, members of the public and other stakeholders raised the following points:

The historic environment is an important asset that must be protected (and wherever possible, enhanced) through the planning process.

Listing buildings to protect important architecture or historic character should continue to be used. The Council should consider listing buildings of local importance to ensure they are not unnecessarily lost or altered by inappropriate forms of development

Development Policy 8 addresses these points by setting out detailed criteria against which proposals for development affecting a listed building and its setting will be considered.

Findings of the Sustainability Appraisal:

Option 1 is to include a criteria based policy setting out the criteria that applications affecting listed buildings will need to comply with.

Option 2 is to include a policy stating that development will be refused where it fails to preserve or enhance the special character and/or setting of a listed building.

Option 3 is to include a policy stating that proposals affecting listed buildings will be determined in accordance with legislative provisions and policy.

All options will protect and enhance listed buildings. The most positive impact will occur under option 1, which involves a criteria based policy, which will clearly set out the main considerations that proposals affecting listed buildings will need to address. Whilst options 2 and 3 would also protect and enhance listed buildings these policies do not bring anything further to the protection already provided by legislation and should not be taken forward. Whilst climate change objectives can conflict with the conservation of the historic environment applications relating to listed buildings should seek to reduce carbon dioxide emissions. Development can provide opportunities for enhanced energy efficiency, improved resilience to weather, sustainable drainage and use of water and possibly even renewable energy.

✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
Opt 1								✓	
Opt 2									
Opt 3									

The 2010 Sustainability Appraisal found that option 1 meets 1 out of the 9 sustainability criteria and is the most suitable option.

Policy wording:

**POLICY DP8 – DEVELOPMENT AFFECTING LISTED BUILDINGS**

Development affecting a Listed Building or its setting will only be permitted where it:

- a) is justified through an assessment of the works and their impact on the listed building and its setting provided as part of the application;
- b) does not have an unacceptable effect on the special architectural or historic character and

appearance of the building or setting;

- c) uses building materials, finishes and building techniques, including those for features such as walls, railings gates and hard surfacing, that respect the listed building and its setting;
- d) incorporates landscaping that has regard to the character and appearance of the Listed Building where landscaping is needed;
- e) is of appropriate scale and design;
- f) results, where relevant, in the removal of unsympathetic features and the restoration or reinstatement of missing features; and
- g) would contribute towards ensuring the continued use of the building.

Implementation:

Implementation will be through the grant of planning permission. Some planning permissions may include conditions or planning obligations to further enhance the appearance or setting of a listed building.

Monitoring:

The effectiveness of the policy will be measured by monitoring:

- the number of planning applications granted permission contrary to English Heritage advice on design and compatibility of development affecting a listed building; and
- the demolition of listed buildings in the district.

## **DP9 – Development in Defined Centres.**

### Purpose of Policy:

Policy DP9 sets out the criteria that proposals for new development in defined centres must achieve.

### Link to Spatial Objectives:

**MG4:** Link housing and job growth to tackle unemployment and minimise the need to commute outside the district.

Development Policy 9 will assist in ensuring that the ground floors of premises in “centres” remain in use for employment purposes therefore supporting the districts new housing growth. This spatial objective will assist in building sustainable town, district, village and neighbourhood centres.

**PL5:** Promote high quality, energy efficient design that respects local character and contributes positively to achieving a sense of place.

Achieving a sense of place is critical to the success of the districts “centres”. This objective will ensure that all new development is high quality which can improve the character of an area and therefore assist in improving the economic viability of the districts “centres”.

Development Policy 9 will aim to promote high quality, energy efficient design that respects local character and contributes positively to achieving a sense of place.

**PR2:** Support and promote growth and diversification in tourism, making best use of the district's natural and man made features.

Tourism facilities are an important feature of the districts town, district, village and neighbourhood centres. This spatial objective will ensure that where appropriate tourism uses contribute to delivering a mix of uses within the districts “centres”.

**PR4:** Improve the image, vitality and viability of the district's town, village and neighbourhood centres through public realm improvements, creating jobs and achieving sustainable housing growth.

Many of the districts town, district and village centres are identified as “Regeneration Areas” or deprived areas. This spatial objective will seek to improve the image, vitality and viability of the district's “centres”.

**PR7:** Resist the loss of existing job opportunities.

This spatial objective will assist in ensuring that the ground floors of premises in “centres” remain in use for employment purposes therefore supporting the districts new housing growth. This spatial objective will assist in building sustainable town, district, village and neighbourhood centres.

**PE1:** Delivering new housing, jobs, services and facilities in the district's most deprived areas.

It is essential that the districts town, village and neighbourhood centres receive new housing, jobs and services to help build sustainable and viable communities.

**PE5:** Ensure, through design, that the new development promotes social inclusion and minimises the opportunities for crime and antisocial behaviour.



This spatial objective will ensure that all proposals for new development demonstrate that every chance has been taken through the design process to promote social inclusion and designing out the opportunities for crime and antisocial behaviour associated with certain areas.

Link to National Planning Policy:

PPS1: Delivering Sustainable Development requires that development plan policies take account of issues such as sustainable development.

PPS4: Planning for Sustainable Economic Growth requires that development plan policies take account of issues such as planning for sustainable economic growth in particular “Planning for Centres” which set out a strategy for the management and growth of centres over the plan period.

Evidenced Justification:

Core Policy 16 of this document lists the Town, District, Village and Neighbourhood Centres in the Tendring district where the Council will promote commercial activity and protect and enhance their vitality and viability to safeguard local services and job opportunities. These areas will be the focus for new ‘town centre uses’ as defined in PPS4 (or as superseded by subsequent replacements or amendments).

Policy DP9 below expands upon Core Policy 16 and the requirements of PPS4 by setting out the criteria that proposals for new development in the defined centres must achieve. Importantly, the Council will seek to secure a mix of town centre uses. Whilst residential development can add to the vitality of a town centre, it should not result in the loss of opportunities for commercial, leisure and other non-residential activities especially on the ground floor. Therefore Policy DP9 will only allow ground floor residential accommodation in exception circumstances.

Developments should have ‘active’ street frontages which add interest, life and vitality to the public realm. This includes doors and windows avoiding blank walls; narrow frontage buildings; well articulated facades (e.g. with bays and entrance porches/ canopies); and easily visible internal uses, which may have scope to spill onto the street.

Comments raised during Public Consultation:

There were not any specific responses regarding a “development in defined centres” policy. However, the overall consensus from the consultation was that the town centre should be protected and improved with core and development policies.

Development Policy 9 addresses this point by ensuring that development will be expected to provide an appropriate mix of ‘town centre uses’ with active street frontages at ground floor level within any of the defined town, district, village or neighbourhood centre’s listed in Core Policy 16 of this document.

Findings of the Sustainability Appraisal:

Option 1 is to include a policy, which will only allow the change of use to residential at ground floor level in any of the district’s town/district/neighbourhood centres where the frontage is not an active street frontage or the building is already in 100% residential use.

Option 2 is the no plan option.

Option 1 will make clear that proposals for Clacton town centre will be assessed against the policies in the Clacton Area Action Plan. Under the no plan option there may be some ambiguity over the acceptable mix of uses in Clacton town centre in light of PPS6. Option 1 will enhance the

vitality and viability of the district's retail centres by ensuring that ground floor units remain in active use and are not converted to residential. Whilst this could still be the case under the no plan option as PPS6 refers to residential being an appropriate town centre uses for upper storeys of buildings this is not certain.

✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
<b>Opt 1</b>	✓	✓							
<b>Opt 2</b>	✓								

It is considered that option 1 which meets 2 out of the 9 sustainability criteria and is the most sustainable option compared with option 2 which meets only 1 of the sustainable criteria.

Policy wording:

**POLICY DP9 – DEVELOPMENT IN DEFINED CENTRES**

Development will be expected to provide an appropriate mix of ‘town centre uses’ with active street frontages at ground floor level within any of the defined town, district, village or neighbourhood centres listed in Core Policy 16 of this document.

The development of (or change of use to) residential use at ground floor level will only be permitted where it:

- i. lies to the rear of a ‘town centre use’ with an active street frontage and does not jeopardise the operation or economic viability of that town centre use; or
- ii. involves the replacement of a building that already has 100% residential use at ground floor level.

Proposals for development in Clacton Town Centre will additionally be assessed against the policies contained in the Clacton Town Centre Area Action Plan (CAAP).

Implementation:

The Councils Development Management Officers will use this policy effectively by ensuring that development proposals provide an appropriate mix of ‘town centre uses’ with active street frontages at ground floor level within any of the defined town, district, village or neighbourhood centre’s listed in Core Policy 16 of this document.

Monitoring:

The effectiveness of the policy will be measured by assessing and monitoring the number of active frontages in defined centres. Whether the Council is meeting the objectives linked to this policy will be reported each year in the Council’s Annual Monitoring Report.

## **DP10- Conversion and Re-Use of Redundant Buildings in the Countryside**

### Purpose of Policy:

To ensure that the conversion and re-use of redundant buildings in the countryside is only permitted in exceptional circumstances; when a number of specified criteria are met to encourage a viable and lively economy or to contribute positively to the character of the countryside.

### Link to Spatial Objectives:

**MG3:** Manage urban growth to minimise environmental impacts, maximise the re-use of previously developed land, prevent uncontrolled sprawl into the open countryside or along the coast and maintain and secure important countryside gaps between different settlements.

Development Policy 10 will ensure, where appropriate, the re-use of previously developed land and redundant buildings in the countryside, reducing the need for development on green field land.

**PL2:** Protect and enhance the district's biodiversity, attractive countryside, its coastal assets and the character of its historic and architecturally important assets.

Development Policy 10 will ensure a positive contribution is made to the countryside character through the conversion or re-use of buildings, in particular those buildings of historic or architectural importance that would otherwise remain redundant.

**PR2:** Support and promote growth and diversification in tourism, making best use of the district's natural and man made features.

Development Policy 10 will ensure, where appropriate, redundant buildings in the countryside are re-used or converted to support a prosperous tourism industry.

**PR6:** Support growth, diversification and stability in the rural economy.

Development Policy 10 will ensure, where appropriate, the conversion and re-use of redundant buildings in the countryside for business and tourism use, to support a prosperous and diversified rural economy.

### Link to National Planning Policy:

PPS4: Planning for Sustainable Economic Growth supports the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside for economic development (and in appropriate circumstances residential use) to sustain prosperous economies in rural areas. The positive impact that this development has on the rural economy however, would have to outweigh any negative impacts on the countryside landscape and any associated heritage assets.

PPS5: Planning for the Historic Environment seeks to protect the heritage assets of both urban and rural areas, including buildings of particular historic or architectural value in the countryside. Buildings that contribute positively to the landscape value and historic character of an area should be conserved and protected from inappropriate development and where appropriate should be brought into use for the enjoyment of residents and visitors alike.

PPS7: Sustainable Development in Rural Areas aims to promote quality of life and the environment in rural areas, encouraging sustainable patterns of development while also promoting local distinctiveness and the unique character of the countryside. This includes the promotion of

appropriate development in the countryside, in sustainable locations to meet local need, including the conversion and re-use of redundant buildings.

#### Evidenced Justification:

In the interest of encouraging a lively and viable rural economy PPS7 and PPS4 encourage the diversification of declining farms and agricultural land holdings including the re-use or conversion of rural buildings for employment purposes. Some rural buildings may also be suitable for recreational/tourism purposes. Core Policy 2 therefore identifies the conversion and re-use of redundant buildings for business use or self-catering tourist accommodation as an appropriate form of development in the countryside.

In exceptional cases, the replacement of an existing redundant building might be acceptable where the building in question is physically unsuitable for business/tourism use or structurally unsound. In these instances, the new building will be required to be of similar dimensions to the original building and bring about a net environmental improvement to the locality.

For rural buildings of historical or architectural interest (both listed and unlisted) or attractive buildings that make a valuable contribution to the character of the countryside through their positive presence in the landscape, the conversion or re-use for residential use might be acceptable in exceptional circumstances where it will safeguard the future of that building and where a business or tourism use has been shown to be inappropriate or unviable.

In making a case for the residential re-use of redundant rural building, a planning application will need to be supported by a full structural survey to demonstrate that the building can be converted with minimal alterations. Where substantial reconstruction is necessary, the proposal will be considered in the same way as a new building in the countryside and will not be permitted.

This policy will not necessarily apply to buildings erected under a “prior notification”, which may need to be removed if redundant.

#### Comments raised during Public Consultation:

In response to the 2009 Discussion Document on Issues and Possible Options, members of the public and other stakeholders raised the following points:

- A policy regarding rural regeneration and farm diversification should be included, to ensure sustainable rural economies through the planning process.

Development Policy 10 addresses this point by following the recommended approach to diversify the rural economy through the conversion and re-use of redundant buildings in the countryside.

#### Findings of the Sustainability Appraisal:

Option 1 is to include a policy allowing the re-use of rural buildings for employment purposes providing that the use is small scale and respects the character of the area and protected species are not adversely affected. Conversion to residential use will only be permitted where an alternative use would not be viable and the building is of permanent and substantial construction.

Option 2 is to include a more permissive policy.

Option 3 is to include a more restrictive policy.

Option 4 is to include a policy requiring replacement buildings in the countryside for employment purposes or tourist purposes to be permitted where the existing building is not physically suitable

or structurally sound for the proposed use and the replacement building is no greater in height of floorspace. The re-use of a redundant building for residential use will only be permitted where it is essential to retain the building because of its architectural or historic interest; an alternative use would not be viable, the building is practical for residential use and will only involve one unit.

Option 1 could result in residential development, although this will be the exception as housing should be directed to existing settlements, this option is most likely to lead to new employment opportunities. Tourism uses can be a good use of a rural building; these uses generate jobs but are often not as intensive as residential or B1, B2 and B8 employment uses. Accessibility is an issue for conversion of rural buildings as workers may need to travel to the site and the provision of public transport in rural areas is poor. However, the conversion of rural buildings to employment uses will provide good access for rural residents to employment opportunities. Proposals should consider the enhancement of sustainable modes of travel, for example cycle parking facilities and changing rooms could be provided to make cycling a realistic option. This option requires an ecological survey to be submitted with an application. Many rural buildings are curtilage listed and their re-use will protect the district's historic assets by stopping these buildings falling into disrepair. Where development involves the re-use of a historic building it must clearly show that the historic fabric and character of the building will not be adversely affected and that all opportunities have been taken to incorporate enhancement measures. A more permissive policy would involve increased change of use of rural buildings to residential use, which is more profitable than other uses, contrary to the objective of ensuring that residential development is accessible to local services/ facilities. It would likely result in the development of inaccessible sites, increasing the need to travel. A more permissive policy is unlikely to ensure that biodiversity and landscape character are protected by leading to large scale development, inappropriate for the rural areas. The re-use of existing buildings will promote regeneration; a more restrictive policy could result in rural buildings falling into disrepair, including historic buildings. A restrictive policy would be unlikely to contribute to the rural economy by placing strict criteria on proposals for the re-use of rural buildings. It is likely to result in the refusal of applications that are not accessible by a good choice of means of transport and will have a positive impact on nature conservation by not allowing any development close to designated sites. Option 4 will contribute to the rural and tourist economy by supporting proposals for the re-use of rural buildings for business and self catering tourist accommodation. This option requires the re-use of a building rather than the replacement in all but the most exceptional circumstances and residential re-use will have to meet a strict set of criteria. This option will support the re-use of buildings of architectural or historical interest. Protected species will not be referred to under this option; whilst these are statutorily protected and are referred to in other policies bats and barn owls are commonly found in rural buildings and their presence should be considered as part of all proposals for the re-use of rural buildings. Option 4 is more balanced than the alternatives.

✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
<b>Opt 1</b>								✓	
<b>Opt 2</b>	✓	✓							
<b>Opt 3</b>				✓			✓		
<b>Opt 4</b>									

Policy Wording:

**POLICY DP10 – CONVERSION AND RE-USE OF REDUNDANT BUILDINGS IN THE COUNTRYSIDE**

The re-use or conversion of a redundant building in the countryside for business use or self-catering tourist accommodation will only be permitted where it meets all the requirements of Policy DP1 and other relevant policies in this document.

The replacement of a redundant building in the countryside with a new building to accommodate business use or self-catering tourist accommodation will only be permitted in exceptional circumstances where:

- i. The existing building is not physically suitable or structurally sound for the proposed use;
- ii. The replacement building is no greater in height or floor area than the original building and would bring about a net environmental improvement to its location and setting; and
- iii. It would meet all the requirements of Policy DP1 and other relevant policies in this document.

The re-use or conversion of a redundant building in the countryside for residential use will only be permitted where it meets all of the following:

- i. It is essential to retain the building because of its architectural or historical interest, its contribution to the character of the countryside through its positive presence in the landscape, or its contribution to a group of buildings in the countryside;
- ii. The applicant has demonstrated to the satisfaction of the Council that the building is unsuitable or not economically viable for its current use and for alternative non-residential uses and that residential use is the only possible way that the building can be saved;
- iii. The building is practical for residential use and will not require substantial alteration or extension.
- iv. The creation of a residential curtilage will not have a harmful impact on the character of the countryside;
- v. It only involves the creation of one single residential dwelling per building; and
- vi. It would meet all the requirements of Policy DP1 and other relevant policies in this document.

The replacement of a redundant building in the countryside with a new building for residential use will not be permitted.

Implementation:

The policy will be implemented through Development Management decisions, ensuring that proposals for the re-use and conversion of redundant buildings in the countryside meet the criteria listed in the policy.

Monitoring:

The effectiveness of the policy will be measured by monitoring:

- The number of redundant buildings in the countryside gaining planning permission for residential use; and
- The number of redundant buildings in the countryside gaining planning permission for business use.

## **DP11 – Occupancy Timescales for Tourist Accommodation.**

### Purpose of Policy:

Policy DP11 provides criteria against which any proposal relating to occupancy timescales for tourist accommodation will be considered.

### Link to Spatial Objectives:

**PL1:** Minimise the risk to human life and property from flooding and coastal erosion taking into account the likely impacts of climate change.

Some of the districts tourist accommodation is located in areas particularly prone to coastal erosion and flooding. This objective delivered through Development Policy 11 will aim to minimise the risk to people staying in tourist accommodation located in flood risk areas.

**PR2:** Support and promote growth and diversification in tourism, making best use of the district's natural and man made features.

Viable and successful towns and villages is essential for the Councils overall strategy of building viable and sustainable communities. This objective delivered through Development Policy 11 will aim to ensure that any tourist accommodation enterprise is operated safely with minimal risk to residents and tourists.

### Link to National Planning Policy:

PPS25: Development and Flood Risk (Annex D) requires that development plan policies take account of issues such as holiday or short-let caravans and camping, other temporary occupancy sites and permanently occupied caravan, mobile home and 'park home' sites that use similar structures give rise to special problems in relation to flooding.

### Evidenced Justification:

The holiday occupation period in Tendring covers 10½ months of the year because the accommodation is often unsuitable for permanent occupation and the loss of holiday accommodation to permanent residential use displaces accommodation intended for tourism use, which has a knock-on effect on the district's economy. Additionally, most of the district's holiday accommodation is located in areas that are vulnerable to flooding.

### Comments raised during Public Consultation:

Overall, the majority of respondents agreed that a development policy for controlling the occupancy for tourist accommodation should be included. Development Policy 11 addresses these points by ensuring that proposals for new tourist accommodation does not give rise to permanent residential use.

### Findings of the Sustainability Appraisal:

Option 1 is impose an occupancy restriction of 14 January to 1 March for the majority of holiday accommodation and a restriction of 31 October to 1 March for sites served by poor infrastructure, at risk of flooding and adjacent to nature conservation sites.

Option 2 is to impose an occupancy restriction of 14 January to 1 March for all holiday accommodation.



Many of the district's tourist attractions are located at the coast and during the winter these sites are more susceptible to flooding. This risk will increase throughout the plan period. UKCP09 (climate projections) forecast that on average winter precipitation will increase by 6% under a medium emissions scenario and 7% under a high emissions scenario by 2020 and sea levels will rise by 6.2cm by 2010 and 9.7cm by 2020 (from a 1990 baseline). Whilst both options will minimise flood risk to people by restricting occupancy over the winter period a more positive impact will occur under option 1, which includes stricter occupancy restrictions in areas at risk of flooding. Option 1 will also have a more positive impact on nature conservation. The over-wintering period is one of the most sensitive for the species that form the key features of the international sites in the district and this extended restricted occupancy period will avoid disturbance to species at this important time. Option 2 includes less restrictive occupancy restrictions than option 1 and so will have a more positive impact on the tourist economy than option 1.

✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
Opt 1							✓	✓	
Opt 2		✓							

It is considered that option 1 which meets 2 out of the 9 sustainability criteria and is the most sustainable option compared with option 2 which meets only 1 of the sustainable criteria.

Policy wording:

**POLICY DP11 – OCCUPANCY TIMESCALES FOR TOURIST ACCOMMODATION**

The occupation of all types of holiday units, including chalets and caravans, will only be permitted between 1<sup>st</sup> March in any one year and 14<sup>th</sup> January in the subsequent year (inclusive). Occupancy will be further restricted to the period 1<sup>st</sup> March to 31<sup>st</sup> October in any one year where the site:

- i. lacks the necessary and appropriate infrastructure and services for longer occupation; or
- ii. is located in an area of flood risk, or in the vicinity of a site designated for nature conservation.

Implementation:

The Council's Development Management Officers will use this policy effectively to by ensuring that proposals for new tourist accommodation does not give rise to permanent residential use.

Monitoring:

The effectiveness of the policy will be measured by assessing and monitoring the number of applications for new tourist accommodation and where necessary using enforcement officers to assess the numbers of people staying in tourist accommodation outside of the permitted occupancy timescales. Whether the Council is meeting the objectives linked to this policy will be reported each year in the Council's Annual Monitoring Report.

## **DP12 – Agricultural / Forestry Buildings and Structures.**

### Purpose of Policy:

Policy DP12 provides criteria against which any proposal relating to agricultural / forestry buildings and structures will be considered.

### Link to Spatial Objectives:

**MG3:** Manage urban growth to minimise environmental impacts, maximise the re-use of previously developed land, prevent uncontrolled sprawl into the open countryside or along the coast and maintain and secure important countryside gaps between different settlements

The countryside must be protected for its own sake. Certain new development can be intrusive and detrimental to the countryside. This objective delivered through Development Policy 12 will ensure that any development relating to agriculture and forestry does not impact negatively on the countryside.

**MG4:** Link housing and job growth to tackle unemployment and minimise the need to commute outside the district.

Providing employment in rural area (relating to forestry and agriculture) is key to ensuring viable and sustainable rural communities, where residents that live in rural areas do not have to travel unsustainable distances to find employment.

**PL2:** Protect and enhance the district's biodiversity, attractive countryside, its coastal assets and the character of its historic and architecturally important assets.

Development in sensitive locations is restricted. This objective delivered through Development Policy 12 will ensure that the districts biodiversity and other natural assets are not compromised as a result of development related to agriculture and forestry.

**PL5:** Promote high quality, energy efficient design that respects local character and contributes positively to achieving a sense of place.

It is important to protect the rural economy and countryside in that any new development related to agriculture or forestry is designed appropriately respecting the surrounding environment and has minimal impact. This objective delivered through Development Policy 12 will ensure and promote high quality design.

**PR6:** Support growth, diversification and stability in the rural economy.

Where appropriate it is essential that the forestry and agricultural industry is allowed to grow subject to the criteria listed in this policy. Development Policy 12 will assist in delivering viable and sustainable rural communities.

### Link to National Planning Policy:

PPS1: Delivering Sustainable Development requires that development plan policies take account of issues such as sustainable development.

PPS7: Sustainable Development in Rural Areas requires that development plan policies take account of issues such as sustainable development in rural areas and agricultural and forestry development.

### Evidenced Justification:

Agriculture plays an important role in the economy of Tendring District which is predominantly rural. Core Policy 2 states that agricultural-related development generally requires a countryside location, and policy DP12 contains criteria against which proposals for agricultural and forestry buildings and structures will be considered.

Certain types of agricultural-related development do not require planning permission but for those that do, it is essential that buildings or structures have a minimum impact on the environment. Modern farming techniques require larger buildings for storage and processing which can impact on the landscape and potentially pollute watercourses and sources of ground water supply.

Accordingly, the Council may require applicants to provide evidence to justify the need for a new building as well as its size. New buildings should be located close to existing farm buildings or an existing settlement to minimise physical intrusion into the open countryside.

The Haven Gateway Partnership has produced a 'Farmer's Guide to Planning' which provides useful advice to those proposing new agricultural related development.

National planning policy allows for residential accommodation for workers involved in agriculture, forestry and, in exceptional cases, other rural-based enterprises where the nature and demands of the operation make it essential for the worker(s) engaged in the enterprise to live at, or very close to, the site of their work.

Any permitted dwelling will be restricted, through the use of occupancy conditions, to the use of those workers with an essential need for the accommodation and their families. Any application to relax these conditions will be judged against policy DP12.

### Comments raised during Public Consultation:

Overall, the majority of respondents agreed that a development policy for controlling inappropriate development in the countryside should be included. Development Policy 12 addresses these points by ensuring that proposals for new agricultural / forestry development must demonstrate a genuine need and not impact unduly upon the countryside.

### Findings of the Sustainability Appraisal:

Option 1 is to include a policy stating that only proposals that support agricultural or forestry needs that are well related to an existing farmstead or settlement and comply with other policies will be permitted. The policy will also refer to national guidance concerning agricultural/forestry workers dwellings and state that proposals for the removal of an occupancy restriction will only be accepted where there is no long term need for an agricultural workers dwelling in the locality and the dwelling was not completed less than 3 years ago.

Option 2 is to not include a policy.

Many agricultural buildings are constructed under permitted development rights; however in some cases planning permission is required. The appraisal has not identified any differences between the options in terms of agricultural buildings; development will come forward under both and will be required to demonstrate a genuine need, protect landscape and be of good design. Both options will ensure that genuine applications for agricultural workers dwellings can be provided. In the absence of a policy annex A of PPS7 will be used to determine applications for agricultural workers dwellings. Agricultural workers dwellings help to sustain a farming enterprise and reduce the need for agricultural workers to travel to the farm. Development will take place in the countryside and is

therefore likely to affect biodiversity, landscape and result in the loss of greenfield land. However, other policies in the plan should ensure that adverse effects are minimised. To reduce the landscape impact development should be located close to existing buildings and/or areas of hardstanding. Option 1 will have a more positive impact on the rural economy as it includes criteria relating to the removal of an occupancy condition. The criteria are strict and will ensure that planning permission is only granted for the removal of a condition where the use is genuinely not needed in the area. Without this policy such rigorous assessment may not be required and agricultural workers dwellings may be lost where a need exists in the locality.

✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
Opt 1	✓	✓		✓					
Opt 2	✓			✓					

It is considered that option 1 which meets 3 out of the 9 sustainability criteria and is the most sustainable option compared with option 2 which meets only 2 of the sustainable criteria.

Policy wording:

**POLICY DP12 – AGRICULTURAL/FORESTRY BUILDINGS AND STRUCTURES**

Planning applications for agricultural and forestry buildings will only be permitted where all of the following criteria are met:

- i. the proposal demonstrates it is essential in support of agriculture or forestry;
- ii. it is well related to an existing farmstead or groups of buildings, or located adjacent to an existing settlement; and
- iii. the proposal satisfies the criteria set out in other relevant policies in this document.

Proposals for temporary or permanent agricultural workers dwellings will be additionally considered against Annex A of PPS7 (or as superseded by subsequent replacements or amendments) and the criteria set out in Policy DP1 and other relevant policies in this document. The Council will impose planning conditions to restrict occupancy to agricultural or forestry workers and their families.

Planning permission will only be granted for the relaxation of a restrictive agricultural worker occupancy condition where it can be demonstrated, to the Council’s satisfaction, that there is no long-term need for an agricultural worker’s dwelling in the locality.

Implementation:

The Councils Development Management Officers will use this policy effectively by ensuring that proposals for new agricultural / forestry development does not give rise to inappropriate forms of development in the countryside.

Monitoring:

The effectiveness of the policy will be measured by assessing and monitoring the number of new applications for agricultural or forestry development and the impact that this development has on the open countryside and rural community. Whether the Council is meeting the objectives linked to this policy will be reported each year in the Council's Annual Monitoring Report.

## **DP13 – Equestrian Development**

### Purpose of Policy:

Policy DP13 provides criteria against which any proposal relating to Equestrian development will be considered.

### Link to Spatial Objectives:

**MG3:** Manage urban growth to minimise environmental impacts, maximise the re-use of previously developed land, prevent uncontrolled sprawl into the open countryside or along the coast and maintain and secure important countryside gaps between different settlements

The countryside must be protected for its own sake. Certain new development can be intrusive and detrimental to the countryside. This objective delivered through Development Policy 13 will ensure that any development relating to equestrian uses such as stables etc does not impact negatively on the countryside.

**PL2:** Protect and enhance the district's biodiversity, attractive countryside, its coastal assets and the character of its historic and architecturally important assets.

Development in sensitive locations is restricted. This objective delivered through Development Policy 13 will ensure that the districts biodiversity and other natural assets are not compromised as a result of development related to equestrian uses.

**PL5:** Promote high quality, energy efficient design that respects local character and contributes positively to achieving a sense of place.

It is important to protect the rural economy and countryside in that any new development related to equestrian uses is designed appropriately and respects the character of the surrounding environment. This objectives delivered through Development Policy 13 will ensure and promote high quality design.

**PR6:** Support growth, diversification and stability in the rural economy.

Equestrian facilities and uses can provide a viable diversification opportunity for many of the districts farmers / landowners. Permitting equestrian facilities subject to the criteria listed in DP13 will assist in delivering viable and sustainable rural communities.

**PE3:** Improve the health of the district's residents by improving access to recreational activities and healthcare services.

The Tendring District suffers from many health inequalities. This objective delivered through Development Policy 13 promotes recreational activities which in turn will assist in promoting healthy lifestyles.

### Link to National Planning Policy:

PPS1: Delivering Sustainable Development requires that development plan policies take account of issues such as sustainable development.

PPS7: Sustainable Development in Rural Areas requires that development plan policies take account of issues such as sustainable development in rural areas and equestrian related development.

### Evidenced Justification:

Horse riding and keeping of horses, for both commercial and recreational use, is an ever growing activity within Tendring. The Council recognises the contribution these activities can make to the rural economy and Core Policy 2 identifies equestrian related development as one form of development that, in principle, is acceptable in a countryside location.

It is important however to ensure that there is minimal harm to the character and appearance of the countryside and biodiversity, as well as the amenities of neighbouring areas. Given the recent proliferation of these uses and their impact on the landscape Policy DP13 local policy complements the national policy set out PPS7 'Sustainable Development in Rural Areas'.

New stable blocks and field shelters can often appear isolated and intrusive on undeveloped land. Therefore, where possible the reuse of existing buildings will be encouraged.

Associated development such as hard standing, access roads, parking, fencing, lighting, storage, waste disposal, ménages and sub division of fields can be prominent features in the landscape. These uses and structures can individually and cumulatively change the character of the landscape. It is essential that any equestrian development does not have an adverse impact on the special qualities of the landscape, or undeveloped coast. Proposals must provide a comprehensive approach to all the required development. Details of the development, such as size, materials and fencing will be required.

New establishments should be sensitively sited, making use of the natural form of the landscape. Elevated or skyline sites should be avoided. Landscaping can usually help to reduce the visual impact of such equestrian development. Any new landscaping should complement existing tree and hedge cover rather than producing unnatural features in the landscape.

In most cases conditions will be attached to the planning permission, requiring stables and field shelters to be used only for private use and not business and commercial uses.

### Comments raised during Public Consultation:

Overall, the majority of respondents agreed that a development policy for controlling development in the countryside should be included.

Development Policy 13 addresses these points by ensuring that a proposal for new equestrian development does not give rise to inappropriate forms of development in the countryside.

### Findings of the Sustainability Appraisal:

Option 1 is to include a policy setting out the circumstances under which proposals for equestrian uses will be permitted. Permission will be granted providing that the proposal uses existing buildings on site, does not result in sporadic development leading to an intensification of buildings in the countryside, replacement buildings are not available for the use and the scale is appropriate for the location.

Option 2 is to not include a policy.

Option 1 will support the rural economy by supporting proposals for equestrian development in principle. Whilst new equestrian uses will predominantly take place on greenfield land the policy will encourage the re-use of rural buildings in preference to new build. The impact under option 2 is uncertain as without a policy equestrian development may not be supported or alternatively large scale equestrian development could be supported for economic and leisure reasons, which fails to take account of the environmental impact of such development. In the absence of a policy, if

equestrian development is supported in principle, there are likely to be adverse impacts on the landscape (including historic landscapes). Equestrian development involves stable blocks, hard standing, access roads, parking, fencing, lighting, storage, waste disposal, ménages and subdivision of fields. All of these can be prominent features in the landscape and the policy will seek to ensure that these are considered at the development control stage in order to ensure minimal landscape impact.

Policy wording:

**POLICY DP13 – EQUESTRIAN DEVELOPMENT**

Planning permission will only be granted for equestrian related development if:

- i. it uses existing buildings on a site; or
- ii. it can be demonstrated that the re-use of existing buildings on the site is not appropriate before new or replacement buildings are considered;
- iii. does not result in sporadic development leading to an intensification of buildings in the countryside, particularly in an urban fringe location;
- iv. the proposal is appropriate in scale and level of activity, and in keeping with its location and surroundings; and
- v. the proposal satisfies the criteria set out in other relevant policies in this document.

Implementation:

The Council's Development Management Officers will use this policy effectively by ensuring that a proposal for new equestrian development does not give rise to inappropriate forms of development in the countryside.

Monitoring:

The effectiveness of the policy will be measured by assessing and monitoring the number of new applications for equestrian related development and the impact that this development has on the open countryside. Whether the Council is meeting the objectives linked to this policy will be reported each year in the Council's Annual Monitoring Report.



## **DP14- Health Impact Assessments**

### Purpose of Policy:

To ensure that the impacts certain developments can have on health are appropriately assessed, through Health Impact Assessments, aiming to promote healthier living environments and to offer appropriate health service provision.

### Link to Spatial Objectives:

**MG1:** Direct new development towards locations that are either already well served by existing infrastructure, services and facilities or can accommodate their provision or improvement, as necessary, as part of a comprehensive delivery package.

Development Policy 14 will ensure that development is supported by the necessary health care services.

**PE3:** Improve the health of the district's residents by improving access to recreational activities and healthcare services.

Development Policy 14 will ensure that the necessary health service requirements for new developments are met, to improve access to health care services.

### Link to National Planning Policy:

PPS1: Delivering Sustainable Development aims to promote health and well-being through the delivery of safe, healthy places to live where physical activity and attractive places to live are encouraged. Sustainable locations for development are supported to support the needs of the community while also promoting sustainable lifestyles.

PPG13: Transport requires that new development provides, or enables, easy access by public transport, walking and cycling to day to day facilities, including health centres; to promote healthier living and regular physical exercise and also reduce reliance on cars.

PPG17: Planning for Open Space, Sport and Recreation considers that recreational facilities have a vital role to play in promoting healthy living and preventing illness. Safe and accessible facilities contribute to quality of life and well planned and maintained recreational facilities can play a major role in improving people's sense of well being.

### Evidenced Justification:

Health is a major issue in our district with 24% of our residents suffering with some form of long-term illness. Other than supporting the NHS in providing primary health care, the Council can improve environmental conditions and encourage walking, cycling and sports by securing green infrastructure and through policy DP14 can require a Health Impact Assessment to be carried out to gauge the environmental impacts of a proposed development, including considering if the proposal would cause noise or pollution of various kinds which needs to be strictly controlled.

The Council recognises that development has the potential to impact on the health services and facilities of the district will therefore expect new development to be designed to promote healthier living. The environmental impacts upon health can be gauged by a Health Impact Assessment (HIA) to ensure that adequate health and services are provided for the community as a whole. The current Essex Local Area Agreement (LAA) however, also gives a target for the introduction of Health Impact Assessments (HIAs) for developments over 50 residential units and requires the District Council to promote healthy living environments and secure health services provision.

The health implications of sites allocated for new development in the Site Allocations Document will be assessed by the Council working in partnership with the Primary Care Trust. However, proposals that come forward with planning applications on sites not specifically allocated but involving more than 50 residential units or 1,000m<sup>2</sup> of non-residential floor space must be accompanied by a HIA. Any significant impacts identified in the HIA will need to be addressed.

Comments raised during Public Consultation:

In response to the 2009 Discussion Document on Issues and Possible Options, members of the public and other stakeholders raised the following points:

- A development policy on health services should be included to ensure appropriate health service provision and to promote well being within the district, implemented through the planning process.

Development Policy 14 addresses this point by following the recommended approach to require Health Impact Assessments to be undertaken, to ensure health service provision at new developments and to encourage healthier, active lifestyles.

Findings of the Sustainability Appraisal:

Option 1 is to require a Health Impact Assessment for residential development in excess of 50 units and non-residential development in excess of 1,000 sq. m., which will measure wider impact upon healthy living and the demands that are placed upon health services and facilities arising from the development.

Option 2 is not to require a Health Impact Assessment.

A Health Impact Assessment will promote healthy activities such as walking and cycling. Encouraging walking and cycling will help to reduce car travel and subsequently levels of greenhouse gas emissions. The requirement for a Health Impact Assessment will ensure that consideration is given to the effects that the development will have on existing health services. Whilst impacts on infrastructure will be considered as part of all development the Health Impact Assessment will look at impacts on this sector in more detail. This will ensure that new residents are provided with sufficient health care facilities and that existing residents do not suffer from new development placing a strain on existing services. The Assessment will also help to ensure that actual and fear of crime will be reduced by looking at community safety issues. Whilst no adverse effects are likely under option 2, it will not bring as many positive effects as option 1.

✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
<b>Opt 1</b>				✓	✓	✓	✓		
<b>Opt 2</b>									

The 2010 Sustainability Appraisal found that option 1 meets 4 out of the 9 sustainability criteria and is the most suitable option, including having no policy at all. With a growing ageing population and a particularly high proportion of people within the district with a limiting long-term illness provision of health care is especially important. Health care should therefore be easily accessible by all

members of a community and be provided in appropriate locations that reduce the need to travel. Requiring the use of Health Impact Assessments ensures development has particular regard to issues of health and well being and will ensure social inclusion within communities.

Policy Wording:

**POLICY DP14 – HEALTH IMPACT ASSESSMENTS**

A Health Impact Assessment must be submitted with any application for residential development in excess of 50 units and non-residential development in excess of 1,000m<sup>2</sup> floor space. Where significant impacts are identified, planning permission will be refused unless measures to meet the health service requirements of the development are provided.

Implementation:

The policy will be implemented by ensuring that advice from specialist consultees, including the Primary Care Trust is taken into account to ensure health is considered during proposals for new development. Development Management decisions will also consider Health Impact Assessments submitted with applications for residential development in excess of 50 units and non-residential development in excess of 1,000m<sup>2</sup> floor space to ensure health service requirements for these developments are met.

Monitoring:

The effectiveness of the policy will be measured by monitoring:

- Whether new development has appropriate access to primary health care; and
- Whether new development has appropriate access to sports and recreation facilities.

## **DP15- Protection of Existing Community Facilities**

### Purpose of Policy:

To ensure that existing community facilities are protected to deliver sustainable communities.

### Link to Spatial Objectives:

**PR7:** Resist the loss of existing job opportunities.

Development Policy 15 will ensure, where possible, community facilities will be protected; retaining existing jobs opportunities.

**PE6:** Resist the loss of existing community, leisure and sports facilities and deliver new facilities to support a growing population of all ages and abilities.

Development Policy 15 will ensure, where possible, community facilities will be protected and retained to support sustainable communities.

### Link to National Planning Policy:

PPS1: Delivering Sustainable Development aims to promote community cohesion and inclusion through accessibility to a range of community facilities. Development which improves access to community facilities delivers safe, healthy places to live which in turn can promote the regeneration of urban and rural settlements and improve the well being of a community.

PPS3: Housing requires that new development provides, or enables, good access to a range of community facilities, with good access to jobs, key services and infrastructure. It is important to ensure housing is developed in sustainable locations to sustain the provision of appropriate community facilities.

PPS4: Planning for Sustainable Economic Growth requires that new development and economic growth opportunities offer a wide range of services and facilities to the community. Particularly within deprived and rural areas, it is important to ensure that the needs of local people are addressed, providing easy access to community facilities and addressing social exclusion. Existing community facilities should be protected where they provide for people's day to day needs.

PPS7: Sustainable Development in Rural Areas considers that people who live and work in rural areas should have reasonable access to a range of services and facilities. These community facilities need to be accessible via public transport, walking and cycling to ensure sustainable lifestyles are sustained and people's day to day needs are facilitated.

PPG13: Transport considers that quality of life depends on transport and ease of access to jobs, shopping and leisure facilities and services. Community facilities should be located near to local centres to encourage walking and cycling, while the transport system should be safe, efficient and integrated to support a strong prosperous economy and all local community facilities.

PPG17: Planning for Open Space, Sport and Recreation aims to promote high quality, well maintained open spaces, sports and recreational facilities to create environments that are attractive, clean and safe; that meet the needs of the community. The provision of these community facilities contribute to the quality of life and well being of the community and promote sustainable development.

### Evidenced Justification:

Policy DP15 expands upon the principles contained in Core Policy 20 relating to the provision and protection of community facilities. It provides the criteria for proposals involving the loss of a community facility (as listed in the supporting narrative to Core Policy 20). The provision of some of the community facilities listed have been subject to assessment through the Infrastructure Study, 2009, which set about assessing what future infrastructure is required to serve future growth within the district. To ensure sustainable, well served communities it is important that new (and existing) community facilities are delivered and protected, particularly where considerable growth is expected (for example within the areas identified as Key Projects within the Core Strategy).

For existing community facilities, the Council will work with its partners to secure future improvements and will protect them against redevelopments for alternative uses, particularly housing. Proposals involving the loss of any community facility will be judged against the criteria outlined in Policy DP15. Public houses, in particular, perform a useful social role in rural communities and are a source of local employment. They frequently occupy historic buildings and make a significant contribution to the character of the locality. The Council considers that the increasing number of proposals to convert pubs to other uses (most notably residential) warrants endorsement of the 'Public House Viability Test' produced by the Campaign For Real Ale (CAMRA) which will help to determine whether a pub meets criteria i. of Policy DP15. The test is available on the CAMRA website [www.camra.org.uk](http://www.camra.org.uk)

### Comments raised during Public Consultation:

In response to the 2009 Discussion Document on Issues and Possible Options, members of the public and other stakeholders raised the following points:

- A development policy on the retention and protection of community facilities should be included to ensure these important facilities are safeguarded through the planning process.

Development Policy 15 addresses this point by following the recommended approach to protect existing community facilities which are vital to sustain sustainable communities, particularly within rural areas.

### Findings of the Sustainability Appraisal:

Option 1 is to require proposals for the loss of a facility that supports a community use to demonstrate that it is not economically viable or is genuinely redundant or that the same facility is supplied by an easily accessible existing or new facility.

Option 2 is to apply the same criteria as option 1, but only to non-commercial community facilities.

Option 3 is to not include a policy on protection of community facilities.

Options 1 and 2 will have similar effects; however a more positive impact will occur under option 1, which protects both commercial and non-commercial facilities.

Requiring the retention of community facilities and permitting the loss only where there is provision in the locality will help to ensure that employment opportunities remain accessible to centres of population. Whilst community facilities are important to everyone in the district those living and working in a rural settlement generally rely on local facilities more than urban dwellers/workers. Whilst someone living in Clacton may have access to numerous local shops a rural resident could rely on just one local shop. The retention of community facilities will reduce the need to travel greater distances for such facilities and reduce reliance on the car. However, to ensure that users can travel sustainably to a new site where change of use occurs the policy could state that new

facilities must be available within a 10 minute walk for example. Options 1 and 2 will ensure that existing health services are retained or are provided in an easily accessible location. This will help to contribute to health equality by ensuring that all members of society can access health care. Options 2 and 3 would be detrimental to social cohesion. Community facilities are important for social cohesion as they provide a place for people to meet; village shops and public houses in particular are important for social cohesion and these facilities could be lost under options 2 and 3. Without a policy on this issue community facilities could be lost, which will decrease the amount of jobs in the district and increase the distance that people have to travel for facilities. Rural areas in particular, which have limited provision of community facilities, will be adversely affected under this option. The loss of a local school could affect levels of education attainment if pupils are forced to transfer to a new school outside of their locality, which will disrupt their studies.

✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
Opt 1		✓	✓	✓	✓	✓	✓		
Opt 2			✓	✓			✓		
Opt 3									

The 2010 Sustainability Appraisal found that option 1 meets 6 out of the 9 sustainability criteria and is the most suitable option, including having no policy at all. Securing community facilities in Tendring is particularly important given the rural nature of the district and the importance of these facilities to ensure social cohesion and to prevent exclusion and isolation of communities, while also preventing the need for travel. The protection of existing community facilities will also strengthen the district's economy and employment opportunities, which is vital for the sustainability of the whole of the district.

Policy Wording:

<p><b>POLICY DP15 – PROTECTION OF EXISTING COMMUNITY FACILITIES</b></p> <p>Proposals for redevelopment or change of use of any premises that provide community facilities, as listed in the narrative to Core Policy 20, will only be permitted where the Council is satisfied that:</p> <ul style="list-style-type: none"> <li>i. the use concerned is not economically viable or the building involved is genuinely redundant and the premises or site cannot readily be used for, or converted to any other community facility; or</li> <li>ii. the facility or service which will be lost will be met by an easily accessible existing or new facility within 800 metres of the premises concerned.</li> </ul>
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Implementation:

The policy will be implemented by ensuring that Development Management decisions ensure that the redevelopment or change of use of any premises that provide community facilities will only be permitted when the given criteria within the policy are met.

Monitoring:

The effectiveness of the policy will be measured by monitoring:

- A measurement of the loss or change of use of existing community facilities.

## **Policy DP16 - Green Infrastructure in New Residential Development**

### Purpose of Policy:

To ensure the provision of appropriate public open space and children's play areas to serve new residential developments.

### Link to Spatial Objectives:

**PL3:** Expand the district's network of green infrastructure as a means of creating new wildlife habitats, achieving sustainable drainage and delivering green corridors and open spaces that improve the health and quality of the environment for residents and visitors.

Development Policy 16 will ensure that new residential development is supported by appropriate new green infrastructure.

**PL5:** Promote high quality, energy efficient design that respects local character and contributes positively to achieving a 'sense of place'.

Development Policy 16 will ensure that new green infrastructure is well designed.

**PE3:** Improve the health of the district's residents by improving access to recreational activities and healthcare services.

Development Policy 16 will ensure the provision of new green infrastructure.

**PE5:** Ensure, through design, that new development promotes social inclusion and minimises the opportunities for crime and antisocial behaviour.

Development Policy 16 will ensure that the design of new facilities is appropriate to the location.

**PE6:** Resist the loss of existing community, leisure and sports facilities and deliver new facilities to support a growing population of all ages and abilities.

Development Policy 16 will protect existing facilities and provide new appropriate green infrastructure.

### Link to National Planning Policy:

PPS1: Delivering Sustainable Development (and Climate Change Supplement) advises that planning should maintain and improve the local environment through positive policies on issues such as design and the provision of public space. Development plan policies should take account of environmental issues such as the need to improve the built and natural environment, including the provision of good quality open space. Policies should ensure that new developments optimise the potential of sites and create and sustain an appropriate mix of uses including the incorporation of green space as part of new development.

PPS3: Housing requires that design policies are aimed at creating places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character. New housing development should provide, or enable good access to, community and green and open amenity and recreational space and provide for the retention or re-establishment of the bio-diversity within residential environments.



PPS9: Biodiversity and Geological Conservation has key principles that: plan policies and planning decisions should aim to maintain and enhance, restore or add to biodiversity; and plan policies should promote opportunities for the incorporation of beneficial biodiversity and geological features within the design of development.

PPG17: Planning for Open Space, Sport and Recreation advises that in planning for new open spaces and in assessing planning applications for development, opportunities should be sought to improve the local open space network.

PPS23: Planning and Pollution Control Appendix A identifies that Matters for Consideration in Preparing Local Development Documents include: the need to limit and where possible reduce greenhouse gas emissions and take account of potential effects of climate change; and the need to make suitable provision for the drainage of surface water.

PPS25: Development and Flood Risk (& Development and Coastal Change Supplement) requires Local Development Documents to set out policies for the allocation of sites and the control of development which avoid flood risk to people and property, where possible and manage it elsewhere. Policies should recognise the positive contribution that avoidance and management of flood risk can make to the development of sustainable communities, including improved local amenities and better overall quality of life.

#### Evidenced Justification:

The Haven Gateway Green Infrastructure Strategy 2008 (HaGGIS) includes the whole of the Tendring District. Under the umbrella of Green Infrastructure, the concept of Accessible Natural Greenspace (ANG) was developed by English Nature (now Natural England) in 2003 in its publication 'Accessible Natural Greenspace Standards in towns and cities' and the concept was adapted by the Town and Country Planning Association in its publication 'Biodiversity by Design' as one of the ways of delivering green infrastructure to communities.

ANG plays a vital role in improving quality of life by providing access to informal recreation in a natural setting, thereby promoting healthy living and a sense of place. ANG also enables people to experience wildlife close to their homes and have everyday contact with nature; provides an educational resource; helps to ensure that urban areas function ecologically and that greenspace and wildlife is protected; and plays an important role in reducing pressure on more sensitive wildlife sites by providing an alternative attraction. Natural England believes that the provision of natural areas should be part of a balanced policy of greenspace provision.

The HaGGIS considers that some of the major areas of population with the highest densities, such as parts of Colchester and Clacton are also those with the greatest deficiencies in terms of ANG. Clacton and Harwich are identified as the larger towns within the district where new housing growth will be concentrated. Although Clacton benefits from its extensive beach and seafront, there is relatively little other natural greenspace and there is a need to provide additional ANG. It is anticipated that this might be achieved in association with new development. Despite the presence of a beach and a river frontage that affords fine views across the estuary, Harwich and Dovercourt currently have little or no ANG over 2ha in size, and thus register both a District and Regional Level ANG deficiency.

The Tendring District Open Space Audit 2008 identifies a deficit of public open space within the district of 66.23ha. Formal open space and informal open space provision contributes towards the total area of Green Infrastructure and includes outdoor sports facilities, parks and gardens, natural and semi-natural greenspace including woodland and country parks, green corridors, amenity greenspace, allotments and cemeteries and churchyards.

The Tendring Open Spaces Strategy 2009 contains a detailed analysis of open space provision including Green Infrastructure and provides the framework starting point for delivery of new

greenspace across the district. The provision of open space will reduce the need to travel for recreation and help to create attractive areas, promote social cohesion, reduce surface water flooding and improve biodiversity.

Comments raised during Public Consultation:

In response to the 2009 Discussion Document on Issues and Possible Options, members of the public and other stakeholders raised the following points:

There was general support from respondents for the provision of new public open space to meet the needs of future residents of new housing schemes.

Development Policy 16 addresses these points by setting out the space standards which will apply to new developments on sites of 1.5ha or above and including requirements in respect of sites which are less than 1.5ha.

Findings of the Sustainability Appraisal:

Option 1 is to require 10% of the site area for sites above 1.5 hectares to be provided as open space, with financial contributions accepted in exceptional circumstances. For residential development below 1.5 hectares, open space will be required where there is a deficiency in open space in the area. This option will set out criteria regarding the quality of the open space.

Option 2 is to include the 10% standard in the Core Policy on Green Infrastructure.

Both options will ensure the delivery of public open space as part of new development. Open space can reduce the fear and incidence of crime by making an area more attractive, encourage social interaction, reduce surface water flooding, recharge aquifers and enhance biodiversity. Option 1 will result in a more positive impact than option 2 as it lists criteria that open space will have to comply with which will ensure that open space is usable and well designed. However, if option 2 was taken forward and the 10% standard included in the core policy this criteria could also be included in the core policy or supporting text.

✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
<b>Opt 1</b>				✓	✓	✓	✓	✓	✓
<b>Opt 2</b>				✓		✓	✓	✓	✓

The 2010 Sustainability Appraisal found that option 1 meets 6 out of the 9 sustainability criteria and is the most suitable option.

Policy wording:

**POLICY DP16 – GREEN INFRASTRUCTURE IN NEW RESIDENTIAL DEVELOPMENT**

Proposals for residential development on a site of 1.5 hectares and above, outside the 'Key Projects' listed in Chapter 7 of this document, are required to provide 10% of the gross site area as public open space.

In exceptional cases where the District Council agrees that provision would be best met off-site a financial contribution, in lieu of on-site provision, may be made. This must include the cost of appropriate equipment, which has been agreed in advance with the Council.

The nature of the public open space will be expected to be:

- usable in terms of location, size and shape, with no single area being less than 0.15 hectares;
- integrate with the development that it serves;
- landscaped and designed with the safety and security of children in mind, including traffic calming of the access to the open space where this involves crossing a road; and
- provided through a range of different types of play areas in the larger sites, to cater for different user groups in accordance with the standards set out in the Council's Open Spaces Strategy.

For residential development below 1.5 hectares in size, where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development, a financial contribution will be made towards the provision of new or improved off-site facilities to meet these needs.

Implementation:

Development Management decisions will ensure the provision of adequate public open space through the grant of planning permission and use of planning obligations.

Monitoring:

The effectiveness of the policy can be measured by monitoring whether:

- The requirement for 10% appropriate open space to be provided on sites of 1.5 hectares or more is met or, if not;
- A financial payment in lieu of off-site provision has been secured.

## **DP 17 –Affordable Housing in New Development.**

### Purpose of Policy:

Development Policy 17 sets out the Council's approach to ensuring that an appropriate mix of new housing is provided in the district that reflects future demands and needs as set out in the Council's Strategic Housing Market Assessment (SHMA).

### Link to Spatial Objectives:

**PE1:** Delivering new housing, jobs, services and facilities in the district's most deprived areas.

The identified "Regeneration Areas" (Core Policy 12) and other deprived areas in the district will benefit from much needed development which brings associated benefits in terms of quality new housing, jobs and improved services.

**PE2:** Bring balance to the district's ageing population by improving the opportunities for younger people to live and work in the area whilst still providing for the needs of its older residents.

This objective will help deliver much needed new social housing and employment opportunities which will enable the younger residents to stay within the Tendring District, therefore re-addressing the aging population.

**PE4:** Create a more balanced housing stock by delivering a mix of new homes and other accommodation to meet local demands and needs.

The SHMAA identifies that the district requires a mix of housing to meet the needs of the districts residents. This objective contained within Development Policy 17 will help to create a more balanced housing stock.

### Link to National Planning Policy:

PPS1: Delivering Sustainable Development sets out the Governments overarching objective to deliver "sustainable development" through the planning system.

PPS3: Planning Policy Statement 3, the Government's key housing policy goal, set out in PPS3, is to ensure that everyone has the opportunity of living in a decent home, which they can afford and in a community where they want to live. To achieve this goal the Government is seeking to improve the choice of high quality homes, widen the opportunities for home ownership, improve affordability and create mixed, sustainable communities. This document should be read in conjunction with its supporting document 'Delivering Affordable Housing' (2006).

PPS3 advocates an informed assessment of the economic viability of proposed thresholds and proportions, to assess the overall impact and deliverability of affordable housing. This highlights the need for a strong robust evidence base to support policies. PPS3 also outlines a number of other key factors to be taken into consideration when providing affordable housing. It sets out the national indicative minimum site size threshold as 15 dwellings unless evidence can demonstrate that an area can support lower thresholds. This policy statement also makes the presumption that affordable housing will be provided on the application site so that it contributes to a mix of housing. PPS3 allows for the release and allocation of sites solely for affordable housing in rural areas through a rural exception site policy, but only where it is viable, supports local need and informed by evidence.

Housing Green Paper; 'Homes for the future, more affordable, more sustainable (2007): This green paper sets out the Government's commitment to deliver affordable housing, highlighting an £8 billion Government investment in affordable homes and the aim of providing 70,000 affordable homes a year by 2010/2011. It emphasises the role of local planning authorities (LPAs) in facilitating the supply of affordable housing, by identifying enough land to deliver the homes required in their area over the next 15 years through the Strategic Housing Land Availability Assessment. It also highlights the importance of a joined-up approach with alignment of housing plans and the planning framework.

Circular 05/2005; Planning Obligations: This Circular was published by the ODPM in 2005 and seeks to provide revised guidance to local authorities in England on the use of planning obligations. It outlines that planning obligations can be used to prescribe the nature of the development, e.g. by requiring that a given proportion of housing development is affordable, but also to compensate for loss or damage created by a development, or to mitigate a development's impact.

#### Evidenced Justification:

Core Policy 19 sets out the Council's approach to ensuring that an appropriate mix of new housing is provided in the district that reflects future demands and needs as set out in the Council's Strategic Housing Market Assessment (SHMA). That policy states that the Council will seek to secure 30% affordable housing within new housing developments above a certain size; a level that is well short of what the district requires, but a level that is potentially deliverable on most sites above 10 dwellings taking into account the economics of development.

To avoid an over-concentration of affordable housing in any one area, on sites of 30 or more dwellings or a site area of 0.9 hectares or greater, affordable housing should not exceed 30% of the total number of dwellings.

Policy DP17 below provides the detailed requirements for the provision of affordable housing as part of new developments. Any new housing (or mixed-use) development that either has a capacity for 10 or more (net) dwellings or a site area of 0.3 hectares or greater (irrespective of the number of dwellings), will be required to provide up to 30% of all new dwellings as affordable housing. The nature of that affordable housing provision will vary for different types of settlement within the Settlement Hierarchy set out in Spatial Strategy Policy 4 in Chapter 7 of this document.

#### Developments in Urban Settlements

For urban settlements, the Council will require an appropriate mix of dwelling size and type within the affordable housing secured as part of new development that reflects the findings of the latest SHMA. The Council will expect approximately 80% social rented housing with 20% intermediate provision.

To ensure that affordable housing remains available in perpetuity it will normally be provided by a Registered Social Landlord (RSL) and secured through a legal agreement pursuant of s106 of the Town and Country Planning Act (as amended). The Council's baseline position is for fully serviced dwellings let through an RSL with no additional public subsidy requirement.

#### Developments in Key Rural Service Centres

In rural areas, opportunities for residential developments of sufficient scale to support the provision of on-site affordable housing are very limited. In certain 'Key Rural Service Centres', the Council will identify opportunities for new housing developments in the Site Allocations Document.

To ensure that affordable housing in Key Rural Service Centres is primarily provided to meet local needs, the Council will require the developers/applicants to undertake a local housing needs survey in partnership with the relevant Parish Council, an RSL and the Rural Community Council for Essex. The survey will accompany the planning application. and identify the need for housing amongst local people unable to afford accommodation where they have close local or family ties to the parish in question, define the local client group which would genuinely required dwellings in the scheme together with their specific housing requirements, what they can afford in housing costs, and how they meet the local need criteria.

All provision, in terms of size, type and tenure must meet the need for affordable housing identified in the local survey. If the total amount of affordable housing required to achieve 30% is greater than the level of identified local need, the residual amount of affordable housing will be required to deliver 80% social rented and 20% intermediate housing to help address the wider needs of the district.

To ensure that the housing remains affordable in perpetuity it will be provided by a Registered Social Landlord (RSL) and secured through a s106 legal agreement. That agreement will:

- a) ensure that the dwellings specifically provided to meet a the local need within the parish remain exclusively for local need through control of occupation during the lifetime of the development and pass on to subsequent occupants meeting the criteria of local need;
- b) permanently secure the long-term management of those dwellings;
- c) ensure that where a vacated dwelling cannot be filled through local need within the relevant parish, that the dwelling be made available over a wider geographical area on the same basis of need; and
- d) ensure that any affordable housing not specifically provided to meet the local need remains affordable to meet district housing needs.

As with the provision of affordable housing in urban settlements, the Council's baseline position is for fully serviced dwellings let through an RSL with no additional public subsidy requirement. However, the Council will work with the relevant RSL to secure central government grants if and when they are available.

#### Developments in Other Rural Settlements

In other rural settlements, the Council will seek to secure 30% affordable housing in the same way as for urban settlements when opportunities arise.

#### Small sites forming part of a larger site

Where a specific site forms part of a larger development site or allocation, the Council will require the provision of affordable housing on the basis of the site in its totality, and apply the affordable housing requirement proportionally for each part. Examples include where a larger site has been sub-divided into smaller plots, or where there are a number of adjacent sites in different ownerships that could be developed for housing. The Council will therefore consider the need for affordable housing on the basis of the requirements of the larger site and apply the affordable housing requirement proportionally for each smaller site.

## Design and Integration of Affordable Housing

Applicants must demonstrate how the affordable element will be realised within the overall development. The objective is to provide socially balanced, integrated and mixed schemes and where the visual quality and residential environment of the affordable housing should be of no less quality than that for the private market housing within the development.

The affordable housing mix on any site should either be 'pepper-potted' or 'clustered' throughout the scheme in groups to avoid an obvious over-concentration in one location. The size of any one cluster of affordable housing should be agreed with the Council.

## Viability and Use of Public Subsidy

It is recognised that sometimes it might be a challenge to achieve 30% affordable housing on a site particularly where other development costs are abnormally high. Developers should therefore factor prospective planning obligations and contributions as well as other predictable development costs into land price negotiations. Nonetheless, on a minority of sites it may not be possible to achieve the level of affordable housing provision sought by policy DP17.

To depart from the expectation of a 30% affordable housing contribution, the applicant should demonstrate to the Council's satisfaction that:

- The cost to overcome existing physical and/or site development costs would make the development economically unviable; and
- The proposal meets the Council's other policy requirements identified in the LDF.

This will require the developer to provide a detailed financial breakdown of residential development, including selling prices, build costs, other fees and costs, and profit margins, alternative land values and land purchase price. The Council will either use an economic appraisal tool or seek professional advice to assess the developer's contentions regarding the viability of the site to support the expected level of affordable housing provision.

Applicants are encouraged to consult with the Council at an early stage, to consider how any such constraints and costs to the delivery of affordable housing can be reduced.

Where the Council has accepted that a 30% affordable housing contribution results in a site not being viable, it will consider giving support for public subsidy bids to maximise affordable housing contribution. The Council will also support bids for public subsidy where a developer wishes to provide in excess of 30% affordable housing or provide 100% rented tenure homes which addressed the Council's priority needs. In these circumstances, the mechanism that will allow the number of affordable units to be increased according to the levels of public subsidy available, will be specified in the s106 Agreement.

## Commutated payments in-lieu of on-site provision

Policy DP17 emphasises that affordable housing should be provided on site. However national planning policy shows that, where exceptional circumstances can be robustly demonstrated, off-site provision, or a financial contribution in-lieu of on-site provision, may be acceptable where this contributes to the creation of mixed communities. However, these arrangements should not be used where sites are inherently unsuitable for the provision of affordable housing. The Council's Development Plan Document on 'Planning Obligations and Developer Contributions' will set out the arrangements for securing commuted payments in these exceptional cases.

### Comments raised during Public Consultation:

The Core Strategy very much reflects and builds on the direction of comments made to this question in the Councils Issues and Options (reg 25) document. Core Policy 18 (Delivering a Mix of New Housing) will seek to deliver a mix of housing with the growth proposed for the district. Development Policy 17 specifically focuses on the topic of affordable housing in particular for use in the determination of applications.

### Findings of the Sustainability Appraisal:

Option 1 is to require 30% of dwellings to be affordable for sites of 10 or more dwellings or residential sites of 0.3 hectares or more. In urban settlements and other rural settlements 80% of affordable dwellings will be social rented and 20% intermediate housing. In key rural service centres the mix will be subject to local needs. Affordable housing will be required to be integrated throughout the site and remain affordable for successive occupiers.

Option 2 requires 30% affordable housing and sets no thresholds.

Option 3 is to require 20% of dwellings to be affordable with the same thresholds as option 1.

There is an overwhelming need for affordable housing in the district; with 1,579 affordable dwellings needed every year. All options will increase the delivery of affordable housing, which will help to address deprivation and health and income equality. Option 1 will ensure that affordable housing is provided and that the overwhelming demand for affordable housing is addressed whilst ensuring that the provision of affordable housing does not affect the viability of housing delivery. Flexibility could be introduced to help the viability of regeneration sites. Option 2 will have a negative impact on the delivery of new dwellings in the district as it will affect the viability of small sites; particularly regeneration sites where there are typically site constraints to address and may reduce the amount of contributions that can be sought towards infrastructure. However, this option will result in the highest provision of affordable housing and the most positive impact on rural areas. Typically development in the rural areas is small scale and without thresholds more affordable housing will be delivered in rural areas. Option 3 will result in the lowest delivery of affordable housing by setting the target of 20%. However, setting such a low target will increase the viability of sites and the likelihood/amount of contributions towards infrastructure.

Whilst option 3 would appear to have more positive impacts the lack of affordable housing is a major issue facing the district and carries a significant amount of weight. It is therefore considered that option 1 should be taken forward; this will ensure a high provision of affordable housing, but unlike option 2 should not affect housing delivery viability.

✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
Opt 1	✓								
Opt 2						✓			
Opt 3	✓				✓				

It is considered that option 3 which meets 2 out of the 9 sustainability criteria and is the most sustainable option compared with options 1 and 2.



Policy wording:

**POLICY DP17 – AFFORDABLE HOUSING IN NEW DEVELOPMENTS**

The Council will expect 30% of new dwellings, (including conversions) to be made available in the form of affordable housing to be provided on site, in the following cases:

- a) housing developments for 10 or more (net) dwellings or residential sites of 0.3 hectare or more; or
- b) applications of below the above site-size thresholds where the site forms part of a larger development site that would, in total, be above that threshold.

To avoid an over-concentration of affordable housing on one location, on housing developments for 30 or more (net) dwellings or residential sites of 0.9 hectares or more, affordable housing will not exceed 30% of the total number of dwellings.

In 'Urban Settlements' and 'Other Rural Settlements', the Council will expect 80% of the affordable housing to be social rented accommodation with 20% intermediate housing. The developer should incorporate a mix of dwelling type and size that reflects the district's affordable housing needs.

In 'Key Rural Service Centres', planning applications must be accompanied by detailed and up to date evidence of local need for affordable housing within the relevant rural parish. The detail of any planning application should show that the affordable housing reflects or contributes to the number, size and tenure of dwellings required to meet the identified local housing need. Where the amount of affordable housing exceeds the identified local housing need, the residual amount should deliver 80% social rented and 20% intermediate housing and incorporate a mix of dwellings type and size that reflects the wider district's affordable housing need.

In exceptional circumstances, where high development costs undermine the viability of housing delivery on brownfield sites, developers will be expected to demonstrate an alternative affordable housing provision.

The Council will require developments to integrate affordable housing and market housing, with a consistent standard of quality design and public spaces, to create mixed and sustainable communities.

Prior to granting planning permission, the Council must be satisfied that secure arrangements are in place to ensure that the benefits of affordable housing will be enjoyed by successive occupiers of the dwellings. This will be achieved by a S106 planning obligation under the Town and Country Planning Act (as amended).

Implementation:

Within the housing growth proposed for the district, the Council will work with the development industry, registered social landlords (RSLs) and other partners to deliver a mix of housing type, size and tenure. This will provide a choice of accommodation for a variety of household needs and therefore bring about the creation of inclusive, mixed and balanced communities.

Monitoring:

The effectiveness of the policy will be measured by assessing and monitoring the number of affordable housing units delivered through new housing developments. Whether the Council is meeting the objectives linked to this policy will be reported each year in the Council's Annual Monitoring Report.

## **DP 18 – Rural Exceptions Sites.**

### Purpose of Policy:

The rural exception policy DP18 will be particularly useful in delivering housing in ‘other rural settlements’ where no specific growth is proposed through the LDF but may also play a role in delivering housing in the larger key rural service centres where limited proposed growth is not sufficient to address all local needs. The policy sets out the Councils criteria for assessing rural exception housing schemes.

### Link to Spatial Objectives:

**MG3:** Manage urban growth to minimise environmental impacts, maximise the re-use of previously developed land, prevent uncontrolled sprawl into the open countryside or along the coast and maintain and secure important countryside gaps between different settlements.

Development Policy 18 permits rural exceptions schemes subject to certain criteria, however the policy will ensure that growth is managed to minimise environmental impacts and prevent uncontrolled sprawl into the open countryside.

**MG4:** Link housing and job growth to tackle unemployment and minimise the need to commute outside the district.

Permitting new housing in rural areas can help residents who work in rural employment live close their places of work which in turn promotes sustainable communities.

**PE2:** Bring balance to the district’s ageing population by improving the opportunities for younger people to live and work in the area whilst still providing for the needs of its older residents.

Development Policy 18 will help provide much needed housing in rural areas allowing young residents to remain in their village etc, thus helping to create a more mixed and balanced community.

**PE4:** Create a more balanced housing stock by delivering a mix of new homes and other accommodation to meet local demands and needs.

Development Policy 18 will help provide a mix of new homes in rural areas allowing a greater choice of housing for the whole community.

### Link to National Planning Policy:

PPS1: Delivering Sustainable Development sets out the Governments overarching objective to deliver “sustainable development” through the planning system.

PPS3: Planning Policy Statement 3, The Government is committed to providing high quality housing for people who are unable to access or afford market housing.

### Evidenced Justification:

To enable the delivery of affordable housing in rural areas, the ‘Rural Exception Scheme’ advocated in PPS3 allows small developments abutting villages to come forward as an exception to normal settlement policy. Such schemes are intended to meet the housing needs of local people unable to afford accommodation in the villages where they live or have close local family or employment ties. The rural exception policy DP18 will be particularly useful in delivering housing in ‘other rural settlements’ where no specific growth is proposed through the LDF but may also play a

role in delivering housing in the larger key rural service centres where limited proposed growth is not sufficient to address all local needs. The parishes that qualify for grant funding in accordance with this policy are listed in statutory instrument (S.I.) 1997 No. 623.

In considering planning applications for affordable local needs housing, the Council should be provided with evidence to show a scheme meets a demonstrated local need. Such evidence should define the local client group requiring housing and their specific housing requirements.

In addition, information detailing the number, size and tenure of dwellings proposed (e.g. rental units or shared ownership) will be required. Otherwise the exceptional need for a proposal, in particular whether it meets or contributes to the identified local need, cannot be established. In such circumstances a detailed planning application will normally be needed.

It is essential to demonstrate that the proposed housing realistically meets or contributes to the identified local need and will be exclusively reserved and managed in perpetuity as affordable housing for the long-term benefit of the local community. Therefore, arrangements which will secure this must be in place before planning permission is granted and when the rental values or selling prices are accurately predicted. These would normally take the form of voluntary planning obligations and covenants offered by the agency involved in managing the scheme and agreed by the landowner, the developer and the Council. Management of the scheme by a housing association, charitable trust or similar organisation will generally offer the required assurances. Restricting the occupation of property to people falling within the identified categories of local need will ensure that units remain affordable.

Rural exception schemes supported by a Parish Council have a far greater chance of being successful and being integrated into a village. This is important given that schemes are specifically intended to benefit the local rural community over the long term by meeting particular local housing needs. It is expected that the developer would consult the Parish Council on the selection of tenants including in relation to any subsequent vacancy of dwellings in the scheme. Contacts such as the Rural Community Council for Essex (RCCE), can help Parish Councils with local housing needs surveys and progressing schemes. The District Council also has a pro-active commitment to enabling additional rural exception housing schemes including supporting appropriate bids to the Homes and Communities Agency for grant funding

#### Comments raised during Public Consultation:

The general consensus of respondents is that there should be policies that support a mix of new housing. The Core Strategy very much reflects and builds on the direction of comments made regarding this topic. Development Policy 18 will aim to deliver housing in 'other rural settlements' where no specific growth is proposed through the LDF but may also play a role in delivering housing in the larger key rural service centres where limited proposed growth is not sufficient to address all local needs.

#### Findings of the Sustainability Appraisal:

##### Options

Option 1 is to include a policy that supports affordable housing schemes on sites adjoining rural settlements where development can be demonstrated to meet an evidenced local need; remains affordable for the lifetime of the development; and will have no material adverse effects on landscape, residential amenity, highway safety, or the form and character of the settlement it adjoins.

Option 2 is to include a policy that supports affordable housing schemes on sites within or adjoining rural settlements where development can be demonstrated to meet an evidenced local

need; remains affordable for the lifetime of the development; the site is accessible to a range of local services; and is not subject to overriding environmental or planning constraints.

Option 3 is to have no policy on this issue.

Comparative Effects

Options 1 and 2 will provide the framework to deliver rural exception schemes; thereby helping to ensure that rural residents have access to affordable housing. The need to travel will increase under option 1 if an affordable housing scheme is permitted adjacent to a settlement with no local services. Whilst greenfield development typically has an adverse affect on landscape quality this option requires development to ensure that it has no material adverse impact on landscape. It also requires development to have no adverse impact on the form and character of the adjoining settlement. Whilst option 1 will impact positively on the rural economy a more positive impact will occur under option 2, which requires schemes to be accessible to a range of local services. Option 2 will reduce the need to travel by ensuring that schemes are accessible to local services. This will reduce greenhouse gas emissions from transport by making sustainable travel a realistic option. Option 2 requires sites to have no overriding environmental constraints; this will help to ensure that nature conservation sites are protected (although in the absence of this criterion they are likely to be protected through environmental policies in the Core Strategy in any case). This option will make it clear that sites within settlements should be considered and so this option may result in less development on greenfield land on the edge of settlements. The impact under the no policy option is largely uncertain as it depends on whether development comes forward in the absence of a policy. Whilst rural exception schemes could come forward in the absence of a policy on this issue through PPS3 the inclusion of a policy demonstrates the Council's support towards rural exception schemes and provides certainty over the Council's key considerations at the development control stage.

✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
Opt 1	✓					✓			
Opt 2	✓	✓	✓			✓	✓	✓	
Opt 3									

It is considered that option 2 which meets 6 out of the 9 sustainability criteria and is the most sustainable option compared with the alternative options 1 and 3.

Policy wording:

**POLICY DP18 – RURAL EXCEPTION SITES**

Affordable housing may exceptionally be permitted on small sites adjoining those existing rural settlements listed in Appendix 3 of this document, where such development can be demonstrated to meet a proven local need that cannot be otherwise met. For rural communities where settlement development boundaries are defined, sites should abut that boundary.

The general justification for exception schemes is the Council's Strategic Housing Market

Assessment (SHMA). Local evidence must additionally demonstrate a shortage of affordable housing, where provision would offer long term security of tenure for the following groups:

- i. existing residents within the “designated area” needing separate accommodation in that area; and
- ii. other persons with strong local connections within the “designated area” in terms of employment or longstanding family or previous residence links and who require accommodation within that area.

The “designated area” will normally be the rural parish in which the affordable housing scheme to meet local needs is proposed but may, when justified, comprise a small group of contiguous rural parishes.

Proposals will be expected to meet all of the following criteria:

i. Evidence of Local Need

The proposal must include detailed and up to date evidence of local need for affordable housing within the “designated area”, proven to the satisfaction of the District Council. The detail of any planning application should show that the scheme will not exceed the number, size and tenure of dwellings genuinely required to meet the identified local housing need.

ii. Secure Arrangements

Secure arrangements must be in place, before the granting of planning permission, that:-

- a. ensure that all the dwellings remain exclusively for local need through control of occupation during the lifetime of the development and that the low-cost benefits of the housing provision pass on to subsequent occupants meeting the criteria of local need;
- b. ensure that the necessary long-term management of the scheme is permanently secured; and
- c. provide that where a vacated dwelling in the scheme cannot be filled by persons in local need within the “designated area”, that the dwelling is made available over a wider geographical area on the same basis of need to secure its occupation.

iii. The Content of Schemes

A proposal shall cater exclusively for local needs. No mixed developments involving any open market housing or other speculative element will be acceptable.

iv. Location and Environmental Considerations

The proposal shall have no material adverse impact on the landscape, residential amenity, highway safety, or the form and character of the settlement to which it adjoins.

### Implementation:

Through the LDF and Development Management process the rural exception policy DP18 will be implemented with the support of local parish councils. This will be particularly useful in delivering housing in 'other rural settlements' where no specific growth is proposed through the LDF but may also play a role in delivering housing in the larger key rural service centres where limited proposed growth is not sufficient to address all local needs.

### Monitoring:

The effectiveness of the policy will be measured by assessing and monitoring the varied housing stock that the Council can deliver on rural exception sites. Whether the Council is meeting the objectives linked to this policy will be reported each year in the Council's Annual Monitoring Report.

## **DP 19 – Aspirational Housing**

### Purpose of Policy:

To set out the spatial standards that housing will required to meet in order to qualify as 'Aspirational Housing'.

### Link to Spatial Objectives:

**PE2:** Bring balance to the district's ageing population by improving the opportunities for younger people to live and work in the area whilst still providing for the needs of its older residents.

The provision of larger, more spacious properties will help both attract and retain working age families within the district and those perhaps more likely to seek and/or create skilled employment.

**PE4:** Create a more balanced housing stock by delivering a mix of new homes and other accommodation to meet local demands and needs.

The provision of larger, more spacious properties will help to address a shortfall of this kind of home within the district and help bring balance to the housing stock.

### Link to National Planning Policy:

PPS3: Planning Policy Statement 3 'Housing' requires a mix of house sizes and types in order to provide choice within the market. Accordingly, this policy provides the means of delivering choice in the top end of the market.

### Evidenced Justification:

The Strategic Housing Market Assessment suggests that, in terms of dwelling size, 74.4% of the dwelling stock is in Council Tax bands A, B and C compared with just 61.8% in the eastern region and 66.2% in England. Also, in terms of dwelling size, 65% of dwellings have 5 or fewer rooms (including kitchen, living room etc) compared with 56.65% for the eastern region and 59.7% for England. It could be argued therefore that encouraging larger, more aspirational homes would bring balance to the dwelling stock as well as encouraging higher income households into the district. Stevenage Borough Council has introduced a similar policy through its LDF.

### Comments raised during Public Consultation:

There were a number of comments made at the public exhibitions of 2009 that supported more larger homes with bigger gardens as an antidote to the perceived over-supply of high-density dwellings at the minimum 30 dwellings per hectare previously required by PPS3.

### Findings of the Sustainability Appraisal:

The Sustainability Appraisal looked at the effects of both the inclusion of an Aspiration Housing policy along with its exclusion and made the following observations.

Both options will deliver a mix of dwellings, however under option 1, which will specifically require larger dwellings, there will be more certainty that this type of dwelling will be delivered. Larger dwellings do not make the most efficient use of land. Care must be taken to ensure that the mix of dwellings on a site reflects the need for dwellings as set out in the most recent version of the SHMA. The requirement for large dwellings should therefore not necessarily apply to all sites.



✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
Opt 1	✓								
Opt 2									

Policy wording:

**POLICY DP19 – ASPIRATIONAL HOUSING**

On certain sites allocated for housing development, to be specified in the Site Allocations Document, at least 3% of new homes will be required within the mix of housing size, type and tenure, to meet the following spatial standards to be classed as ‘aspirational housing’. These dwellings will:

- a) be detached;
- b) have at least four bedrooms and two bathrooms; and
- c) be sited on large plots with a build footprint in excess of 100m<sup>2</sup> and rear gardens of at least 200m<sup>2</sup>.

Implementation:

For those sites where Aspirational Housing is likely to be suitable (the larger urban extensions and neighbourhood developments), Development Briefs will be produced that will identify the appropriate locations within the development where these larger homes will be provided.

Monitoring:

The effectiveness of the policy will be measured by assessing and monitoring the mix of new housing provided over the course of the LDF plan period which will be reported each year in the Annual Monitoring Report.

## **DP 20 – RESIDENTIAL INSTITUTIONS AND CARE**

### Purpose of Policy:

To ensure that residential institutions are delivered in the right locations, do not detract from the tourism function of the district's main resorts and meet the needs primarily of the district's ageing population rather than encourage an in-migration of older and disabled residents and compound the district's skewed demographics.

### Link to Spatial Objectives:

**PE2:** Bring balance to the district's ageing population by improving the opportunities for younger people to live and work in the area whilst still providing for the needs of its older residents.

This policy will ensure that the care needs of the district's ageing population are met without further compounding the imbalance within the population structure towards older people.

**PE4:** Create a more balanced housing stock by delivering a mix of new homes and other accommodation to meet local demands and needs.

The provision of institutional care will meet the accommodation needs of a certain sector of the district's population.

### Link to National Planning Policy:

PPS3: Planning Policy Statement 3 'Housing' requires a mix of accommodation to provide choice within the market and provide for identified needs, including those for older and disabled residents. Accordingly, this policy provides the means to deliver care in the right locations.

### Evidenced Justification:

The analysis in the Spatial Portrait shows that 27% of Tendring residents are 65 years of age and over, 10% higher than the regional average and that 24% of residents suffer with a long term limiting illness. It is considered that the in-migration of older and disabled residents, both in regular housing and institutional care, is further compounding the imbalance in the district's population structure. This policy therefore allows for the needs of existing residents to be met without encouraging an unsustainable influx of institutional care into the district. The Council receives a disproportionately large number of planning applications for care homes.

Discussions with Essex County Council's Adult Social Care section suggest that the Council's objective should be to enable people to live independently in their own home for as long as possible with care support provided at home, as required, rather than in an institutional care home. The County predicts a demand for just over 500 new 'extra care' housing units between now and 2015 (soon to be updated and projected further into the future). There are currently only two schemes in Tendring (in Clacton and Manningtree) with 48 units between them.

It is therefore possible to justify not allowing any more traditional 'old peoples homes' but instead make allowances, perhaps within major new housing allocations for an element of extra care housing.

One area where there does appear to be an increasing demand for institutional care is for people suffering with Dementia. The County Council's projections suggest that around 128 rooms of additional capacity for dementia care will be needed by 2020. It is recommended therefore that, for this purpose, the policies in the Core Strategy ought to allow for this provision and that proposals are either judged on their own merits or against some set criteria.

Extra care housing: As explained above, the objective will be to keep people living independently, in their own homes, for as long as possible. The provision of extra care housing, where care can be provided as and when needed in the comfort of one's home, is one way to address the need for care and reduce the need for new institutional care homes. It is therefore recommended that provision is made, through the larger housing allocations, for an element of this kind of housing, for which there is an identified future need.

Institutional care: There is a concern that institutional care homes, within their use class, can cater for such a wide range of care that, when introduced into a community perhaps as a care home for older residents, there is no power to resist it being used for more intensive forms of care for people with more severe illnesses, including mental health problems. There is a perception that more 'secure' forms of institutional care homes pose a risk to the resident community and are best located away from communities. Whilst the security put in place at these establishments tends to be for the benefit of the patients rather than the neighbouring residents, but we understand the concern raised.

The latest revisions to the use class order in 2010 go some way to address this issue by dividing use class C2 into two categories – C2 'Residential Institutions' and C2A 'Secure Residential Institutions' between which there is no permitted changes of use without planning permission.

Use class C2 includes residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. Use class C2A includes more secure forms of accommodation including prisons, young offenders institutions, detention centres, secure training centres, custody centres, short-term holding centres, secure hospitals, secure local authority accommodation and military barracks.

The creation of separate use classes enables us to introduce planning policies that deal with these two kinds of institutions in different ways, but the emphasis should still be on locating them in sustainable locations with good access to local facilities and public transport. This is not just for the benefit of the patients, but also staff and visitors.

As mentioned above, we know there is likely to be a need for 128 rooms for dementia care in the district over the next 10 years and, when the new projections are available to 2031, it is likely to be much greater – so we do need to make provision for this level of care within the district to at least meet the future care needs of our own residents. Armed with robust forecast data, we can at least attempt to plan for this growth through the LDF rather than deal with applications on an ad hoc basis.

However, for other forms of care, including the more secure forms of care in use class C2A which are likely to cater for the needs of a wider catchment area than our own district, rather than having a ban (which will constantly be challenged), we could use criteria-based policies to ensure these institutions (which do employ a significant number of people) are located in reasonably sustainable locations with good access to public transport and other facilities.

Care provided within a dwelling house: Use class C3 'Dwelling Houses' is formed of three parts: C3(a) traditional forms of housing; C3(b) where up to six people can live together as one household where they are receiving specialist care; and C3(c) which could be a small religious commune. Change of use between these three categories does not currently require planning permission.

The Council is concerned about the impact that changes from particularly C3(a) to C3(b) have on the character of certain areas and the overall impact on communities as it allows an uncontrollable

migration of people with health issues into the district which compounds the district's poor health statistics even more.

Because these changes of use are 'permitted development' under the use classes order, we cannot use planning policies to address this issue. We will however consider any legal means of specific areas where there are particular concerns about the impacts of this kind of change of use thus requiring planning permission to be obtained.

The impact on tourism

In addition, there are locations mainly in Clacton and Frinton where there has been a high demand for the provision of institutional accommodation but where concentrations of such uses has the potential to lead to various problems, including the cumulative effect such developments can have on the character, image and tourism function of those areas. Therefore in central parts of Clacton and Frinton (to be defined in the Clacton Town Centre and Seafront Area Action Plan and the Site Allocations Document), these uses will not be permitted.

Comments raised during Public Consultation:

No specific comments.

Findings of the Sustainability Appraisal:

Option 1 is to only permit specialist accommodation within defined settlements that offer an appropriate range of facilities and services. Further, the institution will meet a local need and will not affect tourism.

Option 2 is to have no policy.

Option 3 is to only permit specialist accommodation throughout the district where it would not lead to clustering, not give rise to public safety issues and external space for recreation is provided. Exceptionally proposals may be acceptable outside of settlement development boundaries.

All options will provide accommodation to meet the needs of specialist groups within the district, which will contribute to health equality, and option 1 will ensure that local need is met. Option 1 restricts development to defined settlements, which protects greenfield land. Specialist accommodation provides jobs and requiring such accommodation to be located in settlements will ensure that workers have good access to the site. The most positive impact will occur under option 1, which requires accommodation to be directed to districts settlements. Option 1 will also protect the tourism industry by ensuring that proposals for residential institutions do not affect the districts tourist image. Option 3 will require development proposals to consider and justify that they will not give rise to adverse impacts on public safety. Option 3 will also require proposals to provide external space for recreation, which will increase the amount of private open space in the district.

✓ - option that best meets the objective

	SA Obj 1	SA Obj 2	SA Obj 3	SA Obj 4	SA Obj 5	SA Obj 6	SA Obj 7	SA Obj 8	SA Obj 9
Opt 1	✓	✓	✓	✓		✓		✓	
Opt 2	✓								
Opt 3	✓				✓				

Policy wording:

**POLICY DP20 – RESIDENTIAL INSTITUTIONS AND CARE**

The development of new (or change of use to) residential institutions (use class C2) will only normally be permitted:

- a) within the Settlement Development Boundaries of Urban Settlements or Key Rural Service Centres (see Spatial Strategy Policy 4);
- b) outside of the 'Control of Residential Institutional Uses Areas' in Clacton and Frinton as defined on the Proposals Maps as part of the Site Allocations Document and Clacton Town Centre and Seafront Area Action Plan; and
- c) where the applicant can demonstrate, through robust evidence, that the proposal will address a locally generated future need for institutional care.

Proposals for the development of new (or change of use to) secure residential institutions (use class C2A) will be considered on their own merits and will be required to meet criteria b) and c) above.

The Council will use availability planning powers in the Control of Residential Institutional Uses Areas to control the use of dwelling houses as non-institutional care homes within class C3.

Implementation:

The Control of Residential Institutional Uses Areas in Clacton and Frinton will be defined through the Site Allocations Document and Clacton Town Centre and Seafront Area Action Plan and the policy will apply to those areas. In terms of demonstrating a local need, applicants will have to submit evidence that the Council, working in partnership with Essex County Council Adult Social Care will consider when determining an application.

The potential for restricting changes of use within use class C3 will be investigated and minor changes to the policy may be recommended depending on what these investigations achieve.

Monitoring:

The effectiveness of the policy will be measured by assessing and monitoring the provision of institutional care in the district.