

# Tendring District Local Plan 2007

**Adopted**

December 2007

# **Chapter 1**

## **Introduction and Strategy**



## Chapter 1 Introduction and Strategy

**1.1** This Local Plan was prepared in accordance with the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the Development Plan Regulations 1999 (as amended by the Town and Country Planning (Transitional Arrangements) (England) Regulations 2004). The Plan covers the whole of the Tendring District and plans for the period up to 2011.

**1.3a** District Councils are required to produce a Local Plan in order to guide and promote development in accordance with appropriate policies. A Local Plan consists of a Written Statement and Proposals Maps. The Written Statement contains the strategy for future development in the district together with supporting policies and proposals, whilst the Proposals Maps show where new development will be encouraged and where it will be resisted. The Proposals Maps consist of a plan of the whole District, with a series of inset maps that provide greater detail within individual towns and villages.

### The Planning and Compulsory Purchase Act (2004)

**1.3b** The Planning and Compulsory Purchase Act (2004) was enacted on 28 September 2004. Following this Act, Local Plans will eventually be superseded by a Local Development Document. However, the Act allows Council's such as Tendring to continue through the Local Plan process under "transitional arrangements".

**1.3c** The first requirement of the new legislation was for Tendring District Council to submit a Local Development Scheme to the Government Office by 28 March 2005. The Government's intention is that the Local Development Scheme will increase public awareness of local planning activity. The most up to date LDS can be found on the Council's website ([www.tendringdc.gov.uk](http://www.tendringdc.gov.uk)). The Local Development Scheme details the Council's work programme for the next three years and beyond setting out all the planning documents that will be produced over this time. The Council's Annual Monitoring Report, (published every December) will monitor the Council's progress in delivering this work programme and achieving the numerous milestones for each planning document.

**1.3d** The Local Development Scheme also clarifies the route that will be taken in transferring from the current Local Plan system to new Local Development Documents. Local Development Documents will be significantly shorter documents than current Local Plans and will have a more strategic focus. Local Development Documents will also require earlier and an increased amount of public and community involvement.

### Why a Replacement Local Plan is Needed

**1.4** Although the Government wishes to see all local authorities move from the "old" planning system of Local Plans to the "new" system of Local Development Documents, they also specify that local authorities should still maintain continuity in the Local Plan process as a framework for development control. The previous Tendring District Local Plan was adopted in April 1998 and covered the period up to 2001. Consequently, a replacement was required to plan for the future to meet local social and economic needs and reflect new European, National and Regional Planning Guidance. This Adopted Local Plan therefore replaces the previous 1998 Local Plan and provides an updated planning framework for the District up to the year 2011.

### How the Local Plan Affects Planning Applications

**1.5** Even though land may be allocated for a specific use or uses in the Local Plan, planning permission will still be required from the District Council as Planning Authority for new buildings or changes of use. The Local Plan forms one part of the Development Plan for the area which is used as the main starting point in deciding planning applications by providing the guidance for rational and consistent decisions across the District. The Development Plan for the Tendring District currently consists of the following documents:

- This Tendring District Local Plan 2007 (adopted December 2007)
- Saved policies of the Essex and Southend-on-Sea Replacement Structure
- Plan (a list of these are contained in Appendix 15)
- The Essex Minerals Local Plan Second Review, First Deposit Draft (November 2003)
- The Essex and Southend-on-Sea Waste Local Plan (Adopted September 2001)

### The Plan Preparation Process

**1.8a** The first stage in preparing this Local Plan was the publication of an Issues Report in March 2000 which was designed to stimulate public debate about the main planning issues that should be addressed by the Local Plan. A summary of the Issues Report was included in the Council's information paper "Tendring Matters" which was delivered to households and businesses throughout the District. Public exhibitions were also held in order to engage the public.

**1.11a** The next stage in the Local Plan process was the publication of a First Deposit Draft of the Local Plan on 28 May 2004 which was placed on public consultation for a period of 8 weeks (2 weeks above the formal 6 weeks that are required by the Regulations), inviting representations on any part of the Local Plan. A number of public exhibitions, parish and town council consultation workshops, and local business workshops were held across the District so as to maximise the effectiveness of the Local Plan consultation process by gathering a broader range of opinions from the whole Tendring community.

**1.11b** As a result over 9,000 representations were received and the First Deposit Draft Local Plan was amended to reflect the changes that the Council agreed should be made in light of these representations and any legislative changes or updates to Government policy or guidance that had occurred since the First Deposit Draft was published.

**1.11c** The next stage of the Local Plan process was the publication of a Re-Deposit Draft of the Local Plan on 7 November 2005, which incorporated these changes and was placed on formal public consultation. Again, a number of public exhibitions, parish and town council consultation workshops, and local business workshops were also held across the District.

**1.11d** As a result of the Re-Deposit Draft period of public consultation a further 5,000 representations were received, which were then analysed and considered by the Council. The Council also prepared a number of Pre-Inquiry Changes that it considered should be made to ensure the Plan reflected the most current legislation and Government Policy. The Pre-Inquiry Changes were published on 9 May 2006 and were placed on public consultation.

**1.11e** All the outstanding objections raised against the Local Plan were considered by an Independent Planning Inspector at the Local Plan Public Inquiry which ran from 12 September 2006 to 24 April 2007. The Inspector's recommendations were subsequently published in the Inspector's Report which was received by the Council on 20 November 2007. Under the transitional arrangements of the Planning and Compulsory Purchase Act (2004) this Report is binding on the Council; so this Adopted Local Plan incorporates all the required changes contained within the Inspector's Report.

**1.11f** This Local Plan was formally adopted by Tendring District Council on 11 December 2007 and replaces the previous 1998 Adopted Local Plan. The policies and proposals contained within it came into force on the date of adoption.

## Supporting Documents

**1.13** The Local Plan is supported by a number of studies, including as follows:

- Sustainability Appraisal of the Local Plan (2005)
- Tendring District Community Strategy (2005-2011)
- Clacton Town Centre Strategy (2003)
- Conservation Area Review Character Appraisals (Adopted by the Council in 2006)
- District-Wide Retail Study (2000) and Update Study (2003)
- Employment Land Supply Review (stage 1) (2002)
- Employment Land Identification Study (stage 2) (2002)
- Employment Land Identification Study (stage 3) (2003)
- Employment Land Identification Study (stage 4) (2003)
- Employment Land Identification Study (stage 5) (2005)
- Essex Local Transport Plan (2006 to 2011)
- District-Wide Landscape Character Assessment (2001)
- Landscape Character Assessment Greenfield Sites Study (2001)
- Residential Land Availability Survey
- Tendring Annual Monitoring Report (2006)
- Tendring District Housing Needs Study (2002) and Update Study (2006)
- Recreational Open Space: Tendring District (2003)

- Children's Play Area Strategy: Tendring District (2002)
- Playing Pitch Strategy (2002)
- Tendring District Transportation Strategy (2000)
- Tendring Passenger Transport Study (2001)
- Tourism Study (2002)
- Urban Capacity Study (2002)
- Boundary Definition for the Proposed Extension to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty on the South Side of the Stour Estuary (2003)
- Strategic Flood Risk Assessment (2004)
- Review of Tendring District Local Green Wedge Policy (2004)
- Tendring Housing Comparative Site Assessment Study (2004) and Update Study (2005)
- Housing Technical Paper (2004) and Update Study (2005)
- Town Centre Health Checks (1998)

These documents are available for reference and most are available for purchase from the District Council.

## How to Use this Plan

**1.18a** This Plan can be subdivided into four parts. The first part is the "Context, Vision and Strategy", which outlines how the Local Plan is prepared and the vision and strategy that are fundamental to the Plan. The second part of the Plan contains six chapters that accommodate general policies and proposals that apply across the whole of the District. The third part of the Plan is made up from chapters comprising policies on specific geographical areas in the District. The final part of the Plan shows how the Council will monitor the implementation of the Plan.

**1.18b** All four parts of the Plan need to be taken into account as a whole and not in isolation. For example, the area-specific policies should always be read in conjunction with the district-wide policies as these may also apply. Planning applications will be judged against all of the relevant policies in the Local Plan, the Structure Plan and all material considerations when the Council considers whether to grant planning permission.

## Context, Vision and Strategy

**1.21a** The Local Plan reflects the broader contexts of European, National and Regional planning guidance, with the over-arching theme of promoting sustainable development (see Appendix 13 for a definition). Sustainable development is one of the main challenges that today's society faces. Planning can play a vital part in promoting sustainable land-use patterns and better use of resources. For example, developments that will attract many people will need to cope with the additional pressures that ensue, and should be located in or around the edge of existing urban centres or in areas that are well-served by public transport.

**1.21b** Similarly, in town centres reasonable diversity of use can be proactive in revitalising the town, improving security through increased hours of activity, and ensuring that people have a wider range of facilities available within walking distance or via public transport. Mixed-use development that helps to achieve this aim might allow for lower parking provisions that could subsequently release land for amenity space or lead to pedestrian or cyclist improvements, including the complete pedestrianisation of some streets.

**1.21c** Where possible it is preferential to use previously developed land as this improves the efficiency of land-use and reduces the loss of greenfield or open spaces. Where changes occur they should normally be undertaken with the aim of maximising accessibility in order to reduce the number and length of journeys by car and provide for improved public transport, pedestrian, and cycle movement.

## European Context

**1.22** The European context for planning is contained in the European Spatial Development Perspective, May 1999 (ESDP). This is a non-binding document but the Government is keen to encourage the adoption of its principles in the preparation of strategic and local planning policies. The District's links to mainland Europe via Harwich International Port mean that the European dimension is an important one. Road and rail links to Harwich and the port itself are identified as important parts of the Trans-European transportation network.

**1.23** The goals of the ESDP are:

- economic and social cohesion;
- more balanced competitiveness of different European countries and regions; and

- conservation of natural resources and cultural heritage.

**1.24** Key themes of the ESDP with implications for the development of local planning policies for Tendring include reducing disparities in economic prosperity and access to services and facilities between areas, better integration of social, economic and environmental considerations and the promotion of a sustainable approach to the management of resources.

## National Context

**1.25** Central Government produces Planning Policy Guidance notes, Planning Policy Statements, Circulars and other legislation that must be taken into account in preparing a Local Plan. In order to improve sustainable patterns of development national planning policies currently aim to:

- concentrate development mostly within urban areas, especially in large towns where there are more facilities, jobs and a greater choice of transport;
- use land within settlements in preference to “greenfield” sites, particularly derelict and previously developed land and buildings known as “brownfield” land;
- direct development towards towns and villages which contain a range of facilities and offer a choice of transport;
- promote development with a mix of uses so that people can live much closer to their jobs, shops and other facilities;
- ensure that there is a better balance between employment and housing and put jobs and homes near each other to reduce the need to travel long distances to work;
- encourage better design of new development to create high quality living and working environments and make best use of land resources;
- ensure that the scale of proposed development fits in well with the size and character of existing settlements;
- keep town centres vibrant places in which to live, work, shop and spend leisure time;
- stimulate economic regeneration in areas where there is high unemployment and few job opportunities;
- promote a balanced and healthy rural economy;
- protect open space and areas which are important for nature conservation or built heritage;
- promote energy efficiency and renewable energy and reduce pollution of land, air and water; and
- locate development away from areas of flood risk.

## Regional Context

**1.25a** Current Regional Planning Guidance is contained in RPG9, which was adopted by the Government in March 2001. The key policies of RPG9 that relate to the Tendring District include:

- The identification of Clacton, Harwich and Walton as Priority Areas for Economic Regeneration (PAERs) in recognition of their need for urban renaissance, regeneration and economic diversification;
- Recognition of the importance of investment in Harwich’s port infrastructure and links to other areas in order for the port to grow and prosper, and emphasis on the role the London to Ipswich transportation corridor multi-modal study will have in identifying necessary improvements; and
- The need to balance regeneration with enhancement of the District’s important coastal and estuarine habitats.

**1.26** Regional Planning Guidance will be replaced by new Regional Spatial Strategies following the introduction of the Planning and Compulsory Purchase Act (2004). The current regional guidance covering the area, RPG9, will be replaced by Regional Spatial Strategy 14 (RSS14), the “East of England Plan”. A draft version of RSS14 was published in December 2004 and was placed on consultation between December 2004 and March 2005. The RSS underwent public examination between November 2005 and March 2006 resulting in the publication of numerous proposed changes, which were placed on consultation between December 2006 and March 2007. The RSS is currently awaiting adoption, which is expected in early 2008. Once adopted RSS14 will become part of the Development Plan for the Tendring District alongside this Local Plan (until 2011).

**1.30a** The Local Plan will also reflect the aspirations of the East of England Development Agency’s regional economic strategy that sets the vision for the sustainable economic development for eastern England. This was produced in 1999 and revised in 2001, but has since been superseded by the new “A Shared Vision: the Regional Economic Strategy for the East of England”. This latest revision of the strategy was published in December 2004. The strategy identified a number of priorities and related action areas as set out below:

- a skills base that can support a world-class economy;

- growing competitiveness, productivity and entrepreneurship;
- global leadership in developing and realising innovation in science, technology and research;
- high quality places to live, work and visit;
- social inclusion and broad participation in the regional economy;
- making the most from the development of international gateways and national and regional transport corridors;
- a leading information society; and
- an exemplar for the efficient use of resources.

## Structure Plan

**1.31** The Local Plan was in general conformity with the Essex and Southend-on-Sea Replacement Structure Plan. The Structure Plan has expired under the provisions of the Planning and Compulsory Purchase Act (2004). Appendix 15 contains those policies the District Council wishes to adopt as part of this Local Plan. Specific Structure Plan designations and proposals relating to the Tendring District include:

- provision for 6,250 dwellings to be provided in the Tendring District between 1996 and 2011;
- provision for 80 hectares of new employment land to be provided in the District between 1996 and 2011;
- identification of Clacton, Harwich and Walton as Priority Areas for Economic Regeneration (PAERs) and Priorities for Coastal Tourism;
- identification of the town centres of Clacton, Frinton and Harwich as principal town centres;
- identification of the A120 as a priority for improvements to inter-urban road, rail and public transport;
- support for the extension of the Suffolk Coast and Heaths AONB to include the south side of the River Stour in Tendring; and
- a set of core policies to achieve sustainable development across the County.

## Local Context

**1.34** During the period of the previous Adopted Local Plan (1992-2001) the District witnessed many changes. The District's two largest holiday parks in Clacton and Dovercourt were redeveloped for new housing during the 1990s. There has been redevelopment of a number of large vacant properties along the seafront in Clacton, Harwich and Frinton to provide a range of housing units as well as numerous other developments in the District's towns and villages. Retail facilities have been expanded in the District with the development of the Clacton Factory Shopping Village and the new superstores at Parkeston and Little Clacton. The construction of the Little Clacton bypass and completion of the Parkeston bypass has improved the environment of both villages. The District has also benefited from conservation schemes in Mistley and Harwich as well as a range of regeneration initiatives. The special historic and architectural quality of Clacton seafront has also recently been recognised by its designation as the District's twentieth Conservation Area.

**1.35** There will be a need for further changes in the future, particularly to encourage new economic development and employment opportunities. The challenge for the Local Plan is to ensure that appropriate new development is encouraged, is of a high standard and is sustainable. In particular, development needs to be directed towards the right locations, with the right infrastructure to promote economic and social regeneration, whilst also seeking to protect and enhance the built and natural environment and promote a choice of transport use and shorter journeys.

## The Tendring District Community Strategy

**1.38a** In 2000, all Councils were given a statutory responsibility to prepare a Community Strategy setting out how the social, economic and environmental well being of the residents of their area could be improved. The Tendring Community Strategy was drawn up by the Local Strategic Partnership (LSP) of businesses and community leaders. The LSP recognises that the Community Strategy must meet the sustainable development challenge and strike the right balance between social, economic and environmental objectives. The partners are committed to working together to facilitate inward investment and job creation, promote social inclusion and protect the District's natural resources and built environment. At the time of adopting this Local Plan the Strategy is being rolled forward.

## Delivering the Vision: the Local Plan Strategy

**1.40a** The Community Strategy sets out a vision of how Tendring District should be improved over the period up until 2011 through topical "themes" that reflect national and local priorities for change. The Local Plan has evolved from these themes, addressing the planning and land-use issues that are encompassed within them. The key themes of the Community Strategy are:

1. Strengthening the Economy and Promoting Regeneration;
2. Reducing the Incidence and Fear of Crime to Produce a Safer Community;
3. Promoting Healthy Living and Narrow the Health Gap to Save Lives;
4. To Improve the Most Disadvantaged Parts of the District through Neighbourhood Regeneration;
5. To Encourage Lifelong Learning to Develop Everyone's Potential, Talents and Skills;
6. Improve the Quality and Choice of Transport to Improve Access to Services;
7. Sustaining Our Environment; and
8. Sustainable and Affordable Housing.

### **Sustainability Appraisal and Strategic Environmental Assessment**

**1.49a** The Government requires that all Local Plans be subject to a sustainability appraisal to ensure that they are moving towards the creation of more sustainable patterns of development. This Plan has been subjected to a sustainability appraisal that tested the Plan's impact on sustainable development.

**1.49b** The European Directive 2001/42/EC (also known as the SEA Directive) was incorporated into English law on 21 July 2004. These regulations state that a Strategic Environmental Assessment (SEA) is now required to assess the environmental effects of certain plans and programmes. The Directive aims to provide a high level of environmental protection and contribute towards the integration of environmental considerations in the preparation and adoption of plans with a view to promoting sustainable development.

**1.49c** The SEA Directive applies to Local Plans that were in the course of preparation on 26 July 2004 and that will not be adopted before 26 July 2006. The Local Plan therefore required a SEA. The Sustainability Appraisal that accompanies this Plan incorporates the requirements of the SEA Directive.

## **Chapter 2**

# **Improving the Quality of Life**



## Chapter 2 Improving the Quality of Life

**Aim: To maintain and improve the quality of life, economic prospects and environment throughout the District for everyone who lives, works or visits here both now and in the future.**

### Strategic Objectives:

- make efficient use of land within existing urban areas particularly Brownfield land in preference to Greenfield land;
- direct development to places where it is easily accessible by a choice of means of transport and reduce the need to travel;
- promote development with a mix of uses so that people can live much closer to jobs, shops and other facilities, reducing the need to travel and helping to build communities;
- stimulate social and economic regeneration in parts of Clacton, Harwich, Walton, Brightlingsea and Mistley, where there are high levels of unemployment, social deprivation and physical dereliction;
- support rural communities and promote a balanced, healthy rural economy;
- ensure new development creates high quality environments that work well and are safe and attractive for residents, businesses and visitors; and
- ensure that the community, environmental and infrastructure needs generated by new development are met.

**2.1** This Chapter sets out core strategic policies that provide the overarching framework for achieving the Community Strategy vision of improved quality of life in Tendring District. The Chapter covers the following:

- Location of New Development.
- Making Efficient Use of Land and Resources.
- Promoting Sustainable Forms of Transport.
- Minimising Flood Risk.
- Achieving Economic Success.
- Haven Gateway and Strategic Development Opportunities.
- Stimulating Urban Regeneration and Renewal.
- Achieving Rural Regeneration.
- Promoting Mixed-Use Development.
- Achieving Quality New Development.
- Ensuring Compatibility of Uses and Minimising Environmental Impacts.
- Ensuring the Social, Environment and Infrastructure Requirements of New Developments are met.

**2.2** As with all the policies in this Plan they will not be applied in isolation and should be read in conjunction with other relevant policies in both this Plan and the Essex and Southend-on-Sea Replacement Structure Plan.

### Location of New Development

**2.3** In order to achieve these strategic objectives and help create sustainable communities the District Council will apply a sequential approach to the location of new development that seeks to make best use of land and stimulate regeneration within existing urban areas. This sequential approach is set out in Replacement Structure Plan Policies CS1 and CS4 (Core Policies), Policy H2 (Housing), Policy BIW3 (Business, Industry and Warehousing) and Policy TCR2 (Town Centres and Retail Development).

**2.4** Tendring District Local Plan 2007 Policy QL1 below builds on these Replacement Structure Plan Policies to define (in general terms) the main focus for new sustainable patterns of development in the District. The Policy also defines the District's Settlement Development Boundaries and "countryside", the latter for the purposes of Replacement Structure

Plan Policy CS5 and related Development Plan countryside policies.

**2.5** Settlement Development Boundaries have been drawn to allow for planned peripheral growth to the urban areas of Harwich, Clacton and the eastern edge of Colchester, principally to provide for additional employment development which cannot be accommodated within the existing urban areas. This is an integral part of the spatial strategy, which concentrates development at existing larger towns and promotes sustainable economic growth and improved transport links in key locations.

#### **Policy QL1 - Spatial Strategy**

The spatial strategy for Tendring to 2011 follows established national and regional principles for sustainable development.

- a. Most new development will therefore be concentrated at the larger urban areas of Clacton and Harwich, where accessibility to employment, shops, and other facilities and services is maximised, and there is a choice of means of transport. These towns also contain the largest supply of previously developed land, for use in general preference to greenfield sites.
- b. In the smaller towns and villages, limited development consistent with local community needs will be permitted.
- c. Development will be concentrated within the following settlement development boundaries, as defined on the proposals maps.

Outside these, and other specific land allocations in this Plan, only development which is consistent with countryside policies will be permitted.

#### **TOWNS**

|                       |                                         |
|-----------------------|-----------------------------------------|
| <b>Clacton</b>        | <b>Brightlingsea</b>                    |
| <b>Harwich</b>        | <b>Lawford, Manningtree and Mistley</b> |
| <b>Frinton/Walton</b> | <b>Colchester Fringe</b>                |

#### **VILLAGES**

|                                      |                        |
|--------------------------------------|------------------------|
| <b>Aingers Green</b>                 | <b>Little Clacton</b>  |
| <b>Alresford</b>                     | <b>Ramsey</b>          |
| <b>Ardleigh</b>                      | <b>St. Osyth</b>       |
| <b>Beaumont-cum-Moze</b>             | <b>Point Clear</b>     |
| <b>Bradfield</b>                     | <b>Tendring</b>        |
| <b>Elmstead Market</b>               | <b>Tendring Green</b>  |
| <b>Frating Green and Balls Green</b> | <b>Thorpe-le-Soken</b> |
| <b>Great Bentley</b>                 | <b>Thorrington</b>     |
| <b>Great Bromley</b>                 | <b>Weeley</b>          |
| <b>Great Holland</b>                 | <b>Weeley Heath</b>    |
| <b>Great Oakley</b>                  | <b>Wix</b>             |
| <b>Kirby-le-Soken</b>                | <b>Wrabness</b>        |

#### **Note:**

- Clacton includes Holland-on-Sea, Great Clacton and Jaywick.
- Colchester Fringe comprises that small part of the built up area of Colchester in Tendring District (i.e. Crown Interchange Area, Ardleigh).
- Frinton/Walton includes Kirby Cross.
- Harwich includes Dovercourt, Parkeston, Little Oakley and Ramsey.

**2.6** Clacton and Harwich are the District's two largest urban areas and offer the widest choice of facilities and services. In consideration of sustainability, they also offer the largest amounts of previously developed land, which is preferred to undeveloped land when considering new development allocations. Therefore, following the sequential approach, these settlements form the logical focus for new development. Such development will be closely linked with adjoining urban areas and transport networks, forming an important part of the Council's economic development strategy.

**2.8** The three smaller urban areas of Frinton/Walton, Brightlingsea, and Lawford, Manningtree and Mistley offer overall somewhat less accessibility to local employment, public transport and facilities than Clacton or Harwich. However, the development opportunities for the re-use of previously developed land in those urban areas, particularly for housing and mixed uses, is generally sufficient to meet local community needs.

**2.9** Settlement Development Boundaries have been drawn around those villages where some infill and small additions to the built-up areas have been allowed for. Policy RA4 (Chapter 13) categorises the villages as principal, secondary and other defined villages. The justification for these definitions is set out in the Rural Areas Chapter, as are the potential

levels of acceptable development. The boundaries have been drawn tightly around the main built-up areas of those settlements to protect their countryside setting, non-renewable natural resources, and to prevent sporadic and ribbon development. Excluded are more loosely knit development and small detached housing groups that occur on the periphery of some settlements. Where long gardens could lead to inappropriate backland development pressures, Settlement Development Boundaries cut across gardens rather than following curtilages.

**2.10** Only those villages comprising an existing compact group of at least 30 dwellings and one or more of the following key facilities: primary school, convenience goods shop (often including post office), or village hall have defined development limits. Further development in hamlets and groups of rural dwellings lacking easy access (maximum 10 minutes walk or 800 metres) to any key facilities would encourage more car-borne journeys, social exclusion and greater development dispersal in the countryside. Even so, local facilities and employment opportunities are very limited in the smaller defined villages, so their Settlement Development Boundaries have consequently been drawn tightly so as to limit new residential development to small-scale infilling. Location on a public transport route is not considered a sufficient substitute to warrant development limits for hamlets totally lacking any key local facilities, especially as rural bus services are not frequent.

**2.11** For the purposes of all countryside policies in the Development Plan (Structure Plan and Local Plan), the Development Spatial Strategy also defines the countryside as all those parts of the Plan area that are not within the Settlement Development Boundaries of towns and villages as identified on the Proposals Map. Outside Settlement Development Boundaries policies that aim to conserve and enhance the countryside for its own sake will apply. Consequently, in the countryside planning permission will only be given for development that does not detract from the appearance or character of the area.

### **Making Efficient Use of Land and Resources**

**2.12** Making better use of urban areas and previously developed land and buildings before considering releasing Greenfield land is one of the cornerstones of sustainable development. This approach seeks to minimise the use of finite land resources, and by locating development where there is a concentration of facilities and services it may also help to reduce the need to travel and dependence on the private car.

**2.13** In 2000 and 2001 over 60% of new housing in the District was built on previously developed land in accordance with national targets. The target for homes to be built on previously developed land in the Plan Period is contained in the Sustainable and Affordable Housing Chapter. Over the next ten years there will be further opportunities to bring vacant, derelict and under-used land and buildings back into beneficial use that will enhance the quality of urban areas and act as a catalyst for regeneration. There will also be opportunities to increase the density of development within urban areas where this does not adversely affect the amenity or character of the area, and to vary off-street car parking requirements in some areas depending upon the accessibility by a choice of means of transport.

**2.14** The strategic framework for making better use of urban land is contained in Replacement Structure Plan Policy CS1 (Achieving Sustainable Urban Regeneration), CS4 (Sustainable New Development), and BE1 (Urban Intensification). Detailed local policy guidance for increasing residential densities is set out in the Sustainable and Affordable Housing Chapter. Parking Requirements are set out in the Sustainable Transportation Chapter, and in Supplementary Planning Guidance (SPG).

### **Promoting Sustainable Forms of Transport**

**2.15** The Essex Local Transport Plan and the Tendring District Transportation Strategy seek to develop a sustainable, integrated transport system for the District which provides necessary access to facilities, services and goods, with less dependence on cars and less impact on the environment. This is supported by the Tendring District Local Plan 2007 strategy which aims to concentrate development within existing urban areas, encourage mixed-use development and promote higher density of development and reducing car parking standards in appropriate locations. Policy QL2 below provides the overall framework for promoting travel choice through the location and design of new development.

#### **Policy QL2 – Promoting Transport Choice**

**All new development proposals should be located and designed to avoid reliance on the use of the private car and promote travel choice other than in exceptional circumstances. Permission will not be granted for development if it is not accessible by a choice of means of transport. Where necessary, measures to improve the accessibility of development will be required (from the developer), particularly access by walking, cycling and public transport.**

**The needs of different types of transport users will be considered in the following order of priority:**

- 1. Pedestrians (including people with mobility and sensory impairments).**
- 2. Cyclists.**
- 3. Car borne people with mobility impairments.**
- 4. Public transport users.**

5. **Powered two wheelers.**
6. **Commercial vehicles (including deliveries and heavy goods vehicles).**
7. **Car borne commuters, shoppers and visitors.**

**2.16** As explained in relation to Policy QL1, the Replacement Structure Plan promotes a sequential approach to the location of housing, employment and town centre uses which direct development towards existing urban areas in locations that are accessible by a choice of transport. Policy QL2 expands on this approach by seeking to ensure that the design and location of major travel generators and all development requiring public access promote travel choice and help reduce the need to travel. Development requiring public access includes day-to-day facilities such as children's nurseries, education, medical, community and leisure facilities.

**2.17** The Council recognises that in rural areas lack of public transport and essential services means that for many journeys using the private car is the only realistic transport choice. However, this situation should not be made worse by locating development on isolated sites with no alternative means of transport to the private car. In rural areas day-to-day facilities should therefore be located close to their catchment population and be safely and easily accessible by walking or cycling by a reasonable proportion of their clients.

**2.18** In accordance with Replacement Structure Plan Policy T3, all major developments will be required to provide comprehensive Transport Impact Assessments. "Travel Plans" will also be required from applicants for major retail, leisure, business development and new and expanded education facilities to improve accessibility. Further policy guidance on assessing and improving accessibility is provided in the Sustainable Transportation Chapter.

**2.19** Promoting means of transport which minimise environmental impact and support social inclusion means giving greater priority to walking, cycling and public transport and to ensuring accessibility by people of all abilities. The transport users hierarchy will be used to make sure that even if all means of transport cannot be incorporated within a scheme, those towards the top of the hierarchy will be considered first and given greater priority. The needs of higher ranking transport users will not necessarily have priority in all decisions, but no decision will be made without carefully considering the effect on pedestrians and other high priority users. Using the hierarchy will ensure that the design and layout of new development, transportation and traffic management proposals gives appropriate priority to the higher ranking users in order to move away from reliance on private cars.

**2.20** Where appropriate, transport accessibility improvements will be sought as part of development proposals, which generate significant traffic movements. Such improvements will normally be secured as part of development contributions through legal agreements.

### **Minimising Flood Risk**

**2.21** Tendring District is surrounded on three sides by water with the majority of the population living in coastal or riverside settlements. In recent years there has been an increase in the frequency and scale of river flooding nationally, and climate change is expected to increase the risk of coastal and river flooding in the future as a result of sea level rise and more intensive rainfall. Reducing vulnerability to flood risk now and throughout the lifetime of development is therefore vital to maintaining community safety and achieving long-term quality of life for residents in the District.

#### **Policy QL3 – Minimising and Managing Flood Risk**

**The Council will ensure that flood risk is taken into account at all stages in the planning process, to avoid inappropriate development in areas at risk of flooding. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of development outweigh the risks of flooding.**

**Therefore for all proposed sites within Flood Zones 2 and 3, the sequential test (as outlined in Annex D of PPS25) must be applied to demonstrate that there are no reasonably available sites in a lower flood risk area. The flood vulnerability of the proposed use must match the flood risk probability of the site. Higher vulnerability uses (defined in Table D2 of PPS25), must be located on the part of the site of the lowest probability of flooding.**

**Following the application of the sequential test, where development is shown to be required in Flood Zone 2 or 3, compliance with the exception test (as outlined in Annex D of PPS25) should be demonstrated for the required development types. PPS25 Table D3 specifies when the exception test will be required. Only where the exception test is passed will planning permission be exceptionally granted.**

**A Flood Risk Assessment is required to be submitted with all planning applications for new development on land within Flood Zones 2 and 3 as shown on the proposals map. Within Flood Zone 1 proposals on sites of 1 hectare or more will be required to submit a Flood Risk Assessment to consider drainage and flooding from other sources.**

**2.22** Flooding from rivers and coastal waters is a natural process which plays an important part in shaping the natural

environment. However, flooding threatens life and can cause substantial damage to property. Although flooding cannot be wholly prevented, its impacts can be avoided and reduced through good planning and management. PPS25 published in December 2006, provides the most recent national planning guidance in respect of Flood Risk. Local planning Authorities are required to reflect this in their approach to new development and in considering planning applications.

**2.23** The key objectives of PPS25 which need to be reflected in local planning policies include;

- Identifying land at risk and the degree of risk of flooding from river, sea and other sources in their area;
- Framing policies for the location of development which avoid flood risk to people and property, where possible, and manage any residual risk taking account of the impacts of climate change;
- Only permitting development in areas of flood risk where there are no reasonably available sites in areas of lower flood risk and benefits of the development outweigh the risks from flooding;
- Reducing risk of flooding by safeguarding areas required for current and future flood management, and incorporating Sustainable Drainage Systems (SuDs).

**2.24** The risk based approach, endorsed by the PPS, requires a sequential approach to determining the suitability of land for development in flood risk areas. The Sequential test is set out in Annex D of PPS25. The principles of the approach are reflected in Policy QL3. The approach primarily encourages the location of development away from areas at highest risk of flooding. Where there are no reasonably available sites (as defined in the PPS25 Practice Guide) in Flood Zone 1, decision makers should take into account the flood vulnerability of uses (shown in Table D2 of PPS25). The flood vulnerability of the intended use should be matched to the flood risk of the site, with reference to Table D3 of PPS25. Within each flood zone, new development should be directed first to sites at lowest probability of flooding. The sequential test should also be applied at a site level, with development directed to the parts of the site with the lowest risk.

**2.25** The PPS introduces an exception test in cases where, following the sequential test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones of lower probability of flooding. The circumstances when it is necessary to apply the exception test are shown in Table D3 of PPS25. Within Flood Zone 2, following application of the sequential test, all land uses are appropriate, but the exception test must be met for highly vulnerable uses (as defined in Annex D of PPS25). Within Flood Zone 3a, following the sequential test, only water compatible and less vulnerable uses are appropriate, highly vulnerable uses are not appropriate; for all other uses the exception test, (as set out in Annex D of PPS25), must be passed. Development within the functional floodplain- Zone 3b, is only acceptable following the sequential test if the proposed use is defined as water compatible, and essential infrastructure will be required to meet the exception test.

**2.26** The test comprises three parts; it must be demonstrated that all parts have been complied with. Part a) concerns how the wider sustainability benefits to the community of the development outweigh flood risk. This will be assessed with regards to the RLP SA Sustainability objectives. Part b) relates to previously developed land, and part c) relates to the Flood Risk Assessment.

**2.26a** Flood Risk Assessments will be required for all new development in flood zones 2 and 3 and proposals over 1ha in zone 1. The FRA will be required to demonstrate how flood risk, from all sources of flooding, will be managed. It must show that the development will remain safe throughout its lifetime (taking climate change into account), will not increase flood risk elsewhere, and will, where possible reduce the probability and consequences of flooding elsewhere.

**2.27** The Council will consult the Environment Agency on any development proposals within areas identified as being at risk from flooding. In addition it is necessary to obtain prior written consent of the Environment Agency for any works within nine metres of a main river or tidal/fluviial flood defence or any works affecting the flow of a watercourse (including culverting) under the terms of the Water Resources Act 1991, Land Drainage Act 1991 and the Environment Agency's Land Drainage and Sea Defence Byelaws. Policy on sustainable urban drainage systems is set out in the Sustaining Our Environment Chapter.

## Achieving Economic Success

**2.28** Economic growth and development is needed to increase the prosperity of the District. Growth is also vital to achieving the Council's key economic development and urban and rural regeneration priorities, particularly within the designated Priority Areas for Economic Regeneration (PAER) referred to in the regeneration section below. The Council is therefore, committed to encouraging economic development and supporting initiatives which help to achieve these aims.

**2.29** One of the key components to achieving economic success is the need to identify a suitable supply of land for employment generating uses. This creates the right circumstances to:

- attract inward investment through the location of new firms;
- allow for existing firms to grow; and
- allow for new firms to start up.

**2.30** Therefore, as part of the economic development strategy approximately 59 hectares of new development land has been identified for employment purposes. These sites allow for major strategic development to occur near to Harwich International Port and Bathside Bay. This reflects the Council's Draft Regeneration Strategy which states that "to maximise this opportunity sites are required close to the port and along the A120 corridor to service the needs of the potential investors seeking a location through which to import materials and re-export finished goods". In addition, further development sites on the northern edge of Clacton and other built-up areas across the District are proposed in this Plan.

#### **Policy QL4 – Supply of Land for Employment Development**

**To enable economic growth to occur, an adequate supply of land for employment generating uses falling within Use Classes B1 [(b) and (c)], B2 and B8 will be maintained. Approximately 59 hectares of development land is identified for employment purposes.**

### **Haven Gateway and Strategic Development Opportunities**

**2.31** Tendring District occupies a large part of the Haven Gateway Sub-Region, recognised in Draft RPG14 (Regional Guidance for the East of England), as having significant economic growth and regeneration potential. In the Gateway area this potential is connected to growth associated with the Haven Ports and the development of a hi-technology corridor and business clusters. The Council is also a key member of the Haven Gateway Partnership, set up in 2001 to provide a framework for promoting economic opportunities to secure future prosperity within this major gateway to the East of England.

**2.32** Within Tendring the proposed expansion of Harwich International Port at Bathside Bay provides a significant economic and regeneration opportunity for the District and wider Haven Gateway area. The scheme includes further deep water quayside between Parkeston and Harwich, the reclamation of approximately 72 hectares of inter-tidal land for container handling, a rail terminal and a logistics facility. The proposal will also generate the need for additional associated services and industry.

**2.33** A further strategic development site is identified on land close to Dovercourt, off the A120 (East of Pond Hall Farm). The site is well located in relation to Harwich International Port and the Bathside Bay Container Port site. Development in this location provides a further opportunity to secure a high quality business park with significant employment generating development including hi-technology industry which is within the A120 corridor and the wider Haven Gateway area. The development of this site is also likely to generate the need for associated services which may locate in other parts of the District and will therefore, be likely to secure further economic spin-off benefits.

**2.34** Elsewhere in the District, on the edge of Clacton and within other built-up areas, further land has been identified to provide for growth of new and existing firms. These sites, which include new and existing employment areas, are also shown on the Proposals Map and referred to in the Strengthening the Economy and Promoting Regeneration Chapter.

#### **Policy QL5 – Economic Development and Strategic Development Sites**

**The following strategic employment sites are allocated for development in order to encourage new economic activity and employment opportunities:**

- a. **Bathside Bay (122 hectares) as an extension to Harwich International Port – for the development of a deep water quayside, container handling area, rail terminal, logistics facility and associated infrastructure;**
- b. **Land East of Pond Hall Farm (27 hectares gross) is allocated for the development of a new business park for storage and distribution, along with general and light industrial uses; and**

**Proposals will be considered against the relevant area policies.**

### **Land East of Pond Hall Farm**

**2.35** The strategic infrastructure requirements and necessary mitigation measures required for this site will be set out in a detailed development brief. In particular vehicle access to and from the A120 and visual impact are two of the key issues to be addressed. In addition, an element of appropriate enabling development may need to be considered.

**2.36** The strategic development sites will also create opportunities to provide for training and skill centres and, in the case of land east of Pond Hall Farm, a proportion of small-scale units for new start up firms. These facilities will contribute to economic development and regeneration objectives in the Harwich area and are likely to be secured by planning obligations.

### **Stimulating Urban Regeneration and Renewal**

**2.38** Urban regeneration is a top priority for the Council to improve quality of life, stimulate investment and local economic development and tackle the underlying causes of poverty. Clacton, Harwich and Walton are identified in the Replacement Structure Plan as Priority Areas for Economic Regeneration (PAER) and Coastal Tourism (Policies CS3 and LRT11). Policy QL6 below amplifies these policies to identify those parts of the Priority Areas that are a local priority for focused regeneration and renewal. Such local priorities also include Brightlingsea Waterfront and Mistle Waterfront

and Village, which are in need of physical regeneration.

#### **Policy QL6 – Urban Regeneration Areas**

**The following areas are identified on the Local Plan Proposals Maps as Urban Regeneration Areas:**

**a) Clacton Seafront and Town Centre**

**b)**

- i. West Clacton
- ii. Jaywick

**c) Dovercourt Town Centre and adjoining areas**

**d) Harwich**

**e) Walton Seafront and Town Centre**

**f) Brightlingsea Waterfront; and**

**g) Mistley Waterfront and Village.**

**Within these Urban Regeneration Areas permission will be granted for development that reinforces and/or enhances the function, character and appearance of the area and contributes towards regeneration and renewal. In particular, the Urban Regeneration Areas will be the focus for:**

- i. Investment in social, economic and transportation infrastructure; and
- ii. Initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility.

**Planning permission will not be granted for development that would have an adverse impact on the revitalisation of any of these Urban Regeneration Areas.**

**2.39** To make the most efficient and effective use of resources Policy QL6 seeks to direct investment towards those parts of Clacton, Harwich, Walton, Brightlingsea and Mistley that are in most need of physical regeneration and contain the highest levels of social deprivation. In all cases development and regeneration initiatives should be designed to build on local strengths. In these locations the focus will be on encouraging mixed-use developments, and enhancing vitality and viability, environmental quality, community safety, accessibility and links between the tourism and shopping cores. In West Clacton and Jaywick regeneration schemes should build on the strong sense of community and develop measures that will improve the housing stock, social inclusion and community safety. In Harwich the wealth of historic buildings, maritime heritage, the working quayside and the need to improve links with the port (including the new Bathside Bay development) are all central to regeneration. More detailed policies are included in the relevant Chapters. In Brightlingsea the Waterfront area is in the early phases of regeneration. A sensitive approach is to be adopted here and at Mistley where waterfront and industrial regeneration is to be encouraged. In historic/conservation areas a conservation-led regeneration approach will be encouraged.

#### **Achieving Rural Regeneration**

**2.40** Nearly a quarter of Tendring District's total population live in rural areas (October 2001 estimate). Nationally over the last ten years rural communities have suffered from a loss of facilities and public services, shortage of low cost housing and changes in farming practices which have further reduced local job opportunities. These trends have also been experienced in Tendring's rural area. Policy QL7 builds on Replacement Structure Plan Policies CS3 (Encouraging Economic Success), RE1 (Development in Rural Settlements) and RE2 (Re-use of Rural Buildings) to provide local strategic policy for delivering rural regeneration and maintaining sustainable rural communities.

#### **Policy QL7 – Rural Regeneration**

**Regeneration in rural areas will be encouraged by permitting appropriate rural diversification schemes and by permitting development that:**

- a. provides new affordable village housing, employment opportunities, local services, and recreation or community facilities within Settlement Development Boundaries to meet identified local needs;
- b. maintains and/or improves access to rural communities, the countryside and coast; and
- c. protects and/or enhances landscape character and biodiversity.

**Planning permission will not be granted for proposals that would adversely affect the vitality or viability of village centres or lead to the material loss of Best and Most Versatile Agricultural Land, existing local**

## services, community facilities or employment sites.

**2.41** As set out in the spatial strategic Policy QL1, the main focus for new development will be the District's larger towns. However, there may be scope for further housing, employment and community facilities in villages to meet identified local needs, support rural regeneration and maintain sustainable rural communities. It is also essential that existing services and facilities are retained to ensure social inclusion for all rural residents, particularly those without access to a car. There may also be opportunities to improve transportation links between rural communities and surrounding settlements, countryside and coast, and to introduce traffic management measures which improve community safety and environmental quality. All new rural development must make a balance between promoting social and economic benefits whilst protecting settlement and landscape character and biodiversity.

**2.42** Detailed policies setting out guidelines for appropriate rural diversification, re-use of redundant rural buildings, appropriate locations for new rural employment development and safeguarding existing employment sites are given in the Strengthening the Economy and Promoting Regeneration Chapter. Circumstances where affordable village housing will be permitted are given in the Sustainable and Affordable Housing Chapter. The retention of existing local services, recreation and community facilities and provision of new facilities is covered in more detail in the Safer and Healthier Communities Chapter.

**2.43** Protecting Best and Most Versatile Agricultural land, landscape character and biodiversity are dealt with in the Sustaining Our Environment Chapter. Rural transport is covered in the Sustainable Transportation Chapter.

## Promoting Mixed-Use Development

**2.44** Mixed-use development, comprising a variety of compatible uses in close proximity, can help to promote diversity, vitality and visual interest, as well as reduce the need to travel and fostering social inclusion. A mix of compatible uses can also promote more actively-used streets and spaces, helping to increase natural surveillance and reduce both the incidence and fear of crime and anti-social behaviour. For all of these reasons promoting and protecting mixed-uses is a major component of a sustainable development approach. It can be more sustainable than single-use development, particularly in town centres.

**2.45** However mixed-use is not appropriate in every development, but is desirable where the sustainability of an area depends on complementary interaction of a mix of uses, such as non-residential and residential activity. In all locations the objectives for mixed-use are the same (fewer journeys, viable local services, economic diversity and safer streets).

### Policy QL8 – Mixed-Uses

**A sequential approach will be applied in considering mixed-use development proposals according to the type of uses and scale of development proposed.**

**Within town, district and local centres and Urban Regeneration Areas, as defined on the Proposals Map, a mix of complementary and compatible uses will be encouraged by:**

- a. **protecting the mixed use character of existing mixed-use buildings and areas from redevelopment or change of use to single-use development which would replace existing dual or multiple uses;**
- b. **permitting changes of use to residential, leisure, community, cultural or office use in upper floors of existing commercial premises where this would not prejudice the future viability of the existing ground floor use; and**
- c. **seeking appropriate mixed-use solutions in redevelopment schemes, including encouraging non-residential use within the ground floor frontage of proposed residential development on street frontages with a predominantly non-residential character.**

**In locations elsewhere within Settlement Development Boundaries, non-residential development that meets sequential approach requirements will be permitted if not harmful to the amenity, function or character of the local area or vitality and viability of any nearby centre. Shared use of village facilities where appropriate to maintain their viability will be encouraged.**

**Those large development sites where a mix of uses will be required are defined on the Proposals Map. As a neighbourhood focus in major new residential development accessible by a choice of means of transport, the required provision will include appropriate services, shopping, community, or workspace facilities to serve local needs.**

**2.46** Policy QL8 amplifies and supplements Replacement Structure Plan Policy BE2 (Mixed Use Developments) in relation to the District. Dependant upon the type of uses and scale of development proposed, it will also be important for mixed development proposals to be considered against the relevant Replacement Structure Plan policies concerning the sequential approach to location of development (in particular Policies CS1, CS4, H2, BIW3 and TCR2).

**2.47** Mixed-use development occurs at various spatial scales ranging from within a town as a whole, within town, district or local centres, within street frontages, individual sites and buildings. The potential benefits of a mix of mutually supporting, accessible uses is most apparent in town, district and local centres, in attracting a concentration of people to

support jobs, services and public transport, crucial to maintaining the vitality of those centres. Accordingly, within those centres existing mixed-use areas and buildings will be safeguarded and mixed-use development solutions sought in preference to single-use schemes, such as compatible different uses on the upper floor of a building from that of the ground floor, or on different parts of a large site. More housing will be encouraged on upper floors, providing accessibility to shops, other services and workplaces. Also, other uses providing a variety of activity throughout the day and evening will be encouraged centrally. The benefits from mixed-use development can also act as a focus for regeneration within Urban Regeneration Areas within the District and accordingly mixed uses are similarly encouraged in principle in those areas.

**2.48** To ensure that mixed-use environments are attractive as places to live and work there will be a need to minimise potential conflicts between different uses by carefully considering the compatibility of different uses, location of entrances, servicing and amenity needs of each use. The aim should be for uses to positively support each other, such as through security and crime deterrence, the use of open spaces and other communal areas. However within established residential areas, care must be taken not to introduce uses that would damage their character. Policy guidance on the compatibility of uses is provided in Policy QL11.

**2.49** The continuing decline both nationally and locally in the numbers of basic village facilities is reflected in the Rural White Paper's support for community and business initiatives to share use of village facilities such as the church, school, hall, or pub where appropriate, particularly to maintain or improve such rural services and facilities and combat social exclusion. Policy QL7 supports such initiatives in principle.

**2.50** Reflecting PPS1, large development sites where a mix of uses will be expected are defined on the Proposals Map and detailed in area policies later in this Written Statement. This includes major new residential development where a mix of facilities to meet local needs will be required as a focus of activity to improve the quality of residential neighbourhoods.

## **Achieving Quality New Development**

**2.51** Good design underpins many of the Tendring District Local Plan 2007's sustainable development objectives. By creating safe, accessible environments that work well and are attractive for business, residents and tourists, good design helps stimulate regeneration, improve quality of life, reinforce civic pride and create a sense of place.

**2.52** The Essex Design Guide for Residential and Mixed-Use Areas provides SPG to support these policies and further detailed policy guidance is set out in the Sustaining Our Environment Chapter of this Plan. Policy EN12 deals with the specific requirements in relation to design statements and residential development, as well as other larger scale development proposals.

### **Policy QL9 – Design of New Development**

**All new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Planning permission will only be granted if the following criteria are met:**

- i. new buildings, alterations and structures are well designed and should 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 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**
- 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.**

**In the case of large, complex or sensitive sites, applications for planning permission must be accompanied by a Design Statement.**

**2.53** One of the District's key strengths is its diversity and variety of urban, rural and coastal environments. Policy QL9, which is in accordance with PPS1, seeks to encourage high quality and inclusive design for all new development that maintains and enhances this local distinctiveness. All new development should be well designed in itself and should relate well to its surroundings. The extent to which design should be influenced by local context will depend on the degree of visibility of the development and the sensitivity and special character of its setting. Some areas have a strongly defined character or distinctive pattern of development which should be respected. In other areas where local character is less well-defined, new development provides an opportunity for regeneration and enhancement through good design.

**2.54** Designing new development in relation to Conservation Areas, Listed Buildings, Historic Parks and Gardens, Archaeology, Scheduled Ancient Monuments and landscape character is covered in more detail in the Sustaining Our

## Environment Chapter.

**2.55** Design and Access Statements are required for most types of development (excluding householder applications). Design and Access Statements must explain the design principles and concepts that have informed the form of development and how access issues have been addressed. Circular 01/06; Guidance on Changes to the Development Control System, and the document "Design and access statements; how to write, read and use them" produced by The Commission for Architecture and the Built Environment (CABE) in June 2006, provide further details on what type of development requires a statement and what it should include.

**2.56** The retention of existing site features will be encouraged where they contribute towards the character, amenity or biodiversity of the site and surrounding area and can be successfully integrated into the new development. Detailed policies on Biodiversity, Archaeology, Listed Buildings and Trees and Hedgerows are contained in the Sustaining Our Environment Chapter.

**2.57** Hard and soft landscape design is essential to achieving a high quality environment. Well-designed spaces and boundary treatments enhance the character of a development and can help to assimilate it into an existing settlement or landscape. Landscaping should include new tree and hedge planting. Wherever possible native species should be a predominant feature in new planting schemes, especially in rural and edge-of-settlement locations. Consideration of landscaping and boundary treatments should be integral to the overall design of a scheme. In particular, care should be taken to ensure that space is not left over after development without a function; wasting resources and causing long term maintenance and security problems.

**2.57a** Where Village Design Statements have been prepared they may be used to inform applicants and the Council about any specific local key features important to the consideration of design in particular locations (see paragraph 6.78 for further detail).

### **Policy QL10 – Designing New Development to Meet Functional Needs**

**All new development should meet functional requirements. Planning permission will only be granted if the following criteria are met, or can be shown not to apply to the proposed development:**

- 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. circulation within the site and convenience of access to the development reflects the hierarchy of transport users set out in Policy QL2;**
- iii. the design and layout of the development maintains and/or provides safe and convenient access for people with mobility impairments;**
- iv. the development contributes to community safety by incorporating or providing measures to minimise opportunities for crime and anti-social behaviour;**
- v. buildings and structures are orientated to ensure adequate daylight, outlook and privacy;**
- vi. provision is made for functional needs including private amenity space, waste storage, separation and recycling facilities, servicing, vehicle and cycle parking; and**
- vii. the site will be served by utility services and other infrastructure necessary for the development proposed.**

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

**2.58** Good design is not just about how a development looks, but also how it works. The functional requirements of a development are an essential part of good design and should be addressed at the earliest stages of the design process.

**2.59** Access points should be located to connect safely and logically to the existing network of roads and paths. The road hierarchy set out in Replacement Structure Plan Policy T7 will be used to direct longer distance traffic and lorry traffic unsuited to rail towards the more major routes in the network. To protect these major routes as traffic distributors, direct access to new development will not be permitted onto the higher categories in the road hierarchy. Further guidance on freight access to development sites is contained in the Sustainable Transportation Chapter. Most development can be designed to provide safe access for all highway users but sometimes the location of a use may cause serious safety problems for pedestrians, cyclists and other highway users. In such cases planning permission may be refused unless a satisfactory design solution can be found.

**2.60** To encourage the use of more sustainable forms of transport, increase safety for pedestrians and cyclists, and reduce the dominance of the private car in the public realm, the design and layout of new development should give priority to facilities for users at the top of the transport user's hierarchy as set out in policy QL2. Further guidance on transportation and vehicle and cycle parking standards is contained in the Sustainable Transportation Chapter.

**2.61** Ensuring adequate daylight, outlook and privacy is important for the amenity of occupiers. Good natural light is also important for health and energy efficiency. Guidance on incorporating functional needs, ensuring adequate daylight, sunlight and privacy and achieving high quality environments is contained in the Essex Design Guide for Residential and

Mixed-Use Areas, which is adopted as SPG.

**2.62** Detailed policies on accessibility and community safety are set out in the Safer and Healthier Communities Chapter.

## **Ensuring Compatibility of Uses and Minimising Environmental Impacts**

**2.63** All developments have the potential to impact on the environment by changing the appearance of land or buildings or affecting the activities that are carried out on a site. Policy QL11 is an overarching policy that sets out the principal concerns to ensure that potentially damaging impacts of development on its surroundings are minimised and that land uses are compatible.

**2.64** Large scale proposals may require an Environmental Impact Assessment in accordance with relevant EU Directives, UK legislation and Replacement Structure Plan Policy BE7 (Minimising Pollution Impacts), and some will require Health Impact Assessments. In assessing the environmental implications of development, the Council will take into account the views and recommendations of the Environment Agency and any other bodies with a responsibility or expertise in environmental matters.

### **Policy QL11 – Environmental Impacts and Compatibility of Uses**

**All new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. Development will only be permitted if the following criteria are met:**

- i. the scale and nature of the development is appropriate to the locality;**
- ii. the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties;**
- iii. the development will not lead to material loss or damage to important environmental assets such as buildings of architectural interest, the historic environment, water courses, important archaeological sites and monuments and areas of conservation, recreation, ecological or landscape value;**
- iv. 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 or other forms of pollution or nuisance; and**
- v. 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.**

**Where appropriate, compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.**

**2.65** Policy QL11 seeks to ensure that land uses are suitably located and controlled so that their environmental impacts are compatible with neighbouring uses, the general character of an area and the amenities of occupiers of existing development. Detailed policies on conservation and environmental assets are contained in the Sustaining Our Environment Chapter. Contaminated and unstable land issues are dealt with in the Safer and Healthier Communities Chapter.

**2.66** Many land uses have the potential to cause pollution through the release of substances into the air, ground or water or by noise, smell, dust, light, heat or vibration. The degree of disturbance or pollution which is acceptable will vary from site to site. For example, development such as floodlighting may be acceptable within a settlement, but can form an unacceptable urban intrusion into a rural area.

**2.67** Some uses (such as general industrial uses) may generate light, vibration, noise and fumes and problems can arise if they are located in close proximity to uses such as housing, which are sensitive to disturbance. Equally, new development should not be located near to existing or committed uses which generate significant disturbance or pollution, or which handle hazardous substances, if people occupying the new development would be put at risk or be subjected to unacceptable nuisance. In this way, problems and conflicts between neighbours such as those giving rise to a statutory nuisance can be avoided. The main issues relating to potential pollution which may arise in applying Policy QL11 are set out in Chapter 5: Safer and Healthier Communities.

**2.68** In many cases the environmental impact of a development can be controlled and mitigated through physical measures such as landscaping or by site management such as restrictions on hours of operation or the range of uses which can be carried out. Planning conditions and appropriate legal agreements will ensure that problems and conflicts are minimised and a mix of uses can be provided.

## **Ensuring the Social, Environmental and Infrastructure Requirements of New Developments Are Met**

**2.76** Circular 05/2005 'Planning Obligations' gives planning guidance to Local Planning Authorities highlighting the important role that planning obligations play in achieving sustainable development. All forms of development should be supported by an appropriate range of infrastructure and public services. In some cases measures may be required to mitigate or compensate for adverse impacts or loss of natural resources. Where appropriate the District Council will seek

planning obligations to ensure that the necessary social, environmental and infrastructure requirements and costs that arise as a direct result of new development are provided. Policy QL12 below builds on the general framework provided by Replacement Structure Plan Policy BE5 (Planning Obligations) to identify the type of provision the Council will seek through planning obligations.

**2.76a** The Council will seek planning obligations wherever they are fairly and reasonably related in scale and kind to the proposed development. Planning obligations will be sought under the provisions of Section 106 of the Town and Country Planning Act 1990 and based on national guidance given in Annex B of the Circular 05/2005 or subsequent legislation or guidance. Where appropriate the Council will consider using its ability to “pool” contributions for certain district wide facilities or pieces of infrastructure that become required as a result of the cumulative impact of developments. Further guidance on how this policy and other related policies will be applied to different forms of development is given in other sections in the Plan and in related SPD.

**2.76b** For the purposes of Policy QL12 “legitimate planning purposes” will include any future “tariff” or “optional planning charge” based approach to planning obligations which may be introduced by the Government pursuant to such future legislation or planning policy guidance.

#### **Policy QL12 – Planning Obligations**

**When granting planning permission, the Council may seek planning obligations from applicants and developers in accordance with Government policy in Circular 05/2005. All such obligations must meet the 5 tests set out in Annex B of the Circular. Obligations may be sought, for example, to secure one or more of the following:**

- a. **community and educational facilities;**
- b. **sport, leisure and recreation facilities;**
- c. **provisions for the disabled;**
- d. **measures to improve community safety;**
- e. **transport infrastructure;**
- f. **affordable and special needs housing;**
- g. **environmental improvements;**
- h. **the preservation of listed buildings; and**
- i. **flood mitigation.**

## **Chapter 3**

# **Strengthening the Economy and Promoting Regeneration**



## Chapter 3 Strengthening the Economy and Promoting Regeneration

**Aim: To foster a dynamic economy in the District, encouraging investment in new employment and enterprise opportunities.**

### Community Strategy

**3.1** The Council's Community Strategy for improving the quality of life, aims to provide secure employment, by helping the District to compete in the global economy. This requires supporting proposals which stimulate social and economic regeneration in Clacton, Harwich and Walton in particular, where high levels of unemployment and social deprivation exist.

**3.3** The policies and proposals in this Chapter are intended to achieve the aims of the Community Strategy as set out in Chapter 1, and include measures to provide for and promote development related to all types of economic activity covering employment generation, tourism and retailing.

### Economic Development and Regeneration

**3.4** Economic development has a vital role to play in the future prosperity, development and regeneration of the District. This section deals with the overall supply of land and buildings for employment generating development, and proposals for business and industry, employment uses in rural areas and small firms.

**3.5** Policies within this section primarily deal with all types of employment use within Classes B1 [(b) and (c)], B2 and B8 of the Use Classes Order 1987 (as amended). Land allocated for development within these uses is referred to as employment land. Figures used to calculate the employment land supply and allocated sites are gross figures which include areas required for buildings falling within Class B uses, car parking, access roads and structural landscaping/open spaces. This is consistent with the general approach set out in the Replacement Structure Plan. In addition, reference is made to port related development which is likely to have a significant impact on related land use policies in the Plan. Planning policies concerning retailing, financial and professional services, food and drink uses (Classes A1 to A5) and tourism are set out separately in the respective sections later on in this Chapter.

### National Context

**3.6** Relevant Government guidance is set out in PPG4: Industrial, Commercial Development and Small Firms, PPS6: Planning for Town Centres, PPS7: Sustainable Development in Rural Areas and PPS12: Local Development Frameworks.

### Regional Context

**3.10** Regional guidance set out in RPG9 sets out key development principles which seek to retain urban areas as the main focus for development and encourage a less dispersed pattern of development. RPG9 will be replaced by Regional Spatial Strategy 14 (RSS14), the "East of England Plan" which is expected to be adopted in 2008.

**3.11** RPG9 refers to "Priority Areas for Economic Regeneration" (PAER) and explains that these areas are pockets of deprivation within the Region defined by a number of criteria including above average unemployment rates, high levels of social deprivation, low skill levels, dependency on declining industries, derelict urban fabric, peripherality and insularity. Parts of the Tendring coast including Clacton, Walton and Harwich are within the designated PAER. The designation of PAER signals to regional partners including regional development agencies that the needs of the areas should be given high priority.

**3.12** The emerging regional spatial strategy for the East of England (RSS14) currently being prepared also reflects the important objective of securing economic regeneration within the PAER. The emerging guidance also refers to "gateways" as sub-regions which are significant due to their transport links and economic growth and regeneration potential.

**3.13** The Haven Gateway area includes Tendring District and the main ports of Harwich, Felixstowe and Ipswich. The guidance describes the Haven Gateway, as having significant potential for economic growth, based on opportunities for high technology and knowledge based activities associated with its ports and links with the Cambridge sub-region. These opportunities could play an important part in the continued economic regeneration of the Harwich and Clacton areas.

### Replacement Structure Plan

**3.14** The Replacement Structure Plan deals with the period up to 2011 in respect of the provision for employment land across the County and includes an 80 hectare allocation for Tendring District. Policy CS3 encourages economic success and states that priority will be given to economic regeneration and renewal within the designated PAER.

### **Economic Development Spatial Strategy**

**3.15** Between 2001 and 2003, the Council commissioned a number of studies carried out by consultants to review existing employment land and sites and to identify additional sites to make up the land supply. It was recommended that the majority of current land and sites should be carried forward into the Tendring District Local Plan 2007 and protected for employment development purposes. A further study has subsequently been undertaken in 2005 to test the earlier work and assess and advise on the responses received to the publication of the draft Local Plan in May 2004.

**3.17** A total of approximately 59 hectares of employment land has been allocated for the district within the plan period, less than the overall requirement of the Structure Plan. The Consultants recommended in their studies that large scale employment development should be concentrated on the edge of the main towns including Clacton and within a corridor of growth following the A120 Trunk Road on the edge of Harwich in addition to further provision at other towns and larger villages across the District.

### **New Employment Sites**

**3.20** In support of the strategy of promoting employment development at larger towns and in the A120 corridor and within other built up areas, the Plan makes provision for a number of new employment sites across the District. These sites are well located in relation to existing urban areas and the transport network and are consistent with the Replacement Structure Plan's sequential approach to site selection set out in Policy BIW3. Some of the sites may be developed in phases throughout the Plan Period and require the provision of significant infrastructure including vehicular access, public transport facilities and structural landscaping. The Council will consider the need for appropriate enabling development to help fund the necessary infrastructure where this appears to be warranted.

**3.21** The larger sites have an area in excess of 5 hectares, whereas the smaller sites vary between less than a hectare up to 5 hectares. To help achieve a satisfactory form of development, planning briefs will need to be prepared for each of the sites above 5 hectares in area.

#### **Policy ER1 – Employment Sites**

**Land is allocated for employment development (Class B1 [(b) and (c)], B2 and B8) at the following locations:**

| <b>Site No.</b>           | <b>Site</b>                                                     | <b>Area<br/>(hectares)</b> |
|---------------------------|-----------------------------------------------------------------|----------------------------|
| <b>Harwich Area:</b>      |                                                                 |                            |
| 1                         | Stanton Euro Park (formerly Iconfield Site, Dovercourt)         | 3.55                       |
| 2                         | Land West of Station Road, Parkeston (Phase 1)                  | 6                          |
| 3                         | Land North-East of Stanton Euro Park, Dovercourt                | 1.63                       |
| <b>Colchester Fringe:</b> |                                                                 |                            |
| 4                         | Land r/o The Balkerne Gate PH off Stephenson Road               | 0.2                        |
| <b>Clacton Area:</b>      |                                                                 |                            |
| 5                         | Land North of Oakwood and Gorse Lane Industrial Parks (Phase 1) | 7.6                        |
| 6                         | Land South of Centenary Way                                     | 4.12                       |
| 10                        | Plot 2e, Gorse Lane Estate                                      | 0.82                       |
| 11                        | Plot 2f, Gorse Lane Estate                                      | 0.16                       |
| 13                        | Plot 1a, Oakwood Business Park                                  | 0.29                       |
| 16                        | Valleybridge Road                                               | 0.2                        |
| <b>Brightlingsea:</b>     |                                                                 |                            |
| 17                        | Land North of Co-op Fiveways Store                              | 1.89                       |
| 18                        | Morses Lane Industrial Estate                                   | 0.78                       |

**Great Bentley:**

|    |                                         |      |
|----|-----------------------------------------|------|
| 19 | Land East of Plough Centre, Plough Road | 0.94 |
|----|-----------------------------------------|------|

**Kirby Cross:**

|    |                            |      |
|----|----------------------------|------|
| 20 | Kirby Cross Trading Estate | 0.37 |
|----|----------------------------|------|

**Lawford:**

|    |                                   |      |
|----|-----------------------------------|------|
| 22 | Plot B, Lawford Industrial Estate | 2.00 |
|----|-----------------------------------|------|

|    |                                   |      |
|----|-----------------------------------|------|
| 23 | Plot C, Lawford Industrial Estate | 0.63 |
|----|-----------------------------------|------|

**Wix:**

|    |                                     |      |
|----|-------------------------------------|------|
| 25 | Land North of Paskell's Timber Yard | 0.37 |
|----|-------------------------------------|------|

|              |  |              |
|--------------|--|--------------|
| <b>Total</b> |  | <b>31.55</b> |
|--------------|--|--------------|

**Planning briefs will be required for all sites larger than 5 hectares.**

**Note:**

**The above sites are identified on the Proposals Map and Inset Maps.**

**3.21a** Land south of the /A120, South of the former Iconfield Site, Dovercourt has received planning permission for residential development. However, if current residential consent is not implemented this site is considered as a preferred employment site. Residential consent will not be reviewed on this site.

**3.22** The above sites, when combined with the land East of Pond Hall Farm in Dovercourt (27 hectares) cumulatively contribute to a total provision of approximately 59 hectares. Further smaller employment sites not identified in Policy ER1 are also likely to come forward during the Plan Period including sites in the rural area which will increase the overall employment land supply further.

**Protecting Existing Employment Areas**

**3.23** To maintain the widest economic base possible and a suitable range of sites to meet varying employment development needs, land allocated and reserved for employment use will normally be retained for this purpose.

**3.24** The principal existing business and employment areas within Tendring are listed below.

**Principal Business and Industrial Areas**

- Europa Way, Parkeston
- Gorse Lane Industrial Estate, Clacton-on-Sea
- Oakwood and Crusader Business Park, Clacton-on-Sea
- Oxford Road, Clacton-on-Sea
- Ford Road, Clacton-on-Sea
- Valleybridge Road, Clacton-on-Sea
- Morses Lane Industrial Estate, Brightlingsea
- Lawford Dale Industrial Estate, Lawford
- Kirby Cross Trading Estate, Kirby Cross
- Great Bentley Industrial Estate (Plough Centre), Great Bentley

**Policy ER2 – Principal Business and Industrial Areas**

**Proposals for employment development will be directed towards the principal business and industrial areas and allocated sites set out in Policies QL5 (b) and ER1. Within these areas, Class B1 (a) uses will not be permitted.**

**Retention of Employment Sites**

**3.25** The District Council considers that in an area under pressure for residential development and where appropriate new employment sites in villages and towns are hard to find, there is a pressing need to protect existing employment sites and premises.

**3.26** The protection of employment land, sites and premises through the implementation of Policy ER3 forms an important part of the Plan's economic and sustainable development strategy. In order to assist with economic regeneration objectives and to maintain a balance between the location of jobs and homes within different parts of the District the retention of employment land, sites and premises is seen as vital. The importance of safeguarding employment land is also specifically recognised in the Replacement Structure Plan (BIW4).

**3.27a** Many proposals for re-using or redeveloping employment sites and premises come forward for determination. In such instances, in order to demonstrate that other forms of employment use have been fully explored, documentary evidence will be required to demonstrate that a proper and sustained marketing campaign, at current market value, for either continued or alternative employment purposes has been undertaken. Important factors in evaluating the appropriateness of such a campaign will be the length of time it has been pursued and the prevailing market conditions. Examination of documentation of enquiries and responses will be expected.

**3.27b** The marketing campaign will have to be agreed between the determining authority and applicant(s) before it begins. This will include the following:

- length of campaign;
- asking price;
- sales particulars; and
- number, frequency and source of advertisements.

#### **Policy ER3 – Protection of Employment Land**

- a. The Council will ensure that land in, or allocated in this Plan for employment use will normally be retained for that purpose. Its redevelopment or change of use for non-employment purposes will only be permitted if the applicant can demonstrate that it is no longer viable or suitable for any form of employment use. The applicant should either :**
  - i. submit evidence of a sustained but ultimately unsuccessful marketing exercise, undertaken at a realistic asking price; or**
  - ii. show that the land (site, or premises) is inherently unsuitable and/or not viable for any form of employment use**
- b. Where the loss of an employment site is permitted, the applicant will normally be expected to provide a suitable alternative site elsewhere in the district, or a financial contribution towards the Council's employment, training or regeneration programmes and initiatives.**
- c. This policy will not be applied where vacant business premises form a subordinate but integral part of an existing dwelling in the same ownership.**

**3.27c** In agreeing the asking price, an independent valuation may be required, that the applicant will normally be expected to fund. The District Council will apply Policy ER3 to all proposals affecting land, sites or premises in, formerly in, or allocated for employment use. Guidance to help people with their planning applications is included in Appendix 3a. Proposals will be expected to keep to this guidance. If the District Council grants planning permission that results in a loss of employment land or premises, it will seek a payment or alternative suitable employment land elsewhere in the district from the applicant to compensate for the loss of employment opportunities. This money will be spent on improving employment prospects and/or key regeneration initiatives in the District. The basis for calculating the payments is set out in Appendix 3a. Such a payment might not be sought if the applicant intends to relocate an existing employment use within the District to provide for its expansion.

**3.28** The Council will monitor the overall level of employment land to ensure a suitable land supply is maintained, consistent with either Structure Plan Policy BIW2, or the prevailing Regional Spatial Strategy requirements.

#### **Other Uses in Employment Areas**

**3.29** Retailing is not encouraged on employment land. However, it is recognised that the operational needs of some firms has changed and some small scale ancillary retailing at the front of workshops selling specialist bulky non-food goods manufactured on the premises (for example domestic fireplaces and kitchen units) may be acceptable within employment areas.

**3.30** The provision of car showrooms and certain types of indoor leisure uses may also be appropriate within the larger employment areas within built up areas subject to the application of a sequential site assessment exercise referred to in Policies ER31 and ER32 in the Town and Other Retail Centres section of this Chapter. For the purposes of Policy ER4 the larger employment areas include all the existing Principal Business and Employment Areas referred to in paragraph 3.24 and allocated employment sites with a site area in excess of 5 hectares. The size threshold has been set to allow

for an appropriate mix of uses on the larger sites which are able to sustain such a variety and to exclude smaller areas which may otherwise run the risk of being totally lost to non employment uses.

#### **Policy ER4 – Non-Employment Uses in Employment Areas**

**Proposals for indoor leisure, car showrooms and vehicle sales areas or facilities ancillary to the needs of business and industry may be acceptable on the existing Principal Business and Employment Areas and proposed larger employment allocations with areas above 5 hectares. Proposals would need to be acceptable in terms of the availability of employment land, highways access and car parking arrangements. In the case of leisure development the Council will need to be satisfied that more suitable locations within or on the edge of town centres are not available.**

### **Transport Uses**

**3.31** The District has experienced a particular problem arising from a large number of haulage firms established in rural areas. A number of these firms occupy sites with established use rights in villages or occupy agricultural buildings in open countryside close to main roads. Experience has shown that road transport firms based in the District present particular environmental problems because of the intensity of activity, the number of traffic movements, anti-social hours of operation including weekend working and the size of vehicles involved. Some sites are particularly prominent in the landscape and have little screening to hide vehicles and plant.

**3.32** Whilst recognising the economic importance of the transport sector to the local economy, the Council considers that large scale uses of this kind are inappropriate in many rural locations and will consequently encourage the relocation of these businesses to more environmentally acceptable sites. Since pressure for this type of use is likely to increase as expansion plans at Harwich Port are implemented, the Plan makes provision for this type of use within the large employment land allocations close to the main road network and seeks to discourage the development of unsuitable sites in rural areas.

#### **Policy ER5 – Transport Depots**

**Transport depots and lorry parks will be allowed within the Principal Business and Industrial areas and larger employment land allocations as part of the Council's economic development strategy. Proposals will need to demonstrate that they will not be detrimental to residential amenity by virtue of noise and disturbance and are not visually intrusive. Proposals outside these areas may also be allowed where it is demonstrated that there is no suitable land available within these areas and where they would have no adverse impact on rural and residential amenity and/or highway safety.**

### **Business, Industrial and Warehousing Proposals**

**3.35** In considering planning applications for the use of land or buildings for business, industrial or warehouse uses, a number of design, layout and other technical requirements will need to be met as set out in Policy ER7 below.

#### **Extensions to Industrial Buildings**

**3.35a** The Council wishes to support the growth of existing firms and will grant permission for extensions to established business and industrial premises in built up areas or villages and in rural locations providing they have an acceptable impact on visual and residential amenity, rural amenity and transportation considerations.

**3.35b** It is recognised that withholding planning permission can seriously affect the growth and development of firms, which is not in the wider economic regeneration interests of the District. However, sometimes businesses outgrow their sites and need to be encouraged to relocate to more appropriate and spacious premises. Therefore, in examining proposals to extend employment premises the longer term suitability and viability of the site in question will be considered.

**3.35c** In rural locations, the visual impact on the landscape character of the countryside will be an important additional consideration. However, planning permission for extensions to existing firms in rural areas may be permitted if proposals would result in the creation of a number of new jobs and if satisfactory screening and landscaping can be achieved to minimise the impact of the development on the countryside.

#### **Policy ER7 – Business, Industrial and Warehouse Proposals**

**In considering proposals for the establishment, expansion or change of use to business, industrial or warehousing sites the Council will need to be satisfied that:**

- a. **the scale and nature of the proposal is appropriate to the locality, including its relationship with adjacent uses;**
- b. **there is no unacceptable impact on amenity in terms of appearance, noise, smell, dirt or other pollution;**
- c. **satisfactory vehicular access and adequate car parking is provided. Major new industrial or warehousing**

- sites including transport storage operations must have direct access onto the primary route network;
- d. mains water together with mains sewerage and/or adequate waste water and trade effluent treatment facilities can be made available;
- e. the site has acceptable storage facilities. The open storage of goods, containers, waste materials or finished products will not be allowed where such activity is considered to be visually intrusive;
- f. in relation to a change of use, that the existing premises are suitable for the purpose;
- g. in relation to new sites, the need for a comprehensive Design Brief, including a landscaping scheme has been considered and where necessary prepared; and
- h. opportunities for promoting the movement of freight by rail or through the district's ports are in no way compromised by the development proposed.

In rural locations permission may exceptionally be granted for extensions to existing businesses where new employment opportunities would be generated providing the criteria above can be met and the proposals can be accommodated without an adverse impact on the landscape character of the countryside.

## Rural Areas and Villages

### Small Scale Employment Sites in Villages

**3.40** To help stimulate and diversify the changing rural economy, the retention of employment opportunities in villages is supported by PPS7. Many small scale employment activities can be accommodated in small communities, which can provide much needed local employment opportunity and help to retain the working population. Sites must be properly located to avoid causing traffic problems, noise and disturbance to local residents and harm to village character. In determining small scale employment sites in villages the criteria specified in policy ER7 will apply.

#### Policy ER10 – Small Scale Employment Sites in Villages

Small scale employment development including small enterprise centres will be permitted in villages provided they can meet the criteria set out in Policy ER7.

### Re-Use or Conversion of Rural Buildings

**3.41** In the interest of encouraging a lively and viable rural economy PPS7 encourages the diversification of declining farms and agricultural land holdings. One initiative is the appropriate re-use or conversion of rural buildings for employment purposes. In addition to conversions for industrial uses, some rural buildings may be suitable for recreational/tourism purposes. The Council supports this approach to employment generation, providing proposals meet the requirements of the Plan's other policies.

**3.42** Enterprises that would generate large volumes of traffic, or would detrimentally affect the external appearance of buildings and surroundings will be encouraged to locate in more appropriate locations consistent with the scale and nature of the intended use. In addition, activities which require external plant or which make excessive demands for open storage will not be permitted in rural areas outside of the allocated employment areas. In all cases the potential impact on the amenity of local residents will be an important consideration.

#### Policy ER11 – Conversion and Re-Use of Rural Buildings

The re-use or conversion of rural buildings for business purposes will be permitted subject to the acceptability of:-

- a. the type and scale of activity proposed and its compatibility with the character of the surrounding area;
- b. the suitability of the building for the use proposed;
- c. the level of traffic generated;
- d. the effect on the external appearance of the building;
- e. the scale and visual impact of any open storage areas associated with the proposed use;
- f. the location of the building in relation to other buildings, the landscape and the highway network;
- g. the impact on local amenity; and
- h. the impact on the historical value of the building.

Proposals for the replacement of existing rural buildings which are or have been in lawful business/employment use will be subject to the same criteria.

## Employment Use in Residential Areas

**3.46** The Council supports the encouragement of small businesses including initiatives to work from home providing potential problems in residential areas from commercial activities are avoided.

**3.47** Proposals for employment development in homes will each be considered on their merits and particular regard will be given to the effect of proposals on residential amenity. The dwelling should be able to continue to provide suitable housing accommodation and the character and amenity of the surrounding area should not be impaired by the business activities. Permission will not be granted for proposals which would for example result in excessive outside storage, physical alterations to the house or a noticeable level of commercial traffic.

**3.48** Where there are special circumstances relating to the applicant, a limited permission may exceptionally be given for the benefit of the applicant only.

### Policy ER13 – Employment Use in Residential Areas

**In primarily residential areas, change of use of part of a dwelling house to business activities will be permitted provided that:-**

- a. **the business activities are of an appropriate scale;**
- b. **no physical alterations are proposed which would prevent a return to a residential use;**
- c. **the business activities do not significantly harm residential amenity;**
- d. **the business activities do not have unacceptable noise, smell, safety and health impacts or excessive traffic generation; and**
- e. **the storage of any goods would not take place in the open.**

## Tourism

**3.51** The Tendring Community Strategy recognises that leisure and tourism activities make a significant contribution to the prosperity of the local economy. Continued growth in tourism and leisure sectors can stimulate economic activity, investment and create new job opportunities including planned diversification in rural areas. Planning for leisure and tourism has strong economic, environmental and cultural implications and is related to other aspects of the Plan.

**3.52** Planning policy can help facilitate the development of tourism by providing for and protecting specific facilities. Policies in this section provide a basis for considering specific proposals directly related to tourism and related leisure development and seek to balance the development needs of the tourist industry with the protection of the environment. Policies in other parts of the Plan also play an important role in supporting the development of tourism by, for example, enhancing the natural and built environment and improving the vitality and viability of town centres.

## Tendring Tourism Strategy

**3.56** The Tendring Tourism Strategy identifies a number of challenges facing tourism in the District and actions to address them. In summary the Strategy seeks to work towards better quality improved accommodation and service provision. It also aims to attract disabled visitors and encourage local spending including retailing. The promotion of walking and cycling and tourism in rural areas is a further key aim. The Strategy also seeks to expand the core areas in resorts with appropriate marketing. Finally, the Strategy recommends the development of resort regeneration plans and the promotion of development sites.

## Tendring Tourism Study

**3.57** In late 2001 the Council commissioned an independent tourism study prepared by consultants to identify opportunities for tourism within the District and provide guidance on how to approach these issues in the Tendring District Local Plan 2007. The Study was published in October 2002 and highlighted that Tendring's tourism product and future potential falls into the following categories:

- the traditional seaside resort;
- cultural heritage; and
- the countryside including wildlife and conservation.

**3.58** The Study identified a number of potential opportunities including extending the visitor season, additional touring caravan and camping parks, sailing holidays; attracting European visitors, especially to Harwich; improving the quality and range of accommodation and facilities including resorts and shopping centres, bird watching, walking and cycling activities and improving heritage attractions. The Study also identified the potential to re-focus tourism to reflect emerging trends.

**3.59** The Tourism Study also referred to national trends and drew attention to the continuing trend of the long term decline of traditional seaside resorts. The study recommended that programmes for the continued development and regeneration of the District's resorts should be pursued including the protection of existing tourism facilities. The study's main recommendations relevant to planning policy have been incorporated into the section set out below.

### **Tourist Development and General Considerations**

**3.60** As well as traditional seaside holiday resorts, Tendring contains several other tourist attractions. These include high quality scenic rural areas including part of the Dedham Vale Area of Outstanding Natural Beauty (AONB) and Suffolk Coast and Heaths coastline, a rich historic cultural heritage including the Harwich Conservation Area and a large number of attractive villages, several shopping centres including Clacton and Frinton town and a factory outlet centre on the edge of the former.

**3.61** In recognition of tourism's importance locally the Council encourages development which will provide new attractions and facilities. Such development proposals will however, need to be judged against the impact they have on the local environment including their traffic implications.

**3.62** When promoting the development of new tourist attractions the Council will direct investment to acceptable locations for example, within the resort towns and main settlements as specified in the area policy statements. Considerable weight will be given to the protection of environmentally important areas of countryside and coast when determining applications for such developments. In essence, development proposals should avoid an unacceptable or detrimental impact on these areas which include a Site of Special Scientific Interest (SSSI), SPA, Dedham Vale AONB and the proposed extension to the Suffolk Coast and Heaths AONB.

#### **Policy ER16 – Tourism and Leisure Uses**

**Proposals for tourism and leisure uses will be permitted provided that:**

- a. **the development is accessible to all potential visitors and users;**
- b. **there is suitable vehicular and public transport access to the site and parking provision, especially where the proposal is likely to generate large traffic volumes. Proposals should be located close to the main road network and link to other public rights of way wherever possible;**
- c. **the type of use proposed would not cause undue disturbance by reason of noise. Uses creating high levels of noise should be located well away from residential property and sensitive wildlife areas;**
- d. **there will not be an adverse effect on agricultural holdings and the proposal would not result in an irreversible loss of high quality agricultural land; and**
- e. **where appropriate opportunities are taken to improve damaged and despoiled landscapes and enhance the landscape character of the area.**

**3.63** The Council will encourage proposals for new or improved tourist attractions which enhance the District's ability to attract and cater for visitors, increase local employment opportunities and do not conflict with other important economic or environmental objectives set out in the Plan.

**3.64** Sensitive and low-key developments which seek to exploit the area's scenic and wildlife assets will be supported where they fully respect and also lead to the enhancement of those important environmental assets. This approach reflects the recommendations of the Tendring Tourism Study to encourage the "eco-tourism" and wildlife tourism markets in the District.

### **Existing Caravan and Chalet Parks**

**3.67** Over the last 20 years various caravan and leisure parks including two holiday camps have closed, reflecting the changing market for holidays in this type of accommodation. Some sites have been developed for housing.

**3.68** Despite the loss of certain sites there are still approximately 9,000 caravans and chalets in the District with sizeable sites remaining in Clacton/Jaywick, St. Osyth/Point Clear, Little Clacton, Weeley, Walton and Dovercourt which account for 84% of the holiday accommodation used by tourists in the District. The Council recognises that these existing sites are an important element of the local holiday industry and their retention and improvement are generally supported. The redevelopment of these sites for tourism purposes should not be seen as being excluded if redevelopment proposals will have the effect of significantly enhancing and further strengthening tourism in the area. Various site operators have embarked upon new investment programmes recently and these are welcomed as part of an overall upgrading and modernisation of the stock. Further proposals to modernise and introduce new, imaginative layouts, improved landscaping, better quality accommodation and an improved range of on site facilities will be supported in parallel with the policies on the provision of new leisure parks.

#### **Policy ER18 - Caravan and Chalet Parks**

**The Council will seek to safeguard existing caravan and chalet parks from redevelopment for alternative uses. When considering planning applications material considerations will include whether the park:**

- a. occupies a prime site in the main tourist areas within an attractive location;
- b. provides or could provide a range of recreational facilities;
- c. has been upgraded or offers the potential for further upgrading; and
- d. provides or has the potential to provide a range of holiday accommodation.

**3.69** Prime sites are considered to be the larger sites which provide the bulk of the accommodation, contribute to the holiday character of the area and promote Tendring as a tourist destination. These sites also tend to contain higher quality accommodation and are therefore likely to best meet the needs of present and future visitors.

**3.70** The main tourist areas comprise Clacton/Jaywick, Walton, St. Osyth/Point Clear and Dovercourt and it is within these locations that it is most important to sustain tourism. In addition, there are also larger sites in the rural areas which will be safeguarded. Sites in attractive locations are likely to be more adaptable to meet the needs of more discerning tourists.

**3.71** Sites with a good range of recreational facilities, especially indoor facilities are more likely to prove popular than sites without such facilities. In some cases the recreational facilities are also available to non residents and provide for day visitors and residents. The loss of sites with facilities can therefore have a serious impact on tourism amenity. Sites which are large enough to provide the space and the income to invest in recreation facilities should also be safeguarded.

**3.72** Safeguarding upgraded sites is a necessary objective, as they represent significant capital investment, which may not be repeated, and offer the best opportunity to cater for current and future tourism potential. Similarly sites which by virtue of their location, character, layout and size offer scope for upgrading or further upgrading will also be safeguarded.

**3.73** The protection of a range of holiday accommodation including letting caravans, chalets and owner occupied units is also an important objective for maintaining and enhancing the development of tourism.

**3.74** The Council will allow extensions to existing sites where significant improvements can be made to the appearance, layout and amenity of such sites. Within the St. Osyth Beach, Jaywick and Point Clear areas the topography dictates a particular need for all proposals relating to the upgrading of existing caravan and chalet parks, to be accompanied by very extensive and appropriate landscaping schemes which respect local conditions. This will help to improve the appearance of individual sites, and reduce their impact on the flat and exposed nature of the coastal landscape in this area.

#### **Policy ER19 – Extensions to Static Caravan and Holiday Parks**

**Permission for extensions to existing static caravan and chalet sites will be granted providing:**

- a. material improvements to the overall layout, amenity and appearance of the site will be secured;
- b. a landscaping scheme designed to minimise the impact of the extended site on the surrounding landscape to a satisfactory standard is provided;
- c. an effective natural boundary to the extended site such as a tree belt is provided; and
- d. the site is not in an area of high flood risk.

### **Touring Caravans and Tents**

**3.74a** In recent years some sites have reduced or discontinued their facilities for touring caravans and therefore, there may be a need for additional provision of higher quality facilities. The Council will therefore encourage schemes which introduce facilities for touring caravans and tents on new sites and within existing static sites, new holiday village developments, recognising the economic benefits of the provision of a wider range of tourism accommodation.

#### **Policy ER19a – Touring Caravans and Tents**

**Proposals for facilities for touring caravans and tents will be permitted within static caravan and chalet sites and within new holiday villages. New facilities for touring caravans and tents will be allowed in appropriate locations, particularly to serve visitors using Harwich International Port, but to avoid areas with high risk of flooding.**

**3.74b** Following the recommendations of the Tendring Tourism Study, the holiday occupation period has been extended for most accommodation to over 10 months of the year. This brings the period in line with other coastal resort areas. However, the Council is keen to avoid possible increases in full-time occupation of holiday units. This is because holiday accommodation is unsuited for such a purpose by virtue of its construction standards and setting in areas not suitable for permanent residential occupation particularly in the winter months. Also permanent occupation displaces accommodation

intended for tourism use. Many such sites are also located in areas that are potentially vulnerable to flooding. It is proposed that wherever possible occupation of these holiday homes should be restricted to certain times of the year, principally the summer holiday season, the Christmas and New Year period and at weekends, although additional provision is made for winter breaks. Properties can of course be used for the storage of household effects at all times.

#### **Policy ER20 – Occupancy Timescales**

**The occupation of all types of holiday units, including chalets and caravans, will not be permitted between 14 January and 1 March in any year. Occupancy may be further restricted to the period 1 March to 31 October 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 adjacent to a site designated for reasons of nature conservation.**

**3.77** Policy HG20 in the Sustainable and Affordable Housing Chapter specifically deals with the related issue of plotland development and extensions to holiday dwellings.

#### **Small Holiday Villages**

**3.78** The Tourism Study recognised that a number of small scale self-catering holiday villages have been developed throughout the country often in wooded locations. The study also highlighted that there may be demand for this type of facility in the District.

**3.79** The term small “holiday village” in this context is defined as comprising well designed timber chalets set on plinths and with pitched roofs, located preferably in a predominantly wooded and undulating landscape setting with water features. The emphasis is on lower densities and more informal layouts than traditional caravan sites, and high quality facilities possibly grouped in a club house excluding commercialised amusements entertainment. In essence the development’s concept aims to provide for the more passive leisure activities appropriate to the countryside which visitors able to pay the higher cost of accommodation are looking for.

**3.80** It is also essential that proposals are in sympathy with the surroundings and contain a detailed site survey and assessment of the landscape impact of the proposal. The design of holiday villages must be carefully considered to ensure that they blend in with their surroundings. These facilities could also allow for the provision of a limited number of touring caravans.

#### **Policy ER22 – Small Holiday Villages**

**Proposals for new holiday villages must:-**

- a. make satisfactory provision for good road access to the site and to the main road hierarchy, and will not introduce heavy volumes of traffic onto unsuitable minor roads and country lanes, particularly protected lanes;**
- b. have high standards of accommodation based on wood clad chalet units or constructed in some other traditional eco-housing form utilising vernacular materials;**
- c. will incorporate landscaping proposals designed to reflect local topography and landscape features utilising native species and other features such as water or varied topography;**
- e. provide private outdoor areas such as a patio for the accommodation units;**
- f. have satisfactory screened parking arrangements; and**
- g. not be located in areas of flood risk.**

**Proposals may also provide accommodation for touring caravans where appropriate.**

**Holiday villages will not be acceptable within the Dedham Vale AONB, the Coastal Protection Belt, Suffolk Coast and Heaths AONB extension or at locations within or close to SSSI’s or other sites of importance for nature conservation.**

#### **Serviced Tourist Accommodation**

**3.83** Within the District as a whole there has been a steady decline in the number of hotels and guest houses over the last 25 years. Some premises have been lost to redevelopment mainly for housing schemes whilst others have been converted to institutional uses including care and nursing homes and hostels of one kind or another. The Council recognises that in addition to self-service and caravan accommodation there is a need to retain and upgrade the existing stock of hotels and guest houses. This is particularly important within the core resort areas of the main resorts. This will ensure that there is a wide choice of accommodation for tourists. However, the Council also recognises that economic circumstances can change and wherever it can be proven that there is no longer a need for the current land use, change

of use will be permitted. The applicant will need to prove that the land use is no longer viable by using the same criteria as set out for Policy ER3, which is explained in detail in Appendix 3a.

#### **Policy ER24 – Protection of Hotels and Guest Houses**

**Proposals for the change of use of existing hotels and guest houses in the centres of the coastal resorts will not be permitted unless it can be proven that the current land use is no longer viable.**

#### **Policy ER25 – New Hotels and Guest Houses**

**The Council supports proposals for new hotels and guest houses and the conversion to, or extension of such uses. In assessing such proposals the Council will take into account:-**

- a. the suitability and previous use of the building or site;
- b. the character of the surrounding area;
- c. parking and highway considerations; and
- d. design implications including site coverage, scale, proportions, materials and privacy.

**3.84** More detailed policies relating to hotels, guest houses and tourism can be found in area policy statements and featuring where appropriate on Proposals Map Insets.

### **Other Tourist Related Developments**

**3.85** The traditional influx of large numbers of visitors to the area in the summer months has given rise to the establishment of numerous commercial enterprises specifically catering for the needs of tourists e.g. guest houses, holiday flats, restaurants, craft shops etc. Often such uses can be introduced through the conversion of existing buildings. The Council supports the conversion of suitable buildings for these uses particularly when proposals create an opportunity to secure the preservation and effective use of a building of architectural or historic interest.

**3.86** As part of the Government's rural economic diversification policy initiatives, the kind of uses described above may be appropriate for the conversion of rural buildings, particularly if they are situated on the fringes of the main settlements or are in village locations. Further guidance on conversions of buildings to employment generating uses is set out in Policy ER11.

#### **Policy ER26 – Conversion of Premises**

**The conversion of existing (including historic) buildings into hotels, guest houses, restaurants, craft shops and other tourist-related development will be permitted, provided that proposals:-**

- a. are located in, or on the fringes of, towns and villages;
- b. are suited to the character of the building and its surroundings;
- c. include suitable access and parking arrangements; and
- d. do not harm the rural character or appearance of the countryside, or the character of the settlement.

### **Facilities along the A120 Corridor**

**3.87** As a result of its involvement in the promotion of tourism within the District, and in particular the recognition that large numbers of European tourists pass through Harwich and subsequently along the A120, the Council has identified a need for the provision of tourist facilities along this route. Provision could include a catering establishment, motorist service facilities, local tourism information, picnic areas and possibly high quality hotel accommodation with appropriate ancillary leisure facilities.

**3.88** To be consistent with other policies in the Plan particularly those associated with countryside conservation and transport, new tourist related facilities will need to relate to other planned development on the edge of existing settlements within the corridor, rather than occupying free standing "greenfield" locations. Consequently Policy ER27 makes provision for facilities at appropriate locations. Sites for large new employment areas on the edge of Harwich in the A120 corridor, referred to in Chapters 2 and 3 may also be suitable locations for accommodating associated hotel and tourist facilities. These facilities will need to be provided within an attractive quality environment and will therefore also be suitable for the needs of tourists visiting and passing through the area.

#### **Policy ER27 – Tourist Facilities in the A120 Corridor**

**Permission will be granted for tourist facilities adjacent to the A120, and with safe and convenient access from it, on suitable sites close to existing settlements. Proposals must incorporate high quality design**

within a landscaped setting.

## **Tourist Information Points and Picnic Sites**

**3.89** The Countryside Agency has recommended the establishment of picnic areas along major roads to cater for the needs of holiday visitors. These facilities can often be incorporated within service stations, country parks or tourist information points. Well designed and sign posted facilities help to reduce the problems of unauthorised catering and litter associated with lay-bys.

### **Policy ER28 – Information and Picnic Sites**

**Small scale tourist facilities such as transit picnic sites and tourist information points should be concentrated on or near the major roads in places which do not conflict with landscape and countryside conservation policies.**

## **Amusement Centres**

**3.90** Amusement arcades and family entertainment centres are an essential part of the facilities and vitality of seaside resorts, especially at night or when the weather is poor. However, it is important that they are located where they would not be detrimental to the character of an area, highway safety or the amenities of residential properties and other uses particularly sensitive to noise and related disturbance. Amusement centre areas are defined on certain Proposals Map Insets, and referred to in appropriate area policy statements. These areas identify locations where amusement centres will be concentrated.

### **Policy ER29 - Amusement Centres**

**Amusement centres will be supported in specific resort areas. Permission will not be granted for amusement centres or amusement arcades in residential areas, protected shopping frontages or within conservation areas.**

## **Casinos**

**3.91** The Gambling Act 2005 modernises the law on gambling and introduces a unified regulator for gambling, the Gambling Commission. Whilst this new Gambling Commission will regulate the gambling industry the Act passes the responsibility for the licensing of gambling premises to Local Authorities. It is likely that the provisions of this Act will be fully implemented by late 2007. Under the recommendations made by the Budd Report (2001) casinos in the future may include bingo and betting in addition to table games and live entertainment. Resort casinos may also be able to offer gaming, accommodation, restaurants and possibly conference facilities. The Council considers that casinos are best provided as part of larger development complexes where the opportunity to achieve a comprehensive mix of hotel, leisure and shopping facilities can be realised. Because of the numbers of people attracted, and their hours of operation, it would be inappropriate to allow such complexes within predominantly residential areas.

### **Policy ER30 - Casinos**

**A casino and/or related uses will only be permitted within the predominantly non-residential parts of Clacton or Walton town centre or seafront, which are also within a defined urban regeneration area. Any such proposals should:**

- a. **be readily accessible by a choice of means of transport;**
- b. **be compatible with any nearby residential areas or properties, and avoid causing any significant noise or disturbance; and**
- c. **do no harm to the retail and/or residential character and function of the locality.**

**Casino complexes, including (for example) hotel, leisure and shopping facilities, will be considered on their merits, in relation to the above considerations, and to other policies in the Plan.**

## **Town and Other Retail Centres**

**3.92** Retailing is a highly important component of the District's economy. The strength of spending is regarded as an indicator of the performance of the national economy. The health and vitality of the District's town and other retail centres may therefore, be taken as indicators of local economic performance. The maintenance of existing town and other retail centres and new investment in retail facilities are also important complementary parts of the Plan's regeneration objectives.

**3.93** This section deals with planning policies relating to retail and other town centre uses within the District as a whole and provides guidance on all forms of retailing and other town centre uses within town centres, district centres, local

centres and rural areas.

## National Context

**3.94** National policy guidance on retailing is set out in PPS6: Planning for Town Centres which was published in March 2005. The emphasis of PPS6 is to encourage new retail development to locate within existing town centres, based on a “sequential approach” to site selection. Additionally, the guidance seeks to promote town centres in terms of quality and vitality through town centre management initiatives, environmental improvements and good urban design. The guidance also states that in addition to shops, town centres are appropriate locations for a range of leisure, entertainment, sports facilities, offices and cultural and tourist facilities, all of which attract large numbers of people and trips. In addition PPS6 refers to the Government’s wider policy objectives that are relevant, relating to social inclusion, regeneration, promotion of economic growth and the delivery of more sustainable patterns of development.

## Regional Context

**3.95** Currently, Regional Planning Guidance for the South East (RPG9) published in March 2001 recognises that existing town centres will continue to be the main focus of the economic and social life of the communities in the region. It states that town centres have suffered from the last recession and the diversion of investment to out-of-centre retail developments. To reverse this trend the guidance states that there is a need to focus retailing development in town centres partly through urban renaissance mechanisms and to avoid further development in out-of-centre locations.

## Replacement Structure Plan

**3.96** The Replacement Structure Plan sets out a strategic planning policy context for the consideration of new retail development. The Plan sets out a strategic hierarchy for shopping centres and describes Clacton, Frinton and Harwich as principal town centres, which are smaller than the main sub-regional centres within the county such as neighbouring Colchester. The Structure Plan also reflects the sequential approach set out in PPS6 and seeks to protect the vitality and viability of existing town, district and local centres.

**3.96a** More recent work undertaken by the County Council suggested the formation of a “major centre” category below the sub-regional level, which includes Colchester. The suggested “major centre” includes Clacton whilst the other centres of Frinton and Dovercourt fall within a “Town centre” category.

## District Wide Retail Study

**3.97** Between 1998 and 2003 the Council commissioned a series of comprehensive retail studies carried out by consultants. The studies included full health checks for the main town centres within the District including Clacton, Frinton, Walton, Dovercourt, Brightlingsea and Manningtree, in addition to summary health check studies for Old Road in Clacton, Great Clacton and The Triangle in Frinton.

**3.98** Further related studies also established the overall need for retail floorspace provision for the Plan Period in phases up to 2006 and 2011, in addition to making recommendations on the policy content for the Tendring District Local Plan 2007. The studies concluded that the District’s town centres were in varying states of health but were all fulfilling a useful local shopping role. Future planning policies should continue to maintain and enhance their respective retailing roles.

**3.99** In addition, the studies concluded that there was a need for further non-food bulky goods retail floorspace in the Clacton area all of which was unlikely to be accommodated within Clacton Town Centre and therefore, the identification of a suitable out-of-centre shopping location for shops selling bulky goods was considered to be necessary. Since the Study was completed a large out-of-town non-food bulky goods retail development at the Brook Park site on the edge of the built up area of Clacton has opened. This development provides for the majority of bulky goods floorspace identified by the retail study. Taking into account the potential sites within the built-up area, there is no need to identify a further out-of-town site in the Plan Period.

**3.100** The retail study which concluded there was a need to accommodate a small amount of food shopping floorspace across the District, together with the recent development of a new foodstore on the Brook Park site means there is no need to identify a further site for a large foodstore. A sub-regional study, the Retail Study for North Essex was issued in 2006.

## Hierarchies of Centres

**3.104a** The district contains a number of centres, each performing an important function within a well established hierarchy of centres. Town centres are areas of predominantly leisure, business and other main town centre uses and provide a full range of facilities and services. District centres usually comprise groups of shops often containing a supermarket, a range of non-retail services and public facilities. Local centres include a range of small shops of a local nature and serve a small catchment area.

**3.104b** Town centre boundaries have been defined for Clacton, Dovercourt, Frinton, Walton, Brightlingsea, Manningtree and Harwich and are defined on the Proposals Maps. The town centre boundary is the relevant boundary for the purposes of assessing need and applying the sequential approach to the development of new town centre uses. Town

centre uses include:

- Retail;
- Leisure, entertainment facilities and intensive sport and recreation uses;
- Offices; and
- Arts, culture and tourism.

**3.104c** The town centres are conveniently located for the majority of the District's population and are also the focal point for public transport. It is the Council's intention that they be protected and remain the economic and social focus for the whole community. The District centres also contain a wide range of shops and services and will be suitable locations for accommodating new retail and related developments such as cafes and professional offices in scale with the functions and size of the particular centre.

#### **Policy ER31 – Town Centre Hierarchy and Uses**

**Development involving the provision of town centre uses must be properly related in their scale and nature to the hierarchy set out below:**

##### **Major Town Centre:**

**Clacton-on-Sea**

##### **Town Centres:**

**Dovercourt**

**Frinton-on-Sea**

**Walton-on-the-Naze**

**Brightlingsea**

**Manningtree**

**Harwich**

##### **District Centres:**

**Old Road, Clacton**

**Great Clacton**

**The Triangle, Frinton**

**Holland-on-Sea**

##### **Local Centres:**

**Upper Dovercourt**

**Broadway, Jaywick**

**Bockings Elm, Clacton**

**High Street, Thorpe-le-Soken**

**Clacton and Spring Roads, St Osyth**

**Station Road, Alesford**

**Clacton Road, Elmstead Market**

**Plough Road, Great Bentley**

**The Street, Little Clacton**

**Development proposals which adversely affect the vitality, viability and the urban or rural regeneration objectives associated with each centre will not be permitted.**

**All options in town centres should be thoroughly assessed before edge of centre locations and out of centre sites are considered for town centre uses. The nature and scale of development should reflect the**

**size and role of particular centres including townscape and retail catchment considerations.**

### **Proposed Town Centre uses outside existing Town Centres**

**3.111c** Any proposals for new town centre uses outside of existing centres will be considered against Policy ER32 and the sequential approach as set out in paragraphs 2.44, 3.13, 3.19, 3.29 and Annex A Table 2 of PPS6.

**3.112** The Council will require developments proposed on edge and out-of-centre sites to be accompanied by a statement, which is evidence based and justifies the need for the development. This will need to be independently verified, which the applicant will be expected to fund. The level of need should be considered in relation to the following broad floorspace estimates derived from the District-wide Retail Study as updated in 2003, for the periods up to 2006 and 2011.

### **Comparison Goods Floorspace Needs**

| <b>Area</b>                     | <b>Type of Goods</b> | <b>2006 (sqm)</b> | <b>2011 (sqm)</b> |
|---------------------------------|----------------------|-------------------|-------------------|
| Clacton Area                    | Non-bulky goods      | 7,100             | 14,100            |
|                                 | Bulky goods          | 2,600 – 4,200     | 5,100 – 8,400     |
| Harwich Area                    | All comparison goods | 1,500 - 3,000     | 3,000 - 5,250     |
| Brightlingsea/ Manningtree Area | All comparison goods | 1,300 - 2,400     | 2,300 - 4,300     |

### **Convenience Goods Floorspace Needs**

| <b>Area</b>                     | <b>Type of Goods</b> | <b>2006 (sqm)</b> | <b>2011 (sqm)</b> |
|---------------------------------|----------------------|-------------------|-------------------|
| Clacton Area                    | Convenience goods    | 0                 | 0                 |
| Harwich Area                    | Convenience goods    | 225               | 425               |
| Brightlingsea/ Manningtree Area | Convenience goods    | 50                | 75                |

**3.114** In accordance with PPS6 the following policy will apply in determining planning applications for proposed town centre uses outside the defined town centres.

#### **Policy ER32 –Town Centre Uses Outside Existing Town Centres**

**Proposals for town centre uses outside existing town centres will be considered against a sequential site approach and need assessment. A proposal which satisfies the sequential and need assessment will only be permitted providing:**

- a. it is of a scale appropriate to the role and function of the neighbouring centre and its catchment;
- b. it does not individually or cumulatively with other committed development materially harm the vitality and viability of an existing centre;
- c. it is accessible by a choice of means of transport including public transport links; and
- d. it would not materially prejudice the provision of employment land, housing, recreation or tourism facilities.

### **Primary Shopping Area**

**3.116a** In addition to a town centre boundary, a 'primary shopping area' has been defined for Clacton. In accordance with guidance in PPS6 the primary shopping area is the preferred location for new shopping development. It is not necessary to demonstrate 'need' for new shopping developments within this area. The extent of the primary shopping area is defined on the Clacton Proposals Map.

#### **Policy ER32a – Primary Shopping Area**

**Proposals for use classes A1- A5 in Clacton will be directed towards the primary shopping area. Within this area proposals for non-retail development at ground floor level will not be permitted. Proposals for shopping development in this area would not be required to demonstrate a 'need'.**

### **Primary Shopping Frontages**

**3.116b** The town centres all contain a primary shopping frontage in which development is restricted to a high proportion of A1 uses. This approach was recommended by the Council's retail consultants and is consistent with Government guidance.

**3.117** If the proportion of Class A1 shop uses in the Primary Shopping Frontages continue to decline through the changes of use away from shops the Council is concerned that this could undermine the retail function of the District's town centres. In addition, allowing a number of non-retail uses in close proximity to one another within the Primary Shopping Frontages will have the effect of breaking up the coherence of the centres. This could damage the attractiveness of the shopping frontages and lead to an undermining of the overall vitality and viability of a centre. Therefore, within the identified Primary Shopping Frontages as shown on the Proposals Map Insets, Policy ER33 seeks to protect the retailing vitality and character of each town centre by controlling the proportion of non shop units so as not to exceed 10% of the length of individual street frontages.

#### **Policy ER33 – Non-Retail Uses Within Primary Shopping Frontages**

**Within the identified Primary Shopping Frontages in the District's town centres proposals for a change of use from Class A1 shops at ground floor level to Classes A2 – A5 will only be permitted where:-**

- a. non Class A1 uses would not dominate or detract from the core objective of providing retail outlets for the shopper;
- b. the proportion of frontage in A2- A5 use does not exceed 10% of the length of individual street frontages;
- c. the character of a Listed Building or Conservation Area is not prejudiced;
- d. there would be no detrimental effect on the amenities of occupiers of nearby residential accommodation in terms of noise, fumes, smell and general activity generated from the use; and
- e. there would be no unacceptable levels of traffic to the detriment of highway safety.

**Within the Primary Shopping Frontages non-retail uses will not be permitted at the ground floor level.**

#### **Small Convenience Stores Outside of Centres**

**3.123** Parts of the built up areas of the District contain large suburbs with few local accessible convenience stores. Examples are parts of West Clacton and Dovercourt where housing is the predominant use. Policy ER37 provides a policy basis to allow for the development of small convenience stores of up to 150sqm floorspace. The size limitation is necessary to ensure that any such stores principally perform a local shopping role; surrounding areas do not suffer unduly from noise and traffic and to avoid sporadically sited larger supermarkets and superstores, which would, need to be considered against Policies ER31 and ER32. Policy ER37 also applies to related proposals in villages.

**3.123a** Larger convenience facilities, above 150sqm floorspace within or on the edge of villages are more likely to have a material adverse impact on the vitality and viability of existing nearby small scale shopping provision and will therefore, need to be considered against policies ER31 and ER32. Larger stores would also be more likely to draw in car based trade from wider areas and will therefore not normally be permitted.

#### **Policy ER37 - Small Convenience Stores Outside of Centres**

**Proposals for small convenience stores of up to 150sqm floorspace outside of existing centres, including village locations, within the defined settlement boundary, will be permitted provided they would not be detrimental to the vitality and viability of a nearby centre.**

#### **Retail Uses in the Countryside**

**3.129** Farm shops are a further form of retail provision found in rural areas and usually do not require planning permission providing the goods sold from the site are produced on the farm or holding. The sale of a small amount of imported produce to supplement the home produced goods could also contribute to local shopping provision and economy and would be particularly beneficial if located close to an existing village.

**3.130** Farm shops should be established using existing buildings wherever possible and permission will not normally be granted for the construction of new buildings for use for retail purposes. Where planning permission is required, the following Policy will be applied.

#### **Policy ER38 – Farm Shops**

**Farm shops will be permitted where they:**

- a. are sited within an agricultural or horticultural holding;
- b. sell principally the produce of that and neighbouring holding(s); and

c. do not cause traffic hazards.

## Market Trading and Car Boot Sales

**3.131** Proposals for market trading or car boot sales can have serious environmental or economic consequences within an area and therefore need to be considered very carefully. In the light of the number of markets and car boot sales currently operating in the District, the Council will give serious consideration to serving an immediate Article 4 Direction under the General Permitted Development Order, requiring a planning application to be made for any regular market or car boot sale proposals which come to its notice.

### Policy ER39 – Market Trading and Car Boot Sales

**Planning permission will be granted for proposals for market trading or car boot sales if the proposal can demonstrate that it would not:-**

- a. undermine the retailing vitality or character of the town centre;
- b. adversely affect the character or appearance of an area or residential amenities;
- c. prejudice redevelopment or other proposals on the site or in the vicinity;
- d. be detrimental to highway safety, or
- e. result in the loss of the best and most versatile agricultural land.

## Forecourt Trading

**3.132** In considering planning applications for forecourt trading the Council is especially concerned with preventing piecemeal, noisy or unsightly forms of display and safeguarding public safety. In certain cases when permitting proposals, which could lead to forecourt trading activities, such as shops, cafés or amusement arcades, the Council may by condition require separate planning consent for any forecourt trading on environmental or public safety grounds.

### Policy ER40 - Forecourt Trading

**Forecourt trading proposals will be permitted subject to the following criteria:-**

- a. traffic or pedestrian safety would not be put at risk;
- b. the character or appearance of an area would not be detrimentally affected;
- c. noise and other forms of disturbance would not be caused;
- d. car parking spaces would not be lost; and
- e. the proposal would not involve the permanent placing of stalls or kiosks on the forecourt.

# **Chapter 4**

## **Sustainable and Affordable Housing**



## Chapter 4 Sustainable and Affordable Housing

**Aim: To meet the housing needs of the whole community in a sustainable way**

### Strategic Objectives:

- provide sufficient housing land within the District to meet the Replacement Structure Plan provision and ensure a five year supply is always available;
- ensure the provision of a mix of dwelling types, sizes and tenures to meet the needs of the whole community, including the particular needs of elderly persons and people with disabilities;
- maximise the provision of affordable housing to meet the identified housing needs of the District; and
- concentrate new housing primarily in Clacton and Harwich where access to jobs, choice of means of transport, shops and other facilities can be maximised and the largest supply of available brownfield land exists.

**4.1** Providing new homes contributes to improving people's lives. However, this provision needs to be achieved in a sustainable manner and recognise the housing needs of all sections of the community; such as people on low incomes seeking an affordable home, those elderly persons requiring sheltered housing or people with disabilities requiring housing with wheelchair access. This is the intention of the policies in this Chapter which reflect one of the key objectives of the Council's Housing Strategy, namely "to operate the planning system to encourage the provision of good quality housing for all". The Council's Housing Strategy complements the Local Plan, addressing housing needs and the supply and management of the District's housing stock. To obtain a comprehensive picture of housing policy in Tendring District the two documents should be read together.

**4.2** The policies and proposals in this Chapter are intended to achieve the aim and strategic objectives described above. Set out below is a criteria-based policy framework for considering all forms of residential development proposals where necessary to supplement or support Structure Plan policies and core policies in this Plan. These range from policies to enable affordable housing, residential density and design policies, to policies addressing various residential development pressures in the countryside. Importantly this Chapter begins by setting out the District Housing Provision Strategy, identifying the scale of housing to be accommodated and allocating specific sites for housing development or mixed use including housing.

**4.3** As with all the policies in this Plan they will not be applied in isolation and should be read in conjunction with other relevant policies in the Plan, especially the core policies, together with the Essex and Southend-on-Sea Replacement Structure Plan.

### District Housing Provision Strategy

**4.4** The Spatial Strategy for development generally in the District, including the defining of town and village development limits, is set out in core Policy QL1. The policies in this Chapter, particularly the District Housing Provision, build on that development framework in relation to residential development. They reflect the principles set out in national guidance contained in PPG3 on "Housing" as well as Replacement Structure Plan policies.

**4.4a** PPG3 was replaced by PPS3, Housing in November 2006, towards the end of the local plan inquiry. Various subsidiary policy advice has followed. Its publication came too late to shape the policies and proposals in this Plan, but much of its guidance is an evolution of PPG3, and does not conflict with or radically depart from it. Where practically possible, this new PPS3 guidance has been incorporated in this Plan. But full implementation of PPS3 policies locally will be made through the first LDF for Tendring.

### The Replacement Structure Plan Requirement

**4.5** Policy H1 of Replacement Structure Plan provides for a new dwelling stock increase of 6,250 dwellings in the District between 1st April 1996 and 31st March 2011. As at 31 March 2007, the first eleven years of that period has seen a net dwellings stock increase of 4,458 dwellings. Therefore required provision for the remaining four year period 2007 to 2011 is 1,792.

**4.6** In relation to existing housing commitments, the 2007 Residential Land Availability Survey identifies 1,612 dwellings outstanding in the District from extant planning permissions at April 2007. In addition it identifies potential for 449 dwellings on sites without planning permission based on such sources as outstanding previous adopted local plan allocations, residential land surveys and lapsed residential new build consents within settlements. Whilst not all of those

sites may come forward and be implemented within the Tendring District Local Plan 2007 Period, equally some suitable unidentified windfall sites will emerge.

**4.7** Moreover, there are several recent factors that influence or alter the District's previous housing land position in relation to the Replacement Structure Plan. These are:

- a. The intention of the new owners of Bathside Bay, Harwich to develop all of that site for port and associated commercial development and not to seek renewal of the planning permission for mixed development including 1,250 dwellings, 630 dwellings of which the Structure Plan had expected to come forward before 2011 (that planning consent lapsed in April 2002).
- b. The need for local planning authorities to take particular account of the revised national guidance on housing in PPG3 and its updates, especially the sequential approach to development and criteria to assess potential housing allocation sites against.
- c. The completion of a PPG3 Urban Capacity Study, identifying significant additional dwelling potential in the District's main urban areas (The Essex Residential Land Availability Survey does not currently cover urban capacity studies.)
- d. Identification of the need to amend allowances for future dwelling completions on unidentified "windfall" sites.
- e. The need to ensure that the Plan's provision on allocated sites for residential and mixed development including housing, includes a "flexibility" allowance to counter the likelihood of some large housing sites not being implemented or completed within the Plan Period.

## **Tendring Urban Capacity Study**

**4.8** In accordance with PPG3 the District Council commissioned an Urban Capacity Study in March 2001 to assess how much additional housing might be accommodated in the District's main urban areas. The Study is generally compliant with the guidance set out in the DTLR's best practice advice "Tapping the Potential". It largely follows a design-based "template" approach to assessing potential dwelling capacity of sites, based on various scenarios. The study was finalised in March 2002 and subsequently published as a background document to this Plan.

**4.9** The Urban Capacity Study identified potential capacity for 4,119 dwellings as its "best fit" estimate of net dwelling capacity within the District's five main urban areas of Clacton, Harwich, Frinton/ Walton, Brightlingsea and Lawford/Manningtree/Mistley. That estimate specifically excluded sites under-construction at the time of the field surveys (June 2001), in addition to sites outside of the Study area, e.g. unimplemented greenfield urban extensions allocated in the previous Adopted Local Plan as well as any additional dwelling capacity within villages. The Urban Capacity Study was a useful starting point for selecting sites for housing allocation but, as a housing potential study only, it could not comprehensively address all necessary factors in that selection decision process.

## **Sustainability Testing of Large Sites**

**4.10** Sites specifically allocated in this Plan for housing or mixed-use development including housing comprise suitable sites with an indicative net capacity for 12 or more dwellings. This size threshold matches the current Essex Residential Land Availability Survey monitoring system definition of a "large" site.

**4.11** In deciding which sites to allocate on the Proposals Map as suitable for housing development over the Plan Period, the District Council carried out sustainability testing of potential sites. This was achieved through a Housing Comparative Site Assessment Study in accordance with the sequential approach of PPG3 Housing paragraph 30; the sustainability testing comprising detailed assessment of sites against the criteria set out in PPG3 (paragraph 31):

- availability and suitability
- location and accessibility
- infrastructure requirements
- community development
- physical and environmental constraints

**4.12** This extensive assessment followed on after the Urban Capacity Study and has also now been published as a background document. As a result of that assessment some large retained sites in the Urban Capacity Study have not been taken forward as housing allocations. This has been principally where, in the District Council's view, sites are unlikely to be brought forward for development within the Plan Period or have been considered more suitable for other uses.

**4.13** PPG3 required identification of sites for housing and buildings for conversion and re-use sufficient to meet housing requirements after making an allowance for windfalls. However, large housing site commitments at the Local Plan's base date of April 2007 have not been specifically identified on the Proposals Map as it would quickly date it. Instead those large housing site commitments that either do not conflict with any of this Plan's proposals for the development or use of land for housing or have already begun construction are listed in Appendix 1. These total some 859 dwellings in Table 1.

Proposals for the subsequent renewal of planning permission for any of those sites would be considered against the above PPG3 criteria and other provisions of this Plan, such as affordable housing.

## Windfalls

**4.14** As is explained in the supporting Housing Technical Paper Update 2005, the Urban Capacity Study identified considerably greater potential capacity on “small” sites (with a net dwellings capacity of 11 dwellings or less), within the main urban areas than previous housing land availability estimates by the local authorities. When combined with housing land availability estimates of small sites within villages and recent trends in dwelling production on small sites, it was clear that the 1998 based Replacement Structure Plan estimate of 700 dwelling completions between 2001 and 2011 (70 per annum) on small sites within the district was unrealistically low. The District Council’s revised estimate of small sites completions for the period of this Plan 2007-2011 is 520; (130 per annum 2007-2011). A separate small windfall allowance of 20 dwellings is also estimated in relation to Rural Exception Schemes.

**4.15** The Housing Technical Paper Update also explains why, notwithstanding the comprehensiveness of the Urban Capacity Study, a small residual allowance of 290 was considered appropriate for large unidentified sites likely to emerge on previously developed land within the main urban areas or larger villages within the period 2004-2011. This figure has been updated to 126 for the short remaining period 2007-2011. Relatively speaking this is the most uncertain component of the Plan’s housing provision and will need to be closely monitored as part of the “plan, monitor, manage” approach, but is likely to be established as modest. Similarly, should any of the few large housing site commitments extant at April 2007 that are not in accordance with the proposed land use provisions of this Plan be implemented, this would need to be taken into account of in any review.

### Policy HG1 - Housing Provision

Provision is made for a net dwelling stock increase of 6,250 dwellings in Tendring District in the period 1 April 1996 to 31 March 2011 in accordance with Policy H1 of the Adopted Essex and Southend-on-Sea Replacement Structure Plan. This provision will be achieved as set out in Tables 1 and 2. Future general housing needs in the Tendring District Local Plan 2007 Period 2004 to 2011 will be met by the development of sites allocated for residential or mixed use development including housing as set out in Appendix 2, and appropriate unidentified sites that meet PPG3 paragraph 31 sustainability criteria and are located within the defined development boundaries of towns and villages. A recycling target of 80% of the Plan’s provision between 2004 and 2011 is proposed on previously developed land.

### Notes:

1. General housing is intended to refer to the provision of any additional residential units not specifically covered by the exceptions of policies HG5 or HG18 which relate to rural exception local need and agricultural need respectively.
2. “Unidentified” or “windfall” sites are those mainly small sites for residential or mixed use development including housing which may emerge through the development control process.
3. “Previously developed land” is as defined in Annex B of PPS3.

**Table 1 Housing Land Supply No. of Dwellings**

|                                                                                                                                  | District Total | Clacton                                                                                                                                                                                                                                                                                                  | Harwich | Frinton/Walton | Bright-lingsea | Lawford, Manningtree, Mistley | Rural Areas |
|----------------------------------------------------------------------------------------------------------------------------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----------------|----------------|-------------------------------|-------------|
| <b>A</b> Net Dwelling Stock Change 1996-2007                                                                                     | 4,458          | 1,773                                                                                                                                                                                                                                                                                                    | 915     | 521            | 268            | 349                           | 632         |
| <b>B</b> Rolled Forward Dwelling Commitments on Large Sites at 1.4.07 that accord with this Local Plan, as set out in Appendix 1 | 812            | 206                                                                                                                                                                                                                                                                                                      | 468     | 17             | 70             | 21                            | 30          |
| <b>C</b> Other Large Sites Under Construction, also set out in Appendix 1                                                        | 47             | -                                                                                                                                                                                                                                                                                                        | -       | -              | -              | 29                            | 18          |
| <b>D</b> Allocated Large Sites, as set out in Appendix 2                                                                         | 985            | 533                                                                                                                                                                                                                                                                                                      | 129     | 111            | 112            | 100                           | -           |
| <b>E</b> Expected Contribution from Small Sites 2007-2011 on Previously Developed Land                                           | 520            | TDC assessment of 130 dwellings p.a 2007 -2011 based on recent past trends, existing commitments and windfall potential from Tendring Urban Capacity Study and ECC and TDC housing land availability data. (See Housing Technical Paper Update 2005 and Update on Housing Delivery at April 2006). Small |         |                |                |                               |             |

|          |                                                                   |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------|-------------------------------------------------------------------|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          |                                                                   |       | sites = less than 12 dwellings net site capacity.                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>F</b> | Large Unidentified Sites Urban Intensification Estimate 2007-2011 | 126   | TDC assessment of 21 dwellings 2008-2009 and 105 dwellings 2010-2011 based on extrapolation of available housing land monitoring data between 2001 and 2007 on large sites not identified in the Tendring Urban Capacity Study that have emerged through the development control process in relation to previously developed land and buildings. (See methodology in Housing Technical Paper Update 2005 which provides the basis for calculating this figure). |
| <b>G</b> | Expected Contribution from Rural Exception Sites                  | 20    | TDC estimate, all 2008-2011 period                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>H</b> | <b>Total Potential Supply 1996-2011</b>                           | 6968  | =A+B+C+D+E+F+G. H is slightly larger than I as it includes a flexibility allowance within D of large sites provision (commitments and allocations) to cover the likelihood of some sites not being completed by 2011.                                                                                                                                                                                                                                           |
| <b>I</b> | <b>Replacement Structure Plan Requirement 1996-2011</b>           | 6,250 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

## Notes:

All dwelling estimates are in net terms, i.e. taking account of any existing dwelling losses through redevelopment or conversion.

The geographical areas comprise the five urban areas plus the remainder of the District (Rural Areas). Clacton includes Holland-on-Sea and Jaywick. Frinton/Walton includes Kirby Cross but excludes Great Holland and Kirby-le-Soken. Harwich includes Dovercourt, Little Oakley and part of Ramsey and Parkeston.

Net dwelling stock change 1996-2007 is from ECC and TDC residential land availability annual monitoring results, including site checks. All years in Table 1 are April to March inclusive. Large sites, whether identified or unidentified, have capacity for 12 or more dwellings, whilst small sites are for 11 dwellings or less.

Rolled forward commitments on large sites, as set out in Appendix 1, include dwellings to be completed on commenced large sites at 1.4.2007.

### Flexibility Allowance

**4.16** It is considered that the potential dwellings supply of 6,968 dwellings set out in Table 1 is necessary to achieve the Replacement Structure Plan provision of 6,250 dwellings. This is because whilst the District Council considered site developability to discount large sites unlikely to deliver completed dwellings during the Plan Period, the Council added a flexibility allowance of 10% of the large sites provisions to cover the likelihood that some allocated and committed large housing sites would fail to come forward or be completed. That allowance, which originally amounted to some 220 dwellings at 2004, has since been updated to 718 for April 2007, and is accordingly contained within the allocated large sites provision figure in Table 1.

### A Sequential and Sustainable Approach

**4.17** The distribution of allocated sites in Table 1, as set out in the Appendix 2 schedule, reflects the Spatial Strategy of the Plan, Policy H2 of the Replacement Structure Plan and PPG3 guidance. Policy H2 provides for residential development to be located on sites which can provide good access to employment, shopping, education and other community facilities and which are accessible by a choice of means of transport, especially non-car modes. It provides for a sequential approach to the location of new housing provision, with the largest amount to be located within existing large urban areas in the first instance. If sufficient provision cannot be made within urban areas, then planned peripheral development on the edge of large urban areas should be the next choice. Only if peripheral development of large urban areas cannot be provided, should expansion of other settlements then be considered. It is for local plans to determine whether small-scale housing provision consistent with local community needs is appropriate in small towns and villages where it can take place in accordance with sustainability principles. Sporadic development in the countryside is to be resisted. (The Replacement Structure Plan defines a "large urban area" as having an existing population of over 20,000 people and providing for a concentration of shopping, education and other community facilities as well as a wide choice of transport provision).

**4.18** Having applied the search sequence in accordance with Replacement Structure Plan Policy H2, PPG3,

sustainability principles and the Plan's Spatial Strategy, most of the allocated sites are therefore located in the two large urban areas of Clacton and Harwich, with 2001 Census estimated resident populations of 55,900 and 20,800 respectively. However a substantial dwelling supply is also identified on previously developed land in the urban areas of Frinton/Walton, Brightlingsea and Lawford/Manningtree/Mistley from a combination of rolled forward existing commitments and proposed allocated sites. When combined with additional windfall urban intensification sites likely to come forward, especially on small sites, this will be consistent with sustainability principles and local community needs in those urban areas.

**4.20** The Replacement Structure Plan Policy H2 search sequence, when applied to the circumstances of the District having five main urban areas, including two "large" urban areas, effectively rules out expansion of villages for general housing (see "Urban Extensions" below). In a national context PPG3 states that only a limited amount of housing can be expected in expanded villages. Also, in relation to the sequential approach, that the search for housing land within a local authority's area should not be extended further than needed to meet the agreed housing requirement. The PPG3 sequential approach is the foundation for Replacement Structure Plan Policy H2.

**4.21** However, Policy HG5 of this Plan additionally provides for affordable housing to meet the needs of local people in rural areas in accordance with the exception policy of PPG3 (Annex B). Furthermore, existing housing commitments in villages and future infilling, redevelopment and conversion proposals that come forward through the development control process within village development boundaries should ensure a continuing supply of appropriate small scale residential development consistent with sustainability principles. This is especially taking into account the overall position of much more limited facilities, employment and choice of means of transport available in villages compared to the District's towns that act as the primary service centres within the District. Most of the housing completed in the District's villages in recent years has been on appropriate small sites.

**4.22** In assessing the suitability of sites in relation to the PPG3 criteria referred to above and the PPG3 sequential approach to development, starting with the reuse of previously developed land in urban areas, the Plan identifies potential for 593 dwellings to be built on suitable large sites allocated in this Plan that comprise previously developed land or buildings for conversion within the five main urban areas. This comprises 177 in Clacton, 93 dwellings in Harwich and a total of 323 dwellings on large brownfield sites in Frinton/Walton, Brightlingsea and Lawford/Manningtree/Mistley. This is in addition to the rolled forward large site commitments in Table 1 and listed in Appendix 1.

**4.23** Left over undeveloped greenfield sites within urban areas but not in urban greenspace use were also assessed and, as a result, two further allocation sites in Harwich were identified potentially for 36 dwellings.

## Urban Extensions

**4.24** The Plan's strategy, reflecting PPG3, is to seek to meet as much of the District housing requirement as possible within settlements on suitable previously developed sites accessible to facilities and at appropriate densities making efficient use of urban land. However, there still remains a need to then release some additional greenfield land. Provision for some 399 dwellings has been identified as urban extension sites as part of the Table 1 allocated large sites, in order to achieve the Replacement Structure Plan housing requirement. This includes some 356 dwellings on greenfield sites.

**4.25** In accordance with the search sequence of Replacement Structure Plan Policy H2 this greenfield requirement will be met by planned peripheral development of the "large urban area" of Clacton rather than the expansion of other smaller settlements. Sufficient suitable sites have been identified on the edge of Clacton, such that a search for potential peripheral development sites on the edges of other settlements with less employment, facilities and services has not been necessary. Whilst Harwich is also a "large urban area", Clacton is a significantly larger settlement with greater general housing market demand and need for affordable housing but lower level of committed supply of housing than Harwich. Accordingly strategically it was not considered appropriate to allocate any of the fairly modest required level of urban extension housing allocations to Harwich, given equally suitable sites in PPG3 terms on the edge of Clacton.

## Recycling Target

**4.26** Whilst the national target, set in PPG3, was that by 2008, 60% of additional housing should be provided on previously developed land and through conversions of existing buildings ("brownfield" sites), the proportion achieved in individual local authority areas will clearly vary according to local circumstances. Within the District over 60% was achieved for each of the years ending March 2000 to March 2007. The Plan's target is to achieve 80% of housing provision between April 2007 and March 2011 on brownfield sites. That target is based upon an assessment of the Table 1 proposed housing land supply, of which the Urban Capacity Study has been a major contributing component. That assessment is set out below as Table 2.

**Table 2 Recycling Target on Previously Developed Land**

| Housing Land Components Based on Table 1 Position at April 2007 | Previously Developed Land (No. of Dwellings) | Greenfield Sites (No. of Dwellings) | Total (No. of Dwellings) |
|-----------------------------------------------------------------|----------------------------------------------|-------------------------------------|--------------------------|
| Rolled Forward Dwelling Commitments on Large Sites              | 781                                          | 31                                  | 812                      |

|                                                         |                        |                      |                         |
|---------------------------------------------------------|------------------------|----------------------|-------------------------|
| Other Large Sites Under Construction                    | 47                     | 0                    | 47                      |
| Allocated Large Sites:                                  |                        |                      |                         |
| Urban                                                   | 550                    | 36                   | 586                     |
| Urban Extensions (Clacton)                              | 43                     | 356                  | 399                     |
| Expected Contribution from Small Sites                  | 520                    | -                    | 520                     |
| Large Unidentified Sites Urban Intensification Estimate | 126                    | -                    | 126                     |
| Expected Contribution from Rural Exception Sites        | -                      | 20                   | 20                      |
| <b>Total</b>                                            | <b>2,067<br/>(82%)</b> | <b>443<br/>(18%)</b> | <b>2,510<br/>(100%)</b> |

4.27 From Table 2, allowing for possible slight differential take-up, it is considered that an 80% recycling target on previously developed land is achievable as a minimum over the Plan Period 2007-2011. Appendices 1 and 2 clarify the brownfield status of rolled forward large committed and allocated housing sites respectively to facilitate monitoring as part of the PPG3 “plan, monitor, manage” approach.

### Residential Development within Settlement Development Boundaries

4.32 Development boundaries are defined on the relevant Proposals Map Inset around each of the towns and villages listed in Policy QL1 which sets out this Plan’s Development Spatial Strategy. The general concept of settlement development boundaries is fundamental to achieving the Government’s intentions to create more sustainable patterns of development, make more efficient use of urban land, and follow a sequential approach to the location of new housing development.

4.33 However as part of a sustainable approach, clearly all land within settlement development boundaries is not appropriate for residential development as a mix of uses is necessary to meet a community’s needs. Accordingly Policy HG3 not only sets out general criteria for the consideration of residential development proposals within settlement development boundaries, but also makes it clear that residential development of sites protected for non-residential uses will not be permitted except in the circumstances described in the policy. This applies not just to locations specifically allocated or safeguarded for non-residential uses on the Proposal Map but also where policies in the plan provide blanket policy protection, such as Policy COM3 in relation to existing community facilities and local services.

#### Policy HG3 - Residential Development within Defined Settlements.

**Within the defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area.**

**Proposals for development of infill plots should ensure that the scale, design and intensity of any new building are in harmony with existing surrounding development.**

**The residential development of sites protected for non-residential uses by other policies in this plan will not be permitted unless it can be demonstrated that the community’s need for a particular non-residential use in that location no longer exists and that residential use would be the preferred alternative.**

4.34 As this is primarily a general policy, potential applicants are especially advised to refer to more detailed policies in this Plan dealing with the criteria listed in Policy HG3, such as Policies QL9, QL10 and EN12 on design or the policies which deal with particular forms of residential proposals or locations such as conversions to flats and bedsits, backland residential development, or development in conservation areas.

4.35 The District Council, through various policies in this Plan, supports the Government’s aims at making best use of urban land but that local planning authorities should reject residential proposals of poor design or layout. In the latter respect, residential “infilling”, that is the filling of a small gap in an otherwise built-up frontage, should not appear cramped or otherwise incongruous and out of character in the street scene.

4.35a The Council will plan for a mix of housing on the basis of the different type of households that will require housing over the plan period. This includes having regard to the current and future demographic trends and population profiles, as well as the accommodation requirements of specific groups, in particular families with children, older and disabled people. This is important in this district, as Tendring has a significantly high and increasing proportion of elderly persons. The 2001 Census shows that the district having 29.4% of its population of pensionable age. This is significantly higher than any other district in Essex. This needs to be reflected in housing supply policies as well as associated community support facilities (i.e. health care).

#### Policy HG3a – Mixed Communities

**New Residential development should achieve mixed communities. This will be secured by developers being required to provide a mix of house types, sizes and tenures, in order to meet the needs of all sectors of housing demand from within the community.**

## Affordable Housing

**4.36** Tendring is an area with a proven high need and demand for decent affordable housing. The term affordable housing describes a range of accommodation of different tenures that is available at below market values, in perpetuity, to meet the needs of those people who cannot otherwise afford to buy or rent their own homes. PPS3 (which replaced PPG3 and Circular 6/98) defines affordable housing as 'including social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market'. However, the Housing Needs Survey (HNS) has shown that affordable housing locally will almost certainly have to be in the form of social renting because a large number of residents cannot afford low cost market housing. Moreover, the HNS showed that shared ownership might only be able to help a very small fraction of households in need (around 0.9%). For the remainder, social rented housing will be the only option.

**4.37** There are a variety of local factors that contribute to this situation including pockets of high deprivation, low average incomes, rising house prices and above average levels of statutory homelessness. The situation is further exacerbated by a poor existing supply of affordable housing with less than 9% of approximately 60,000 dwellings in the district being considered as affordable. The Council as at 1 April 2004 had 3,508 households registered for affordable housing, an increase of 23% over the previous year.

**4.38** The seriousness of this situation was further quantified when the Council received the results of the comprehensive HNS, commissioned in 2002. Those results, in conjunction with up-to-date stock condition surveys for both public and private sector housing, have been important drivers in the development of the Council's housing and planning policies and strategies.

**4.39** The Council, in its Corporate Strategy, identifies securing affordable and decent housing for the people of Tendring as one of its key priorities. This is complemented by the Community Strategy developed by the Local Strategic Partnership which includes Sustainable and Affordable Housing as a key theme with a stated aim to ensure that an adequate supply of decent, affordable and sustainable housing is available in the public and private sectors.

**4.40** The need to increase the supply of sustainable affordable housing is also recognised regionally within the East of England Regional Housing Strategy, nationally through the Government's sustainable communities plan "Building for the Future" and through PPS3.

**4.41** PPS3 specifically states that the planning system should deliver a mix of housing, both market and affordable. It also emphasises the need for local authorities to carry out surveys and studies to assess whether there is a local need for additional affordable housing and, where such a need is identified, to include a local plan policy seeking affordable housing in suitable housing developments. This would normally involve providing part of a housing site at no cost or at a discounted value which would enable affordable housing to be built specifically for persons in identified housing need.

**4.42** The "2002 Housing Needs Survey June 2003 Final Report" provides a District wide housing needs assessment and general basis for seeking affordable housing in Tendring. It identified a level of need for some 1,232 new affordable dwellings per annum (Table 9.1 of the HNS), far higher than can possibly be met by the likely supply of new affordable housing through the proposals in this Plan. In fact the identified annual need for affordable dwellings is considerably greater than the implied annual building rate of 448 dwellings for the period 2007-2011 from all forms of housing supply in the Plan Period to meet the Replacement Structure Plan housing requirement. Thus there is a strong case for affordable housing through the planning system in Tendring, to apply to all suitable housing developments, including windfall sites. In addition, in rural areas, PPS3 allows an exception to be made to permit, on small sites adjoining existing villages, affordable housing to meet local needs where private housing would normally be refused.

## Affordable Housing in New Developments

**4.43** Where a need for affordable housing is demonstrated, PPS3 provides specific guidance on thresholds that, effectively defines what the Government regard as suitable sites on which affordable housing will be sought. It provides a national indicative minimum site size threshold of 15 dwellings. However, local planning authorities can set lower minimum thresholds, where viable and practicable, including in rural areas. Accordingly, the Council applies a threshold in urban settlements (population of 3,000 or more) of 15 or more dwellings or 0.5ha or more, irrespective of the number of dwellings, in line with the national figure. In rural areas however, a lower threshold is adopted.

**4.44** PPS3 flexibly allows local planning authorities to adopt appropriate lower thresholds where viable and practicable based on assessments of local need and the available supply of land for housing. This combined with the HNS findings of a likely and very limited yield of affordable housing in smaller settlements relative to the identified need warrants a lower threshold to be applied to villages. A threshold of 5 or more units therefore applies in settlements of under 3,000 population, a level that the Council considers will deliver a positive contribution towards affordable housing in rural settlements and at which 40% is deliverable having regard to the issue of financial viability.

**4.45** On the issue of the Affordable Housing Target (an indicative target of the proportion of affordable homes as a basis

for negotiation on suitable housing sites), the HNS suggested a target of 40%. This reflects the very high need for affordable housing (that is considerably greater than in nearby authorities), especially in relation to both the towns of Clacton and Harwich where the demand for affordable housing is high. Some allocations will fall below the site-size threshold and others will be unable to provide the full 40% for the types of reasons described below. Nevertheless, given that the identified need for affordable housing in Tendring District is greatly in excess of what is likely to be provided either on allocated or windfall sites above the site-size threshold, there is a strong case for maximising delivery of affordable housing through a combination of low threshold levels, a 40% Affordable Housing Target, and density.

**4.46** Through negotiation at the planning application stage, the Council will take account of any material considerations that may indicate that the affordable housing site target is not appropriate or capable of being met for the proposed development. Such considerations will include whether there is primary financial evidence of exceptional costs demonstrating that the development could not, in viability terms, bear such an affordable housing contribution. There may also be issues of site suitability or reasons related to creating sustainable mixed communities, e.g. where a site already adjoins an existing estate of social rented housing that would make the rigid application of the 40% target inappropriate. Further guidance will be prepared as a Supplementary Planning Document in the course of preparing the forthcoming LDD. This will provide more detailed guidance on affordable housing provision and will support the implementation of the local plan policies.

**4.47** Even with the successful maximisation of Policy HG4, there would only be a yield of some 380 affordable housing units from allocated sites above the 15+ dwelling threshold within the Plan Period, (see Appendix 2) an average of only 95 affordable homes per annum over the period 2007-2011. With, among other factors, the demise of local authority social housing grant and the decision of the Housing Corporation to allocate funding according to regional investment themes rather than housing need, there are few Registered Social Landlord (RSL) developments currently in the pipeline locally. Accordingly it is not practicable to judge whether or not any of the allocated sites may become 100% RSL schemes to increase the supply of affordable units.

**4.48** Some further affordable homes are expected from some existing commitments, windfall sites, including within villages as a result of the small settlements site threshold, and via Policy HG5 on rural "exception" sites. Whilst overall it is not practicable to accurately predict total affordable housing supply from these sources, it would appear unlikely that more than 400 additional affordable homes will be achieved in the District between 2007-2011, (an average of 100 dwellings per annum) through the affordable housing policies in this Plan. This represents a small fraction of the HNS identified need.

**4.49** Policy HG4 emphasises that affordable housing should be provided on site. However, PPS3 makes it clear that, where exceptional circumstances can be robustly demonstrated, off-site provision or a financial contribution in lieu of on-site provision may be acceptable as long as the agreed approach contributes to the creation of mixed communities in the local authority area. However, these arrangements should not be used in respect of application sites which are inherently unsuitable for the provision of an element of affordable housing.

**4.50** In assessing affordability, for existing households the HNS (Chapter 5) adopted a combined affordability test to assess whether they could afford either a mortgage or rent for a property of suitable size. Only if a household could not afford either were they considered to be unable to afford. The combined affordability measure used was that a household is unable to afford private sector housing if it has a gross household income less than one third its mortgage requirement and renting privately would take up more than 30% of its net household income. The affordability of potential households was assessed using the judgements of respondents; an approach in line with DTLR guidance.

**4.51** In order to ensure that affordable housing remains available in perpetuity it will normally be provided by an RSL, such as a housing association. Although PPS3 does not preclude the possibility of providing affordable housing other than through RSLs, experience has shown that this is unlikely to lead to genuinely affordable housing to meet local needs. In negotiating to secure affordable housing through appropriate S.106 planning obligations, the Council's baseline position is for fully serviced dwellings let through a registered social landlord with no additional public subsidy requirement. The District Council will consider the withdrawal of permitted development rights for extensions in order to retain the long-term supply of small low-cost units.

#### **Policy HG4 - Affordable Housing in New Developments**

- i. The Council will expect 40% of new dwellings, (including conversions) to be made available in the form of affordable housing to be normally provided on site, in the following cases:**
  - a. in settlements of over 3,000 population: housing developments for 15 or more dwellings or residential sites of 0.5 hectare or more;**
  - b. in settlements with a population of 3,000 or fewer: housing developments which have the potential for 5 or more dwellings or residential sites of 0.15 hectare or more; and**
  - c. in respect of sites falling below the relevant site-size threshold where demonstrated to form part of a more substantial development that would, in total, be above that threshold.**
- iii. "Affordable housing" in the context of Tendring District means housing available in perpetuity to meet the housing needs of people in the District who cannot otherwise afford to buy or rent their own home at**

**prevailing local open market prices or rents.**

- iv. **Before granting planning permission, the District Council will need to be satisfied that secure arrangements are made to ensure that the benefits of affordable housing will be enjoyed by successive as well as by initial occupiers of the properties. This will be achieved by planning condition and/or through a S106 planning obligation under the Town and Country Planning Act 1990 as appropriate.**

**4.52** For information, the list of settlements with Defined Development Boundaries is set out in Policy QL1. Those settlements which have a population of over 3,000 comprise the towns listed in that Policy.

**4.53** Clause (i) c) makes it clear that individual planning applications which relate to a potentially larger site are not exempt from the requirement to provide affordable housing merely because the application falls below the policy thresholds. An example would be an application relating to part of an allocated site for housing, where that allocation in total is above the site-size threshold. In addition, where the adjoining land, considered by the Council to form part of a negotiable potentially larger development, is in the control or ownership of the applicant or a related individual or company, planning obligations will be sought to bind that land to the percentage of affordable housing. This is intended to ensure that the proper quota of affordable housing is achieved in the event that residential development proceeds on the land in question.

**4.54** Given the extent of identified need, any schemes on suitable sites exceeding the target 40% provision will generally be welcomed, such as a scheme wholly for affordable housing managed by an RSL, unless this would create an excessive concentration and local imbalance of affordable housing with adjacent existing social rented stock. Furthermore, PPS3 does not preclude developers from providing affordable housing on sites which are below the size threshold. Also for clarification, as PPS3 favours mixed and inclusive communities with different types of housing and tenure, it is intended that the policy should apply to open market housing schemes which are wholly to meet special housing needs such as sheltered housing for older people, people with disabilities or other vulnerable people who require supported housing (see also paras 4.64 - 4.66 on key worker housing).

### **Affordable Village Housing on “Exception” Sites**

**4.55** Policy HG5 provides a policy framework for considering “affordable” rural housing schemes under what is known as the rural “exceptions” scheme in accordance with Annex B of PPG3 Housing. Such schemes, on suitable small sites abutting the development boundaries of villages, are intended to meet the housing needs, both now and in the long-term, of local people unable to afford accommodation in the villages where they live or where they have close local family or employment ties. The exceptional release of such sites, where housing would not normally be permitted, is only to meet the special local housing need described in the policy.

**4.56** Policy HG5 identifies the broad categories of people in housing need that the District Planning Authority considers should form the client groups for whom special housing provision may exceptionally be permitted. It also defines the area within which housing needs will be considered “local”. The “2002 Housing Needs Survey June 2003 Final Report” provides a District wide housing needs assessment and general basis for seeking affordable housing in Tendring. That is on the basis that the level of need shown, for some 1,232 new affordable dwellings per annum (Table 9.1 of the HNS) is far higher than can possibly be met by the likely supply of new affordable housing. Thus, although rural “exceptions” policy is not designed to provide mainstream housing, the underlying justification for affordable housing on exceptions sites is the overall housing needs position. This provides the overall justification for such schemes, while local parish surveys indicate whether there is a perceived local need for such housing. The justification for a valid rural exceptions scheme depends on three things: the overall housing need, the locally perceived need, and the Council’s assessment, in co-ordination with other key stakeholders, of the sustainability of new affordable housing in the particular location.

**4.57** In order to meet the local housing needs of a parish, as assessed following a household questionnaire survey, Policy HG5 allows for schemes to come forward within and adjoining those existing small rural communities defined in the Government’s Statutory Instrument 1997 No.623 and listed in Appendix 2A to this Plan. However, the District Planning Authority also accepts that in a small number of cases, especially involving a parish of modest population size, the identified local need of a single parish may be too small to render a scheme viable. Accordingly, in such circumstances the policy framework flexibly provides the opportunity for small groups of contiguous parishes to co-operate to achieve a sustainable joint scheme. In all cases however, it will be important to ensure that the chosen village location is appropriate in relation to the scheme proposed. For rural settlements with defined development boundaries the site should abut the settlement development boundary. In those few cases where smaller rural settlements without development boundaries are listed in Appendix 2A, if a sufficient need is identified an appropriate site should abut the main housing settlement to maximise opportunities for integration with the local community.

**4.58** For larger settlements which would not qualify for “rural exception housing” and for those villages not covered by S.I. 1997 No.623 (being in unparished areas), Policy HG4 provides an appropriate alternative for delivering affordable housing.

**4.59** Policy HG5 below provides details of the policy criteria and arrangements, all of which have to be met, if a planning application for affordable village housing is to be shown to be sufficiently special to warrant an exception being made to normal planning policy. It is most important that applicants appreciate that the specified policy criteria and arrangements form a total package required by the District Planning Authority in all cases. Any relaxation of the policy on one or more

criteria would significantly reduce its credibility and undermine its strength on appeal. Only applicants intending to provide genuinely affordable housing to meet proven local needs over the long term should therefore contemplate putting forward a proposal.

#### **Policy HG5 - Local Needs Affordable Housing Outside Village Development Boundaries**

Exceptionally, affordable housing may be permitted on small sites adjoining those existing rural communities listed in Appendix 2A where such development can be demonstrated to meet a particular proven local need that cannot be met in any other way. For those rural communities where settlement development boundaries are defined, sites should abut that boundary. In settlements without defined development boundaries, sites should abut the largest concentration of housing in the settlement. The general justification for exception schemes is the district wide housing needs survey. Local evidence will need to be demonstrated of a shortage of affordable housing, offering 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 in some cases comprise a small group of contiguous rural parishes listed in Appendix 2A.

“Affordable housing” in the context of Tendring District means housing available in perpetuity to meet the housing needs of local people who cannot otherwise afford to buy or rent their own home at prevailing local open market prices or rents.

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 reflect or contribute to the number, size and tenure of dwellings genuinely required to meet the identified local housing need, and not exceed that 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 from the initial occupants to subsequent occupants meeting the criteria of local need;
- b. ensure that the necessary long-term management of the scheme can be permanently secured; and
- c. provide that where, at any time, a vacated dwelling in the scheme cannot be filled by persons in local need within the “designated area”, that the dwelling be offered in an increasingly wider geographical area on the same basis of need in order to ensure its occupation.

##### **iii. The Content of Schemes**

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

##### **iv. Locational and Environmental Considerations**

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

**4.60** In considering planning applications for affordable local needs housing, it will be essential for the District Planning Authority to be provided with sufficient evidence additional to the District housing needs survey, to show that a proposed scheme will meet a demonstrated local need. Such evidence should clearly define the local client group which would genuinely require 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.

**4.61** 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 the key issue of whether a scheme will specifically meet or contribute to the identified local need, cannot be established. Accordingly in such circumstances a detailed planning application will normally be needed.

**4.62** It is essential, in demonstrating the exceptional nature of a scheme to justify the land release, 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, secure arrangements which will achieve these long-term safeguards need to 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 District Planning Authority. Management of the scheme by a housing association, charitable trust or similar organisation will generally offer the assurances that are needed on long-term management and control of occupation. Restricting the occupation of property to people falling within the identified categories of local need should help to ensure that units remain affordable.

**4.63** Rural exception schemes, either at the instigation or 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 both currently and into the future. It is hoped that arrangements would normally include the developer consulting the Parish Council on the selection of tenants including in relation to any subsequent vacancy of dwellings in the scheme. Key enabling contacts, such as the Rural Housing Trust, can helpfully aid Parish Councils with local housing needs surveys and subsequently progressing schemes. The District Council also has a pro-active commitment to enabling additional rural exception housing schemes including supporting appropriate bids to the Housing Corporation for Social Housing Grant.

## **Key Worker Housing**

**4.64** PPG3 requires that assessments should be made of, among other groups, key workers (para 13). The 2002 HNS carried out such an evaluation. It established (para 14.8) that, depending on the precise definition, between 3,000 and 6,000 households in Tendring could be considered to contain key workers. Key workers can be considered to comprise those employed in the public sector; employees in a frontline role delivering an essential public service; or those in a sector where there are serious recruitment and retention problems. The HNS also established that such key worker households did not appear to suffer undue housing problems in Tendring. Indeed the evidence suggests that Tendring, being cheaper than many surrounding areas, provides homes for key workers who work in other districts. There is therefore at present no general justification for a key worker policy.

**4.65** However there is a strong temptation, illustrated nationally in many planning appeals, for landowners/ developers to promote key worker housing as an alternative to affordable housing. The reason for this is that land values/profits can be much higher in a key worker housing scheme as compared with an affordable housing one. It is therefore important that key worker housing be kept separate from affordable housing in the sense of Policy HG4. There is no difficulty in distinguishing the two groups: those in ODPM defined housing need are in unsuitable housing and in general can afford only social rented housing. The 2002 HNS demonstrates (Table 12.4) that hardly any of those in housing need can afford even shared ownership housing: 99% of them can only afford social rented housing. On the other hand the main solution for those who require "intermediate" housing, as those in key worker need are sometimes described, is shared ownership housing (where the applicant buys part and rents part of the equity of the dwelling, normally from a Registered Social Landlord).

**4.66** It is therefore clear that any proposal seeking provision of key worker housing should not be viewed as an alternative to affordable housing sought under Policy HG4.

## **Dwelling Size and Type**

**4.67** The Council in responding to the demand for affordable housing is also aware of the need to balance its housing market across all tenures so as to ensure the right mix of new homes in the right place and at the right time. To assist in achieving a balanced housing market, an additional body of work was commissioned as part of the Housing Needs Survey to enable the balance of affordable housing to be monitored on a regular basis over the Plan Period. The 2003 Housing Needs Survey showed (Table 10.3) that nearly all the locally generated demand for new market housing is for small units: 1 or 2 beds (mainly the former). This reflects PPS3 that notes the projected increase in the number of new households over the longer term, especially one-person households.

**4.68** Government advice in PPS3 is that housing sites should include a mix of house types and sizes to meet the needs of the local community. Such an approach is also aimed at achieving more balanced communities, avoiding social polarisation and contributing to the creation of more attractive residential environments by enabling a greater diversity of building forms and scales.

**4.69** For securing an appropriate mix of dwelling size and type, a threshold of 10 dwellings or 0.3 hectare site area has been specified in this Plan in Policy HG6. Below this level it may not be practical in all circumstances to provide such a mix particularly as the surrounding character, and the need to conform to it, may determine the appropriate dwelling size and type. Where it is considered this is not an issue, a mix of dwelling size and type will be sought on these smaller sites. The Policy is intended to apply to both new development and conversions, reflecting Government guidance. Sheltered or supported housing may by necessity contain a preponderance of one dwelling type.

### **Policy HG6 – Dwelling Size and Type**

**To reflect the identified needs of the local community and to create diversity in design terms, an appropriate mix of dwelling sizes and type will be sought in housing developments of 10 or more dwellings or residential sites of 0.3 hectare or more, taking into account local circumstances and site characteristics.**

**Without prejudice to the requirement for affordable housing, developments with a uniform dwelling mix may be appropriate for sheltered or supported housing.**

**Diversity will also be sought in smaller schemes if it can be achieved without detriment to the character of the surrounding area.**

## **Residential Densities**

**4.72** Encouraging housing development at densities that make more efficient use of land, typically between 30 and 50 dwellings per hectare net, or greater at locations with good public transport accessibility, is now an important facet in the Government's pursuit of more sustainable patterns of development nationally (PPG3 Housing). Firstly, this should reduce development pressures on the countryside through the creation of greater housing capacity on brownfield sites in urban areas, aiming for the national target of at least 60% of new capacity on brownfield land. Secondly, by seeking greater intensity of development at locations with good accessibility to public transport, shops, services and employment, such development is more likely to help to create an urban population sufficient to sustain local services and public transport whilst reducing the need for car-borne travel.

**4.73** The Council would generally support this range of density for new housing development or conversion to residential use for those reasons. However, appropriate density for a site will depend on a number of factors, as set out in Policy HG7 below, and the Council recognises that there needs to be some degree of flexibility:

- a. on large sites there could be a greater range of densities across a site to suit community needs, but where the overall average net site density would be at least 30 dwellings per hectare.
- b. where, exceptionally, it is more appropriate for the site to be developed at a lower density. This may be, for example, due to the need to conserve landscape features, a Listed Building in its setting, or other on-site features of interest, or an otherwise appropriate backland site, or to avoid development of an infill site appearing out of character with its surroundings, particularly in rural areas, conservation areas, or residential areas of arcadian character.

**4.74** However, in general, developments of less than 30 dwellings per hectare net will not be permitted and for many urban sites in the District a minimum density in the range of 30 to 40 dwellings per hectare net will be appropriate. Densities above 40 dwellings per hectare will generally be sought at sites within district and local centres and close to main public transport nodes providing good public transport accessibility, whilst densities of 50 dwellings per hectare or more will generally be appropriate within town centres or immediately adjoining railway stations within the main urban areas. High density solutions may also be appropriate for housing to meet special local needs such as small unit sheltered accommodation for elderly or disabled people, although accessibility remains an issue with such developments.

**4.75** High density developments are, however, clearly not appropriate in some locations. In particular, apart from issues of compatibility with local surroundings, high density residential development in locations that do not enjoy good accessibility to shops, services and jobs by non-car modes would be likely to intensify private car usage whilst contributing to social exclusion for those without access to private vehicle transport.

**4.76** In the light of Policy HG7 below, and PPG3 guidance, there will be no automatic presumption in favour of the renewal of previous residential planning permissions at the same density.

### **Policy HG7 - Residential Densities**

**New housing development which accords with other policies in the Plan will normally be expected to achieve a minimum density of 30 dwellings per hectare (net). Lower densities will not normally be permitted, and will need special justification in terms of the character of the local environment. In towns and villages, densities generally should fall within the range of 30-50 d.p.h. In town centres and other locations with good public transport accessibility, higher densities should be achieved, and in all cases they will be considered where appropriate. All proposals should be so designed as to incorporate suitable outdoor amenity space, and to have no unduly adverse impact on the character of an area, or on neighbours' residential amenity.**

*\*Net site density is as described in PPS3 Housing Annex B.*

## **Design and Layout of New Housing Development**

**4.77** The layout and design of new housing development is an essential element of creating successful communities. It serves to ensure that residents have good pedestrian access to local services, such as shops, education establishments, places to work and alternatives to the motor car as a means of local transport. Carefully considered design and layout can also help to minimise the opportunities for crime by creating defensible space. PPS1 emphasises the importance of design as a material consideration in the determination of planning applications.

**4.83** To help promote good, high quality design in new housing the 2005 Essex Design Guide has been adopted as Council policy and provides the starting point for any developer considering a new housing scheme.

**4.84** Policy EN12 of this Plan requires a design statement to be submitted for residential proposals involving sites greater than 0.3ha or where 10 or more dwellings are planned. The Design Statement will provide a rationale demonstrating how the various design and layout problems have been dealt with in the proposed scheme. More detail of what is required from a design statement is included in the paragraphs supporting Policy EN12. For some sites, the Council has prepared development briefs and these will be further material considerations when determining planning applications on those sites.

### **Housing Suitable for People with Disabilities**

**4.88** Ease of physical access into and around buildings, streets and other built features in town and country is a major element in the lives of people who have temporary or permanent mobility impairment. It is a core policy (QL10) of this Plan that all development should take into account the needs of elderly persons and people with disabilities. The importance of access to public buildings has been a statutory requirement on Local Planning Authorities since the Chronically Sick and Disabled Persons' Act (1970). The Town and Country Planning Act (1990) now requires local planning authorities to draw to applicants' attention that provision should be made for disabled persons using certain categories of development i.e. buildings used regularly by members of the public.

**4.89** In 1999 further statutory controls were introduced in the Building Regulations (Part M), extending accessibility requirements to dwellings, so that street entrances into houses and their internal layouts are now covered by the Building Regulations.

### **Private Amenity Space**

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

**4.91** Government guidance in PPG3 seeks to make the most efficient use of land, especially in locations with good access to public transport, employment, and other services through higher density housing schemes. This review of the Local Plan has provided an opportunity to re-examine the implications of these new standards for private amenity open space standards.

**4.92** The standards set out in Policy HG9 can be applied to layouts that deliver a good quality built environment and efficient use of land. However, as with all development plan policies, circumstances may arise that warrant setting aside specific standards and these will be considered on a case by case basis. In assessing applications for new dwellings, the Council will consider whether permitted development rights for extensions and outbuildings should be withdrawn in order to control future development in the interest of retaining adequate private amenity space and preventing adverse impact on neighbours. For example, where a dwelling with a standard sized private amenity space is subsequently extended, by, for example, a conservatory, a shortfall would then occur. In these circumstances, the policy below is not prescriptive about what will be an absolute minimum garden size. However, other factors such as restricting the impact on neighbours, and size and scale of the extension relative to the original dwelling, will impose their own limitations on extension size on a case by case basis.

**4.93** A particularly problematic area that occasionally occurs is where an existing dwelling with an already very small rear garden is proposed to be extended and further reduce the private outdoor amenity space. The Council is keen not to interfere in decisions of personal choice as to how a rear amenity space is used - whether for additional accommodation or as outdoor amenity. However, equally, it has a duty to ensure a wide variety of good quality housing is available. In some isolated cases, extended dwellings may result in very small gardens. Although future occupiers may consider such an arrangement an unsatisfactory living environment, these cases are very limited in number and thus substantial numbers of alternatives will remain. Some people may specifically choose a dwelling because it has a small garden. Also, these situations often arise where occupiers exert permitted development rights. Therefore, the Council does not propose to include an absolute minimum garden size where extensions are proposed to dwellings erected prior to, or not in accordance with, these standards. As already indicated, other factors such as impact on neighbours, or size and scale, will provide effective limitations to prevent harm being otherwise caused.

**4.94** It is important that private amenity space is a useable space appropriate to the size of the dwelling, its surroundings and adequately screened to ensure privacy. Side gardens can contribute to the private amenity space calculation if extending at least 3 metres from the dwelling and screened by an eye-level fence or other barrier. The Essex Design Guide for Residential and Mixed Use Areas (1997) provides additional guidance on private sitting out areas and garden sizes and has been adopted by the Council as SPG.





**4.95** The following private amenity space standards will not be applied to sheltered housing schemes. In such cases, schemes will be expected to include attractively landscaped garden area accessible to all residents.

#### **Policy HG9 – Private Amenity Space**

**Private amenity space shall be provided to new dwellings in accordance with the following standards:**

**For houses:**

**three or more bedroom house - a minimum of 100 square metres;**

**two bedroom house - a minimum of 75 square metres;**

**one bedroom house - a minimum of 50 square metres;**

**For flats, either:**

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

**The standards above are in addition to land required for recreational open space by Policy COM6. Permitted development rights for extensions and outbuildings to new dwellings will be withdrawn where such would have the potential to cause a significant adverse impact on visual and neighbours amenity.**

#### **Conversions to Flats and Bedsits**

**4.96** PPG3 advises local planning authorities to provide for the housing needs of all sections of the community in integrated housing solutions. This will include small, flatted units and bedsit or studio flats.

**4.97** Apart from new build, one way of providing this type of accommodation is through the sub-division of existing family sized dwellings. However, the need to secure an appropriate balance in housing mix includes ensuring that sufficient suitable accommodation is available for young families and others requiring a modest home with a garden. Smaller family homes are in high demand because they represent a more affordable option for first time buyers and young families with children. Accordingly the Council is concerned not to reduce the stock of smaller houses, which are an important source of existing accommodation for first-time buyers and small households, a segment of the housing market expected to increase in size.

**4.98** The Council therefore considers that single-family dwellings having a gross floor area (as originally constructed) of less than 110 square metres should be retained for that purpose. The standard of 110 square metres was derived from the research undertaken by the Council into what constitutes a reasonable minimum size of dwelling to practically accommodate a single family. Applications for conversion of these smaller dwellings will therefore normally be refused planning permission. Gross floor area will be measured between the external faces of the external walls of a property excluding any garage space. For the purposes of Policy HG10, "original dwelling" means the dwelling existing on 1 July 1948 or, if built after that date, as so built (Article 1 Town and Country Planning (General Permitted Development) Order 1995).

**4.99** Conversions of single dwellings to flats or bedsits give rise to particular development control issues. These are considered in further detail below and in addition to a size threshold for conversion, will be the key determinants for planning applications.

**4.100** The effect of a number of changes from single dwellings to multiple units in a street over a period of time can progressively change its appearance and character for the worse. Gardens may no longer be so well cared for or the external standards of maintenance of buildings not kept up whilst the increased use of upstairs rooms as main living rooms may adversely affect the amenities of neighbours.

**4.101** In the light of these factors, and others referred to elsewhere in this section, the Council will take into account the likely impact of sub-division proposals on the character of an area, particularly arising from intensification in the use of a property. The character of those residential frontages remaining entirely in single family occupation will be especially protected. From past experience the Council has found that once conversions are allowed within a frontage, especially a terrace, further conversions are difficult to resist and the character of the area adversely changes.

**4.102** Where the proposed conversion of a property is entirely to bed-sitting rooms, the Council considers that there is likely to be a significantly greater level of activity both on and around a site, with increased numbers of callers and disturbance to neighbours. The result would be a generally undesirable intensification of use to a degree that is likely to cause unacceptable impact on neighbours. Also, it is considerably more difficult to achieve a layout that would reduce potential noise disturbance between units to an acceptable level. Whilst it is accepted that one bed sitting room within a property may sometimes make the best use of available space, the Council will generally encourage the provision of self-contained flats comprising a separate lounge, kitchen, bedroom(s) and bathroom facilities.

**4.103** Key to retaining character is the external appearance of the resultant dwellings. Policy HG10 aims not only to safeguard the external appearance of existing dwellings proposed for conversion, but also other buildings that retain the essential character and appearance of dwelling houses. This would include previous conversion from a dwelling to flats for a smaller number of units or to offices. In this regard, conversion proposals should ensure that:-

- a. the entrance doors to all units within the property are contained behind a single external front door. Exceptionally more than one external entrance door may be permitted where this would not materially adversely affect the external appearance of the property or adversely affect the amenities of residents.
- b. the existing elevational character of the property is retained. The provision of an external staircase will not be permitted where it would materially detract from the character or appearance of the property or the locality or cause overlooking of neighbours.

**4.104**, Where the conversion to flats or bedsits additionally involves proposals for extensions, such extension works will be determined in accordance with both normal residential design considerations and this policy. However, when flat conversion schemes involve large extensions to dwelling houses, these will not normally be considered acceptable. A significant change in the character and appearance of the dwelling house usually results and if permitted, would lead to a greater intensity of use, with the associated planning problems highlighted above.

#### **Policy HG10 - Conversion to Flats and Bedsits**

**Proposals for the sub-division of premises into flats and/or bedsits within the defined development boundaries of towns and villages will be permitted provided:-**

- i. **the existing building, if a dwelling, has a gross floor area, as originally constructed, of 110 square metres or more;**
- ii. **(it does not involve the subdivision of one or more single family dwelling houses within a frontage of entirely single family housing;**
- iii. **it does not involve the total or partial conversion to bedsitting rooms and an intensity of use likely to harm the character or appearance of the dwelling or the locality or the amenities of adjoining residents or occupiers of the building;**
- iv. **the external appearance as a dwelling house would be maintained (where this currently exists), and any proposed extension works would not materially harm the character or appearance of the building or locality or the amenity of residents;**
- v. **highway safety, residential amenity and the character or appearance of the street frontage are not adversely affected by arrangements for off-street parking and vehicular access;**
- vi. **there is an appropriate private rear amenity area in accordance with Policy HG9; and**
- vii. **the layout minimises possible noise disturbance to adjoining residents.**

**The sub-division of residential properties into additional, independent dwelling units will not be allowed outside of the development boundary of defined settlements.**

**4.105** The Council will resist parking solutions that detrimentally affect the appearance or character of the street, by for example removing walls covering a substantial part of the front garden with hard surfacing without any visual relief to compensate. Where front gardens are replaced by hard surfaces and vehicles, the harmony and continuity of the street frontage is often interrupted and the amenities enjoyed by residents can suffer.

**4.106** Also, the extensive dropped kerb normally required where more than one forecourt space is proposed reduces available on-street parking space which can cause parking problems for other residents and visitors. The Council will therefore have regard to the existing extent of on-street car parking. In streets where overnight on-street parking is effectively at capacity, the Council will resist proposals which would be likely to worsen the situation in terms of highway safety or residential amenity.

**4.107** Accordingly, further forecourt parking arrangements for flat conversions will only be allowed where other appropriate parking and access arrangements are not available, and where any resulting potential loss of on-street parking would not be critical. Furthermore, such proposals will be subject to a suitable landscaping scheme to minimise the impact on a street's character and residential amenities. In particular, any design for parking in front gardens should maintain as much sense of enclosure as is practicable through the retention of existing walls and fences, the provision of

gates and by generous planting to help screen vehicles.

**4.108** Most commonly, appropriate off-street parking for flat conversions will be to the rear of dwellings, wherever this is practicable. The main considerations in such cases will normally be the amount of private amenity space remaining, the effect on any features of biodiversity value including important trees and the suitability of the proposed access, including any likely effects on the amenities of adjoining residents through noise or disturbance from traffic entering and leaving the parking area.

**4.109** The desirability of each flat having reasonable access to a private amenity space will mean that mid-terraced properties may be unsuitable for flat conversions. For other proposed conversions it may be necessary in some instances to require the erection of a screen fence between rear ground floor windows and the amenity space to provide some element of privacy from other occupiers of the property using the amenity space. It is important that residents have access to an area where there is sufficient space for clothes drying facilities, refuse bins and a general sitting out area. Refuse storage facilities should be easily accessible for collection and located so as to avoid odour nuisance to residents. Their siting and design should not detract from the character and appearance of the area.

**4.110** Complaints from residents regarding noise disturbance arising from converted flats and bedsits are frequently attributable to poor or non-existent sound insulation or poor layout. To minimise noise disturbance between flats, or to adjoining dwellings, the layout of each proposed unit should be planned so that rooms likely to generate significant noise, such as a lounge, are not adjacent either vertically or horizontally to noise sensitive rooms i.e. the bedrooms of a neighbour.

**4.111** Outside of the development boundary of defined settlements, proposals for the conversion of dwellings into more than one unit of residential accommodation need to be considered in the context of the general restraint on development unrelated to countryside activities. Accordingly, such proposals should be subject to the same consideration as other proposals for additional dwellings for general housing in the countryside. Where extensions are proposed as part of conversions, regard will also be had to Policy HG12 on dwelling extensions.

## **Residential Conversions of Upper Floors over Shops and Offices**

**4.112** Where opportunities exist to use vacant upper floors over shops and offices in town centres to provide new self contained flats this will be encouraged. More residential units in town centres add colour to commercial areas outside normal business hours, assist in increasing the housing stock close to central facilities, and provide uses for otherwise often vacant floorspace. Also such residential use of upper floors in shopping centres can be important in providing viable second uses for commercial buildings in conservation areas and for Listed Buildings.

**4.113** This positive approach to residential uses over shops is now reflected in the General Permitted Development Order (1995) which permits changes of use to a single flat of premises over ground floor uses within class A1 and A2 of the Town and Country Planning (Use Classes) Order. Where planning permission is required, the Council recognises that flats over shops are a positive tool that can be used to promote mixed use development encouraged by Government Guidance in PPG3. Proposals for residential conversions of upper floors over shops and offices should comply with the Council's adopted car parking standards wherever possible.

**4.114** Residential uses over Class A3 and A5 uses – restaurants, cafes and hot food takeaways - can be a cause of conflict leading to an unsatisfactory living environment. This will especially be the case where the adjoining A3 or A5 use is operating late into the evening or the site operates without the benefit of planning conditions to adequately control the emission of cooking fumes and odours. In addition to other criteria, residential uses over A3 or A5 uses will only be permitted where that use is restricted from late night opening and there is satisfactory control over the long term use of odour and fume extraction equipment.

**4.115** Residential conversions of upper floors will need to provide an acceptable standard of accommodation, and have a proper means of access and escape in accordance with the Building Regulations. Accordingly, applications for the provision of external staircases to enable upper floors to form separate, self-contained flats will generally be welcomed provided that the means of access is well designed and there is no loss of amenity to adjacent property particularly in residential areas. However, the provision of external staircases may not be acceptable in certain circumstances within Conservation Areas and particularly in relation to the character and appearance of Listed Buildings.

### **Policy HG11 – Residential Conversions over Shops and Offices**

**Change of use and conversion of upper floors over shops and offices to self-contained dwelling units in town centres and other shopping areas will normally be permitted providing the following criteria can be satisfied:-**

- i. adjoining or nearby uses do not result in an unsatisfactory living environment for prospective occupiers by way of noise or other disturbance;**
- ii. a well designed separate means of access and escape is provided involving no loss of amenity to adjacent residential property; and**
- iii. the proposal does not result in insufficient storage space necessary for the satisfactory operation of a**

|                           |
|---------------------------|
| ground floor retail unit. |
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## Dwelling Extensions

**4.116** The Council accepts the need for extensions to accommodate growing families and provide modern amenities and that these extensions can contribute to making the most efficient use of land as required by PPG3. However, proposals must be in keeping with the original dwelling and need to ensure that they do not cause harm to local amenities. Unduly large extensions can adversely affect the amenities of neighbours through appearing overbearing, creating overlooking or a loss of sunlight or daylight, or result in a building out of scale and character with its surroundings, sometimes with the rear garden reduced to an unacceptable size.

**4.117** It is important that careful consideration is given to the detailed design elements of the proposal. Matching materials will normally be required, but in some instances clearly contrasting materials and design can give a good sense of articulation to the dwelling as well as preserving the integrity of the original building, particularly if it has special local character.

**4.118** Other considerations include whether the proposal would result in the dwelling having a cramped appearance in the street scene or create adverse effects upon existing access or parking arrangements, sometimes leading to a problematic increase in instances of on-street car parking. For proposed dwelling extensions over 4 metres in height, the Council will have regard to Policy HG14, Side Isolation, aimed at avoiding cramped development by side boundaries.

**4.119** Providing accommodation for elderly relatives in need of care within an "annexe" to an existing dwelling house is generally accepted as a special circumstance, such as where the sub-division of the existing dwelling would be inappropriate. However, the Council will normally require a legal agreement to be signed by applicants with the aim of preventing such accommodation being occupied as a separate dwelling unit.

**4.120** In addition, the position and design of a proposed annexe will require careful consideration. It should be well proportioned and capable of being utilised eventually as part of the accommodation of the existing dwelling without any structural alteration. Arrangements such as a proposed separate entrance, sub-division of the plot or other changes which could give the appearance or imply the establishment of a separate dwelling unit will not be acceptable. Alternatively, such arrangements will be treated as an application for a separate dwelling and determined accordingly.

**4.121** For dwelling extension proposals generally, core design Policies QL9 and QL10 provide the main policy framework against which applications will be determined.

## Extensions to or Replacement of Dwellings outside Settlement Development Boundaries

**4.122** As part of a sustainable development approach in an area of development restraint, the general emphasis in relation to existing houses outside settlement development boundaries should be on housing improvement rather than on their replacement. An individual dwelling often has a greater relative impact on its setting particularly when located in the countryside compared to a site within a town or village development boundary. Moreover, extensions are often disproportionately large compared to the original dwelling whilst new buildings involve a replacement greater in size than an existing dwelling which has itself already been previously enlarged. This can result in:

- dwellings that are out of scale and character both with their surroundings and the original dwelling;
- a change in the nature of the rural housing stock, with the loss in particular of smaller houses in rural areas;
- an adverse cumulative effect on the appearance and character of the countryside through an increasing proportion of large houses;
- the demolition of basically sound rural housing; and
- a gradual increase in the general level of activity in the countryside unrelated to the needs of agriculture or other appropriate rural uses.

**4.123** Accordingly whilst Core Policies QL9 and QL10 provide the main policy for considering redesign of all development including replacement dwellings and extensions, proposals in the countryside do warrant additional considerations which need to be taken into account.

**4.124** In considering the relationship of an extended or replaced dwelling to both its local setting and the wider landscape the intention should be to ensure that the proposal will not be visually intrusive. Where the siting or appearance of the existing dwelling is such that it does have a detrimental impact visually, any extension or replacement should seek to lessen this impact. Extensions can seek to balance or add interest to the appearance of a dwelling whilst for replacement dwellings this could be achieved through more careful siting within the curtilage, sympathetic design or landscaping as appropriate in relation to its surroundings. The aim should always be to improve on what has existed previously. For example, replacement dwelling proposals should rectify any existing problems such as drainage or access.

**4.125** Part of the character of rural areas comes from the vernacular architecture and diversity of the housing stock. The Council considers that this character would be gradually eroded if replacement dwellings in the countryside were to be allowed when existing dwellings which contributed to local character, are still sound and capable of providing satisfactory

and comfortable living accommodation with basic amenities through appropriate refurbishment or enlargement. Accordingly in the countryside there should be greater emphasis on seeking the improvement of the existing housing stock rather than replacing existing dwellings.

**4.126** Where an existing dwelling has previously been demolished or abandoned, it is not considered that a case for a replacement housing need has been demonstrated. Neither will proposals to replace mobile homes with permanent housing be supported because the Council would not wish to see a consolidation of residential uses in the countryside in locations where new dwellings would not normally be permitted. A permanent dwelling would usually be larger and higher than a mobile home and thus more prominent visually in the landscape. Also any building subject to an application for replacement will need to have a lawful use as a dwelling house to avoid shacks, caravans, railway carriages and the like being replaced with permanent housing.

**4.127** A recognised function of planning control is to restrict development in rural areas outside settlements and to protect the countryside for its own sake. Both large extensions and a number of extensions to a dwelling in the countryside over a period can have a cumulative detrimental visual impact both on the host building and its setting.

**4.128** Accordingly, previous enlargements through extensions and alterations will be taken into account in considering what is proposed compared to the original dwelling. Extensions should be in proportion to the original dwelling and its site, and have a minimal impact on the appearance and character of the countryside. Sensitively designed and well-related extensions beyond permitted development tolerances that directly, or potentially, increase bedroom accommodation will be permitted if associated with the provision or improvement of basic amenities.

**4.129** It is part of the rural character of the countryside that individual dwellings, forming parts of hamlets are often spaced widely apart creating a spacious open appearance. Where this character still exists, the Council will resist extensions that would close gaps between buildings, particularly if a precedent could be set for other similar proposals in the locality.

**4.130** For the purposes of Policy HG12 below, "original dwelling" means existing on 1 July 1948 or, if built subsequently, as built. This is in order to provide a necessary reference point for considering cumulative enlargements. Reference to an "existing permanent dwelling" is not intended to include plotland development which is specifically covered by Policy HG20.

**4.131** Therefore the District Planning Authority considers that extensions to or replacement of dwelling proposals outside settlement development limits should be subject to Policy HG12 below.

#### **Policy HG12 – Extensions to or Replacement of Dwellings outside Settlement Development Boundaries**

**Proposals for an extension to or a replacement of an existing dwelling outside the defined development boundaries of settlements will be permitted provided that the extension or replacement satisfies the general design criteria set out in Policies QL9 and QL10 and, in addition, that it:**

- i. **is of a size, scale, and height in keeping with the character of the locality and in terms of design and materials would make a positive visual contribution to its setting;**
- ii. **is well related and in proportion to the original dwelling;**
- iii. **it is not visually intrusive on a skyline or in the open character of the surrounding countryside;**
- iv. **it retains sufficient space around the dwelling to protect its setting, that of any associated small group of rural housing, and the amenity and character of the countryside;**
- v. **would not represent over-development of the site;**
- vi. **would not be detrimental to highway safety;**
- vii. **would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect;**
- viii. **would not replace an existing permanent dwelling which is capable of reasonable improvement and extension and which makes a positive contribution to local character;**
- ix. **would not be a replacement for a mobile home, dwelling already demolished or abandoned, or a building not in lawful use as a dwelling house; and**
- x. **would not exacerbate any existing access, drainage or other problems associated with the site.**

#### **Backland Residential Development**

##### **Policy HG13 - Backland Residential Development**

**Proposals for the residential development of "backland" sites will be permitted where all of the following criteria are met:**

- i. the site lies within a defined settlement development boundary and does not comprise land allocated or safeguarded for purposes other than a residential use;
- ii. where a proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements, an unacceptable reduction in existing private amenity space or any other unreasonable loss of amenity to existing dwellings;
- iii. a safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged;
- iv. the proposal does not involve “tandem” development using a shared access;
- v. 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;
- vi. 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
- vii. the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

**4.132** “Backland” developments are, for the purposes of the Policy, 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 a public highway; and
- c. which would constitute piecemeal development in that it does not form part of a large area allocated for development.

**4.133** Typical sites include the back gardens of existing dwellings, smallholdings, yards, or small vacant sites. The District Council is committed to making effective use of land within existing built-up areas, in accordance with PPG3, and this is reflected in the policies and objectives set out elsewhere in this Plan. However, clearly this should always be achieved through the development of sites well related to existing development and by schemes which would integrate well with their surroundings. It is often difficult to achieve this on backland sites and such sites also normally have restricted access potential. Consequently only in particular circumstances with careful planning and good design may such sites be acceptable for residential development. As such, whilst Policy HG13 reflects Adopted Replacement Structure Plan Policy BE1 (which emphasises that “new development in all urban areas which results in over-development, unsympathetic change, and loss of amenity will not be permitted”), it seeks a positive criteria-based solution to the issue of development of backland sites.

**4.134** The combination of location, restricted access and relative intensity of residential use of many backland proposals would often undermine the established character of an area if permitted, especially if similar schemes were to be repeated elsewhere in a locality. Smaller 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 are all unacceptable effects which can result from this type of residential development. Development behind an established building line can also often appear incongruous, particularly isolated dwellings.

**4.135** Privacy, potential overlooking and disturbance can sometimes be protected by stipulating single storey development well separated from existing buildings with appropriate screen walls, fencing and landscaping. However, single storey development may not always be in character with the area. It may also unreasonably reduce the space left available for an existing dwelling in terms of private garden area, access or parking arrangements. Furthermore, the rear of a dwelling and its quiet “back garden zone” may lose seclusion and privacy which cannot merely be preserved by preventing direct overlooking.

**4.136** In judging whether or not a loss of garden area would leave existing adjoining dwellings with acceptable private amenity space, the District Planning Authority will have particular regard to Policy HG9 and to the existing character of the area in terms of space about buildings.

**4.137** There must 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 also avoid excessive disturbance or loss of privacy to neighbouring residents through, for example, an access drive passing unreasonably close to an adjoining dwelling. Its 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.

**4.138** “Tandem” development consists of rows of dwellings immediately behind an existing residential frontage served by shared access ways. 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.

**4.140** The need to develop a site comprehensively in association with adjoining land can be particularly important if a large site can potentially and realistically be created for development which would accord with local planning policies and the surroundings notwithstanding that such adjoining land may not immediately be available.

**4.141** Edge of settlement sites can be especially sensitive to backland proposals. In such locations existing development is often relatively low density in character with established spacious or long rear gardens providing an important mature landscaped buffer between existing development and the adjoining countryside. Accordingly, in such locations backland development proposals presenting a hard urban edge or otherwise likely to be out of character in their particular settings will not normally be appropriate.

## **Side Isolation**

**4.142** Policy HG14 below is intended to amplify Adopted Replacement Structure Plan Policy BE1 in ensuring that new development does not result in "over-development, unsympathetic change, and loss of amenity". The District Planning Authority considers that the side spaces created between buildings are of the utmost importance in areas of medium and low density housing. In such areas, development up to a common side boundary normally appears cramped, often creating an unbalanced terraced effect. Indeed, in many locations even the minimum one metre side isolation space between a dwelling and the side boundary of the site, as specified in the policy, would appear unsatisfactory visually. In such instances larger side isolation space will be required.

**4.143** Not only is the appearance of a particular dwelling group marred by the over-development of individual properties, but over time an accumulation of extended dwellings to side boundaries can lead to deterioration in the character of an area through loss of visual breaks in the built frontage.

**4.144** A further reason for maintaining an appropriate side isolation space is to ensure that the impact of residential development on the amenities of adjoining residents is of an acceptable level, without new structures or buildings appearing too close and over dominant, or resulting in overlooking and serious loss of aspect, or daylight. Moreover, if an adjoining plot is undeveloped, to allow buildings up to the common boundary could prevent the satisfactory development of the adjoining site at a later date and prejudice the amenities of future neighbours.

### **Policy HG14 - Side Isolation**

**Proposals for detached, semi-detached and end terraced dwellings, including extensions to these dwellings over 4 metres in height, will be required to retain appropriate open space between the dwelling and the side boundaries of the plot:-**

- i. to ensure that new development is appropriate in its setting and does not create a cramped appearance; and**
- ii. to safeguard the amenities and aspect of adjoining residents and, in the case of undeveloped adjacent plots their satisfactory development at a later stage.**

**As a guideline a minimum distance of 1 metre will be sought. Where circumstances warrant it, a greater distance will be expected.**

**4.145** The policy will normally apply as measured between the external flank wall of the proposed dwelling or extension and the side boundary of the property. However, the implications of any proposed significant roof overhang beyond that required to provide roof drainage, will be taken into account in assessing the appearance of the dwelling in the street scene and its relationship to an adjacent property or plot. The reference to over 4 metres in height reflects the fact that the General Permitted Development Order 1995 specifies that planning permission is required for dwelling extensions over that height and within 2 metres of a property boundary.

**4.146** From a practical standpoint this Policy also provides for the proper construction, maintenance and repair of a property from within its own curtilage. In providing for reasonable living conditions it is also important to ensure a sufficient side gap to allow appropriate access to rear service yards and gardens.

**4.147** This side isolation policy has to be related to the circumstances of each proposal, but is a normal requirement unless there are exceptional features that would allow it to be relaxed in a particular case. This might include for example proposals within a conservation area, the character of which is enhanced by continuous facades of buildings.

## **Garden Extensions into the Countryside**

**4.153** 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.

**4.154** If not carefully controlled, extended garden areas could significantly undermine the character of rural areas by introducing an urban, residential type of land use. However, there are circumstances where modest garden extensions,

to infill natural gaps for example, may be acceptable and can be carried out without adverse impact on the landscape. Policy HG16 therefore aims to enable the Council to consider each proposal on its specific merits but with special attention being given to landscape impact and the impact on the amenities of neighbours. The Council may impose conditions removing Permitted Development Rights for buildings within the new area of garden to prevent it being covered by garden structures and fixtures such as sheds and fences.

#### **Policy HG16 - 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;**
- ii. there would be no material loss of existing trees, shrubs or hedgerows or damage to other habitats of nature conservation value;**
- iii. it would not result in a material loss of best and most versatile agricultural land, or otherwise seriously interfere with a neighbouring agricultural enterprise; and**
- iv. it would have no material adverse effect on the amenities of neighbouring properties.**

**In order 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 will be required. The Council may impose conditions removing Permitted Development Rights within the new area of garden.**

#### **Agricultural Workers Dwellings**

**4.156** One of the few circumstances in which isolated residential development in the countryside may be justified is when accommodation is required essential to enable farm or forestry workers to live at or in the immediate vicinity of their place of work. "Agriculture" is defined in S336 (1) of the Town and Country Planning Act 1990. "Forestry" is similarly defined in S.1 and 9 of the Forestry Act 1967.

**4.157** The Government's Advice contained in PPS7 – 'Sustainable Development in Rural Areas' further indicates that whether a dwelling is essential for agriculture or forestry will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved. This advice indicates that although demand for new residential development in the countryside remains high, much is speculative and stems from applicants seeking to exploit the physical or financial advantages of a new house in the countryside. It is, therefore, essential that all applications for planning permission for new agricultural or forestry dwellings are scrutinised thoroughly with the aim of detecting attempts to abuse the concession that the planning system makes for such dwellings.

**4.158** The applicant, in any proposal for a permanent agricultural or forestry worker's dwelling, will be required, under Policy HG18 below, to demonstrate a long-term need for an agricultural worker's dwelling with regard to the detailed requirements of the "functional" and "financial" tests contained in Annex A of PPS7. These tests are designed to determine firstly whether there is a clearly established existing functional need for the dwellings and secondly whether the enterprise concerned is financially sound and has a clear prospect of remaining so.

**4.159** Where the business is less than 3 years old, temporary units of residential accommodation such as mobile homes may be considered acceptable, subject to the other considerations indicated in Annex A of PPS7. The Council's approach to temporary dwellings is considered in Policy HG17 below.

**4.160** Where in principle either a permanent or temporary agricultural/forestry workers dwelling is considered acceptable, the Council will expect that the detailed elements of the scheme, including siting, design and size will ensure that the impact upon the landscape is minimised. For example, a new dwelling could be best situated adjoining existing groups of farm buildings or within natural hollows in the landscape. Locations adjoining existing woodland may also help reduce the visual impact of a dwelling. To avoid creating a new access onto rural roads, the Council will normally expect new dwellings to be served from existing vehicular entrances. The removal of a hedgerow to enable highway junction improvements will have an adverse effect on rural character and the landscape. If an alternative access which would overcome this problem is not available, this would normally indicate that the proposed location for the dwelling is unacceptable.

**4.161** In future, the Council will ensure that any permanent dwellings are tied to the agricultural/forestry unit for which it is required. Where, for example, there are dwellings or buildings suitable for conversion to dwellings that have recently been sold separately from the holding concerned, this would constitute evidence of lack of agricultural need.

**4.162** Permanent agricultural/forestry workers dwellings will also be subject to conditions to remove permitted development rights for extensions and outbuildings. This is because proposed extensions could result in a dwelling where its size exceeded what could be justified by the functional requirement. This could affect the continued viability of maintaining the property for its intended use given the income that the holding can sustain.

**4.163** Applications to relax occupancy conditions will only be granted in exceptional circumstances. The Council recognises that changes in the scale and character of the farming and forestry industries may well affect the longer term

requirement for dwellings in the countryside where these were built with an “occupancy” condition. The Council would not wish to seek to keep these unnecessarily vacant or oblige existing occupiers to remain in occupation simply by virtue of a planning condition that has outlived its usefulness.

**4.164** Nevertheless, an applicant must be able to demonstrate convincingly that the need for that agricultural/forestry workers dwelling, both for the relevant farm and in the broader locality, no longer warrants its reservation for that purpose. Reasonable efforts must be shown to have been made over a period of at least 12 months to dispose of the property either by sale or rent at a discounted rate that would enable its occupation by a local farm worker or retired farmer. The Council would expect demonstrable evidence to be provided of marketing activity through appropriate mediums including how many responses would have met the terms of the original occupancy condition.

**4.165** In addition in demonstrating that there is no long term demand for an agricultural or forestry workers dwelling on that particular unit or in the locality, evidence of what change of circumstance has removed that demand would need to be provided.

**4.166** Three policies follow; firstly, for temporary, re-locatable, agricultural/forestry workers dwellings; secondly, for permanent agricultural/forestry workers dwellings; and lastly, for applications to relax occupancy conditions.

#### **Policy HG17 – Relocatable Dwellings for Agricultural Workers**

**Outside the defined settlements, temporary planning permission for a maximum of three years, will be granted for a re-locatable dwelling (including a mobile home) for agricultural or forestry workers provided:**

- i. **the applicant is able to demonstrate that there is a functional need for the dwelling to be located within the relevant agricultural or forestry unit;**
- ii. **there is a clear and achievable business plan to make the holding financially viable within the period of the temporary planning permission; and**
- iii. **the siting, size and design of the dwelling is such as to minimise the impact upon the open countryside and landscape.**

**When granting planning permission, a condition will be imposed limiting its occupation to persons solely or mainly employed in agriculture or forestry on that holding.**

#### **Policy HG18 – Permanent Dwellings for Agricultural Workers**

**Outside the defined settlements, new permanent dwellings for agricultural or forestry workers will only be granted planning permission if:**

- i. **there is a proven need for the dwelling to be located within the relevant agricultural or forestry unit as demonstrated by the applicant through both a “functional” and “financial” test\*;**
- ii. **the applicant is able to demonstrate that the size of the proposed dwelling is commensurate with the functional requirement of the agricultural unit and that the monetary income from the enterprise is able to sustain the cost of building and maintaining the dwelling;**
- iii. **the enterprise has been carried out for a period of at least three years prior to the date of the planning application; and**
- iv. **alternative accommodation, which would also meet the functional requirements of the enterprise, is not available.**

**Where dwellings meet the above criteria, the following detailed considerations will apply:**

- i. **the size, siting and design must minimise the impact of the new dwelling upon the open countryside and landscape; and**
- ii. **the new dwelling should utilise existing accesses from the public highway.**

**The Council will impose planning conditions to restrict the occupancy of the dwelling to agricultural or forestry workers.**

\* Details of the functional and financial tests are set out in Appendix A of PPS7.

#### **Policy HG19 - Removal of Occupancy Conditions**

**Applications to relax planning conditions that restrict occupancy of agricultural or forestry workers dwellings will only be permitted in the following circumstances:**

- i. **where an applicant is able to demonstrate that there is no long term demand for an agricultural or forestry**

**workers dwelling on the particular unit or in the locality generally; and**

- ii. where all reasonable attempts have been made to market the property for a period of 12 months immediately prior to the application date at a discounted value to reflect the agricultural occupancy condition.**

## **Plotland Development**

**4.167** In various parts of the District, especially in coastal locations in the vicinity of Wrabness, Point Clear and St. Osyth, there are numerous plots of land that were laid out and sold for holiday homes during the inter-war years. Many of these plots remain undeveloped, but others contain a variety of development ranging from holiday caravans to permanently constructed dwellings.

**4.168** Development at these plotland sites would, if permitted, represent sporadic piecemeal development outside defined settlements. Many are located in remote and isolated places with no convenient access to local services and facilities and often have very poor vehicular access. Any spread of permanent housing in such locations would be in direct conflict with Structure and Local Plan policies for the general distribution of housing and protection of the countryside, as well as the Government's approach to sustainable development. This means that planning permission will not be granted for new dwellings on undeveloped plotland sites.

**4.169** Whilst other policies adequately address the issue of new dwellings in the countryside, Policy HG20 provides the necessary policy context for considering extensions to and replacement of plotland development. The plotland areas are defined on the Proposals Map and Proposal Map Insets as appropriate and additionally, in the case of Wrabness Beach, Lee-Over-Sands and Seawick, St.Osyth, in Diagrams 1, 2 and 3 to show those small plotland areas more clearly.

**4.170** As well as being poorly located for local services and other infrastructure requirements, it is recognised that many of these plotland dwellings, whether used as permanent or holiday accommodation, offer substandard living accommodation. Lawful dwellings will have "permitted development rights" to build extensions and it is considered that this will be sufficient to enable provision of all essential facilities. In a number of cases, due to the very small size of some chalets, their curtilages, and the space between chalets, even "permitted development" allowances can result in cramped development. The purpose of these restrictions is therefore to ensure that the impact on the landscape and the open character of the countryside is minimised and to protect residential amenity. Also, limiting the size will help control the demand on local services and infrastructure in generally unsustainable locations. Therefore extensions over and above permitted development tolerances, and thus requiring planning permission, will not normally be permitted.

**4.171** As with the replacement of other dwellings in the countryside outside the defined development boundary of settlements (Policy HG12), the Council will only allow replacement plotland dwellings to be erected where they replace lawful dwellings and the use of the dwelling has not been abandoned. With the exception of Wrabness, which is considered below, the volume of the replacement dwelling should not exceed the original dwelling volume added to the volume permitted for extensions to a dwelling under Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (the enlargement, improvement or other alteration of a dwelling house). Outbuildings or unauthorised extensions to the dwelling will not be included in any volume calculations. "Original dwelling", for the purposes of the policy, means the dwelling existing on 1 July 1948 or, if built after that date, as so built (Article 1 Town and Country Planning (General Permitted Development) Order 1995).

**4.172** At Wrabness, there are a large number of chalets and a number of these are very small. This attractive part of the Stour Estuary is particularly isolated from services and also forms part of an area which the Council is seeking designation as an extension to an AONB. Therefore, any new development in this locality is particularly sensitive. To ensure that the impact of new development is limited, the Council will restrict the increase in volume of a permanent replacement dwelling (excluding dwellings that are not permanently occupied) to 50%, or permitted development tolerance, whichever is the lower. Replacement of previously extended permanent dwellings and holiday dwellings (with occupancy conditions or that are not lawfully considered to be a permanently occupied dwelling) at Wrabness will be limited in size to a like-for-like volume and floor area and permitted development rights for subsequent addition will normally be removed by condition.

**4.173** For all localities, the siting of replacement dwellings within the plot should aim to minimise impact upon the open countryside and surrounding landscape. Where the existing dwelling is subject to an occupancy condition restricting its use to holiday purposes, this requirement will be re-imposed on any new dwelling.

**4.174** Replacement of temporary or re-locatable buildings, including caravans, with permanent dwellings will not be allowed. The extra demand on the local infrastructure and services created by a permanent dwelling, including those used only for holiday purposes, in these isolated locations is not considered a sustainable option for housing provision. As stated above for vacant plots, new permanent housing should be located in existing settlements.

**4.175** Holiday dwellings are generally substandard for permanent occupation and often do not meet the normal requirements for permanent residential development in terms of private amenity space, off-street car-parking and access. For these reasons the removal of planning conditions that prevent all year occupancy will not normally be allowed (See Policy ER20).

**4.176** In areas of known flood risk, an assessment shall be carried out in accordance with Policy QL3 that may require

the provision of appropriate means of refuge to a higher level.

### **Policy HG20 - Plotland Development - Replacement Dwellings and Extensions to Existing Dwellings**

**On plotland sites within the rural areas of the District, especially in the vicinity of Point Clear and St. Osyth, replacement of lawful plotland dwellings will be permitted provided that the cubic content of the replacement dwelling does not exceed that permitted for the original dwelling under the tolerances of the General Permitted Development Order.**

#### **On plotland sites at Wrabness Beach**

- i. replacement of lawful, permanent dwellings will be permitted provided:**
  - a. replacement of an un-extended original dwelling does not involve an increase in volume exceeding 50%, or the permitted development tolerance, of the original dwelling, whichever is the lower; and**
  - b. replacement of a previously extended dwelling is on a like-for-like floor area and volume basis.**
- ii. replacement of lawful, holiday dwellings will be permitted on a like-for-like floor area and volume basis.**

**In all of the above other relevant policy criteria, particularly Policy HG12 for replacement of dwellings outside settlement development boundaries are met.**

**The Council will not grant planning permission for extensions to plotland dwellings.**

**No new development on plotland sites at Wrabness Bay will be permitted where this is closer to the international site than current development.**

### **Residential Mobile Homes, Static Caravans and Houseboats**

**4.177** Proposals for residential mobile homes and static caravans for residential occupation, including mobile home parks and meeting the needs of travelling showpeople, will be treated in a manner consistent with policies for the general location of housing, with particular regard to the need to contain new housing development to existing settlements and the sites identified in this plan as suitable for future housing. However, the District Planning Authority recognises that there are a small number of established residential mobile home parks outside of the development boundaries of settlements and that these contribute to the provision of low cost accommodation for small households.

**4.178** A similar approach to mobile homes and static caravans will be taken for houseboat proposals in the District. Each of these types of accommodation have very similar land use implications to permanent dwellings, such as demand on infrastructure and need for access to local services, and are therefore treated as such.

**4.179** The Council also recognises that special personal circumstances such as the need for a residential caravan as temporary accommodation whilst building work on a dwelling takes place may exceptionally warrant a temporary or personal planning permission being granted. A similar special exception may be made to temporarily provide additional accommodation within the curtilage of a dwelling for elderly relatives needing care. In these cases particular attention will be given to ensuring that the location of the home has least visual impact on the locality and minimal effect upon the amenities of adjoining residents.

### **DIAGRAM 1: PLOTLANDS AREA WRABNESS BEACH**



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### **DIAGRAM 2: PLOTLANDS AREA LEE-OVER SANDS, ST. OSYTH**



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### DIAGRAM 3: PLOTLANDS AREA ST. OSYTH BEACH AREA



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**4.180** Mobile homes and permanent buildings that are used for holiday purposes are considered in the Strengthening the Economy and Promoting Regeneration Chapter of this Plan.

#### **Policy HG21 - Residential Mobile Homes, Static Caravans and Houseboats**

**Proposals for mobile homes (including new parks and extensions to existing parks), static caravans and houseboats for residential occupation will be permitted if:**

- i. they are consistent with other policies of this Plan for the location of new housing, or;
- ii. there is a clear and identifiable temporary need for the accommodation, and in both of these cases;
- iii. the proposed structure is consistent with other policies of this Plan which require the protection of the open countryside, landscape character, other natural resources and the amenities of adjoining residents.

#### **Gypsy Caravan Sites**

**4.181** The Court of Appeal, and subsequently Circular 1/2006, have defined gypsies as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependant's educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people together as such.

**4.182** Gypsy caravan sites may be provided by the public or private sector. Between 1968 and 1994 County Councils were under a duty to provide caravan sites for gypsies residing in or resorting to their area and had access to special funding. The duty was repealed in 1994 although local authorities still have a discretionary power to provide caravan sites under the Caravan Sites and Control of Development Act 1960.

**4.183** Government advice (Circular 1/2006), recognises that in general planning terms rural or semi-rural settings may often be appropriate locations for sites for gypsies but that care needs to be taken not to undermine countryside policies, such as by avoiding open countryside locations.

**4.185** There are no permanent large local authority or privately managed gypsy caravan sites, short-term stopping places or transit sites in the District. However there is seasonal demand for temporary accommodation especially during the summer months when gypsies seek work in the coastal settlements of Tendring. The County Council recognises a need for accommodation within the District.

**4.186** The District Council, as local planning authority, is expected to provide a framework of planning policies for the regulation of all development, including gypsy sites. The Local Plan does not identify a specific site for a new permanent gypsy traveller site, but under Circular 1/2006 there will be a requirement to identify specific sites to accommodate the numbers to be set out in the Regional Spatial Strategy, a requirement that will be best dealt with post 2011 through the Local Development Framework. In this interim period, the following policy provides a clear criteria based approach to assessing the merits of planning applications for permanent or temporary accommodation that may come forward for both public and privately run gypsy caravan sites. For guidance, the Council will prefer sites to be within the range of 6 to 12 caravans. Whilst this size limitation will be important to the efficient management of new sites, these smaller sites will also be less likely to generate significant highway or landscape impact issues.

#### **Policy HG22 – Gypsy Caravan Sites**

**Planning permission for gypsy caravan sites will be granted provided that all of the following criteria are satisfied:**

- i. sites must be for the accommodation of gypsies and travellers as defined in ODPM Circular 01/2006;**
- ii. there must be an identified need for such accommodation in the area, either for residential or transit use;**
- iii. the site should be reasonably accessible to local services, including health facilities and schools, and by public transport;**
- iv. the site should have safe and convenient access from the local road network, and provision for on-site parking, turning and servicing;**
- v. the site and use should not harm the character or appearance of any nationally recognised designated area, and should have minimal visual impact upon any other area, whether urban or rural;**
- vi. the site and use should not harm the residential amenity of any nearby dwellings, by reason (for example) of noise, disturbance, or traffic movements; and**
- vii. the site should be linked to mains services and should provide a good standard of residential amenity for its occupiers.**

**4.187** Where planning permission is granted, appropriate conditions or planning obligations will be imposed to ensure occupation of the site is restricted to those persons genuinely falling within the appropriate definition of gypsies and, for private sites, that the consent only inures for the benefit of the applicant and his or her dependants. Also a gypsy family must operate some form of business that causes them to travel in order to satisfy the statutory definition of a gypsy. However, in granting planning permission, conditions may be imposed controlling the nature of business operations on site in the interest of residential amenity or the site's location.

# **Chapter 5**

## **Safer and Healthier Communities**



## Chapter 5 Safer and Healthier Communities

**Aim: To make the District a safe and healthy place in which to live.**

### Strategic Objectives:

- ensure that new development reduces opportunities for crime and disorder and contributes towards the creation of safer and healthier communities;
- ensure that all new developments and transport facilities are capable of being accessible to all; and
- support the retention and provision of local services and community, cultural and recreation facilities.

**5.1** Good, accessible local services, community and recreation facilities are important for quality of life and can help reduce the need to travel. Other services such as water, electricity supplies and drainage are essential to community health. This Chapter provides the policy framework for:

- Creating Accessible Environments
- Community Safety
- Local Services and Facilities
- Residential Institutional Uses
- Sport, Recreation and Open Space
- Coastal and Inland Water Recreation Facilities
- Contaminated Land and Pollution
- Health and Education Provision
- Telecommunications and Utilities
- Sewerage and Sewage Disposal
- Coastal Erosion and Flood Protection

### Creating Accessible Environments

**5.2** Obtaining access to jobs, services and facilities taken for granted by many can be very difficult, if not impossible, for people with disabilities or limited mobility. Policy COM1 below amplifies Policy QL10, which seeks to ensure that designing for accessibility is an integral part of the design process.

#### **Policy COM1 – Access for All**

**Development involving buildings or spaces to which the public will have access as visitors, customers or employees will not be permitted if the design and layout does not provide safe and convenient access for people of all abilities. In particular, to ensure an inclusive environment development shall provide:**

- a. **entrances which can be easily and safely accessed by all users, including those with mobility and sensory impairments;**
- b. **safe and convenient access to the development for people of all abilities from parking areas, drop-off points and adjoining public spaces; and**
- c. **clear signposting of accessible facilities and routes to accessible entrances.**

**5.3** There are statutory requirements regarding access under the provisions of the Chronically Sick and Disabled Persons Act (1970), the Disability Discrimination Act (1995) and Section 76 of the Town and Country Planning Act (1990). Part M (Access for Disabled People) of the 1999 Building Regulations also covers accessibility. Further guidance was issued in July 2002 entitled “Sustainable Communities: Delivering through Planning” and was further reinforced in the “Planning and Access for Disabled People Good Practice Guide” (2003).

**5.4** The District Council recognises that good access benefits the whole community and will seek to ensure that new development is easily accessible to everyone. This is particularly important in Tendring where the 2001 census revealed that over 33,000 people locally had a limiting long-term illness; this represents almost 25% of the total population. This is significantly above the national figure of 18.2% who have some form of disability. There will be very few cases where it is not practical or reasonable to design new buildings, extensions and their associated facilities to at least the minimum accessible standards. Detailed guidance on designing accessible environments is contained in the Council's SPG "Tendring District Council Access Guidance" and the Centre for Accessible Environments (CAE) document "Designing for Accessibility", which has also been adopted by the Council as SPG.

## Community Safety

**5.5** Community safety is at the heart of sustainable development and quality of life. Concentrating development within existing urban areas, maintaining the vitality and viability of town and local centres and encouraging mixed-use development will help to create well-used streets and public spaces that feel safe and deter crime. Stimulating social and economic regeneration will help to tackle some of the root causes of crime and disorder. Providing community and recreation facilities can help reduce anti-social behaviour by directing people's leisure time towards more positive outcomes. Consideration of highway safety and pollution issues when determining planning applications will help to maintain the health and safety of occupiers of new development and the surrounding area.

**5.6** The good design of environments can also make a major contribution to the prevention of crime and help to reduce anti-social behaviour and the fear of crime.

Policy COM2 builds on Policy QL10 to provide further guidance on how new development will be expected to help reduce crime and disorder and improve community safety through environmental design measures.

### Policy COM2 – Community Safety

- i. **All new development shall contribute to a safe and secure environment, which reduces the incidence and fear of crime and disorder by reducing criminal opportunity and fostering positive social interactions between legitimate users. In particular development shall:**
  - a. **maximise overlooking of areas which may be vulnerable to crime such as public spaces, car parking areas and footpaths;**
  - b. **maintain a discernible distinction between public and private spaces; and**
  - c. **provide a good standard of lighting to public spaces and routes.**
- ii. **Measures referred to in (i) above, to protect the security of people and property, must be compatible with the character and amenities of the area, which can be successfully achieved through good design.**
- iii. **In appropriate cases the Council may seek developer contributions towards the provision of CCTV, lighting or other security measures.**

**5.7** The Council has responsibility under Section 17 of the Crime and Disorder Act (1998) to take account of the need to deter and prevent crime in carrying out all its responsibilities, including Local Plan preparation and Development Control. PPS1 highlights the important role that planning can play in crime prevention. If used sensitively the planning system can be instrumental in providing attractive and well managed environments that help to reduce both the fear and the incidence of crime.

**5.8** Policy COM2 identifies key principles that need to be considered in designing out the potential for crime and disorder:

- Crime depends on concealment. Overlooked streets and public spaces deter criminals by increasing natural surveillance. Buildings should overlook open spaces and footpaths, not turn their backs on them. Open spaces should be overlooked by buildings and traffic routes. Buildings and landscaping should be designed and laid out to ensure that they do not provide hidden areas;
- Anonymity provides opportunities for crime. This can be reduced by ensuring a clear definition of ownership and responsibility for all parts of a development and the creation of defensible space around buildings;
- Distinction should be made between public and private spaces by a change in surfaces or use of boundary treatments; and
- Good lighting design, which uses the correct lighting source for the intended environment can help reduce the fear of crime. However, care must be taken to ensure that the impact of light pollution is minimised, especially in historic, environmentally sensitive and rural areas.

**5.9** Developer contributions may be sought to meet the community safety needs of new development as referred to in Policy QL12. Further guidance on designing out crime is contained in the Council's adopted SPG "Crime Reduction Through Environmental Design" and the leaflet "Protect Your Home" produced by the Tendring Crime and Disorder Reduction Partnership (CDRP) under the UK police flagship initiative "Secured by Design".

## Local Services and Facilities

**5.10** Reducing social isolation is an important objective of the Tendring Local Delivery Plan. Local facilities provide a valuable service for communities, particularly for people without their own means of transport. They provide local employment opportunities, are a focal point for community life and can help reduce the need for people to travel long distances for essential goods and services. In some cases they may also make an important contribution to the tourist economy. Examples of local facilities covered by these policies include community halls, general stores, post offices, doctors' surgeries, public houses, libraries, places of worship and schools. The policies apply to facilities within communities across the whole District, in both rural and urban areas.

### Policy COM3 – Protection of Existing Local Services and Facilities

- i. **In order to ensure that basic community facilities and local services are retained, redevelopment that would result in their loss will not be permitted unless:**
  - a. **it provides replacement facilities within reasonable walking distance of an equal benefit, which are readily accessible to local people and served by viable public transport; or**
  - b. **there is adequate provision of similar facilities within reasonable walking distance (800m); or**
  - c. **it has been demonstrated that there is no longer a local need for the facility or it is no longer viable, and that where appropriate reasonable attempts have been made to sell or let the premises for continued operation in its existing or last use without success.**
- ii. **The partial redevelopment or change-of-use of a facility will only be permitted providing that it will not prejudice the viability or future operation of that facility.**

**5.11** Village facility surveys carried out by the Council revealed that the number of village public houses had decreased from 41 in 1987/89 to 35 in 2000 and that over the same period, the number of post offices had declined from 22 to 19.

**5.12** The District Council considers that it is important that this trend does not continue and that existing local facilities are retained, particularly in cases where their loss would either leave communities totally lacking in such provision or would lead to unsatisfactory deficiencies. The Council will require any application involving the loss of a key facility to be supported by written evidence of lack of need. Examples of the type and scope of information that should be supplied are given in Appendix 3.

### Policy COM4 – New Community Facilities (including Built Sports and Recreation Facilities)

**Permission will be granted for the change of use or redevelopment of land or buildings for appropriate community use provided the proposed facility:**

- a. **is readily accessible to local people and ideally served by viable public transport;**
- b. **is not detrimental to the character and amenities of the area;**
- c. **will not lead to unacceptable parking or traffic problems; and**
- d. **does not comprise a site with overriding planning or infrastructure constraints.**

**In addition, for proposals outside of Settlement Development Boundaries, the following criteria need to be satisfied:**

- e. **there is a proven local need for the facility; and**
- f. **there is no suitable site available within the settlement it is intended to serve.**

**5.13** The provision of new community facilities that are easily accessible to local people is important to the creation of sustainable communities. All proposals on land outside existing settlements should meet general development control policies to ensure that development is of a high quality and does not have an adverse impact on its surroundings. Also such proposals should be supported by written evidence of the local need for the facility including projected patterns-of-use and should normally be supported by the relevant Parish or Town Council.

## Residential Institutional Uses

**5.14** Residential institutional uses include care homes, nursing homes and other non-custodial institutions. Housing provision should be geared towards particular groups in the population who have special needs, including the elderly, people with disabilities and the homeless. The District Council support the provision of accommodation to meet special needs, but recognises that concentrating such accommodation in small areas can lead to various problems, including the cumulative effect such developments can have on the "image" and tourism function of the resorts concerned.

### Policy COM5 – Residential Institutional Uses

- i. **The development of new residential institutions and changes of use of existing properties to residential institutions will not be permitted within the Control of Residential Institutional Uses Areas in Clacton and Frinton as defined on the Proposals Map Insets.**
- ii. **Outside the Control of Residential Institutional Uses Areas applications for changes of use, new residential institutions and extensions to existing residential institutions will be considered on their own merits subject to meeting other relevant Local Plan policies and the following additional criteria:**
  - a. **the site would not be located away from existing Settlement Development Boundaries, in order that support services, facilities and public transport routes can be available. Only in exceptional circumstances may such uses be located outside existing Settlement Development Boundaries;**
  - b. **the development would not lead to a clustering of similar uses in the locality;**
  - c. **the development would not create or give rise to a significant material adverse impact on public safety;**
  - d. **there would be sufficient external space in the proposal to accommodate the normal recreation and other needs of residents, visitors or employees without impacting on highway safety, or the residential amenities enjoyed by adjoining properties; and**
  - e. **the extent and nature of any alterations/extensions or new separate buildings which may be required for the purposes of the use proposed should not result in the over development of the site.**
- iii. **Where planning permission is granted, use rights under the provisions of the Use Classes Order 2005 may be withdrawn where there is evidence to suggest that a change of use from that granted to another use within the same Use Class would be inappropriate.**

**5.15** Tendring District contains the highest proportion of residential care homes and nursing homes of all the non-unitary Councils in Essex. In March 2002, 28% of Essex residential institutions were located in Tendring District and of these, 45% were situated in Clacton.

**5.16** Around the seafront and town centre areas of Clacton and Frinton there have been a substantial number of changes of use of properties from residential or holiday use to residential institutions. This concentration of such uses puts pressure on local medical and support services. It has also led to a loss of visitor accommodation and an erosion of local character through the conversion of front gardens to forecourt parking. The District Council has therefore identified areas in Clacton and Frinton where such development has occurred and where the development of new residential institutions and the conversion of existing properties to such uses will be resisted in order to avoid a further increase in the concentration.

**5.17** Outside the Clacton and Frinton Institutional Uses Area boundaries applications for residential institutional uses will be subject to the provisions of items (ii) and (iii) of Policy COM5. Sites should have access to public transport and local facilities that are relevant to the needs of residents, such as shops and medical services. Proposals for residential institutional uses outside Settlement Development Boundaries will not usually be permitted. There may be exceptional cases where other locations may be considered more appropriate. A site unacceptable for housing development will generally be regarded as unacceptable for a new residential home. Sites will need to be accessible to staff and visitors by means other than the private car. The clustering of similar uses in close proximity to one another, particularly in areas where the character is one of single family dwellings with limited off street parking, would be inappropriate particularly because of the potential noise and disturbance it could create (including the impacts from service traffic) outside normal working hours.

**5.17a** There is an increasing range and diversity of proposed residential institutions in the District which the Plan needs to anticipate. In recent years there has been a significant trend, arising from the Government's objectives relating to care in the community towards proposals for homes offering a secure environment for those with learning or behavioural difficulties. These types of institutions, if permitted, can have a detrimental impact on their immediate surroundings in terms of noise and disturbance. They raise public safety issues and additional parking demands. Accordingly, in addition to the environmental policies elsewhere in the Plan Policy COM5 provides further safeguards to control uses of this nature, including the potential withdrawal of use rights where, for example, an old people's home or nursing home is approved which could be converted into uses in the same Use Class without a further planning application having to be submitted and approved.

## **Sport and Recreation**

**5.19** Recreation and sport facilities are an important community resource, providing enjoyment, employment opportunities and tourist attractions as well as important health benefits for participants. Improving health through physical activity is one of the targets of the Tendring Health Improvement and Modernisation Plan to reduce coronary heart disease in the District. The provision of recreation facilities also contributes to the District Crime and Disorder Strategy's objectives to tackle the underlying causes of crime by redirecting inappropriate behaviour towards positive outcomes. In conjunction with partner agencies and local communities the Council will aim to:

- protect recreational facilities where there is a recognised or expressed need as identified in the Council's Adopted Playing Pitch Strategy and Action Plan;

- enhance the provision and quality of recreational facilities as demonstrated within the Playing Pitch Strategy and Action Plan;
- strive to ensure that recreational facilities are accessible to all sections of the community;
- encourage the appropriate management of recreational facilities; and
- encourage the provision of sports facilities for the use of staff employed in business or industrial development.

**5.20** Three distinct categories of open space are considered. First, there is pitch (football, rugby etc) and non-pitch (athletics, bowls etc) sports facilities; second, there are children's play areas and third, there is recreational open space. The three policies in this section provide a land-use planning strategy to secure:

- i. their protection;
- ii. their enhancement; and
- iii. provision of additional facilities.

**5.21** To provide the background information and assessment for this section, the Council commissioned studies for each of the three categories of open space. Published in 2002, these provided essential information for the preparation of this part of the Plan. The Council also undertook a comprehensive audit of both the quantity and quality of the existing provision within the District. This is currently being updated as part of the background to further supplementary planning guidance.

## Recreational Open Space

**5.22** Recreational open space makes an important contribution to the character and amenity of the District. Although open space is defined in the Town and Country Planning Act (1990), that is now considered a very narrow definition. More specific guidance is provided by the Annex to PPG17 (Planning for Open Space, Sport and Recreation).

The following broad range of open spaces may be of public value:

- i. parks and gardens - including urban parks, country parks and formal gardens;
- ii. natural and semi-natural urban greenspaces - including woodlands, urban forestry, scrub, grasslands (e.g. downlands, commons and meadows), wetlands, open and running water, wastelands and derelict open land and rock areas (e.g. cliffs, quarries and pits);
- iii. green corridors - including river and canal banks, cycleways, and rights of way;
- iv. outdoor sports facilities (with natural or artificial surfaces and either publicly or privately owned) - including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school and other institutional playing fields, and other outdoor sports areas;
- v. amenity greenspace (most commonly, but not exclusively in housing areas) - including informal recreation spaces, greenspaces in and around housing, domestic gardens and village greens;
- vi. provision for children and teenagers - including play areas, skateboard parks, outdoor basketball hoops, and other more informal areas (e.g. 'hanging-out' areas, teenage shelters);
- vii. allotments, community gardens, and city (urban) farms;
- viii. cemeteries and churchyards;
- ix. accessible countryside in urban fringe areas; and
- x. civic spaces, including civic and market squares, and other hard-surfaced areas designed for pedestrians.

**5.23** Therefore, the broad term "recreational open space" includes all formal and informal recreational uses of land, from football pitches to children's playgrounds within town parks.

**5.24** To assess the extent of provision of recreational open space across the District the Council undertook a study of all recreational areas, including pitch and non-pitch sports areas; children's play areas and recreational open space. This audit is under review as part of the background to supplementary policy guidance.

**5.25** In Tendring District, there are approximately 228 hectares of publicly accessible recreational open space, most of which is pitch and non-pitch sports grounds. In addition, there are other areas of recreational open space, which are either privately-owned or owned by other public authorities (such as the health authority or educational establishments). The definition of recreational space does not include land that has an amenity value as open space but is not used for recreational purposes. Also, it does not include allotments, which are considered in Policy COM9. The seafront is by far the largest contributor to open space and includes the attractive greensward and cliff-top areas, as well as the beaches themselves. These are particularly worthy of protection because of the very important contribution they make to both the

local economy and amenity of residents more generally.

**5.26** There are national standards set by the National Playing Fields Association (2.4 hectares per 1,000 people) for the provision of pitch and non-pitch playing fields and children's play areas, as discussed below (see Existing Children's Play Areas and Pitch and Non-Pitch Sports Facilities). However, there are no national standards to benchmark whether or not the level of provision of all recreational space, which includes parks and gardens for informal use as well as the pitch, non-pitch and children's play area facilities within them, is satisfactory. Nonetheless, PPG17 does clearly state that it will be for local authorities to identify particular strategies as to the level of safeguarding for these open spaces and how it may secure any opportunities to seek relevant enhancement of the present facilities.

**5.27** In the absence of a quantitative standard, the Council has considered whether the existing level of provision is satisfactory against more qualitative measurements. In this regard, the Council's opinion has been informed by the responses gained from the MORI research into local opinions and aspirations published in spring 2002. Just under half of the District's residents feel that the level of sports provision locally is good, but 19% felt that it was poor. Within these averages, there were wide ranges across the main settlements and the rural area.

**5.28** The responses very much indicate the need to retain the existing recreational open spaces and to seek improvements in their quality, particularly the sports facilities and children's play areas within them, and those privately-owned facilities in other locations.

**5.29** The areas of recreational open space to be safeguarded are identified on the Proposals Maps and Proposals Map Insets and Policy COM7 will provide the appropriate safeguards. No development for purposes other than outdoor sport and recreation will be allowed on these sites unless it can be demonstrated that a replacement area will be provided that is equally accessible, including to those who live near and use the existing open space, and that the provision of a new site would provide a greater contribution to local biodiversity than the site to be developed. Policy COM7a specifically covers protection of playing fields including school playing fields.

### **New Recreational Open Space within New Housing Development**

**5.30** Where new development is proposed, it can place a significant burden on existing open space provision in the area or result in development seriously deficient in open space provision. Government Circular 1/97 makes it clear that developers should not be expected to make up for existing deficiencies, although Government guidelines make it equally clear that new development from one dwelling and above generates its own demands and requirements for recreational open space and suggests that local planning authorities should develop local standards that may be applied to ensure new developments make provision for open space to meet needs. The Council will therefore seek to ensure that open space provision is included within development proposals or where appropriate contributions will be sought to provide on or off site open space provision. Policy COM6 provides the framework to secure this enhancement.

**5.31** Layouts should incorporate appropriately sized and maintainable recreational open space as an integral and usable part of a development, rather than simply taking advantage of "left-over" land in an awkward corner of the site. Children's play areas should generally be easily accessible from pedestrian routes, separated from areas of major vehicle movements, overlooked from dwellings or well-used pedestrian routes and be located and designed to minimise disturbance to nearby dwellings. Perimeter landscaping or structural landscaping which is required as part en parcel of the "good planning" of the development will not constitute as being a component of the recreational or public open space contribution of the site. Both landscaping and public open space are required in their own right.

**5.31a** The National Playing Fields Association recommended a national minimum standard of provision for recreational open space of 2.4 hectares per 1000 of the population. PPG17 advocates that minimum standards should be used to refine areas deficient in open space. It also recommends that where an up to date audit of existing facility provision has been undertaken it may be appropriate to set local minimum standards. Although some work has been carried out a thorough review of the quality and quantity is being undertaken as part of the background to the Supplementary Policy Implementation Document, which will amplify Policy COM6. Following this, detailed local standards may be produced for Tendring. In the meantime the minimum standard of recreation provision should be based on the NPFA national guidelines. The 2.4 hectare per 1000 population standard is broken down as follows:

- 1.6 hectares playing pitches/outdoor sport
- 0.8 hectares children's play space

**5.33** A significant proportion of new housing in the District to come forward in the next 10 years will be provided on small sites to be occupied by less than 50 people or less than 25 dwellings during the Plan Period. Cumulatively this will generate a requirement for new and improved open space facilities.

**5.34** Where a developer is unable to meet the required standard, in part or fully, through physically providing and laying-out suitable open space, the District Council will require commuted payments in lieu of physical provision. This will help to ensure that open space provision keeps pace with new housing development.

**5.35** The Council considers that open space provision should be included as part of all residential developments involving sites greater than 1.5 hectares in size, and should comprise at least 10% of the gross site area. To ensure that the financial contribution is fairly and reasonably related in scale and kind to the proposed development, the Council will

prepare detailed guidance, but in general, it will depend on:

- i. the playing space requirement for the development;
- ii. the extent to which these requirements have been met in other ways e.g. part may be able to be accommodated on-site;
- iii. the nature of the development; and
- iv. the existing provision in the area.

**5.36** The Council undertakes that any financial contribution will be used to provide or improve the appropriate recreational facility within a reasonable timescale and will be directly attributable to the development and not intended to cover any additional or unrelated benefit. Guidance has been prepared initially as a Supplementary Policy Interim Document (SPID), later to become a Supplementary Planning Document under the 2004 Planning Regulations. The SPID sets the context for the policy implementation, establishes mechanisms for securing financial procedures and defines a framework for spending the funds in accordance with legislative requirements. In order to ensure financial contributions are spent fairly a Priorities/Action Plan will be produced based on an up to date audit of existing recreation provision. This formed part of the background and consultation process of the preparation of the SPID. As a result the District Council is in a strong position for enhancing the quality and quantity of recreation provision for the local communities. Improvements to provision will be directed to the priorities identified, which will cover facility provision at a local, catchment area and district level.

**5.39** If recreational public open space and play equipment are to be adopted by the District Council and are predominantly for the benefit of users of the development, the developer must provide for their future maintenance. The District Council will seek a planning obligation to make suitable financial provision for its subsequent maintenance. The District Councils open space standards and the basis of commuted sum calculations is provided in more detail in SPD, which will be revised annually.

#### **Policy COM6 – Provision of Recreational Open Space for New Residential Development**

**Proposals for residential development on a site of 1.5 hectares and above are required to provide at least 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 and where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development a financial contribution in lieu of on-site provision may be made. This must include appropriate equipment, suitably laid out for the specific use intended, which has been agreed in advance with the District Council. The nature of the public open space will be expected to be:**

- usable open space in terms of its location, size and shape, with no single area being less than 0.15 hectares;
- planned for in a positive way, that integrates the open space in the development that it serves;
- landscaped in a way that provides for visual amenity, biodiversity gain, and areas of shade;
- 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
- a range of different types of play areas in the larger sites, to cater for different user groups in accordance with the hierarchy of provision outlined by the National Playing Field Association.

**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 shall be made to the provision of new or improved off-site facilities in scale and kind to meet these needs.**

#### **Existing Children's Play Areas and Pitch and Non-Pitch Sports Facilities**

**5.40** In Tendring District, research undertaken in 2002 found there are serious deficiencies in children's play areas, and both quality and quantity of outdoor pitch and non-pitch sports facilities. This research recommended a number of specific actions to address these issues. It is a priority for the Council to put in place a strategy and a mechanism to secure funding to enable the delivery of these improvements. This is being prepared and will be produced as the Priorities/Action Plan, which will be published as background to the SPID.

**5.41** As well as enhance existing facilities, the Council will protect both well used as well as under-used outdoor pitch and non-pitch sports facilities which provide recreational open space through the application of Policy COM7. In addition, the Council will use financial contributions from new housing development (raised through Policy COM6) to fund a programme of localised enhancement work where this has a direct bearing on the new development in accordance with Circular 05/05. Contributions raised from new housing development will be spent as close to the new development as is possible and will be guided by the Priorities/Action Plan prepared as background to the SPID.

**5.42** Commuted sums will be held centrally by the Council's Leisure Services Department. The distribution of these

accumulated funds into this central pool will require two further actions. The Council's Leisure Services Department will prepare a District-wide strategy for the maintenance and enhancement of all the District's recreational open space, including publicly and privately-owned land. This strategy will set priorities for the District as a whole as well as the Council's own investment programme and the funds that can be realised through developer contributions. The priorities in this strategy will draw heavily on the conclusions of the audit undertaken to analyse all aspects of recreational open space provision and the outcome of public consultation on the SPID. All stakeholders responsible for managing recreational facilities will be able to apply for money from the open space funds for key improvements to facilities where they are identified as priorities.

**5.43** This investment strategy will be prepared in consultation with all the parties with an interest in the enhancement of the District's outdoor sports facilities. In parallel to this, the Council is preparing guidance to provide a framework for developer contributions from new housing development for the enhancements identified in the Open Space Strategy – Priorities/Action Plan.

**5.44** The SPID will identify the mechanism for securing a contribution from developers to this important element of community infrastructure. It will detail the adequacy of existing available pitch and non-pitch facilities in terms of quantity and quality. In addition it will also suggest how the additional demands for pitch and non-pitch facilities as well as children's play areas generated by new housing development could be met within the parishes and towns, taking into account the expected scale and location of new housing development within the Plan Period.

**5.45** In addition, the Council will also seek to secure other external sources of funding for both public open space enhancement work and new provision where appropriate, by using developer contributions to lever in funding from other agencies. This SPID will also set out the levels of open space and facilities that must be provided within new housing development. It will also set out the level of contribution developers must make to secure the long-term maintenance of the open space provided within the development. As an alternative for smaller housing development sites, the Council will set out the level of financial contribution a developer must make into a central fund for a provision of new and enhanced recreational open space, sports facilities and children's play areas. The Open Space Strategy will identify where these pooled resources will be spent.

**5.45a** In accordance with Policy COM6 and the SPID, the Council will seek developer contributions from new housing development to fund a programme of maintenance and enhancement of these areas of open space to include, where appropriate, investment in existing and additional pitch and non-pitch facilities and children's play areas within areas of recreational open space. The Council will prepare a strategy for the maintenance and enhancement of the District's recreational open space, including pitch and non-pitch sports facilities and children's play areas.

**Policy COM7 – Protection of Existing Recreational Open Space Including Children's Play Areas and Pitch and Non-Pitch Sports Facilities**

**Development proposals will not be permitted that would prejudice the use or involve the loss of recreational open space. This includes children's play areas, informal open space and parks and public gardens as defined on the Proposals Maps.**

**5.45b** Playing fields are one of the most important resources for sport. They provide the space, which is required for the playing of team sports on outdoor pitches. Yet as open land, particularly in built-up areas becomes an increasingly scarce resource, they often seem to offer a tempting opportunity for other forms of development. In most cases development of existing playing fields is unacceptable. It is however, acknowledged that in exceptional circumstances development may provide the opportunity for land exchange, substituting one site for another to compensate for the loss of any open space or sports or recreational facility. Policy COM7a sets out the framework for assessing proposals for the development of playing fields. All too often school playing fields are declared by the school or education authority to be surplus to DFES requirements. Whilst the school itself may have playing fields in excess of its requirement, rarely have alternative recreational opportunities for the site been explored. For example, the site may be able to be made available for community use. This may require some improvements or alterations, including a new access separate from the school and changing rooms etc. Alternatively, opportunities for other relevant stakeholders (Parish Councils, Recreation Trusts) to take on the playing field(s) independently may be appropriate.

**Policy COM7a – Protection of Existing Playing Fields, Including School Playing Fields**

**Proposals which lead to the loss of all, or any part of a playing field, or land last used as a playing field (as defined on the Proposals Map), whether in private, public or educational use, will not normally be permitted unless;**

- a. **The proposed development is ancillary to the use of the site as a playing field (such as a new changing room) and does not adversely affect the quantity or quality of playing pitches and their use; or**
- b. **It can be demonstrated by a thorough up-to-date assessment of current and future needs that there is an excess of playing field provision in the catchment and the site has no special significance to the interests of sport or recreation; or**
- c. **The proposed development only affects land which is incapable of forming a playing field or part of one;**  
or

- d. **The playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality in a suitable location accessible to the current and potential new users; or**
- e. **The proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field.**

## **Provision and Improvement of Outdoor Recreational Facilities**

**5.47** Often additional provision can be achieved by improving existing facilities and extending the opportunities for use for example by improvements to surfaces, drainage or floodlighting. Where the Council receives applications to develop land for the provision of new and extended outdoor recreational facilities, these will generally be favourably received subject to certain provisions to protect amenity, highway safety and to enhance more sustainable means of access. Particular encouragement will be given to proposals which implement any priorities identified by the Council in the SPID and Priority/Action Plan.

**5.47a** If recreational public open space and play equipment are to be adopted by the District Council, the developer must provide for their future maintenance. The District Council will seek a planning obligation to make suitable financial provision for its subsequent maintenance. The District Council's open space standards and the basis of commuted sum calculations are provided in more detail in the draft SPID, which will be revised annually.

### **Policy COM8 – Provision and Improvement of Outdoor Recreational Facilities**

**Proposals for the provision of new and extended outdoor recreational facilities will be permitted where:**

- i. **they meet the needs of all residents for a range of sporting and recreational opportunities, in terms of quality, accessibility, choice and value;**
- ii. **the size and location of the site is capable of accommodating a viable outdoor recreational facility;**
- iii. **they are accessible by a choice of means of transport including cycles and pedestrians;**
- iv. **they do not have a materially detrimental affect on:**
  - a. **the amenity of surrounding residents and occupiers;**
  - b. **highway and pedestrian safety;**
  - c. **vehicular and pedestrian access into the site;**
  - d. **townscape; and**
  - e. **landscape and biodiversity;**
- v. **built development and structures are restricted to those facilities essentially required to functionally serve the facility; and**
- vi. **floodlighting will only be permitted where no undue harm will be caused to neighbouring amenity or wildlife.**

### **Policy COM8a - Proposed New Recreational Open Space**

**New recreational open space, which is shown on the Proposals Maps shall be provided in the following areas:**

- **52 ha along the Pickers Ditch linear park walkway, Clacton-on-Sea;**
- **7.2 ha land north of Brooklands and Grasslands, Jaywick;**
- **16.5 ha Low Road, Dovercourt;**
- **2 ha Capital House, Dovercourt;**
- **3 ha north of Village Close and west of Turpins Lane, Kirby Cross;**
- **2 ha west of existing Lawford Playing Field, off School Lane, Lawford;**
- **1.5 ha north of existing Playing Field and south of Mary Warner Road, Ardleigh;**
- **0.9 ha land rear of 18 – 32 Holly Way, Elmstead Market;**
- **2.1 ha site next to Lawford Dale;**

- **2.3 ha site for Cann Hall Estate, Clacton-on-Sea; and**
- **1.8 ha at Jubilee Park, Frinton.**

## Allotments

**5.48** Working on allotments is a recreational activity enjoyed by a wide cross section of the community, and in particular often the more elderly members of the community. Allotments are a valuable resource not only for allotment holders, but also in terms of the wider community within towns and villages by way of contributing to visual amenity. Essex Structure Plan Policy BE3 identifies the need to protect open land uses within urban areas and guidance in PPG17 recognises the importance of open space and recreational facilities and the need for recreational facilities to be available for the elderly. The Council will support proposals for suitable extensions to existing allotments and new allotment sites providing that an existing demand is demonstrated.

### Policy COM9 - Allotments

**Development that would result in the loss of the whole or part of an allotment site defined on the Proposals Map and Insets will not be permitted unless the following criteria are met: -**

- a. **the allotments are replaced by the provision of new allotments at least equal in quality and size and accessible to the community, which the existing allotments serve;**
- b. **it is demonstrated that there is no longer a demand for the existing allotments;**
- c. **the site is not appropriate for other open space functions; and**
- d. **the development of the allotments would not result in the loss of an area important to visual amenity.**

## Built Sports Facilities

**5.50** Built sports facilities, including sports halls, swimming pools, pavilions and changing rooms make an important contribution to the leisure and recreational facilities in the District and contribute to the health and well-being of the community. They make an important contribution to broadening the range of leisure facilities available in the District both in urban and rural areas, and allow and encourage public participation in sport and recreation.

### Policy COM10 - Built Sports and Recreation Facilities

**Proposals involving the loss of or change-of-use of built sports facilities will only be permitted provided that one of the following conditions is met:**

- a. **replacement facilities of an equal or enhanced standard are provided, which are readily accessible to current users; or**
- b. **an assessment has been undertaken, which clearly shows that the facilities are surplus to requirements.**

**5.51** The District Council recognises in accordance with both national policy and Replacement County Structure Plan Policy LTR1 the important role the provision of built sports facilities fulfils. It will therefore seek to retain, and where appropriate enhance, existing facilities for the benefit of the wider community in order to promote and maximise access to sports facilities.

## Formal Recreation Facilities in the Countryside

**5.52** The keeping of horses, playing of golf and associated activities are pastimes for which there is a high demand, and the need for such facilities is recognised in Structure Plan Policy LRT3. They can however, have a significant impact in the countryside and create increased pressures on the existing highway network, bridleways and landscape features. Proposals for such activities therefore need to be well related to their surroundings, appropriately located and of a scale and type appropriate for the area.

### Policy COM11 - Formal Recreation Facilities in the Countryside

**Proposals for formal recreation facilities in the countryside including golf courses, golf driving ranges and riding centres will only be permitted provided that:**

- a. **the site and buildings can satisfactorily accommodate the activities proposed;**
- b. **use of the site would not have a materially adverse impact on public rights of way, local roads and ecologically sensitive areas;**
- c. **built development and structures are restricted to those that are functionally essential for the facility;**
- d. **development would not involve provision of residential, hotel or guest accommodation outside the Settlement Development Boundaries;**

- e. existing natural features, including hedgerows and ponds are retained and enhanced; and
- f. satisfactory and safe road access is available to the site and can be accessed by a variety of means of transport including public transport and cycling.

**All golf course proposals must be accompanied by an environmental impact assessment (including ecological assessment) and a detailed landscaping scheme.**

**5.53** Golf course development is an acceptable land use in the countryside and can have important recreational, economic and tourism benefits. However, the introduction of alien landscape features, car parking and related built development can have a significant impact on landscape and countryside character, and damage the environment. Major development such as hotels and conference centres proposed in association with golf clubs will not normally be acceptable. Detailed guidance on the provision of golf facilities is provided in the Essex Golf Report, published by the Essex Planning Officers Association (1990) which has been adopted by this Council as SPG. The key locational and design factors are reproduced in Appendix 4.

## **Equestrian Uses and Buildings**

**5.55** The Council accepts that equestrian activities are most appropriately located in a rural area, in so far as such uses are related to a generally open use of land. However, the uncontrolled proliferation of stables and other associated development has the potential to bring about cumulatively significant changes to the character of the open countryside, which is typical of certain parts of the District. Moreover, the fragmentation of land holdings may accelerate other changes, which could be detrimental to the countryside. The Council cannot directly control the fragmentation of farmland except to ensure that the subsequent use remains agricultural. However, the change-of-use of farmland to land for the keeping of horses for non-agricultural purposes normally amounts to development for which planning permission is required.

### **Policy COM12 - Equestrian Uses and Buildings**

**Proposals for the change-of-use of rural land to land for the breeding or keeping of horses or for the erection of stables will be considered in relation to the following criteria:**

- a. the nature and scale of the equestrian use and the impact of the built development on the character of the countryside, including nature conservation interests and the cumulative effect of similar uses in its general area;
- b. whether the size of the stables accords with the number of horses intended to be accommodated;
- c. the impact of any built development on the amenity of neighbouring residential properties;
- d. whether suitable arrangements have been made for the disposal or storage of soiled material and foul drainage provision meets the requirements of the Council and Environment Agency;
- e. whether a suitable vehicular access can be provided in connection with the stables such as to allow the free and safe flow of traffic on the adjoining highway;
- f. the impact on the character of the countryside of providing an adequate access;
- g. the level of traffic to be generated by the proposed use, and the suitability of the road leading to the site to cater for such movements; and
- h. the impact of traffic levels on the amenities of the land.

## **Bridleways**

**5.55a** Public interest in access to the countryside is growing and the value of bridleways in providing access to and the recreational use of the countryside is recognised by the Council. Bridleways represent an important form of access for walkers, cyclists and horse-related activity.

### **Policy COM12a - Bridleways**

**The Council will seek to maintain and improve access to the countryside by resisting the loss of, or harm to any existing bridleways. The Council will encourage the creation of new bridleways where appropriate opportunities arise to improve and develop the network for the benefit of walkers, cyclists and horse riders.**

**5.55b** The provision of improved bridleways and the linking of existing bridleways to each other is a long-standing aim of the Council fitting in with the wish to improve access to the countryside. The District Council will, in conjunction with Essex County Council, seek to further develop the bridleway network in the District.

## **Country Parks**

**5.56** As part of its policy of increasing recreational provision throughout Tendring, the District and County Councils are seeking to provide a number of Country Parks in rural or urban fringe locations. The purpose of these parks will be to provide convenient opportunities for informal quiet countryside recreation for the public. Their provision will be achieved either by direct land purchase or through negotiation as part of the submission of development proposals where appropriate. In the latter case the provision of the country park facilities will be secured by legal agreement ensuring that the park is fully laid out for public-use prior to completion of the relevant development.

#### **Policy COM13 - Country Parks**

**The following areas, which are defined on the relevant Proposals Map Insets are allocated and safeguarded as Country Parks:**

- a. **Holland Haven**
- b. **Brook Park, Clacton**
- c. **Pond Hall Farm, Ramsey**
- d. **Martin's Farm, St. Osyth**
- e. **The Naze, Walton**

**The Council will consider the provision of further Country Parks throughout the District if appropriate.**

**Potential sites will need to satisfy the following criteria;**

- i. **satisfactory and safe road access is available to the site and it can be accessed by a variety of means of transport including public transport and cycling and by public rights of way;**
- ii. **there is a substantial area of land available such that the impression to visitors is of walking in open countryside away from urban areas;**
- iii. **parking, toilets and associated facilities will be carefully screened and located in such a way as to prevent any adverse impact on the open countryside;**
- iv. **landscape features including trees, areas of water, planting belts and undulating topography exist or, where there would be no conflict with criteria (v) or (vi) below, will be created;**
- v. **the park layout retains and enhances biodiversity and enhances important wildlife habitats and local flora and fauna. This is especially important on land which forms part of, or affects sites identified as SSSIs; and**
- vi. **the park can be created in a way which is compatible with the conservation of the rural landscape.**



Country Parks provide an opportunity for people to enjoy a number of informal recreational pursuits such as walking and picnics away from busy urban areas. The District Council and County Council are seeking to meet increased demand for such facilities and by concentrating visitors in specific, planned locations are reducing the risk of damage to agricultural property and sensitive wildlife habitats.

### **Coastal Water Recreation Facilities**

**5.60** The coastline and estuaries in the District have traditionally been used for a number of water-based activities. Whilst recognising the demand for new and improved facilities, particularly on the coast, the Local Planning Authority will seek to restrict such developments to existing urban areas or built-up locations. Proposals for coastal recreation facilities will be assessed against strategic policies contained in the Structure Plan, other policies in the Local Plan, including Policy EN3, and the main principles set out in Sport England's Regional Strategy for Water Recreation.

#### **Policy COM15 - Coastal Water Recreation Facilities**

**Proposals for new water-based recreational facilities or the renewal or extension of existing facilities will be permitted in coastal towns and resorts where the following criteria are met:**

- a. the size and location of the development is appropriate to its setting;
- b. there will be no undue harm to the amenity of neighbouring residents;
- c. the surrounding highway network and access to the site is satisfactory;
- d. the site is accessible by a choice of means of transport;
- e. no undue harm will be caused to the townscape;
- f. no undue damage will be caused to local landscape, nature conservation or biodiversity; and
- g. there will be no safety hazard created by the users either to each other, to bathers or other users of the seafront amenities.

**When considering such proposals the Council will require a full noise impact assessment to be submitted in relation to the proposed use of powered watercraft.**

#### **Policy COM15a – Protection of Existing Water Recreation Facilities**

**Development that would lead to losses of and damage to existing recreational facilities will not normally be permitted. In exceptional cases where other over-riding factors apply and facilities can not be saved, an alternative provision of an equivalent or better standard must be provided nearby.**

#### **Policy COM16 - Hamford Water, the Stour Estuary and the Colne Estuary**

**No further extension of areas currently used for boat moorings, the establishment of new marina/boat facilities or other water recreation facilities will be permitted outside existing Settlement Development Boundaries in the undeveloped estuaries and inlets of Hamford Water, the Stour Estuary or the Colne Estuary unless it can be demonstrated that there will be no damaging impact on the relevant SSSI, SAC, SPA and Ramsar sites. In exceptional cases where consent may be granted any adverse impact on the environment must be satisfactorily mitigated.**

**5.61** The above coastal and estuarine areas are particularly sensitive locations which are of international importance for nature conservation. In addition, there are National Nature Reserves (NNRs) designated at Hamford Water and in the Colne Estuary. Policy EN11 in the Sustaining Our Environment Chapter provides further guidance on the protection of these important nature conservation sites.

**5.62** In terms of their capacity to absorb new boat moorings and related facilities, various studies and estuary management plans have been produced. The Colne Estuary Boating Study (2001) emphasised the ecological and landscape sensitivities of the area and provides specific guidance on how to consider such proposals relating to boating activity and watersports. The recommendations from the study have been formally adopted by the Council as SPG. There is further reference to this study in the Brightlingsea Chapter.

**5.63** Estuary management plans have been prepared for the Stour and Orwell (updated in 2003) and the Colne Estuary (1999-2000). These plans which are a material consideration in relation to considering planning proposals in these estuaries seek to provide a balanced management framework for the various users of these most sensitive areas.

### **Inland Water Recreation Facilities**

**5.64** It is recognised that other water-based recreation takes place on inland sites within the District, including sailing, angling and sub-aqua facilities at Ardleigh Reservoir and angling in various flooded sand and gravel workings. Ardleigh Reservoir also provides a site for bird watching and the breeding and ringing of wildfowl. Important biodiversity features may be present at some inland water sites. Any development in these areas must safeguard and where appropriate, enhance any such important biodiversity features. Ardleigh Reservoir is an important source of public water supply and any developments near the reservoir should avoid any consequential deterioration in the quality or quantity of run-off draining into the reservoir. Therefore, development proposals in the vicinity of Ardleigh Reservoir must also be carefully considered against the provisions of Policy COM18, which seeks to protect this important water resource. The District Council will liaise with the Environment Agency, Sport England and the relevant national governing bodies for watersports when considering proposals for the development of water recreation facilities at inland waters.

#### **Policy COM17 - Inland Water Recreation**

**The Council will support the development of appropriate water recreation uses at inland water sites provided they do not cause undue damage to important biodiversity features. Development that leads to the loss of, or prejudices the use of existing inland water recreation facilities will not normally be permitted. In exceptional cases where other over-riding factors apply alternative provision of equivalent or better quality must be provided nearby.**

**5.65** Sailing, angling, and sub-aqua pastimes are all activities that can usually be carried out on inland waters without causing undue harm to the local environment or amenity, as are bird watching, and the ringing and breeding of wildfowl.

**5.66** Activities such as jet-skiing and motorboat racing are considered harmful to inland waters and the environment generally. They are not considered appropriate uses on inland waters.

#### **Policy COM18 - Ardleigh Reservoir**

**Development at Ardleigh Reservoir for the expansion of multi-use facilities will only be permitted if it does not cause undue harm to other interests including biodiversity and water resources. In particular, development will not be permitted where it will materially reduce the quality of water draining to Ardleigh Reservoir.**

**5.66a** Maintaining or enhancing the quality of surface, ground, river and sea waters and other water bodies is essential to protect nature conservation interests and public health. In the Tendring District, maintaining the quality of inland water recreation facilities, a river and sea water is also vital for recreation and tourism. In consultation with the Environment Agency, the Council will seek to ensure that water quality is safeguarded. Development will be resisted or strict controls imposed, where it could adversely affect water quality.

### **Contaminated Land**

**5.67** Contamination can have potentially serious risks and consequences to health and safety or the environment. It therefore needs to be carefully investigated and assessed before and during development. Tendring District does not have a legacy of heavy industry and there are relatively few sites where it is known that there may be a problem of soil contamination. The most significant ones are former gas works and landfill sites.

**5.68** Where a site is contaminated, or there is a good reason to believe that contamination may exist pre-application discussions between the Council and the developer are encouraged. A developer will be required to carry out a thorough site risk assessment and submit a report on the findings to establish the nature and extent of the contamination. This will usually be in the form of an Environmental Impact Assessment (EIA). Consideration should be given to submitting a planning application and a pollution control permit in parallel.

**5.69** The Council will encourage the re-use of contaminated land for appropriate development and as useful amenity and recreational space, but seek to ensure that there is no unacceptable risk to health and safety or the environment by ensuring that the developer implements all remedial measures necessary to make the land suitable for use as advised in PPS23 (Planning and Pollution Control).

#### **Policy COM19 – Contaminated Land**

**Unless appropriate remedial measures are included, planning permission will not be granted for development, which is either proposed to be located on, or is affected by ground that is known to be contaminated and identified on the Contaminated Land Register and/or land that is known to have accommodated potentially polluting uses. Full investigations will have to be carried out, the contamination assessed and appropriate remedial measures specified. When planning permission is granted conditions**

**will be imposed to secure any further site investigations considered necessary, to secure any remedial works required and to ensure that all remedial measures shown to be necessary will be carried out before or incorporated as part of the development to ensure that the land is removed from the Contaminated Land Register.**

**5.69a** The District Council's Contaminated Land Strategy complements the planning process and provides a proactive system for the identification and remediation of land where contamination is causing unreasonable risks to human health and the wider environment. The inspection of the District as required by the Strategy will identify areas of potentially contaminated land which may be developed. Where appropriate, the Council may require suitable remediation of contaminated land to ensure that land is suitable for its intended future use and that further pollution does not occur during or after construction.

**5.69b** The Planning (Hazardous Substances) Act 1990 controls the presence of hazardous substances. The advice of the Health and Safety Executive will be sought on the suitability of new development involving the storage, use or transportation of hazardous substances. Development will not be permitted where it would pose an unacceptable risk to people using the site or neighbouring land, or to the natural environment. Tendring District already contains a number of installations handling hazardous substances, including high pressure natural gas transmission pipelines. The advice of the Health and Safety Executive will be taken into account when considering proposals for new development in the vicinity of existing hazardous sites.

## **Air Pollution/Air Quality**

**5.69c** The land-use planning system is integral to improving air quality and local authorities are required by the Environment Act (1995) to undertake a review and assessment of air quality in their area to identify areas where it is likely that the Government's air quality objectives as set out in the Air Quality Strategy (2000) will not be met. Air quality in the District is generally good, although certain locations suffer from poor air quality. The Council is committed to maintaining and improving air quality through the system of Local Air Quality Management (LAQM). Where one or more of the air quality objectives is unlikely to be met, the Council must declare an Air Quality Management Area (AQMA) and draw up an Action Plan. Development proposals, which may have the potential to cause significant levels of air pollution or which may be affected by existing sources of air pollution may, depending on the circumstances, need to be restricted.

**5.69d** The Tendring District Local Plan 2007 is an important element in the achievement of air quality standards and objectives by directing new development to urban areas where the need to travel by car is minimised and by promoting alternatives to the car. The Plan also seeks to minimise the adverse impacts of air pollution by taking account of other emission sources such as industry and the location of developments that are sensitive to air quality.

**5.73** In order to reduce air pollution and improve air quality, commercial firms will be encouraged to take steps to reduce emissions by providing secure cycle parking and changing facilities, using alternative "clean fuel" vehicles and providing bus transport for employees to and from the workplace. Such an approach is supported by policies in Chapter Seven: Sustainable Transportation.

### **Policy COM20 - Air Pollution/Air Quality**

- i. Planning permission will not be granted for developments that have the potential to contribute significantly to levels of air pollution unless adequate mitigating measures against the adverse effects on air quality are proposed.**
- ii. Planning permission will not be granted for sensitive development in areas identified as suffering from high levels of existing air pollution unless adequate mitigating measures against the adverse effects on air quality are proposed.**
- iii. Planning permission will not be granted for development which leads to the making of an Air Quality Management Area.**

## **Light Pollution**

**5.75** Where developments propose any form of external lighting the amenity of nearby land uses and the visual character of the area can be harmed. Lighting in the countryside and rural areas can have particularly serious detrimental effects if it is poorly situated, poorly designed or installed, or where light spillage is widespread. Light pollution is the popular name for sky glow, a brightening of the night sky and is rightly considered as pollution.

**5.75a** Artificial lighting can obscure the stars, introduce an urban character into rural areas, affect the setting of Listed Buildings and other heritage features, intrude on residential amenity and affect wildlife. In determining proposals involving an external lighting scheme such as lighting for security or operational purposes, consideration will be given to the impacts on residential amenity, highway safety, the dark night sky, areas and features of historic or landscape importance and wildlife. Schemes should involve the minimum amount of lighting necessary to achieve its purpose and should minimise glare and light spillage from the site. Measures might be required to screen the lighting from neighbouring areas.

**5.76** Light pollution also represents an inefficient use of energy and a waste of natural resources contrary to the aims of sustainable development. Proposed lighting schemes should be the minimum needed for security, working purposes, recreational or other use of the land or site in question. Full details of lighting schemes including their impacts will be required to be submitted with any planning application.

#### **Policy COM21 - Light Pollution**

**Planning permission will not be granted for external lighting for any development if any of the following apply:**

- a. its use would cause unacceptable visual intrusion;
- b. its use would cause an unacceptable disturbance to the surrounding area or to the local wildlife;
- c. its use would cause a danger to highway or pedestrian safety.

**Where permission is granted, lighting schemes will be required to minimise pollution from glare and light spillage. This will be achieved through the use of good design, screening and deflection measures, and the nature, intensity and hours of operation of the lighting will be carefully controlled.**

#### **Noise Pollution**

**5.77** Noise pollution can have a significant effect on both the natural and built environment and on the quality of life of individuals and communities. PPG24 (Planning and Noise) introduced the concept of noise exposure categories for assessing noise sensitive developments such as schools, hospitals and housing and the importance of controlling the location of new developments to ensure that land uses are compatible in terms of noise generation and sensitivity. New development that is noise sensitive such as housing should be located away from sources of unacceptable noise levels, whilst noise-generating development should be positioned so as not to pollute other sensitive land uses.

#### **Policy COM22 - Noise Pollution**

**Planning permission will not be granted for noise sensitive developments such as hospitals, schools and housing unless one of the following conditions is met:**

- i. the development is located away from existing sources of noise; or
- ii. mitigation measures are proposed which will adequately mitigate the adverse effects of noise at all times and in all circumstances.

**Noisy developments should be located away from sensitive developments unless adequate provision has been made to mitigate the adverse effects of noise likely to be generated or experienced by others.**

**5.78** Consultation with the Council's Environmental Services Department and other pollution authorities will be carried out in determining any application. The guidance contained in PPG24 will be used in establishing noise limits for particular developments.

#### **General Pollution**

**5.79** Any deterioration in the quality of land, air or water resulting in negative impacts on health is capable of being a material planning consideration. The planning system therefore has an important role to play in protecting the built, natural and historic environment, biodiversity, local residents, businesses and the community from development that could give rise to pollution. Pollution can take many forms including solid, liquid and gaseous emissions to air, land and water. Pollution includes noise, vibration, smell, smoke and fumes, soot and ash and light that can all have a damaging effect on the environment and amenity. A development proposal likely to give rise to pollution may need to be submitted with an EIA.

#### **Policy COM23 - General Pollution**

**Planning permission will not be granted for development which would have a significant adverse effect on health, the natural, built or historic environment or amenity by reason of releases of pollutants to surface or ground water, land or air including smell and odours, fumes, smoke, soot, ash, grit or dust.**

#### **Health Care Provision**

**5.80** The Tendring Community Strategy includes the aim "to save lives, promote healthy living and narrow the health gap". The lead partner for this aspect of the Strategy is the Tendring Primary Care Trust (PCT) which leads the Health Strategy Group A three year local delivery plan (LDP) is produced and delivered by the PCT and is updated annually.

**5.81** The LDP reflects the NHS Plan in a local context and also includes local objectives and targets that address the health needs of the Tendring population. The PCT has also identified certain "Strategic Health Issues for Tendring",

which include the very high proportion of people over the age of 65 (3rd highest PCT in the country), 3 electoral wards are within the top 10% of deprived wards nationally (as measured by indices of multiple deprivation) and the previous under investment in Primary and Community Services, which means much of the estate (buildings and premises) require modernisation.

**5.81a** The Government's, Local Improvement Finance Trust (LIFT), initiative is a method of addressing under-investment in the health service whereby PCTs can bid for funding and support for modernisation. Tendring PCT has formed a partnership with Colchester PCT and made a successful application for LIFT funding. This will result in significant investment in primary and community health services in Tendring.

**5.81b** A Strategic Service Development Plan (SSDP) has been produced. This sets out a vision and strategy for the future development of services in Tendring and Colchester using LIFT funding. It is an evolving document that will be reviewed annually.

**5.81c** Improved health care provision across Tendring is supported by the Council and proposals for new and refurbished facilities will generally be welcomed provided that they comply with the requirements of Policy COM24.

#### **Policy COM24 - Health Care Provision**

**Proposals for the development of new and improved health care facilities (including a new hospital) in the District will be permitted provided that:**

- i. the site is in close proximity to the communities it is intended to serve;**
- ii. the facilities do not have a materially detrimental effect on highway and pedestrian safety;**
- iii. the facilities are accessible to the community they serve by a variety of forms of transport, including public transport; and**
- iv. adequate car parking provision is made to meet operational demands.**

#### **Cemeteries and the Crematorium**

**5.86** The District Council is responsible for the management of cemeteries at Burrs Road, Clacton; Main Road, Dovercourt; Kirby Road, Kirby Cross; Walton Road, Walton; and the crematorium at Colchester Road, Weeley. The Council is also responsible for the maintenance of monuments and other memorials within these grounds.

**5.87** A number of other cemeteries are provided by church authorities and/or Town and Parish Councils. A private, "green" cemetery is also provided at Wrabness where the site is managed by Essex Wildlife Trust.

#### **Policy COM25 - Cemeteries and the Crematorium**

**Land is allocated for the future expansion of the Weeley Crematorium, the Burrs Road Cemetery (Clacton), Dovercourt Cemetery and the Kirby Cross Cemetery as shown on the various Proposals Map Insets for these areas. New cemeteries and other burial places may be permitted on existing private land providing that relevant Local Plan policies are satisfied.**

#### **Planning Obligations and Educational Provision**

**5.90** Development of land can create a need for the additional provision of services, infrastructure and facilities both on and off-site. In particular, housing development often generates the need for educational facilities and puts significant pressure on existing facilities creating need that cannot be met.

**5.92** Section 106 agreements are an effective way of ensuring public services can keep pace with the private sector and that the relevant infrastructure can be put in place to meet demand. Section 14 (1) of the Education Act (1996) places a duty on Essex County Council (ECC) as the Local Education Authority (LEA) to ensure that there are sufficient school places available within its area for all those pupils who require them. The District Council will therefore consider the use of Section 106 agreements as part of the planning application process to obtain contributions towards the provision of school places where appropriate.

**5.93** More detailed information on the levels of contribution being sought by the LEA can be found in the ECC Schools Service document 'Developer Contribution Guidelines' and the 'Schools Contributions from Residential Developments' SPG. This SPG was prepared by the Essex Planning Officers Association and was adopted by this Council in August 2004.

#### **Policy COM26 - Contributions to Education Provision**

**Where necessary, planning permission will only be granted for residential developments of 12 or more dwellings if land and/or financial contributions are made to provide the additional school places that will be needed to serve the development.**

## Telecommunications Equipment

**5.94** Modern and effective telecommunications systems are vital to economic success at a local and national level. This is recognised by Government advice in PPG8 (Telecommunications). It can be important to the environment by reducing the need to travel, but the associated infrastructure can have some adverse environmental affects. The Tendring District's open character is particularly sensitive to new telecommunication installations, as they require prominent sites for effective operation. Therefore, the impact of new structures will be considered against other environmental and site planning policies. Where appropriate, operators will be encouraged to share masts and if this is not an available option, evidence to support that position may be required to be submitted as part of any planning application.

**5.96** Any telecommunications development should be sited and designed to minimise its visual impact. Telecommunications installations, which would have an adverse impact on sensitive areas such as AONBs, or Conservation Areas, will not be approved. Elsewhere, telecommunications installations will also be resisted if they have a significant and adverse visual impact, unless it is demonstrated to the complete satisfaction of the Council that there is no alternative site which is technically appropriate or environmentally more acceptable.

**5.97** The Government supports the growth of telecommunications systems, including cellular radio, cable television and wireless broadband. With this approach, many telecommunications installations are covered by the Town and Country Planning Act (General Permitted Development) Order 1995 and do not require planning permission. They do however; require prior approval from the Council.

**5.98** Even equipment that does not require planning permission can have a serious effect on the rural and open character of its surroundings, so the need for prior approval will allow the Council to ensure that these effects are minimised by careful attention to the detailed design and siting of the equipment.

**5.99** Imaginative design solutions that are appropriate to the proposed location will be encouraged and may be considered acceptable by the Council as an alternative to refusal of planning permission or "prior approval". For further advice on the procedures or need for planning permission or "prior approval" for certain detailed matters, developers/operators should contact the Council at the project planning stage.

**5.100** The Government has published a Code of Best Practice on Mobile Phone Network Development (2002). The detailed discussion in that document about the provision of telecommunications equipment will be an important material consideration when the Council makes decisions on both planning and "prior approval" applications. In particular, the Council urges mobile phone operators to discuss annually and in advance their network development plans for the following year.

### Policy COM27 – Telecommunications Equipment

**Proposals for new telecommunications development, including both development requiring full planning permission and applications pursuant to Part 24 of the Town and County Planning (General Permitted Development) Order 1995, will only be permitted if all of the following criteria are met:**

- a. **the siting and design of the proposal does not have an adverse effect on the appearance and character of the locality;**
- b. **the technical and operational need for the proposal is demonstrated to the satisfaction of the Council;**
- c. **for telecommunications equipment requiring planning permission that all alternative sites, including mast sharing opportunities have been evaluated and discounted for operational or technical reasons only; and**
- d. **the applicant has certified that the proposed development meets the current guidelines of the International Commission on Non-Ionising Radiation. Protection, or such other Government requirements to protect public health as are in force at the time of the application.**

**Where permission is granted, for planning permission or pursuant to an application for "prior approval", the Council will impose planning conditions to require the removal of the equipment when it is no longer operational.**

### Safeguarding of Civil Technical Sites Owned by National Air Traffic Services Ltd. (N.A.T.S)

**5.102** Within Tendring an important Technical Site is located in the open countryside north of Little Clacton and south west of Thorpe-le-Soken. The site is shown on the Proposals Map and the extent of the safeguarded area is shown at larger-scale in Diagram 4. Within the safeguarded area, certain planning applications will be the subject of consultation with the operator of the technical site. This may result in restrictions being imposed on the height or detailed design of buildings or on development, which might create a bird hazard. Further detail can be found in Circular 01/03.

### Policy COM28 - Safeguarding of Civil Technical Sites

**The area shown on the Proposals Map and in more detail in Diagram 4 relates to the officially safeguarded area around the Clacton DVOR (CLN) technical site. Within the area certain planning applications will be**

**subject to consultation with the National Air Traffic Services Ltd.**

## Utilities

**5.103** When major development projects are proposed extra pressure and strain may be placed upon existing utility provision. The adequacy of utilities and infrastructure can be a material consideration in deciding whether planning permission should be granted. The provision of gas, electricity, water and the sewage disposal facility services is important for the economic and social well-being of the community and the District Council recognises the importance of adequate provision. Where inadequate provision exists the onus will be on the developer to bring it up to the required standard.

### **Policy COM29 – Utilities**

**Before granting planning permission for development on large sites, the Council will examine the adequacy of the existing infrastructure. If the existing infrastructure is inadequate the Council will:**

- i. seek to phase or postpone development until adequate infrastructure provision is in place; or**
- ii. refuse planning permission where appropriate phasing cannot be agreed.**

**5.104** Large sites will be those of at least 1 hectare. The right to connect to a sewer is a matter to be agreed between the developer and water authority, in this case Anglian Water Services. Policy COM29 will be implemented by consulting the relevant bodies prior to determining an application.

### **Policy COM30 - Electricity Supply**

**Proposals for new overhead power lines will only be supported where:**

- i. there is a need for the proposal as specified by the electricity supply company;**
- ii. the impact such lines would have on the landscape is acceptable especially where they would be unduly prominent such as near the coast and in areas of high landscape value; and**
- iii. it is physically impossible to underground the lines in conservation areas and other sensitive locations as has already been carried out in some areas.**

The Council will support proposals for underground power lines in conservation areas and other sensitive locations providing that they would not have an adverse affect upon nature conservation interests or archaeology.

**5.105** As a result of the Government's privatisation of the electricity distribution and generating industries, new planning procedures have been introduced for the development of new generating stations. The Council will ensure that any such proposals strictly accord with the planning requirements set out in Circular 14/90 entitled "Electricity Generating Stations and Overhead Lines" (or any document which may subsequently replace that source).

**5.106** Overhead power lines can do much to spoil the appearance of the District where towers, poles and cables appear as alien elements in both rural and urban landscapes. Wherever possible and practicable, cables should be routed underground, including those directly associated with wind- farms, although it is recognised that the very high costs and disturbance which results from undergrounding high voltage electricity lines may only be exceptionally justified.

**5.106a** Tendring Hundred Water Services Ltd is responsible for water supplies throughout the District and the provision of adequate supplies of water for the needs of new development. Some properties in the rural areas derive their water supply from wells. The water company envisages a continuing increase in the demand for water and are preparing to meet these increases through provisions contained in its programme of capital projects.

**5.106b** Proposals for a reservoir extension and pumping station at Bockings Elm, Clacton are not going ahead. Therefore, an alternative site near St. Osyth will need to be identified during the Plan Period. Certain water supply sites are likely to become surplus to requirements during the Plan Period and will be available for redevelopment. In appropriate cases the sites of the above proposals are shown on the Proposals Map or relevant Proposals Map Insets.

### **Policy COM31 - Water Supply**

**The Council will support proposals that provide for the maintenance and improvement of water supply infrastructure and services throughout the District, and will safeguard sites identified for future water supply development.**

## **DIAGRAM 4: CLACTON DVOR TECHNICAL SAFEGUARDING AREA**



[Click to see larger image in a pop-up window]

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**5.109** Tendring Hundred Water Services have licensed quantities sufficient to meet anticipated demands until after 2024/25. The company's licenses will, however, be reviewed by the Environment Agency who may decide that some reduction is necessary to reduce environmental impacts of abstraction.

## Sewerage and Sewage Disposal

**5.109a** Planning controls will be imposed in respect of non-mains sewerage and associated sewage disposal aspects of future development so as to avoid environmental, amenity or public health problems which could arise from the inappropriate use of non-mains sewerage systems. For the purposes of Policy COM31a there is a clear hierarchy of preferred approaches towards the provision of sewerage facilities. This ranges from the use of existing foul sewerage systems first, through modern private sewerage treatment facilities, down to (private) septic tanks and cesspools as the least favoured option. Cesspools are the least sustainable option and are a potential hazard to the environment. Therefore, there are no circumstances when they will be permitted.

### Policy COM31a – Sewerage and Sewage Disposal

- a. Satisfactory provision must be made for the proper disposal of sewage waste and effluent from new development to avoid the risk of environmental, amenity or public health problems. Occupation of development will not be permitted until such adequate facilities are operational.
- b. Private sewage treatment facilities, in particular septic tanks and cesspools, will not be permitted if there is an existing public foul sewerage system. Wherever possible the provision or adoption of a new or extended foul sewer by the local sewerage undertaker will be sought. Where private sewage disposal facilities are proposed they will only be permitted where:
  - i. ground conditions are satisfactory;
  - ii. the plot is of sufficient size to provide an adequate subsoil drainage system; and
  - iii. all of the requirements of DETR Circular 3/99 (or subsequently amended) on their installation can be met.

## Coastal Erosion and Flood Protection

**5.110** The forces of the sea are causing large parts of the coastal strip of East Anglia to erode, and the risk of flooding is a real threat. This is a natural occurrence that has been continuing for a number of years, the effects of which however can be profound and cause a threat to land and property. The District Council is working with The Environment Agency in order to assess the best ways of managing and controlling the impact of coastal erosion and flooding. In some cases, where works are carried out it may be necessary and appropriate to introduce soft or natural sea defences, which could include the creation of higher and wider beach profiles, the rehabilitation of salt marsh and/or the creation of wash lands behind existing sea walls. The objectives of such works will be to help maintain and enhance the important visual aspects of sea defences while providing opportunities to maximise nature conservation. The type of defence appropriate for a location will depend on a number of factors, including the type and rate of erosion, the nature of the land affected, nature conservation priorities and the length of coast concerned in the sedimentary system to which it relates. In some cases it may be necessary to prevent or restrict development.

### Policy COM32 - Sea Defences

**In order to maintain and enhance the interests of marine and coastal habitats the District Council will, where appropriate, require the use of soft engineering sea defences such as wider and deeper beaches or the rehabilitation of salt marshes, as a means of sea defence, rather than the installation of or raising of sea walls or other hard defences. Planning permission will not be granted for development, which would adversely affect the integrity of tidal or fluvial defences, unless the removal or alteration to those defences**

**is necessary to achieve the purpose of the development.**

#### **Policy COM33 - Flood Protection**

**In order to minimise the effects of tidal flooding, permission will be refused for development on land to the seaward side of sea defences, including the siting of temporary structures such as holiday chalets and caravans. On land between the first line of sea defence and the main defence, the siting of temporary structures may be permitted following consultation with the Environment Agency. Time limited occupancy conditions will be imposed and enforced preventing occupancy during the winter period from November to March inclusive when the risk of tidal inundation is greatest.**

**5.111** The Environment Agency is one of the key partners in a number of projects underway in the Essex area. One of these is the Essex Coast and Estuaries Coastal Habitat Management Plan (CHaMP). This is one of seven pilot CHaMPs produced as part of the European Union Life Natura Project "Living with the Sea". This CHaMP was completed in October 2002 and considers the effects of sea level rise on coastal habitats, identifies the type and quality of replacement habitats required and makes recommendations to Shoreline Management Plans.

**5.112** Along the coastline there is a potential for instability in certain locations and this will be a material consideration when assessing planning applications. Parts of the coastline are particularly vulnerable to erosion and there are areas of unstable cliff slopes especially in Walton, Frinton and Clacton. In this respect, the following policy will be used in the consideration of development proposals. The Council will also have regard to PPG14 (Development on Unstable Land) when making planning decisions in these locations.

#### **Policy COM34 - Unstable Land**

**Permission will not be granted for development proposals and proposed changes of use of land along the coast where there is a significant likelihood of instability occurring on the land during the life expectancy of the development.**

**5.113** The Environment Agency is developing Estuary Flood Management Strategies for the Rivers Roach, Crouch, Colne and Blackwater as part of the Essex Estuaries Strategy. These will identify the most socio-economic, hydrodynamic and environmentally sustainable means of providing flood management while ensuring legal obligations to protect and enhance protected environmental sites and habitats are met. This involves changes to flood defence strategies, including incorporating managed re-alignment in order to reduce pressures on higher priority defences. Further guidance on this matter will be found in the Estuary Flood Management Strategies and will feed into the Shoreline Management Plan. Habitat creation proposals will form part of any managed re-alignment project, further detail on which is included in the Environment Chapter.

**5.113a** All new development adjacent to the foreshore will be determined with regard to the provisions of the Essex Shoreline Management Plan 1997 or subsequent versions of this document, the intention being to ensure that new development is not located in areas which will require the provision of unsustainable coastal defences or contribute to habitat loss from coastal squeeze. Coastal squeeze is the loss for foreshore habitat, which is located seaward of coastal defences. As sea level rises, this habitat is lost or 'squeezed out' as the low water mark moves upwards and nearer to the sea defences. Coastal squeeze can be a significant contributory factor in the loss of foreshore habitat such as saltmarsh. Particular regard in this respect should be had to policies HG1, QL6, BR1 and BR3.

#### **Policy COM35 – Managed Re-Alignment**

**Proposals for alternative "soft" or "natural" engineering methods of sea defence, including managed re-alignment and foreshore recharge will be encouraged where appropriate to ensure sustainable flood management. Schemes should be designed so as to maximise nature conservation benefits with respect to local landscape impact considerations. Access to and along the coastline will be maintained by ensuring that public rights of way affected by managed re-alignment are diverted by formal Public Path Orders to the 'new coastline' in order to maintain recreational access along the coastline in accordance with the aims of the Essex Heritage Coastal Trail. The protection of sites of archaeological importance will also be an important consideration.**

**In providing managed realignment areas which are located in or adjacent to international sites, new access arrangements must not increase the nature or degree of accessibility to the international sites such that it will increase physical or non-physical disturbance to designated international features, or otherwise adversely affect site integrity.**

**Proposals should ensure that areas of newly designated/ created SAC is at least the same as the original habitat, taking into account any land take required by new access infrastructure (i.e paths).**



# **Chapter 6**

## **Sustaining Our Environment**



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## Chapter 6 Sustaining Our Environment

**Aim: To protect the environment for the benefit of present and future generations.**

### Strategic Objectives

- to use the District's and wider natural resources in a sustainable way;
- to protect and enhance the District's diverse character and rich heritage;
- to ensure that new development is of a high quality, reflects local distinctiveness and fits in well with the size and character of existing settlements;
- to protect and enhance the natural environment of the District to ensure that the area's biodiversity and landscape are enjoyed by future generations.

**6.2a** The Community Strategy for Tendring district has been developed by a partnership of local public, private and voluntary sector partners. The Local Plan gives effect to the spatial implications of the Strategy. Amongst other things it aims to secure the preservation and enhancement of the best features of the District that make it attractive. The four main ways the Plan sets out to achieve this aim are set out above as the Strategic Objectives for this Chapter. Protecting Tendring's varied environment is important for its own sake and for our quality of life. Improving the quality of our towns, villages and countryside can also help economic prospects by encouraging more visitors, and business investors.

**6.3** The policies of this Chapter are divided into three sections. Immediately below are those that provide overarching guidance for the protection of the District's landscape, natural, historic and built environment. Next are the detailed policies to protect and seek enhancement of the natural environment and landscape, and finally are policies to protect and enhance the historic and built environment of Tendring District.

### Protection of Landscape Character, Settlement Form, and the Natural and Built Environment

#### Landscape Character

**6.4** Policy NR4 of the Structure Plan encourages the preparation of Landscape Character Assessments for District areas, to identify the particular character of different areas of the countryside. This is in accordance with Government Guidance in PPS7 (Planning Policy Statement 7: Sustainable Development in Rural Areas), PPS1 (Delivering Sustainable Development) and PPG15 (Planning and the Historic Environment). The Landscape Character Assessment approach is also part of the national framework set by the Countryside Agency and English Nature's "The Character of England - Landscape, Wildlife and Natural Features" (1997). The protection of the landscape of Tendring is thus an overriding consideration. By protecting and enhancing landscape quality, the rural economy will also benefit as the countryside continues to be an attractive place in which to live and invest.

**6.5** A Landscape Character Assessment of Tendring District (LCA) was carried out in 2001. It was prepared in accordance with best practice advice as promoted by the Countryside Agency in the "Interim Landscape Character Assessment Guidance 1999".

**6.6** The Assessment identified 30 different landscape character areas that make up the District, each being identified on a map. Each of the areas has an accompanying description of the nature and key characteristics of the landscape and an evaluation of landscape character and condition, (including a broad statement of sensitivity to change). It also includes a landscape management strategy and guidance for built development. Regard will be had to that guidance when applying Policy EN1. In all cases, landscape enhancement or restoration will be related to the actual development proposed.

**6.7** The landscape is the result of both natural and man-made processes, including historic patterns of settlement. A policy approach based on landscape character assessment enables informed judgements to be made on what is and what is not appropriate development within a particular local landscape. Policy EN1 is therefore particularly concerned with the role of settlement and built development in the landscape. It focuses upon maintaining and enhancing landscape quality and local distinctiveness with the protection of the historic environment including the built heritage as a high priority. It identifies important natural features and views, and the individual character, identity, pattern and setting of settlement within the landscape. It is intended to complement specific landscape or countryside designation policies where these exist in the Tendring District Local Plan 2007.

6.8 Whilst this Policy will primarily apply to development proposals in the countryside and on the edge of settlements, any development proposal which could visually detract from key landscape or settlement characteristics of its surroundings would be considered contrary to Policy EN1. An example would be tall buildings that are within a settlement but may be intrusive in a sensitive skyline.

#### **Policy EN1 - Landscape Character**

**The quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. Development control will seek in particular to conserve the following natural and man-made features which contribute to local distinctiveness:**

- a. estuaries and rivers, and the undeveloped coast;
- b. skylines and prominent views, including those of ridge tops and plateau edges;
- c. the settings and character of settlements and of attractive and/or vernacular buildings within the landscape;
- d. historic landscapes and listed parks and gardens, ancient woodlands, and other important woodland, hedgerows and trees;
- e. native species of landscape planting and local building materials; and
- f. the traditional character of protected lanes, other rural lanes, bridleways and footpaths. Where a local landscape is capable of accommodating development, any proposals shall include suitable measures for landscape conservation and enhancement.

#### **Local Green Gaps**

6.9 Local Green Gaps have been identified in the Tendring District Local Plan 2007. Their primary purpose and function is to maintain separation between the main urban areas of the District. They also seek to maintain separation between urban areas and free-standing smaller settlements that surround them, or between physically separate built-up neighbourhoods. By conserving the countryside between residential settlements, local green gap policies aim to preserve the open character of these important breaks between settlements. This approach will also maintain the individual character and landscape setting of towns, villages and neighbourhoods.

6.10 Policy EN2 below seeks to reinforce countryside and settlement policies that resist inappropriate development encroaching into these Local Green Gaps. The Policy also draws attention to the important functions that those areas perform. The identification and importance of these Local Green Gaps in landscape setting terms is supported by the findings of the Tendring Landscape Character Assessment. In addition to their role in maintaining settlement separation, Local Green Gaps also have a positive role to play in urban containment and thus contributing, with other policies, to the more efficient use of existing urban land and infrastructure. Local Green Gaps can also play an important role in permitting the natural dispersal of flora and fauna. Within the Local Green Gaps, the Council will encourage the enhancement and improvement of public rights of way and existing leisure and recreational facilities, where this does not prejudice the wider purpose and function of Local Green Gaps.

#### **Policy EN2 – Local Green Gaps**

**During the Plan period, land within Local Green Gaps, as defined on the Proposals Map, will be kept open, and essentially free of development. This is to prevent the coalescence of settlements, and to protect their rural settings. Minor development proposals may be permitted if they do no harm, individually or collectively, to the purposes of a Local Green Gap or to its open character. These may include the improvement of existing leisure and recreational facilities, and development for agricultural purposes. In Local Green Gaps, where resources and opportunities permit the Council will encourage the improvement of public rights of way.**

6.11 This land shown on the Proposals Map and Insets relate to the following settlements and the main function of those Local Green Gaps is as follows:

#### **Clacton-on-Sea / Little Clacton**

- Safeguard the separate identity, character and openness of the setting of Little Con, particularly by protecting the undeveloped land either side of Centenary Way;
- Preserve and where possible enhance views from the settlements;
- Prevent further ribbon development in the London Road area between Clacton-on-Sea and Little Clacton; and
- Safeguard the open character of the Land either side of the Little Clacton Bypass.

#### **Great Clacton / Holland-on-Sea**

- Safeguard the unspoilt countryside gap between the railway line and Picker's Ditch to maintain clear separation and distinction between the identity and character of Holland-on-Sea and the Burrsville area of Great Clacton; and
- Preserve views from both areas, and for train passengers, over this attractive wedge of rolling landscape.

### **West Clacton / Jaywick**

- Maintain clear separation between West Clacton and Jaywick, and between Jaywick and Seawick, in order to safeguard their separate identities and character;
- Protect views from these areas over the open countryside; and
- Protect the amenity of the area for various formal and informal leisure and other recreational uses including Clacton Airstrip and Clacton Golf Club.

### **Dovercourt / Parkeston / Ramsey / Little Oakley**

- Safeguard the remaining countryside gap between Parkeston and Dovercourt including Ramsey Creek Valley and its visual character;
- Preserve the attractive and extensive views across Church Hill, Ramsey;
- Safeguard the separate identity, character and rural setting of Ramsey Village; and
- Prevent further ribbon development on Church Hill.

### **Frinton / Walton / Kirby Cross / Great Holland / Kirby-le-Soken / Holland-on-Sea**

- Safeguard the open countryside setting and coastal gap between Frinton, Great Holland and Holland-on-Sea;
- Protect the rural and undeveloped character of the Holland Coastal Slopes and Holland Haven;
- Safeguard the identity, character and rural setting of Kirby-le-Soken and Great Holland as free standing villages in the countryside; and
- Protect the remaining village character of Kirby Cross and its rural setting.

### **Lawford / Manningtree / Mistley**

- Safeguard the open character of the important breaks between these settlements and between separate neighbourhoods;
- Preserve the attractive views from these settlements towards the Stour Estuary and Dedham Vale;
- Maintain the individual character of these settlements and their separate neighbourhoods;
- Prevent incremental coalescence between these settlements; and
- Prevent further ribbon development west of Lawford.

### **Little Clacton**

- Preserve the remaining views into open countryside existing between the main built-up areas of the village;
- Prevent incremental coalescence or further ribbon development between the physically separate neighbourhoods of the village which would result in an inappropriate over-extended form of settlement pattern in the countryside; and
- Safeguard locally important visual breaks, existing village character and settlement form.

### **Coastal Protection Belt**

**6.12** Policy CC1 of the Replacement Structure Plan requires Local Plans to indicate an Essex Coastal Protection Belt. The area proposed for Tendring is shown on the Proposals Map and Proposals Map Insets.

**6.13** The undeveloped areas of the Tendring coastline are of national and international importance for nature conservation. The Tendring coastline is also important for its special landscape qualities, historic and geological interest and its recreational value. However, development in connection with leisure and recreation could, if not properly controlled, undermine the special landscape quality, or the nature conservation, historic, and geological interest.

**6.14** The purpose of the Coastal Protection Belt is to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development. Open coastal areas are particularly vulnerable to visual intrusion due to the high visibility of any development on the foreshore, on the skyline, and affecting vistas along the stretches of undeveloped coast.

**6.15** Government guidance in PPG20, Coastal Planning, is quite clear in respect of the coastal zone. Planning policies

should resist development that does not have a functional need to be located in the Coastal Protection Belt in other words, development that does not require a coastal location. Although Tendring has a substantial coastline, there are also many inland areas where development can be accommodated, for both commercial and housing uses. Therefore, in the coastal zone, new development that could be located inland or in existing developed areas will not be permitted.

**6.16** Where a proposed development has a proven need for a coastal location, consideration will also be given to the potential impact upon natural and built environment features, and the effect of proposed integration measures. If there is irreconcilable conflict, conservation and enhancement of the natural beauty of the countryside will take precedence.

#### **Policy EN3 - Coastal Protection Belt**

**New development which does not have a compelling functional need to be located in the Coastal Protection Belt, as defined on the Proposals Map, will not be permitted. The onus will be on the applicant to prove such a need, by showing that by reason of its critical operational requirements the development cannot be located outside the Coastal Protection Belt. Even where a compelling functional need is demonstrated, the development should not significantly harm the landscape character and quality of the undeveloped coastline.**

#### **Heritage Coast**

**6.17** These special coastlines are managed so that their natural beauty is conserved and, where appropriate, the accessibility for visitors is improved. Tendring District Council supports the initiative to secure the designation of the Essex coast as a Heritage Coast. This is being jointly developed by Essex County Council, Colchester Borough Council and Tendring District Council. The Heritage Coast status will formally recognise the cultural, heritage and landscape values of the coastal zone. It will afford greater protection to archaeology, wildlife and its habitats.

**6.17a** Tendring District Council is also supporting the proposal to create an Essex Heritage Coastal Trail under the wider scope of the SAIL (Schéma d'Aménagement Intégral du Littoral) project. The SAIL project is a transnational partnership of coastal and marine authorities and agencies bordering the Southern North Sea. The proposal will involve the creation of a shared use route from the Suffolk border to the Thames Estuary for walkers, cyclists, riders and disabled people with a substantial part of the Trail passing through Tendring District. The aim of the trail is to celebrate the unique cultural, historic and environmental elements of the Essex Coastline as part of a southern North Sea Regional Park by the creation of a recreational route to general local, national and European economic interest through tourism.

#### **Protection of the Best and Most Versatile Agricultural Land**

**6.18** Large parts of rural Tendring contain the highest quality agricultural land that is the most adaptable to meet the changing needs of agriculture. Proposed changes to the use of the best and most versatile land are the most significant in terms of the national agricultural interest. Once built upon, this land is made permanently unavailable for agricultural use. Therefore, protecting this land is important for the economy of the District.

**6.19** The most flexible, productive and efficient agricultural land is graded by the Department for Environment, Food and Rural Affairs (DEFRA) as being between 1 and 3a, with 1 being excellent and 3a being good.

**6.20** Policy EN4 does recognise exceptional situations where an overriding need for a particular use may be considered on grades 1 to 3a land. With such applications, there is a statutory need to consult DEFRA when there is a potential loss of over 20 hectares. The views of DEFRA will be taken into account when dealing with such an application.

**6.21** The Policy below will be applied in conjunction with the Council's other policies in this Chapter to protect landscape quality. In particular, it is recognised that all agricultural land provides a valuable landscape resource, as well as having an important economic and ecological role. This policy supports other policies that direct new development to previously developed land or other sites identified for development within this Plan. Although the Council is keen to discourage loss of best and most versatile agricultural land, it recognises, in other policies, the economic importance of farm diversification projects.

#### **Policy EN4 - Protection of the Best and Most Versatile Agricultural Land**

**Where development of agricultural land is unavoidable, areas of poorer quality agricultural land should be used in preference to that of higher quality agricultural land, except where other sustainability considerations suggest otherwise. Development will not be permitted on the best and most versatile land (namely land classified as grades 1, 2 OR 3a as defined by the Agricultural Land Classification) unless special justification can be shown.**

#### **Areas of Outstanding Natural Beauty**

**6.23a** The 1949 National Parks and Access to the Countryside Act provides for the designation of Areas of Outstanding Natural Beauty (AONBs). These areas are precious landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to legally safeguard them based upon special policies for controlling development and encouraging proper land management.

**6.24** The Countryside and Rights of Way Act (CRoW) 2000 strengthened the status of AONBs and placed new duties on local authorities regarding their conservation and enhancement. In planning terms, the designation is now equivalent to that of a National Park.

**6.25** It is important to the Country's natural heritage that these areas are protected from any development that would be likely to cause harm. The CRoW Act has created a new legal right of access on foot to areas of open, uncultivated countryside. The Act includes measures to protect AONBs, raise awareness of their importance at a national and local level, and places a statutory duty on local authorities to produce a Management Strategy.

**6.26** There are two AONBs of importance for the Tendring district, and both these AONBs impact upon the management of the landscape and control of development. The first AONB is the Dedham Vale AONB that is located in the north-western part of the district. The second is the Suffolk Coast and Heaths AONB and although no part of this AONB is located within Tendring both Essex County Council and Tendring District Council are proposing that this AONB should be extended to cover the southern side of the Stour Estuary, between Mistley and Parkeston.

**6.26a** When considering planning applications that will impact on the Dedham Vale AONB and the area within the Tendring district that is proposed for extension of the Suffolk Coast and Heaths AONB, the Council will have particular regard to the Government's advice in PPS7, namely that the primary objective of designation is conservation of the natural beauty of the landscape. The objective of designation as an AONB does not include the promotion of recreation, though the Government considers that these areas should be used to meet the demand for recreation so far as that is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.

**6.27** In relation to major development, the Government states that developers must demonstrate that the project is in the national interest before it is allowed to proceed, and proposals must include an assessment of the need for a proposal, alternative locational options and whether appropriate mitigation of environmental impact can be achieved. For all development within AONBs, due regard should also be had to the economic and social well-being of local communities.

**6.27a** In accordance with section 85 of the CRoW Act the Council will have regard to the purposes of conserving and enhancing the natural beauty of the Dedham Vale AONB. It will also have regard to this purpose in the proposed Suffolk Coast and Heaths AONB extension to the South of the Stour. In addition, in keeping with Section 89 of the CRoW Act, 2000 the Council recognises that the Dedham Vale and Suffolk Coast and Heaths management strategies are formulated in relation to the management of these areas. This includes the proposed extension to the south of the River Stour.

## **Dedham Vale**

**6.28** The Dedham Vale AONB was designated in 1970. The conservation of this area is important to the County's natural heritage, and it should therefore be protected from any development likely to harm its character. Within the limited resources available, the Council works with other local authorities, the Countryside Agency, statutory undertakers and landowners to protect and enhance this attractive landscape with its considerable historical and cultural associations.

**6.30** Dedham Vale falls under the control of three Local Planning Authorities (Tendring, Colchester BC and Babergh DC) and two County Councils (Essex and Suffolk). The boundary of the AONB is shown on the Proposals Map and Proposals Map Insets.

### **Policy EN5- Areas of Outstanding Natural Beauty (AONBs)**

- i. Development which would harm or otherwise fail to conserve the natural beauty of the landscape of an AONB, including views towards it from outside, will not be permitted. Major development will only be approved if there is an overriding national need, and in the absence of any alternative sites outside the AONB.**
- ii. The Council will have regard to the Dedham Vale Management Strategy when determining applications affecting the Dedham Vale AONB. Conflicting proposals will not be permitted.**

## **Suffolk Coast and Heaths**

**6.32a** The southern boundary of the Suffolk Coast and Heaths AONB runs along the northern shore of the Stour Estuary, which excludes Tendring's estuarial frontage and does not reflect the high scenic quality of the landscape on the south side of this estuary. This area, on the southern shore, is included in the joint Character Area 82: Suffolk Coast and Heaths as defined by the Countryside Agency. It is also included in the Management Strategy for the AONB prepared by the Suffolk Coast and Heaths Unit as required by the CRoW Act 2000.

**6.35a** The Stour Estuary and the southern shore of the estuary were included in the Suffolk Coast and Heaths AONB Project, which started in 1993. Both Tendring District Council and Essex County Council have considered for some time that the existing Suffolk Coast and Heaths AONB should be extended to cover the southern side of the Stour Estuary, between Mistley and Parkeston. This is reflected and supported by Policy NR3 of the Replacement Structure Plan. In support of this Policy, the District Council has undertaken an assessment to define a detailed area for inclusion in an extended AONB as shown on the Proposals Map. The assessment demonstrated that the area is an integral part of the

Stour Estuary landscape unit. The Tendring Landscape Character Assessment, the County Landscape Character Assessment as well as earlier studies also identified the area as an integral part of the landscape of the AONB to the north. Throughout the Plan Period, the District Council, Essex County Council and Suffolk Coast and Heaths Partnership will continue to work together to encourage the Countryside Agency to include the southern side of the Stour within the Suffolk Coast and Heaths AONB.

**6.36** The area proposed for extension of the Suffolk Coast and Heaths AONB as indicated on the Proposals Map, is considered to be of comparable quality and character to the existing AONB by virtue of the following attributes;

- Rural character with steep wooded and agricultural slopes enclosing and containing the open water, saltings and mudflats of the estuary;
- Tranquil and predominantly undeveloped character extending to the water's edge;
- Views to and across the open water of the estuary and forming a distinctive backdrop for views from the open water and the northern estuary slopes in Suffolk;
- Historic port settlements including Mistley and Manningtree providing important landmarks;
- Estuarine and intertidal habitats forming a part of the Stour Estuary Special Protection Area (SPA) of international importance for wading birds and wildfowl;
- Presence of large houses and associated designed landscapes including Nether Hall and Wrabness Hall.

**6.37** Although the area of land to which Policy EN5a applies is not A.O.N.B. the Council feels that it is an area of countryside where it is particularly important to protect the natural beauty of the local landscape. Therefore within and adjoining the area concerned there should be special care in the exercise of development control. In this respect to Policy NR3 of the Replacement Structure Plan will also be applied to all new development proposals within the proposed extension area.

**Policy EN5a - Area proposed as an Extension to the Suffolk Coast and Heaths AONB**

**An area which the Council and Essex County Council have put forward as an extension to the Suffolk Coast and Heaths AONB is shown on the Proposals Map. This includes a broad swathe of land on the south shore of the River Stour, between Mistley and Parkeston. In the exercise of development control, the Council will seek to protect the natural beauty of the landscape within this area, and views towards it, and will have regard to the Suffolk Coast and Heaths Strategy.**

## **Planning for Biodiversity**

**6.38** The term biodiversity is used to describe the variety and complexity of living organisms and the ecological network of which they are part. It is a core objective of this Plan to "Protect and enhance the natural environment of the District to ensure that the area's biodiversity and landscape are enjoyed by future generations".

**6.39** The District, with its predominantly rural character and unspoilt coastline, supports an important biodiversity resource.

**6.40** Policy EN6 refers to nature conservation features that contribute to maintaining biodiversity. They include species and their habitats, geology and geomorphology (geodiversity) and features that provide links between habitats such as wildlife corridors. In particular, the Council will have regard to the features that are highlighted in the Essex Biodiversity Action Plan (BAP) when determining planning applications.

**6.41** All development proposals affecting biodiversity, directly or indirectly should include an assessment of the impact of the proposed development upon biodiversity and details of proposed measures to protect, enhance and limit impacts on the features that contribute to the District's biodiversity.

**6.42** Exceptionally, the Policy will allow development that does not preserve or enhance features of biodiversity. The Council will only do so where it considers that there are very important local, regional or nationally important planning benefits to be achieved by allowing the development. It will be for an applicant to demonstrate these benefits as part of the planning application. Where the loss of features of biodiversity is permitted, appropriate compensatory measures must be included with the development proposal. Planning conditions or legal agreements will be used to secure these, and their maintenance, for the longer term.

**Policy EN6 - Biodiversity**

**Development proposals will not be granted planning permission unless the existing local biodiversity and geodiversity is protected and enhanced.**

**In exceptional circumstances, where the planning benefits are considered to outweigh the protection or enhancement of local biodiversity and geodiversity, appropriate compensating measures to outweigh the harm caused by the development must be provided.**

**Where appropriate, conditions or planning obligations will be sought to protect the biodiversity interest of the site and to provide appropriate compensatory or mitigation measures and long term site management, as necessary.**

## Protected Species

**6.42a** The Wildlife and Countryside Act 1981 gives statutory protection to many animal and plant species, including badgers, bats, otters, barn owls and great crested newts, irrespective of whether planning permission has been granted. The Protection of Badgers Act, 1992 gives badgers and their setts additional protection. A license is required to permit interference with a sett in the course of development. This also applies to the use of machinery within 30 metres.

**6.42b** Statutory protection is afforded to seals through the Conservation of Seals Act 1970, although the degree of protection is periodically amended through various Conservation of Seals (England) Orders. Given that the orders remain in force for specified periods, it is important that any reference to the Act is qualified by further reference to any orders, which may be in force at any particular time.

**6.42c** Certain species, including all bats, otters and great crested newts are also protected under the Habitats Regulations 1994, whereby it is an offence to deliberately capture, kill or disturb these species or damage or destroy their breeding site or resting place. Developments affecting these protected species also require a licence from the Department for the Environment, Food and Rural Affairs (DEFRA), irrespective of whether planning permission has been granted.

**6.42d** The Council in considering development proposals likely to have an adverse impact upon protected or nationally rare species liaise with English Nature. In exceptional cases when planning permission is granted contrary to policy EN6a the Council will seek to impose conditions and/or enter into planning obligations to minimise adverse effects and will allow for the continued survival of the species.

### Policy EN6a – Protected Species

**Planning permission will not normally be granted for development which would have an adverse impact on badgers, seals or species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981, as amended.**

## Habitat creation

**6.42e** In some instances development on sites that have no particular wildlife value can potentially benefit biodiversity. This can be achieved through habitat creation, or by making other land available for public enjoyment. It can be a simple scheme based on appropriate planting, or a comprehensive scheme including provision for public access. The District Council will seek to identify opportunities for habitat creation when considering proposals. Particular emphasis will be given to the creation and/or restoration of habitats listed in the Essex Biodiversity Action Plan.

### Policy EN6b – Habitat Creation

**Consideration will be given to the potential for new wildlife habitats in new development. Where these are created, measures may be taken to ensure suitable permanent management, and public access. In these matters, the Council may be guided by the Essex Biodiversity Action Plan.**

## Mineral Resources

**6.43** Planning applications for the winning or working of minerals (quarries) are dealt with by Essex County Council and therefore the degree of influence the District Council can have is limited to giving observations on those applications and providing responses to consultations on reviews of the Essex Minerals Local Plan. However, Government advice on the preparation of development plans is that they should aim to prevent unnecessary sterilisation of areas of high quality mineral resources when decisions are taken on the location of development.

**6.45a** The County Council has an Adopted Minerals Local Plan. This plan identifies areas to guide the location of mineral workings across the County. The County Council is committed to monitoring mineral working across the County, reviewing and keeping policies up to date, and the enforcement of planning control at operational quarries. The Minerals Local Plan forms part of the development plan for Tendring and will be used to guide local planning decisions on matters relating to mineral extraction.

**6.46** Minerals are a finite natural resource and, aggregates especially, are essential to wider society as the key raw material of new buildings. Other minerals are essential for a variety of manufacturing purposes. Therefore it is an objective of planning policy to ensure that the potential to exploit minerals is not unnecessarily prevented.

**6.47** Therefore Tendring wishes to ensure availability and minimise pressure to exploit resources in more environmentally sensitive areas. Thus proposals that would sterilise or prejudice the extraction of known supplies will not be permitted. New development that is close to or adjoining mineral resources could prejudice extraction because of the need to protect that new development from the disturbance caused by mineral extraction, such as noise, dust, traffic movements

and landscape impact.

### **Policy EN7 - Safeguarding Mineral Supplies**

**Development that would sterilise or prejudice the extraction of supplies within the Preferred Areas for Mineral Extraction identified in the Essex Minerals Local Plan will not be permitted.**

## **Enhancement of the Natural Environment and Landscape**

### **Historic Landscapes**

**6.48** Protecting and enhancing the landscapes of the District are an important objective for the Plan. The features, both natural and man-made, that contribute to the special character of the District's landscapes must be protected individually for the overall character to be maintained. Many of these features are protected under legislation or are otherwise recognised for their contribution to the appearance of an area or as a habitat for certain species of wildlife. The historic dimension to landscapes must be recognised by proposals for development. Landscapes have evolved over hundreds of years.

**6.49** Ancient woodlands are those that have been in continuous existence since before 1600. They contain a wide range of flora and fauna, much of which can only be found on woodland sites e.g. bluebells and wood anemones. It is impossible to recreate ancient woodland habitat, with its complex interrelationships of plants and animals, geology, soils and nutrient cycling systems as well as cultural and historic values. All ancient woodland over two hectares is recorded in the Ancient Woodland Inventory (see Appendix 5).

**6.50** Trees and hedgerows are two of the most widely valued features of our environment. The Council has a statutory right to use Tree Preservation Orders in order to protect the most valuable specimens, whilst the Hedgerow Regulations (1997) safeguard certain historic hedgerows in the countryside. Ancient and veteran trees and hedges are an important part of the district's culture and landscape heritage. They have resonated with the history of the landscape and form markers in the lives of individual people and communities. In addition, mature trees and hedges particularly provide valuable habitats for a range of wildlife are of important visual value and enhance the quality of the environment. Hedges and trees also provide shelter and help reduce atmospheric pollution and noise.

**6.51a** It is important that there is no further loss of ancient trees and hedges through development pressures, mismanagement or poor practise. This Council therefore feels strongly that any development that would result in the loss of or damage to such hedges and trees will not be granted planning permission. To summarise, planning permission will not be granted for development that would have an adverse impact upon the physical appearance, landscape character or historic or archaeological interest of Historic Landscapes, including the ancient woodlands, trees, hedgerows and other physical components which are essential features of these landscapes. These landscapes are protected by policy EN1.

### **Historic Parks and Gardens**

**6.51** Historic parks and gardens comprise a variety of features - the open space itself, views in and out, the planting, water features, built features, and archaeological remains. There is a need to protect such sites and their settings from new development that would destroy or harm the historic interest, and to encourage sympathetic management wherever possible.

**6.53a** The Essex County volume of the English Heritage Register of Parks and Gardens of Special Historic Interest in England contains three entries for Tendring: St. Osyth Priory, Thorpe Hall (Lady Nelson Home) and Clacton Seafront Gardens that was designated in 2002. Each garden is classified as Grade II. The extents of these gardens are shown on the Proposals Map and Proposals Map Insets and further details are included in Appendix 6.

**6.54** Not only should the Gardens included in the National Register of Historic Parks and Gardens by English Heritage be strongly protected from harmful development, but all parks and gardens with significant character should be protected. These are currently being identified by the Essex Gardens Trust and will be included in their Inventory of Historic Designed Landscapes of Importance. This Council will not permit development which would adversely affect the appearance, historic character or setting of sites included in the English Heritage Register of Parks and Gardens of Special Historic Interest or gardens included in the Inventory of historic designed landscapes of importance compiled by the Essex Gardens Trust. Policy EN1 refers.

### **Protected Lanes**

**6.55** Protected Lanes are designated by Essex County Council in order to preserve the traditional character, historic value and landscape value of lanes. These lanes have evolved over hundreds of years rather than having been designed or constructed in engineering terms. These protected lanes are listed in Appendix 7 and identified on the Proposals Map and various Proposals Map Insets.

**6.56** The ditches, hedges or banks that form the road boundaries may reflect long vanished field systems or be the result of repeated ploughing, and the verges are often of botanical interest. The lanes also have an amenity value based

on the variety of verge widths, lynchets, banks, ditches and other features. The Replacement Structure Plan acknowledges the historic and landscape value of certain lanes within the countryside in Policy NR5 whilst policy EN1 addresses this issue within the Local Plan.

**6.56a** This Council will not permit development that would have an adverse effect upon the traditional landscape and nature conservation character of roads designated as protected lanes, including their associated verges, banks and ditches. In addition, proposals that would adversely affect the physical appearance of protected lanes, or give rise to a material increase in the amount of traffic using them will also not be permitted. Policy EN1 refers.

### **Protection of Sites Designated for their Nature Conservation, Geological or Other Scientific Value.**

**6.57** The importance of the Tendring District for nature conservation and other scientific interest is reflected in the high number of international, national and local designations. The objectives of the Government and the County Council are to ensure that the planning process positively assists the conservation of the abundance and diversity of wildlife. Through the local planning process, the District Council supports these Government and County Objectives.

**6.58** The Council is committed to protecting sites of international, national and local nature, geological and other scientific interest. The designated sites to which Policy EN11 relates are shown on the Proposals Map and Proposals Map Insets. A list of the designated sites is contained in Appendix 8.

### **Sites of International Importance**

**6.59** Ramsar Sites, including the Stour and Orwell Estuary, are designated under the International Convention on Wetlands of International Importance especially as Waterfowl Habitat (the Ramsar Convention). Ramsar Sites are designated because they contain representative, rare or unique wetland types, or they are sites of international importance for conserving biological diversity.

**6.60** Ramsar sites enjoy the strongest level of policy protection and developments which would adversely affect such sites must meet the stringent test set by European Legislation. Such developments require Environmental Impact Assessment and are only likely to be considered for development if no alternative sites exist and an overriding public interest has been demonstrated.

**6.61** The UK is of major international importance for several groups of birds. These include: breeding seabirds, wintering and passage wildfowl and waders, birds of Britain's distinctive uplands, and birds of the Caledonian pine-forest. A high proportion – in some cases all – of the national and international populations of such species utilise the UK Special Protection Area (SPA) network. SPA sites are classified in accordance with the EC Birds Directive to protect birds and their habitats. There are three that could be affected by development within Tendring: (i) Colne Estuary, (ii) Stour and Orwell Estuaries, and (iii) Hamford Water.

**6.62** Special Areas of Conservation (SAC) are designated under the EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive). They are designated for the protection of habitats and (non-bird) species and include types and species that are considered to be most in need of conservation at a European level. A selection of these habitats and species are given priority status in the Directive because they are considered to be particularly vulnerable and are mainly, or exclusively, found within Europe.

**6.64a** Within Tendring, the Essex Estuaries SAC will impact upon development proposals. This is a large estuarine site covering a large part of coastal Essex, and is typical of an undeveloped, coastal plain estuarine system with associated open coast mudflats and sandbanks. The site comprises the major estuaries of the Colne, Blackwater, Crouch and Roach rivers and is important as an extensive area of contiguous estuarine habitat. The mudflats and sandflats that are not covered at high-water are another important factor in the designation of this SAC. All of the sites of international importance are indicated on the Proposals Map and Proposals Map Insets.

### **Appropriate Assessment**

**6.64b** In accordance with guidance this Local Plan has been the subject of an Appropriate Assessment (AA). The AA considered the impact that the Local Plan with regard to the conservation objectives of the three SPAs and one SAC that lie within the district. Accordingly, relevant parts of the Local Plan have been amended to address the relatively few issues raised through the AA process. In addition, as a result the Local Plan now provides some guidance on development proposals that would, or might be deemed to require, an AA as an integral element in the submission and determination of a planning application.

**6.64c** To ensure that the requirement for an Appropriate Assessment is fully considered in determining planning applications, A Code of Practice will be developed in partnership with Natural England, to provide clear guidance to the factors that should be considered in establishing whether a proposal would require an Appropriate Assessment. This guidance will be developed in accordance with Natural England's guidance note on determining the likely significant effect of a proposal on international sites. Additionally, the development control checklist must ensure that the need for an Appropriate Assessment is explicitly considered.

**6.64d** The cumulative impact of development in the district has the potential to have an adverse effect on the integrity of

international sites so there is a need to monitor the activities in and around them. Monitoring and survey work would seek to identify annual trends in the condition of site features (for example annual numbers of wader bird species) and the level and location of human activities in and around international sites, such as dog walking. Additional factors will include access points to international sites and the effects, frequency and duration of activities (for example seasonal levels of foreshore recreation). The provision of visitor surveys relating to international sites is likely to form a crucial element of this work, in clarifying why people visit the site and specifying the extent of their activities during their visits. On the basis of monitoring and analysis, site management provisions may need to be developed to ensure that human activities do not threaten the integrity of international sites. Such measures may include the use of byelaws, guidance notes, seasonal closures or physical controls (such as fencing sensitive areas etc).

**6.64e** The development of a monitoring programme and subsequent management measures will be developed in partnership with Natural England, along with the participation of the other local authorities fringed by the international sites, and involving appropriate interest groups, to ensure that the overall monitoring of effects and management actions are consistently applied.

**6.64f** An example of an issue in the implementation of housing policy, relates to the effect of domestic cat predation on the ground nesting of bird species (such as the Little Tern) which seasonally takes place on two of the international sites: The Colne Estuary Special Protection Area (SPA) and the Hamford Water SPA. Increase in housing numbers within 1km of these sites has the potential to have an adverse effect so consideration may need to be given to minimise this likelihood in the limited occasions where new residential development was located in close proximity. Again, this matter should be addressed in a Code of Practice.

## Nationally Important Sites

**6.65** Sites of national importance should also be protected against development unless the reasons for the development clearly outweigh the importance of the site in national terms. NNRs are declared under Section 19 of the National Parks and Access to the Countryside Act 1949 or Section 35 of the Wildlife and Countryside Act 1981. NNRs contain examples of some of the most important natural and semi-natural ecosystems in Great Britain. They are managed to conserve their habitats, providing special opportunities for scientific study of the habitats, communities and species represented within them. Wherever possible, access by the public is encouraged. Local examples are Hamford Water, and in the Colne Estuary, Colne Point and Brightlingsea Marshes.

**6.67a** SSSIs are notified and designated under section 28 of the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way (CROW) Act 2000). The designation is the main site protection measure in the UK. All SPAs, Ramsar Sites, SACs and NNRs have first to be notified as SSSIs. These nationally important sites are indicated on the Proposals Map and Proposals Map Insets.

## Regional/Locally Important Sites

**6.68** Local Nature Reserves (LNRs) are designated by local authorities under section 21 of the National Parks and Access to the Countryside Act 1949 for the same purposes as NNRs, but because of the local rather than the national interest of the site and its wildlife. LNRs are shown on the Proposals Map and Insets.

**6.69** Non-statutory Nature Reserves are established and managed by a variety of public and private bodies' e.g. county wildlife trusts or the Royal Society for the Protection of Birds. A number of these Reserves exist in Tendring as listed in Appendix 8. County Wildlife Sites (CoWSs) have been identified by the Council because of certain nature conservation issues of local importance as notified by the Essex Wildlife Trust. These sites are indicated on the Proposals Map and Proposals Map Insets and a full list is set out in Appendix 8.

**6.70** Development that would have an adverse effect upon any of these non-statutory nature reserves will not be granted planning permission unless mitigation or compensatory action is proposed which is appropriate to the status of the affected site. It will be for an applicant to demonstrate that the development would not adversely affect the value of a site or that mitigation or compensation is sufficient to outweigh the harm. Therefore, an assessment of the impact of the proposed development upon these interests must accompany development proposals.

**6.73a** The Council has produced SPG for nature conservation. This was prepared by the Tendring Nature Conservation Advisory Group in association with the Council. Published and adopted in 1996 it provides more detailed guidance on aspects of nature conservation. The degree of protection given to sites will be appropriate to their international, national, regional or local importance. PPS9 "Biodiversity and Geological Conservation" and Circular 06/2005 provide guidance on the status of such sites.

**6.74** Core Policy QL12 sets out the Council's approach to the use of planning obligations as a tool for securing measures that may be required to mitigate or compensate for adverse impacts or loss of natural resources. Where appropriate, planning obligations will be sought in order to secure environmental enhancements, including the provision and long term management of open space and nature conservation features. Policy QL12 will therefore apply in addition to Policies EN11a, EN11b and EN11c below.

### Policy EN11a - Protection of International Sites: European Sites and Ramsar Sites

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

- i. There is no alternative solution;**
- ii. There are imperative reasons of over-riding public interest for the development; and**
- iii. And in the event that (i) and (ii) above are met, an appropriate compensatory habitat is provided.**

**Where the site concerned hosts a priority natural habitat type and/or a priority species, development or land use changes will not be permitted unless the Council is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.**

**Policy EN11b – Protection of National Sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites.**

**Development in or likely to affect Sites of Special Scientific Interest will be subject to special scrutiny. Where such development may have an adverse effect, directly or indirectly on the special interest of the site it will not be permitted unless the reasons for the development clearly outweigh the nature conservation value of the site itself and the national policy to safeguard such sites.**

**Where the site concerned is a National Nature Reserve (NNR) or a site identified under the Nature Conservation Review (NCR) or Geological Conservation Review (GCR) particular regard will be paid to the individual site's national importance.**

**Where development is permitted the Council will consider the use of conditions or planning obligations to ensure the protection and enhancement of the site's nature conservation interest.**

**Policy EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites**

**Development likely to have an adverse effect on a Local Nature Reserve, a County Wildlife Site or a Regionally Important Geological/ Geomorphological Site, will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the substantive nature conservation value of the site.**

**In all cases where development is permitted which would damage the nature conservation value of the site or feature, such damage will be kept to a minimum. Where appropriate the Council will consider the use of conditions and/or planning obligations to provide appropriate mitigation and compensatory measures.**

## **Built Development**

**6.75** The remaining part of this Chapter focuses on specific considerations that arise in connection with built development proposals, both at sites within the urban, and built up, areas of Tendring but also the much larger areas of open countryside.

### **Design Statements for Large Development Sites**

**6.76** The Department of communities and Local Government (DCLG) Circular 01/2006 "Guidance on Changes to the development Control System" introduces the requirement for most planning and listed building applications to be accompanied by a Design and Access Statement. This requirement is under Section 42 of the Planning Compulsory Purchase Act 2004

**6.77** One statement should cover design and access, allowing the applicant to demonstrate an integrated approach that will deliver inclusive design and address a full range of access requirements throughout the design process. More details about the requirements for and content of design and Access statement can be found in Section 3 of the DCLG Circular 01/2006.

**Policy EN12 – Design and Access Statements**

**The Council will require the submission of a Design and Access Statement with most planning and listed building consent applications. For the guidance of applicants, relevant requirements are set out in Section 3 of DCLG Circular 01/2006.**

## Village Design Statements

**6.78** The Council will assist other bodies and agencies with the preparation of village design statements as resources permit. Such statements will include detailed consideration of village design identifying key characteristics that should be reflected in new development. This will include a reflection of the needs for particular facilities in those communities. Where these Design Statements have been prepared the council will have regard to them when determining planning applications. Particular regard will be had to the advice within the guidance published by the Essex Rural Community Council of Essex. Where these are prepared the Council will consider adopting them as SPID.

## Water Conservation

**6.79** The Tendring District has very low rainfall and is not self-sufficient in terms of providing water for its population. Approximately two thirds of Tendring's water supply is taken from underground sources outside the District. The River Colne at Colchester and Ardleigh Reservoir provide the rest.

**6.80** It is important that water resources in the District continue to be protected for present and future generations and used efficiently to make the maximum use of the resource and to reduce the need for major new water storage facilities and related infrastructure.

**6.81** The Replacement Structure Plan contains policies with regard to the location of new development generally. These include Policy CS2 (8) which states that the demand for water resources will be managed by controlling the location, scale and phasing of development. Development should be in locations where adequate water resources already exist, or where the new provision of water resources can be made without adversely affecting the environment, and where it coincides with the timing of the development. Policy H3 (5) of that Plan provides that development should not proceed ahead of secure and sustainable water supplies. Each of these issues would be considered on a site by site basis when planning applications are received.

**6.82** Every opportunity should be taken to build water efficiency into new developments, and innovative approaches should be encouraged. This can range from low flow taps and water butts to advance rainwater harvesting for larger developments. Advice regarding water efficiency measures can be obtained from the Environment Agency's Demand Management Team. The Environment Agency further promotes the concept of Sustainable Drainage Systems (SuDS) and expects all development greater than 1 hectare to include a surface water strategy as part of the Flood Risk Assessment accompanying applications. Government policy (in Annex F of PPS 25) strongly promotes and encourages the use of SuDS in new development, including through development plan policies SuDS encourage implementation of practices within new development to minimise polluting impacts and provide a method of alternative run off that could otherwise lead to flooding. An additional benefit with regard to SuDS is that they can improve the filtration of water into ground and help long term water conservation at some sites. Sustainable drainage systems are also intended to improve water quality, reduce flooding and protect water resources and natural habitats. The Council will expect applications for planning permission to provide details of appropriate sustainable drainage systems. In addition, when designing sustainable drainage systems, applicants will need to consider the question of adoption and the future maintenance of such drainage systems.

**6.83** The Replacement Structure Plan stresses the importance of locating development in places that have existing adequate water supplies or where provision for water resources can be made without adverse affects on the environment. Policy NR12 of the Replacement Structure Plan sets out criteria to which proposed development should adhere regarding protecting water resources. As this forms part of the development plan for planning decisions in Tendring District, the Council will need to be satisfied that proposals satisfy its requirements in addition to Policy EN13 below.

### **Policy EN13 – Sustainable Drainage Systems**

**Development proposals should incorporate measures for the conservation and sustainable use of water. Their overall design and layout, and individual building designs, should reflect this requirement. Such measures will normally include sustainable drainage systems (SUDS) for managing surface water runoff. These may also provide opportunities for creating or improving wildlife habitats.**

## Conserving Energy and Promoting Renewable Energy Sources

**6.84** Conserving energy will ensure more efficient and sustainable use of limited natural resources. It will also reduce harmful pollution caused by burning fossil fuels. Planning for more energy efficient patterns of land use and development will help to reduce future energy demand.

**6.85** Although the Building Regulations deal with detailed building construction and insulation, considerable energy efficiencies can be made through siting, orientation, massing, design and layout of buildings, both new-build and conversions.

**6.86** PPS 22 stresses the benefits of renewable energy in addressing global concerns but also the careful way in which they should be planned at a local level to reduce the environmental effects of their location. This guidance stipulates that local planning authorities have an important role to play in the implementation of appropriate renewable energy schemes.

In particular PPS22 emphasises the requirement to have a Local Plan policy to address renewable energy planning applications. Policy EN13a seeks to facilitate renewable energy opportunities whilst safeguarding important interests.

#### **Policy EN13a – Renewable Energy**

**Planning permission will be granted for development proposals for renewable energy generation, subject to there being no material adverse impact on the local environment in relation to noise; vibration; smell; visual intrusion; residential amenity; landscape characteristics; biodiversity; culture heritage; the water environment; the treatment of waste products and highway and access considerations.**

**6.87** In pursuit of the planning objective of supporting the principle of renewable energy the Council supports Policies EG2 and EG4 of the Replacement Structure Plan. These policies are “Renewable Energy Schemes” and “Energy Conservation” respectively.

#### **Waste and Recycling**

**6.88** The County Council is responsible for planning for waste disposal and adopted the Essex Waste Local Plan in September 2001. Generally this encourages minimisation, reuse, recycling and use of waste as a fuel as preferable approaches to disposal. It regards the transportation of waste to landfill as a last resort and endorses the proximity principle whereby waste should be dealt with as near as possible to its source. The Waste Local Plan forms part of the Development Plan for Tendring when the County Council determine planning applications for waste related redevelopment.

#### **Landscaping for New Development**

**6.96a** Landscaping can significantly enhance the environment by softening or complementing development, and with time lessening the visual impact of buildings on their surroundings. Although the visual impact of development can be softened by careful landscaping schemes, this does not mean that proposals for development that are inappropriate in planning terms will be given planning permission.

**6.97** Care will be needed to ensure that the form of landscaping proposed is appropriate to its location. Indigenous tree species should be a dominant feature in new planting schemes, especially in rural and edge-of-settlement locations. Advice is available from the Council and should be sought at the earliest opportunity to ensure that landscaping proposals are fully integrated with development proposals, and make the best use of existing site features. The Council will give careful consideration to the location and form of landscaping so that if necessary, balancing facilities can be incorporated into the scheme to aid the proper drainage of the site.

#### **Agricultural Related Development**

**6.98** The erection of new buildings or extensions to existing ones, to be used for agricultural purposes is development that may require planning permission. Similarly, the change of use of land, or erection of a building that is not directly for the purpose of agriculture, such as an abattoir, is development that will require planning permission.

**6.99** Support services located on sites outside of the farm holding's curtilage, despite having agricultural functions may have detrimental effects on the surrounding environment. Examples include agricultural machinery firms and processing industries in large buildings that have the potential to create smells, noise, large volumes of effluent and heavy demands for water if not properly controlled. Also the visual impact of the use or building upon the local landscape and countryside character will be an important consideration.

**6.100** However, the Council also recognises that agriculture is a vital part of the local economy. Development that secures the continued viability of local farm holdings will, in principle, be supported provided detailed concerns about size, siting and design can be resolved.

**6.101** Proposals for farm buildings or their extension must be reasonably necessary for the purposes of agriculture within that unit. This is to ensure that any impact on landscape character or openness is minimised and will be considered in addition to detailed matters of size, siting and design.

**6.102** For the most part, agricultural support activities that is not ancillary to agriculture and not directly dependent on a farm holding are best located in existing settlements or in suitable existing buildings within the countryside provided there would not be an adverse visual or other impact on amenity.

**6.103** New buildings and associated development that is permitted on farm holdings must be of an appropriate design and scale and should not conflict with safeguarding the landscape and countryside character of the locality. The Tendring District Landscape Character Assessment, volume two, contains guidance for built development. This guidance will be an important material consideration when determining applications for all development within the rural environment.

#### **Policy EN16 - Agricultural and Related Development**

**Planning permission will only be granted for agricultural buildings, or extensions to existing buildings, or**

**other agricultural development, including engineering operations, if:**

- a. **the applicant demonstrates that the proposed development is reasonably necessary for the purposes of agriculture being carried**
- b. **the design, siting, size and materials of construction, including hard surfacing, ensure that the development would not have an adverse visual impact on the local countryside, landscape character or to nature conservation interests.**

**Buildings, extensions or engineering operations, that are ancillary to agricultural activities, will only be granted planning permission if:**

- a. **an applicant can demonstrate that the development cannot be located in an existing settlement, or a suitable existing building in the countryside; and**
- b. **the design, siting, size and materials of construction, including hard surfacing, ensure that the development would not have an adverse visual impact on the local countryside, landscape character or to nature conservation interests.**

## **Conservation Areas**

**6.104** There are 20 Conservation Areas that make an important contribution to the high quality of the built environment within the District (see Appendix 9). Local Planning Authorities are required to designate Conservation Areas in areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. The designation of Conservation Areas aims to protect these areas from harmful development, including advertisements, which neither enhances nor preserves the character of that Conservation Area.

**6.105** Although many Listed Buildings are included within conservation areas, it is not just these buildings and structures that Conservation Areas aim to preserve. The character of an area is made up not only by its individual buildings, but their relationship to each other and the “sense of place” that they create.

**6.106** The Council will, following appropriate consultation, from time to time, designate or modify Conservation Areas in recognition of notable historic, architectural, townscape and landscape character. Prior to such designations it will consult the local community. The Council will also use its powers to remove the normal rights to carry out certain building work, from land within conservation areas. It will do this where it considers such action is necessary to protect certain attributes of that Conservation Area.

**6.107** The Council has produced Conservation Area Character Appraisal for all the districts Conservation Areas, which highlight the main features of architectural or historic interest that need to be preserved or enhanced within the designated area. The Appraisals also indicate features that detract from the character, and features that could be enhanced .

**6.108** This process allows the area’s character to be “defined” and any proposals for development within Conservation Areas would have to preserve or enhance that definition of character. In March 2006 a series of Conservation Area Character Appraisals were adopted by the Council under the provisions of Planning (Listed Building & Conservation Areas) Act 1990. These documents will be an important “material condition” when determining planning and other applications for proposals within, or that effect, Conservation Areas .

**6.109** It is the duty of the Council to protect areas of architectural and historic interest from the effects of “harmful development”. Built-form that would prejudice the wider character and visual appearance will only be permitted in exceptional circumstances.

**6.110** Using its development control powers, the Council will seek to maintain features of architectural or historic importance and features that make an important contribution to the character of the area as identified within Conservation Area Character Appraisals. Where features at present harm the character of the Conservation Area improvements will be sought. However the Council will not allow such development if it considers that there has been deliberate neglect of a property or an area with a view to seeking a more favourable response to redevelopment in the longer term.

**6.111** The character of an area is made up not only by individual buildings but also their relationship to each other and the sense of place that they create. The setting of a building is therefore a material consideration when assessing the suitability of development proposals in Conservation Areas. It is vital that new structures and buildings complement and enhance the surroundings. Buildings and extensions that are of a size, bulk, layout or siting which causes loss of important spaces that have an important role in defining the character of a Conservation Area will be refused planning permission. Wherever possible, statutory undertakers and developers will be encouraged to place wires and cables underground and reduce the number of supporting poles and structures.

**6.112** Certain modern advertisements, including hoardings, sign boards and fascia boards, can be highly discordant features that detract substantially from the character of conservation areas. They can also have a dramatic adverse effect on all other parts of the district if they are not of a proportionate size and design. In some locations, both in conservation areas and other areas, an advertisement may not be acceptable at all.

**6.113** The Council has extensive powers to control new advertisements, including the ability to require landowners to remove them after certain periods of time. The policies below (EN18, EN18a and EN18b) provide advice for advertisements in conservation areas, but also for all other parts of the district.

**6.114** Many of the District's conservation areas include town or village shopping centres. Commercial activity and conservation principles need not conflict with one another and well designed alterations to shops, especially their fronts and fascias, can help retain character whilst providing adequately for the modern needs of retailers and consumers. Essex County Council has published guidance documents on shop fronts, fascias and lettering styles. These documents will be important material considerations when the Council makes decisions on planning applications.

**6.115** Another issue that has been more significant in past years is the installation of domestic satellite dishes for television reception. These very prominent features of the modern technological age can be quite jarring features if not properly sited. In conservation areas these will be permitted if steps are taken to minimise the visual impact. Policy EN25 provides policy guidance on this.

#### **Policy EN17 - Conservation Areas**

**Development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area.**

**Development will be refused where:**

- a. It would harm the character or appearance of the Conservation Area, including historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain, or significant natural or heritage features;
- b. The height, siting, form, massing, proportions, elevation, design, or materials would not preserve or enhance the character of an area;
- c. for development located outside a Conservation Area) it would prejudice the setting and surroundings of a Conservation Area or harm the inward or outward views;
- d. the proposed land use would not preserve or enhance the function and character of a Conservation Area; or
- e. It would involve the demolition of a building or structure positively contributing to the character or appearance of the area.

#### **Policy EN18- Fascia and Shop front signs in Conservation Areas**

**Fascia and shop front signs in Conservation Areas will only be permitted if the advertisement or sign:**

- a. is either painted or individually lettered in a suitable material of an appropriate size and design in relation to the building or fascia upon which it is to be displayed;
- b. illumination is discreet in size and external to the sign;
- c. is of a traditional fascia or hanging type;
- d. is of the minimum size necessary to convey its message; and
- e. otherwise, would have no adverse effect on visual amenity or highway safety.

#### **Policy EN18a - Advertisement Control in Conservation Areas**

**Applications within conservation areas for express consent made under the Town and Country Planning (Control of Advertisement) Regulations will only be permitted if the advertisement would have no adverse effect on amenity, public safety or highway**

**safety. Also when considering such applications special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area and street scene.**

#### **Policy EN18b - Advertisement Control**

**In exercising control of advertisement the district planning authority will apply the following principles and criteria:**

- i. Proposals for advertisement should:

- a. **Be well designed and sited and respect their surroundings;**
- b. **Respect the character and architectural features of the building on which they are displayed;**
- c. **Not endanger traffic;**
- d. **Not be detrimental to the amenities of residents or otherwise excessively obtrusive in the street scene;**
- e. **Not result in advertisement clutter to the detriment of visual amenity or public safety;**
- ii. **In considering the design of advertisements, regard will be given to the proposed dimensions, materials, colouring and lettering and to the intensity and type of any illumination;**
- iii. **In general, advertisements on buildings will normally be restricted to below first floor window sill level;**
- iv. **Advertisements will only exceptionally be permitted in predominantly residential areas and will normally be restricted to discrete signs for the essential needs of local and professional services;**
- v. **Advertisement hoardings will normally be limited to commercial or mixed use areas or as temporary consents for the screening of sites prior to or during development, or exceptionally to screen existing 'eyesores'. A landscaping scheme will normally be expected with such proposals.**

## **Demolition within Conservation Areas**

**6.116** Designation as a Conservation Area gives the Council additional controls over demolition of unlisted buildings, helping to achieve the aim of preserving or enhancing the character or appearance of the Conservation Area concerned.

**6.117** In some Conservation Areas, there will be existing buildings that fail to complement the character of their surroundings. These buildings often harm the appearance and the character of the Conservation Area. Proposals to redevelop such buildings that result in an enhancement to the character of the Conservation Area will be looked upon favourably, subject to their being consistent with the other policies of the Plan.

**6.118** Before demolition is allowed, detailed planning permission must first be granted for a replacement building, and evidence of a contract for the erection of the replacement building must have been submitted to the Council. To that end, the Council may require applicants to sign a unilateral or bilateral planning obligation, pursuant to section 106 of the Town and Country Planning Act 1990, or may apply planning conditions to this effect. Through this policy, the Council will endeavour to reduce the number, and impact, of vacant and unsightly gap sites in the historic built environment.

### **Policy EN20 - Demolition within Conservation Areas**

**Proposals must retain buildings, structures and features that make a positive contribution to the character or appearance of a Conservation Area. The demolition of a building or structure in whole or part that makes such a contribution will only be permitted where:**

- a. **supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (unless caused by the deliberate neglect of the owner); or**
- b. **viable alternative uses cannot be found and an applicant has supplied evidence to demonstrate this to the satisfaction of the local planning authority; and**
- c. **the redevelopment would both preserve the area's character and would produce substantial benefits that would outweigh the loss of the building or structure in whole or part.**

**Demolition will not be approved in the absence of detailed plans for the site's redevelopment, previously submitted to and approved by the Council. Conditions will be imposed or planning obligations sought in order to:**

- i. **ensure the construction of the replacement building/structure(s) occurs within a reasonable and specified time period; and/or**
- ii. **secure the satisfactory landscaping of the site**

## **Listed Buildings**

**6.120a** Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes on the Secretary of State for Culture, Media and Sport a duty to compile or approve lists of buildings of special architectural or historic interest. Buildings listed as being of special architectural or historic interest are important in themselves and for the contribution they make to the character of the district. Such buildings will be protected from demolition or unsympathetic change.

**6.121** There are approximately 1100 Listed Buildings within the District. Under Policy HC3 of the Replacement Structure Plan, Listed Buildings are being protected from demolition, damage and unsympathetic change. There will be a presumption in favour of the preservation of listed buildings and it is also important that the setting of a Listed Building be preserved or enhanced.

**6.122** The Council supports Policy HC4 of the Replacement Structure Plan, which states that in areas where development would not otherwise be allowed, the conversion to a new use of an existing Listed Building may exceptionally be permitted. Where this would preserve the building, its setting and its special character or architectural qualities, permission will be given.

**6.123** If the owner of a Listed Building fails to take steps to preserve it and keep it in good repair, the Local Authority may serve a Repairs Notice. Failure to comply with the notice could result in the Council using its Compulsory Purchase powers to obtain the building. Appropriate action will be taken against owners of Listed Buildings who wilfully neglect them, allowing properties to deteriorate and decay.

**6.124** Development affecting the setting of a Listed Building can have as dramatic, and if not properly controlled, as severe an impact as unacceptable alterations to the building itself. The setting of a Listed Building is a material planning consideration when considering planning applications. The Council will seek to prevent the subdivision of the grounds or curtilage of a Listed Building. This will in turn prevent land becoming available for development that would be too close to a Listed Building and would almost certainly have an adverse affect on its character and setting.

**6.125** Re-using redundant rural buildings, including those last in use for agricultural purposes, is encouraged by the Council as a more sustainable way of development taking place in the countryside and promoting the continued economic vitality of rural areas. In many instances redundant barns provide a habitat for bats and barn owls. Where thought to be present these protected species should be surveyed. Other policies within this section enable adequate consideration to be given to such proposals.

**6.126** However, for some years, the conversion of (statutorily) listed farm buildings into residential accommodation has caused much concern. Such conversions have often diminished the intrinsic historic importance of the building. Many conversions have destroyed the historic character of such buildings through the installation of new doors, windows and other features that are out of scale and out of context. The Council is very keen to ensure that future conversions are carried out sympathetically ensuring the character is retained, but also so that new uses can be facilitated to secure the longevity of the Listed Building.

**6.127** From time to time reviews of buildings will be undertaken. Where the Council identify buildings that it considers merit listing, it will put them forward to the Department for Culture, Media and Sport for listing under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **Policy EN21 - Demolition of a Listed Building**

- i. There will be a presumption in favour of the preservation of Listed Buildings. Proposals to demolish, in whole or in part, a Listed Building will only be permitted in exceptional circumstances and where the applicant demonstrates to the satisfaction of the Council that:**
  - a. it is not possible to continue to use the building in its current or previous use;**
  - b. it is clearly demonstrated that it is not possible to find another viable use for the building;**
  - c. demolition will not cause material harm to the structure or setting of any other Listed Building; and**
  - d. where relevant the character or appearance of the conservation area in which the building is situated will be preserved or enhanced.**
- ii. Where consent is granted for the demolition of a Listed Building:**
  - a. demolition shall not take place until detailed proposals for the site's future use have been granted planning permission and a contractual obligation signed to undertake those works; and**
  - b. a suitable programme has been arranged to record those features of historic interest that would be lost in the course of the demolition works.**

#### **Policy EN22 - Extensions or Alterations to a Listed Building**

**Development involving proposals to extend or alter a Listed Building will only be permitted where:**

- a. it would not result in the damage or loss of features of special architectural or historic interest; and**
- b. the special character and appearance or setting of the building would be preserved or enhanced.**

#### **Policy EN23 – Development within the Proximity of a Listed Building**

**Proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted.**

### **Policy EN24 - Redundant Listed Agricultural Buildings**

**The conversion of (statutorily) listed barns and other listed farm buildings to uses not associated with agriculture will only be allowed if the following can be demonstrated:**

- a. **The detailed scheme for conversion of the barn to the new use would secure its preservation in terms of its historic fabric, character and appearance, and its contribution to the group value of any building nearby and/or to the landscape of the area in general; and**
- b. **The proposed use would not generate vehicle movements that would cause additional traffic hazards and/or damage to minor roads.**

**Conversion to residential use will only be acceptable where:**

- i. **The applicant has demonstrated that every reasonable attempt to secure suitable employment or community re-use has been made, and the application is supported by a statement of the efforts which have been made; and**
- ii. **the design and traffic issues in criteria a) and b) are fully satisfied.**

**Approval for schemes, which are acceptable in terms of these criteria, will be subject to conditions restricting permitted development rights in relation to extensions, outbuildings in the curtilage and means of enclosure.**

### **Policy EN25 – Satellite Dishes on Listed Buildings and in Conservation Areas.**

**Before granting Listed Building consent or planning permission for the installation of a satellite dish on a listed building or a building located in the Conservation Area, the District Planning Authority will need to be satisfied that:**

- a. **The satellite dish cannot be installed in a position remote from the Listed Building;**
- b. **The location of the dish on the building does not impair either the appearance or character of the building and has minimum visual impact;**
- c. **The location for the satellite dish within the Conservation Area is the least obtrusive location available.**

### **Other Rural Buildings**

**6.129** The Council recognises that to enable new enterprises to become established it needs to encourage new uses into rural areas. The re-use of other redundant rural and village buildings, including those last in use for agriculture, will be encouraged as a vital means of bringing about investment and economic development within rural areas. Policies for these are contained in the Strengthening the Economy and Promoting Regeneration Chapter.

### **Historic Church Extensions**

**6.130** There are a large number of churches within the District, many of which are Listed Buildings. Each church, whether listed or not, makes a valuable contribution to Tendring's heritage. Over the centuries, many churches have been extended and altered to meet the particular needs of the time, and thus ecclesiastical buildings are a rich and varied reflection of society's development.

**6.131** The Chelmsford Diocesan Advisory Committee for the Care of Churches and Essex County Council have published a useful guidance document dealing with alterations and extensions to historic churches entitled "So you want to extend your Church?" Applicants are advised to consult this document before embarking on any extension proposal.

**6.132** The Council supports the use of churches for secular as well as ecclesiastical uses but will encourage suitable alternative uses for redundant churches as well. Where a proposed change of use involves alteration to the fabric of a church, it is essential that such alterations are designed in a manner that respects its special space.

**6.133** English Heritage have also produced guidance on extensions to historic churches and provide useful information on grants that are available in their leaflet entitled "Repair Grants for Places of Worship 2002-2005" which is run jointly by English Heritage and the Heritage Lottery Fund.

### **Policy EN26 - Historic Church Extensions**

**Applications for planning permission for extensions and alterations to (statutorily) listed churches will be judged against the following criteria:**

- a. **The proposal must respect the historical evolution and architectural integrity of the church in terms of:**
  - **Detailed siting;**

- **Massing;**
  - **Design Features;**
  - **Materials; and**
  - **Detailing**
- b. **The proposals must make a positive contribution to the church and its setting in terms of its overall design;**
  - c. **The proposal must preserve the most important historic and architectural features of the church; and**
  - d. **Major features located within the churchyard such as trees, gravestones, walls etc, are to be retained as part of the proposal.**
  - e. **The proposal must be sensitive to the potential ecological value of churchyards.**

## **Enabling Development**

**6.134** English Heritage has produced a policy statement called “Enabling Development and the Conservation of Heritage Assets”. This statement addresses the issue of enabling development and advocates a criteria based policy. The Council has adopted this statement as SPG. The statement provides an explicit assessment of the relationship between claimed benefits of enabling development for repair, restoration or improvement of Listed Buildings, and the impact on their inherent character, appearance and setting.

**6.135** “Enabling Development” may be defined as development promoted primarily as a way of saving an important Listed Building, registered garden or scheduled monument that is neglected, dilapidated, or otherwise perceived to be “at risk”. Such development is regarded as an established and useful planning tool by which the community may be able to secure the future of a heritage asset, provided that, on balance, the benefit outweighs any harm caused by the new development.

**6.136** Many applications affect historic buildings and places and should, subject to conforming to other planning policies, either enhance or preserve their integrity. Occasionally, however, enabling development is proposed which, whilst it would achieve the preservation or secure the future of an historic structure or landscape, would normally be rejected because it is contrary to other national or local planning policies. In order to justify allowing development, which would otherwise be regarded as inappropriate, very special circumstances must exist.

**6.137** The objective of such applications is to provide funds for repairs that cannot be generated from any other source. So unlike most planning decisions, the financial consequences of the granting of planning permission are not only relevant but fundamental to the decision-making process.

**6.138** The following policy is intended to highlight the Council's view that exceptional circumstances need to exist; that the historic integrity of the site is not compromised by the development proposed; that the ability of the scheme to produce the desired result can be clearly demonstrated; and community gain outweighs the harm that would normally lead to an application being refused.

### **Policy EN27 - Enabling Development**

**Enabling development will not be permitted, unless it satisfies all of the following criteria:**

#### **Part 1:**

- a. **The enabling development will not materially detract from the archaeological, architectural, historic or landscape interest of the heritage asset, or materially harm its setting;**
- b. **It has been clearly demonstrated that all alternative options have been fully evaluated;**
- c. **The proposal avoids detrimental fragmentation of management of the heritage asset;**
- d. **The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a purpose that reflects the character of the asset;**
- e. **The need for the enabling development arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid;**
- f. **Financial assistance is not available from any other source consistent with the preservation or enhancement of the heritage asset;**
- g. **It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset; and**
- h. **The value, or benefit, of the survival or enhancement of the heritage asset outweighs any harm to the**

asset by providing the enabling development.

**Part 2:**

**Subject to the proposed enabling development meeting the criteria listed in Part 1 above, planning permission will be granted where:**

- a. **the impact of the development is precisely defined at the outset, through the submission of full rather than outline applications;**
- b. **with reference to the guidance contained in Circular 1/97, Planning Obligations, the objective of the preservation of the historic asset is securely linked to the planning permission; and**
- c. **the historic asset is restored to an agreed standard, or funds made available to secure this aim, prior to the commencement of the use of the enabling development.**

**6.138a** St.Osyth Priory is of national heritage importance and the most notable heritage site within the district. It contains an exceptional Grade 1, Grade 2\* and Grade 2 group of listed buildings, a schedule ancient monument and registered garden and park. The Council is committed to the conservation, preservation and restoration of St. Osyth Priory and, to that end will work in conjunction with the landowner and English Heritage. An assessment of works required to preserve and restore the listed buildings and the scheduled ancient monument to standards agreed by the Council and English Heritage and to establish the scale of funding consequently needed will be made. A separate evaluation will be required of the scope of works for the restoration of the registered park and garden. Any conservation deficit (as defined in the English Heritage publication 'Enabling Development and the Conservation of Heritage Assets') must be clearly established and identified. Thereafter, any application for enabling development will be judged against the criteria set out in Policy EN27.

**Policy EN27a- St Osyth Priory**

**The Council is committed to the conservation, preservation and restoration of St.Osyth Priory and to that end, will work in conjunction with the landowner and English Heritage. Any application for enabling development will be judged against the criteria set out in Policy EN27.**

## Archaeology

**6.142** Archaeological sites are a finite and non-renewable resource. In many cases they are highly fragile and vulnerable to damage or destruction. These sites contain information about our past, are part of our sense of place and are vulnerable for their own sake and for their role in education, leisure and tourism. As a result it is important that they are not needlessly or thoughtlessly destroyed. Within Tendring approximately 1880 sites of archaeological interest are recorded on the Essex Heritage Conservation Record (EHCR) of which 27 are Scheduled Ancient Monuments. These sites range from Palaeolithic deposits of international significance through those of the prehistoric Roman, Saxon and medieval periods and up to modern industrial and World War II/ Cold War monuments. However, the EHCR records only a proportion of the total with many more important sites remaining undiscovered and unrecorded.

**6.143** The nature of archaeological evidence means that all areas of high potential may not have yet been identified. Important archaeological evidence may exist on any site, and thus may be at risk from proposed developments. The District Council, in conjunction with the County Archaeologist and relevant bodies, is determined to identify and protect all-important remains through the use of appropriate policies and their implementation through the development control process.

**6.144** PPG16 "Archaeology and Planning" explains how archaeological remains and interests should be taken into account by the planning system. Where the Council believe important archaeological remains are likely to exist, it is reasonable to request a field evaluation funded by the developer, but carried out independently, is carried out prior to determining a planning application.

**6.146a** Not all surviving archaeological remains are of equal importance and Policy EN29 reflects this hierarchy. Where permission is granted for development affecting archaeological remains, and preservation in situ is not possible or feasible, conditions will be imposed to ensure that the remains are properly recorded and evaluated and where practicable, preserved, prior to development.

**6.147** Prior to the commencement of any development that is permitted; the Council will secure provision for archaeological investigation and recording either through conditions or a planning agreement under Section 106 of the Town and Country Planning Act (1990).

**6.148** Where development proposals have an impact on important archaeological remains and their settings, the Council will seek to reduce this impact by:

- i. (i) Encouraging suitable alternative design for the development;
- ii. (ii) Modifying the development to increase physical in situ preservation; or

- iii. (iii) Not permitting development to commence until, as a last resort, a programme of archaeological investigation and recording has been agreed and implemented.

#### **Policy EN29 - Archaeology**

- i. **Development will not be permitted where the Council considers that it will adversely affect nationally important archaeological sites and their setting.**
- ii. **Permission will be refused where development proposals do not satisfactorily protect archaeological remains of local importance.**

**Where applications are submitted on sites where information indicates that there are likely to be archaeological remains, the Council will expect to be provided with the results of an archaeological evaluation prior to the determination of an application. The evaluation should seek to define:**

- a. **the nature and condition of any archaeological remains within the application site;**
- b. **the likely impact of the proposed development on such features; and**
- c. **the means of mitigating the impact of the proposed development in order to achieve preservation "in situ" or, where this is not merited, the method of recording such remains prior to development.**

**Where development is permitted on sites containing archaeological remains, any planning permission will be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development and the publication of the results.**

#### **Historic Towns**

**6.149** Harwich, Manningtree and St. Osyth are identified in the Historic Towns Survey by Essex County Council as three of the County's most important Historic Towns. Historic Town Centres are complex entities that reflect the history and development of the community over many centuries. They are sensitive to development pressures in much the same way as is the ecology of an environmentally important area.

**6.151a** Development which is not accompanied by an investigation and recording of both deposits below and surviving medieval buildings above it, can lead to the irreparable destruction of unique information concerning that community's past. The core areas of Harwich, Manningtree and St. Osyth are identified in "Essex Historic Towns" (1999) as Historic Town Management Zones and the extent of these areas are shown on the relevant Proposals Map Insets. The District Council has formally adopted the Historic Towns Study document as SPG.

#### **Policy EN30 - Historic Towns**

**Any proposals for development within the Historic Centres of Harwich, Manningtree and St. Osyth will require an appropriate level of archaeological mitigation prior to development.**

# **Chapter 7**

## **Sustainable Transportation**



## Chapter 7 Sustainable Transportation

**Aim: To reduce the need to travel and promote an integrated transportation system, which meets the needs of the whole community, encourages economic growth and minimises environmental damage.**

### Strategic Objectives:

- integrate new development with all forms of transport provision and ensure that the transport needs generated by new development are met;
- support transportation improvements that will help facilitate sustained social and economic regeneration; and
- encourage and support sustainable forms of transport including water, rail, bus, cycling and walking.

**7.1** Our quality of life is influenced by transport. Business needs an efficient transport system for their employees, customers, materials, products and services. Individuals rely on transport to get to work, go shopping, visit the doctor, go to the cinema or visit family and friends.

**7.2** Within Tendring responsibility for transportation policy is shared by Essex County Council, as the Highways Authority, which identifies priorities for transport investment through the Local Transport Plan, and the District Council which produces a Tendring Transportation Strategy as the local framework for implementation of the Essex Local Transport Plan. Together the Councils aim to improve travel to and within the Tendring District for residents, businesses and visitors. They also seek to limit the growth of traffic to help it move more freely and promote forms of transport that are less damaging to the environment with lower levels of air and noise pollution.

**7.3** The transportation aim of the Tendring District Local Plan 2007 reflects the vision of the Tendring Transportation Strategy, and the policies contained in this Chapter are intended to reinforce, support and complement the objectives and proposals set out in the Essex Local Transport Plan and Tendring Transportation Strategy. The Tendring District Local Plan 2007 also links with a number of other Strategies which seek to promote more sustainable options for the transport of people and goods across the County including the Essex Walking Strategy, Essex Cycling Strategy, Essex Rail Strategy and Draft Sustainable Distribution Strategy. The District Council and the County Council will be working together during the Plan Period to encourage more sustainable patterns of development and transportation.

**7.4** This Chapter focuses on the following topics:

- Transport Infrastructure
- Development Affecting Highways
- Assessing the Transportation Impacts of Development
- Travel Plans
- Promoting Walking
- Safeguarding and Improving Public Rights of Way
- Encouraging Cycling
- Supporting Public Transport
- Traffic Management
- Vehicle Parking Standards
- Public Car Parking
- Accessibility for Freight
- Rail Freight
- Transporting Freight by Water
- General Aviation

In addition to the policies in this Chapter, the sustainable transportation aims and objectives are supported by other policies in the Plan, in particular:

- policies which direct new development to locations which are accessible by a choice of means of transport and close to local services and facilities;
- policies promoting mixed use development and higher density of development;
- policies safeguarding key local services and facilities; and
- the transport user's hierarchy.

## Transport Infrastructure

**7.5** The principal road links to the District are the A133 (Colchester to Clacton) and the A120 (Colchester to Harwich). Tendring contains a major sea port, Harwich International Port, as well as smaller coastal ports at Mistley Quay and Brightlingsea. The District is served by 14 railway stations along the Manningtree to Harwich branch line and Colchester to Clacton and Walton branch line services that connect to London Liverpool Street. Harwich International Port, the A120 and London Liverpool Street to Harwich railway line together form an important part of the Trans European Transportation Network. The District also contains the Colchester to Harwich section of the National Cycle Network Route No. 1 that is part of the wider North Sea Cycle Network.

**7.6** Transport Investment priorities are provided by the Replacement Structure Plan Policies CS3 (Encouraging Economic Success), CS5 (Sustainable Transport) and T2 (Transport Investment Priorities) which seek to provide a sustainable and integrated transport system and improve accessibility to the Priority Areas for Economic Regeneration. Replacement Structure Plan Policy T10 contains general criteria for considering the social and environmental impacts of new transportation infrastructure.

**7.7** The Tendring District Transportation Strategy supports the upgrading of the A120 from Hare Green to Harwich (the responsibility of the Department for Transport through the Highways Agency) to improve the accessibility of the Haven Gateway and improvements to the A120/A133 junction to allow easier and more sustainable transport movement between Clacton and Harwich. Two important studies have been carried out that influence future strategic transportation investment in the District. The A12/A120 Route Management Study carried out by the Highways Agency investigated options for the management of the route including safety and social and environmental impacts in the road corridors. The London to Ipswich Multi Modal Study (LOIS) looked at travel and transportation issues between London and the Haven Ports. This has resulted in the development of a strategy to improve travel in the corridor and adjoining areas across all means of transport, both in the short term and to meet needs over the next thirty years. In relation to the dualling of the A120 between Hare Green and Harwich the LOIS Study recommends that this improvement takes place post 2016. However, the District Council feels strongly that the dualling of the A120 through to Harwich should take place in the period up to 2011. At the Public Inquiry into the development proposals at Bathside Bay it was agreed that a study of the A120 between Hare Green and Harwich would be undertaken to develop options for accommodating the additional traffic likely to be generated.

## Development Affecting Highways

**7.7a** To indicate the importance of roads in Essex for planning and investment purposes, the County Council has defined a road hierarchy, which is a six-fold classification. This ranges from "strategic trunk roads" e.g. A120, to local access roads. The intention is to concentrate the appropriate type of journey and vehicle on the various routes.

### Policy TR1a – Development Affecting Highways

**Proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated.**

## Access between built-up areas

**7.7b** There is a general presumption against the formation of new accesses from major roads within the countryside. Drivers on such routes do not normally expect to encounter slowing, turning, manoeuvring or parked vehicles and nor do they expect to encounter pedestrians. This lack of expectancy increases the hazards caused by any access, which exists in isolation.

## Access within built-up areas

**7.7c** Where drivers may reasonably expect, by virtue of the surrounding area, to encounter slowing, turning, manoeuvring or parked vehicles and pedestrians, the principle of gaining access from major roads may be accepted subject to the location and design of any access being satisfactory.

## Access in either situation

**7.7d** Where an access is accepted in principle, its geometric layout, visibility and construction will need to meet standards, which ensure reasonable safety for all road users. The details of such layouts will vary according to the category of road and the volume and speed of traffic using the road from which access is taken.

## Conservation Areas

**7.7e** Within Conservation Areas new accesses will still be required to satisfy at least minimum safety standards, but where visibility is concerned, departures from desirable minimum standards may be considered in appropriate circumstances.

## Assessing the Transportation Impacts of Development

**7.8** It is essential that applicants assess the transportation impacts of their development proposals to ensure that new development does not encourage unnecessary car journeys that could be made by more sustainable alternatives such as walking, cycling or public transport. At the earliest stages of the design process applicants need to consider how the users of the development will access the site and how this will impact on the surrounding area. All new development should promote more sustainable methods of transport and should reflect the transport users' hierarchy set out in Policy QL2.

### Policy TR1- Transport Assessment

**A Transport Assessment will be required for all major developments. In addition a transport assessment will be required for all smaller developments, which are considered likely to have transport implications. Where the Transport Assessment indicates that the development will have materially adverse impacts on the transport system, planning permission will be refused unless measures to reduce the impacts to acceptable levels are provided.**

**7.10** For small-scale developments with limited transportation implications an initial assessment of transport aspects of the development will be sufficient to satisfy the requirements of this Policy. Where this initial assessment indicates more significant transport impacts the Council will require a more detailed Transport Assessment. Transport Assessments will be required for all major developments. These are defined in the Replacement Structure Plan as those generating 50 or more passenger car units during the peak hour. Where an area is subdivided into several sites, which are or will likely be the subject of separate or linked planning applications, the Transport Assessment should address the cumulative transport impact of the whole.

**7.11** The Transport Assessment should assess accessibility to the site by all transport methods and the likely use of different modes to journey to and from the site. It should also give details of proposed measures to improve access by walking, cycling and public transport, to reduce the need for parking and to mitigate transport impacts on the surroundings. Where appropriate a Travel Plan should be included. The Transport Assessment should meet the requirements of Government policy guidance and good practice advice.

## Travel Plans

**7.12** A Travel Plan is a general term for a package of measures aimed at reducing the impact of transport and travel on the environment by promoting more sustainable travel choices and reducing reliance on the private car, particularly single-occupancy car journeys.

### Policy TR2 – Travel Plans

**Travel Plans will be required for developments that are likely to have significant transport implications, including:**

- a. **Major developments;**
- b. **Proposals for new or expanded education facilities and hospitals; and**
- c. **Smaller developments where a Travel Plan would alleviate local traffic or air quality problems associated with traffic generated by the proposed development.**

**7.13** The Tendring District Local Plan 2007 can affect the way people travel by influencing the location, scale and mix of land uses but it cannot make them travel to their nearest employment area or shopping centre, or to use public transport, walk or cycle. Influencing public attitudes to travel and improving the choice and quality of alternatives to the private car are vital to achieving more sustainable travel patterns. Travel Plans for major developments therefore have an important role to play in promoting alternative travel modes and will be promoted by the Council through the use of planning conditions or obligations. Further guidance on Travel Plans is contained in PPG13 and "Development Related Travel Plans: An Introductory Guide" produced by Essex County Council.

## Promoting Walking

**7.14** Walking is the most important way of travelling at the local level and forms an important part of longer journeys by

public transport and car. Walking is the most sustainable form of transport; it also has important health benefits. Promotion of walking supports several of the objectives contained in the Tendring Health Improvement and Modernisation Plan, particularly those to tackle coronary heart disease.

**7.15** As stated in the Essex Walking Strategy pedestrians should be planned for at the very early stages of the design process for new developments and integrating new buildings into the existing footpath and rights of way networks will help to make walking as convenient and attractive as possible. The redevelopment of a site may also offer opportunities for creating new links and more direct and attractive routes to public transport, shopping, leisure, education and employment facilities. This will help to encourage people to leave their cars at home, especially for shorter journeys. The Essex Design Guide sets out guidance for designing for pedestrian movement in new residential and mixed-use areas. The key considerations are:

- The provision of good quality footways and footpaths for use by people of all abilities;
- People prefer to walk along streets where they can be seen by drivers, residents and other pedestrians;
- If segregated footpaths are provided, they need to be well-connected and overlooked by houses and other buildings;
- Direct routes should be provided to local facilities, adjacent neighbourhoods and public transport services so that it is more convenient and attractive to walk than to drive to them; and
- All measures to slow down traffic help pedestrians feel safer.

**7.16** Economic well being and our quality of life relies on people being able to walk safely around the District's towns and villages. In order to make areas safe and attractive environments for residents and visitors it is necessary to restore priority to pedestrians. The Tendring Transportation Strategy identifies a number of locations where pedestrian priority measures are planned to make it easier for pedestrians of all abilities to move around. These include better crossing points, pavement widening, speed reduction and safe journeys initiatives. New development should be designed to support these proposed improvements to the pedestrian environment.

**7.17** In Clacton town centre a combination of pedestrian priority measures and pedestrianisation are proposed to improve the town centre environment whilst maintaining access for emergency vehicles, deliveries, public transport and disabled people who rely on the use of the car. Details of the scheme are contained in the Clacton Chapter.

#### **Policy TR3a – Provision for Walking**

**Where practicable all developments will be required to link with existing footpath and public rights of way networks and provide convenient, safe, attractive and direct routes for walking.**

**Where appropriate, development should also improve links to and between pedestrian routes and public transport facilities, and support pedestrian priority measures.**

### **Safeguarding and Improving Public Rights of Way**

**7.18** Public rights of way (i.e. public footpaths, bridleways and byways) and cycle tracks are a valuable part of the District's transportation network. They are important for their role in recreation and tourism and for providing opportunities for people to benefit from regular exercise and access to the wider countryside and coast. The network provides an alternative to car use for shorter journeys and for longer journeys when combined with public transport. Bridleways are not covered by this policy as they are safeguarded by Policy COM12a – Bridleways.

#### **Policy TR4 – Safeguarding and Improving Public Rights of Way**

**Where development affects an existing public right of way, planning permission will be refused unless the development can accommodate the definitive alignment of the path. A formal diversion providing a safe, attractive and convenient alternative may be considered where appropriate.**

**Where opportunities exist the improvement of existing routes and the creation of additional links in the network of public rights of way and cycle tracks will be sought.**

### **Encouraging Cycling**

**7.20** Cycling is an affordable, healthy transport method with the potential to substitute for short car trips and to form part of longer journeys by public transport. Tendring District with its relatively flat landscape and low rainfall is in a good position to promote cycling as an opportunity for recreation and tourism and a genuine alternative to the car for many journeys. Promotion of cycling supports several of the objectives in the Tendring Health Improvement and Modernisation Plan.

#### **Policy TR5 - Provision for Cycling**

**All major new developments should provide appropriate facilities for cyclists. These include safe, convenient and clearly defined access to, and circulation within the development site, and secure,**

**convenient, well-lit, and wherever practical, sheltered, cycle parking in accordance with the Council's adopted minimum cycle parking standards.**

**Where the need for cycle parking cannot be met on site, planning obligations will be sought for the provision of cycle stands nearby on the public highway, or contributions towards improvements to the cycling infrastructure.**

**Cycling provision at developments should link with existing cycle networks, and take account of the need for improvements to the network.**

**Existing and proposed cycle routes will be safeguarded and existing routes should be safeguarded as part of the public highway network by legal order.**

**7.21** The Tendring District Local Plan 2007 supports the Essex Cycling Strategy by encouraging the provision of cycle infrastructure in new development and facilitating improvements to the cycle network. Secure, clearly marked and wherever possible, undercover, cycle parking should be provided as an integral part of new development. Parking areas and approaches to them should be well lit and designed for maximum natural surveillance for the safety for cyclists as well as the cycles. The Council's minimum cycle parking standards are set out in the Essex Planning Officers Association's document Vehicle Parking Standards (August 2001) which has been adopted by the Council as Supplementary Planning Guidance. At major development sites the exact number of cycle parking spaces will depend on site characteristics and the measures set out in the development's Travel Plan. Wherever possible opportunities should be taken to improve existing cycle facilities where there is little provision at present and provide new facilities where traffic management and highway improvements are planned.

**7.22** The proposed Tendring District cycle route network has been designed to cater for every day urban and inter-urban travel as well as creating opportunities for longer distance recreational cycling. The network incorporates railway stations, major shopping and employment areas, schools, leisure facilities, tourist attractions as well as Harwich International Port. The majority of the network shares facilities with either vehicles or pedestrians with the use of busy roads kept to a minimum wherever possible in favour of quiet roads, seafront promenades and public rights of way. Where the use of busy roads cannot be avoided traffic management measures to improve the safety of cyclists and other vulnerable road users will be investigated.

## **Supporting Public Transport**

**7.24** Public transport includes rail, bus and community transport. Many people do not own or have regular access to a car and those with mobility impairments find walking and cycling difficult. The availability of public transport is therefore essential to promote social inclusion and enable these residents to participate fully in community life.

### **Policy TR6 – Provision for Public Transport Use**

**Where a development will have transport implications as indicated by the Transport Assessment appropriate provision for bus and rail use should be made which should also take account of the need for wider improvements to public transport provision.**

**Such provision is to be implemented at an early stage in the development so as to encourage the use of public transport from the first occupation of the site.**

**Proposals will be expected to provide, or assist in providing and improving:**

- a. new, expanded and upgraded public transport facilities where this is justified in terms of making the proposed development more sustainable;**
- b. interchanges between rail, bus, taxi and other modes; and**
- c. accessibility to public transport services for people of all abilities.**

**7.25** More communities in Tendring have a railway station than any other District in Essex. The District also benefits from the work of a Community Rail Partnership, as well as a number of Essex County Council subsidised rural bus services and an active community transport provider. The Tendring Citizen's Panel identified public transport as one of their major concerns. The Tendring Passenger Transport Study (September 2001) carried out by Steer Davies Gleave identified a need for increases in passenger transport services and more user-friendly, safer waiting facilities and improved information services. During the Plan Period the District Council will continue to work in partnership with Essex County Council and transport providers to improve public transport provision, integration between different means of transport and access to services and facilities for people with mobility impairments. Particularly during the Plan Period the following measures are proposed:

- Improvements to cycle parking at railway stations; and
- Improvements to bus information and facilities for passengers at bus stops.

**7.26** The Tendring District Local Plan 2007 will assist public transport use by directing development to places that are

accessible by bus and rail. All opportunities should be taken to improve pedestrian access between new development and public transport facilities. Major developments will be required to provide high quality bus waiting facilities and bring bus and taxi passengers as close to building entrances as possible. New, expanded or upgraded public transport facilities, including improved railway stations with further car parking provision and line capacity, will be supported where they would improve sustainability and increase community accessibility to public transport facilities and services. The general policy framework for considering the environmental impacts of new transport infrastructure is set out in Replacement Structure Plan Policy T10.

**7.26a** Proposals for new railway stations will require the approval of the relevant regulatory transport body and this Council will only grant planning permission for new station proposals that have been approved by the relevant body. The relevant body may approve new station proposals if it can be demonstrated that there is a proven need and that they will not affect the reliability and punctuality of current passenger and freight services. Promoters of a new station should consider this at an early stage in their proposals. Further guidance on these requirements can be found in the New Stations guidance document (September 2004).

## Traffic Management

**7.27** Effective traffic management seeks to move goods and people in an efficient way that minimises environmental impact, sustains quality of life and maintains community safety. The policy framework for traffic management across Essex is contained in Policy T11 of the Replacement Structure Plan.

**7.28** In many settlements speed reducing gateway schemes have been introduced to increase awareness of speed limits and further speed reduction and traffic calming measures are planned in the adopted Tendring Transportation Strategy. Any proposed traffic management measures will be subject to public consultation before implementation. All schemes should maximise opportunities to improve walking and cycling provision and must be designed to ensure safety of all highway users and to protect and enhance the character of the surrounding area.

## Vehicle Parking Standards

**7.29** The availability of parking has a major influence on the means of transport people choose for their journeys and car parking can take up a large amount of space in development. Reducing the amount of car parking normally provided where there is good accessibility by alternative means of transport has an important role to play in the promotion of sustainable travel choices and making more efficient use of land. By the same criteria the amount of car parking should be increased where car ownership levels and the lack of public transport make this appropriate.

**7.29a** The Council's off-street vehicle parking standards are contained in the Essex Planning Officers Association's Vehicle Parking Standards document that has been adopted by this Council as Supplementary Planning Guidance, a summary version is contained in Appendix 10a. The document recognises that Essex is a diverse area and policies of restraint may not be appropriate in areas where there is no realistic alternative to the private car in providing the day to day travel requirements of residents. This is reflected in the residential standard that allows more spaces to be provided thereby allowing greater flexibility.

### Policy TR7 – Vehicle Parking at New Development

**For residential development within town centres and for all non-residential development, the adopted car parking standards will be applied. Outside town centres, variations to the adopted standards for residential development will be considered where local circumstances suggest this to be appropriate. In addition, new development should provide adequate powered two wheeler parking facilities and safe, convenient and usable car parking for people with mobility impairments.**

**7.31** The District Council is concerned to make appropriate allowance where the vehicle parking standards for the time being fail to offer sufficient flexibility to meet local needs. For instance, poor north-south transportation links exist in the Tendring District and there is a lack of a central focus of services and facilities for the rural population that makes the use of a car a necessity rather than a choice. In many instances the market will ensure that car-parking spaces are provided, but unless there is a minimum requirement in adopted policy the Council cannot ensure the provision of off-street parking. The Council considers that apart from town centre locations within the main urban areas where there is a concentration of key services and facilities and good accessibility by public transport the car will still be the only viable option for many journeys. In order to avoid the amenity and safety implications of not providing off-street parking requirements it is therefore considered that a minimum standard of one car parking space per dwelling for the smallest dwelling should be provided in non-town centre residential developments.

**7.32** As stated in the Essex Powered Two Wheeler Strategy mopeds and motorcycles can offer an affordable alternative means of transport for trips where public transport is limited and walking and cycling unrealistic, increasing mobility and widening employment opportunities. They can also help to reduce traffic congestion and reduce land taken for parking.

**7.33** In order to assist in the creation of accessible environments, where car parking is being provided as part of a development parking should be provided for people with mobility impairments and designed and located to ensure that users have safe and convenient access to the development.

## Public Car Parking

**7.34** Whilst recognising that car parking provision can influence travel choice and be an inefficient use of land resources, the District Council is also aware of the need to improve the vitality and viability of the District's town centres and core tourist areas. The peripheral location of the District's towns, poor north south transportation links and limited rural public transport services mean that there is a reliance on the private car for many shopping and leisure journeys. The provision of well located, affordable public off-street car parking is therefore an important part of the towns' offer to residents and visitors. Where appropriate the Council may also consider introducing on-street parking controls. Town Centre Health Checks carried out in 1998 identified there was generally a sufficient supply of car parking to support the District's town centres, apart from Clacton town centre where both the Health Check (1998) and Town Centre Strategy (2002) identified a strong need for additional short stay car parking.

### Policy TR8 - Public Car Parking

**The existing public off-street car parks will be safeguarded from development that would reduce the number of available public car parking spaces on the site unless:**

**there is no longer a need for the facility, or**

**it is demonstrated that replacement facilities will be provided in close proximity to the existing site in a readily accessible location.**

**Developers of major new development within and on the edge of the Clacton town centre will be expected to provide flexible parking arrangements in their Travel Plans to allow public short-stay use linked to public transport, cycling and walking facilities.**

**7.36** Within Clacton town centre limited land supply and competing town centre land uses means that there will be few sites available to create additional off-street public car parking spaces. During the Plan Period other opportunities will be sought to increase provision including the shared use of new private car parking as part of major new development schemes within and on the edge of the centre linked to Travel Plans.

## Accessibility for Freight

**7.37** The efficient movement of goods is essential to economic growth. However, to sustain quality of life and achieve sustainable development this needs to be balanced with the social and environmental impacts of freight movement.

### Policy TR9 – Access of Freight to Transport Networks

**Development likely to generate significant freight or goods movements should wherever possible be located where there is (or the potential exists to create) good access onto the railway network or through existing ports, without causing adverse effects on environmentally sensitive areas or existing communities. Where this is not possible, such proposals should be located where there is good access to suitable routes based on the Tendring District Local Plan 2007 Road Hierarchy, without causing adverse effects on environmentally sensitive areas or existing communities.**

**7.38** The Council seeks, through Policy ER7, to direct developments such as distribution, manufacturing and warehousing which generate large volumes of freight to locations which maximise opportunities for rail and water access, and to direct Heavy Goods Vehicles (HGVs) towards routes which minimise impacts on the environment and local communities. The Replacement Structure Plan sets out the road hierarchy in Policy T7 and the framework for the movement of freight in Policy T13. Opportunities for rail and water transport are covered in more detail below. The Tendring District Transportation Strategy highlights the need to review HGV routing and parking and during the Plan Period the District Council will continue to work with Essex County Council and stakeholders to progress the Essex Sustainable Distribution Strategy.

## Rail Freight

**7.39** Rail freight makes an important contribution to creating more sustainable patterns of freight distribution and Tendring District contains substantial rail freight facilities at Harwich International Port, with the Bathside Bay expansion proposals likely to lead to significant future increases in rail traffic.

### Policy TR10 – Promoting Rail Freight

**Planning permission will not be granted for development that would have an adverse impact on the use of facilities at Harwich International Port for rail freight, including Bathside Bay.**

**Planning permission will not be granted for development that could have an adverse impact on the potential future use of the site at Mistley Quay for rail freight. The site will be protected from built development until it has been appraised, during the Plan Period, to determine whether it could form a viable part of the rail freight network.**

**7.40** At Harwich International Port, existing rail freight facilities should be safeguarded and enhanced. This supports Replacement Structure Plan Policy BIW10 that seeks to improve road and rail access to the port. The proposed Bathside Bay development will also have implications for rail freight and freight movements in general. It is expected that at least 22.5%, after allowing for trans-shipment of the container traffic passing through the new Bathside Bay port complex will travel by rail. The comprehensive development of Bathside Bay is dealt with in detail in the Harwich Chapter.

**7.41** PPG13 states that built development must not preclude the possible use of suitable sites for rail freight facilities. As part of the implementation of the Essex Sustainable Distribution Strategy the potential for re-using the currently inactive rail freight facilities at Mistley Quay will be assessed. Assessment will have to consider commercial viability as well as impacts on the environment and residential amenity. In the meantime the site will be safeguarded from development in the Tendring District Local Plan 2007 to ensure that future opportunities for increased rail freight are not lost. Any development at Harwich Town Station should have regard to detailed policies contained in the Harwich Chapter and the proposed framework set out in the Adopted Design Brief for the site.

**7.42a** The Haven Ports (Felixstowe, Ipswich & Harwich) form the largest concentration of container handling facilities in the UK and process over 36% of all containers passing through the UK. As a result of the introduction of larger containers major works have been carried out between the Haven Ports and the West Coast Main Line via London. In order to accommodate future growth plans further rail capacity is needed which must also be able to accommodate the larger containers. Proposals exist to implement the Felixstowe-Nuneaton (F2N) (Phase 2) route (via Ely) to provide alternative access from the Ports to the West Coast. This proposal is supported, as it will provide additional capacity for rail freight to and from Harwich International Port.

## Transporting Freight by Water

**7.43** The general policy context for port facilities at Harwich is contained in Replacement Structure Plan Policy BIW10 (Seaports) and the overall policy for Brightlingsea Port and Mistley Quay is provided by Policy BIW11 (Small Coastal Ports). Specific local policies on Harwich International Port, Bathside Bay, Mistley Quay and Brightlingsea Port are contained in the relevant geographical Chapters of the Tendring District Local Plan 2007.

**7.44** Proposals for new facilities should have regard to Replacement Structure Plan Policy CC4 (Development Requiring a Coastal Location) together with the coastal, countryside and environmental protection policies and general development control policies contained in the Improving the Quality of Life and Sustaining Our Environment Chapters of this Plan.

## General Aviation

**7.44a** Within the District there are currently two small airfields/airstrips, one at Clacton-on-Sea and one at Great Oakley. Aviation activities can contribute to national, regional and local economies and airfields are therefore important in that context. At the same time, the use of airfields can raise difficult environmental issues and careful consideration is necessary to strike the right balance between potentially conflicting interests.

**7.44b** The two airfields in the district operate on a small scale with the principal function in the broadest sense being 'recreational'. The Council does not consider it appropriate that this situation should change and it is therefore unlikely that planning permission will be granted for any activities that would have that effect.

**7.44c** Development proposals for airfield/airstrip related activities will be judged in relation to the economic, environmental and social impacts that are likely to arise. These are potentially very varied. The Council will therefore expect applications for planning permission to be sufficiently detailed so that a proper appreciation of the potential environmental effects can be gained.

**7.44d** Some development proposals may also require an Environmental Impact Assessment and all proposals may have conditions imposed on them to limit:

- the environmental impacts of aviation activities;
- the number of take-off and/or touch-and-go movements (normally on a daily basis);
- the types or weights of aircraft to be operated; and
- the hours of operation of the site.

**7.44e** In view of the different locations and geographical circumstances of the two airfields/airstrips it is difficult to draft detailed prescriptive policies that can be applied to both sites. Whilst the criteria set out in TR10a are intended to provide a broad framework within which proposals will be considered, there may be other material considerations that would be relevant to a specific planning application.

### Policy TR10a – General Aviation

Proposals for new development relating to any existing operational airfield or proposals to establish a

**new flying site will be considered on their merits having regard to the following criteria:**

- a. Air travel needs of residents, business and air sports users;**
- b. The economic and employment advantages arising to local and regional businesses;**
- c. The impact upon public health and safety and residential and other noise sensitive properties in the immediate vicinity (i.e. under flight paths and circuits) by virtue of noise and disturbance;**
- d. The impact on environmental and nature conservation interests;**
- e. The impact on the landscape such as visual amenity and lightening;**
- f. The accessibility of the site in relation to transport; and**
- g. Development proposals will not be allowed where they would compromise the existing use of the districts' airfields or airstrips.**

# **Chapter 8**

## **Clacton-on-Sea**



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## Chapter 8 Clacton-on-Sea

### **Aim: To address local planning issues specific to Clacton-on-Sea including Jaywick and Holland-on-Sea**

**8.1** This Chapter relates to Proposals Map Insets 1, 1a and 1b and covers Clacton-on-Sea (including Holland-on-Sea), Jaywick and Clacton Town Centre respectively. It deals with the planning background and presents policies and site specific proposals to meet the needs of the area for the period up to 2011. It is important this Chapter is read in conjunction with the earlier policies that relate to the whole of the Tendring District.

#### **Key Issues:**

- The identification of appropriate settlement development boundaries;
- Ensuring that sufficient land is made available for the needs of industry and commerce;
- Promoting tourism and the holiday industry;
- The scale and location of future housing developments;
- Improving open space provision and community facilities;
- Recognising the value of environmental assets in promoting the economic regeneration of the area;
- Protecting and enhancing the character of Conservation Areas and the "Gardens Area of Special Character";
- Addressing traffic, parking and pedestrian issues particularly in Clacton Town Centre;
- Addressing the regeneration and environmental enhancement of Jaywick; and
- The identification or promotion of suitable sites for the provision of health care.

#### **Location of New Development - Settlement Development Boundaries**

**8.3** The Settlement Development Boundaries for the Clacton-on-Sea and Jaywick Urban Area, to which policies QL1 and HG3 apply, reflect the built-up area of the defined settlement. They include peripheral industrial and commercial areas, both existing and allocated, as well as new housing allocations on the western fringe of Clacton.

#### **Strengthening the Economy and Promoting Regeneration**

**8.5** Clacton is the main centre of employment for the District and contains a variety of important manufacturing and service industries. In the service sector, in addition to financial, professional and government services, the leisure industry is well represented.

#### **Stimulating Urban Regeneration and Renewal**

**8.6** Policy QL6 identifies Clacton Seafront and Town Centre and West Clacton (including Jaywick) as Urban Regeneration Areas where the Council is seeking to encourage economic and physical regeneration. There is a need to boost the economic regeneration of these deprived areas to support business investment and improve the quality of life.

**8.7** In 2001, a Town Centre Strategy report for Clacton was produced on behalf of the Council. This identified key issues relevant to improving the management and functions of the town centre and considered a range of options aimed at strengthening the role of Clacton as a shopping centre and visitor attraction. The Council held a public consultation period in the summer of 2002 to gauge the views of businesses and residents towards the suggested measures recommended by the strategy. The Town Centre Strategy was subsequently amended in the light of comments received and was formally adopted by the Council in 2003.

**8.8** With the Town Centre Strategy in place, the Council is in a good position to attract further private and public sector funding to contribute towards developing related projects and initiatives. Implementing the Strategy will help to improve Clacton's competitive position as well as having a positive impact on the regeneration of the wider area. The strategy, where it has land use implications, has been incorporated into the policies and proposals of this Chapter.

**8.9** For Jaywick and West Clacton, areas of physical, environmental, social and economic stress, policies and proposals

detailed later in this Chapter will provide the catalyst for regeneration in the period up to 2011.

## **Achieving Economic Success and Protecting Existing Employment Areas**

**8.13** The Oakwood and Crusader Business Parks and Gorse Lane Industrial Estate, on the northern periphery of Clacton, form two of Tendring's largest principal employment areas. To contribute to the district's employment land target of around 59 hectares before 2011, land is allocated in Policy ER1 to further extend these principal areas.

**8.14** To help address a district employment land shortfall, the Council produced a planning brief in 1997 for a large area of land north of the Oakwood Business Park for consultation purposes seeking the special release of land as an exception to Local Plan policy. However, a subsequent Employment Land Supply Review commissioned by the Council identified other suitable employment sites in the Clacton area and recommended that only part of this large site be allocated in the Plan Period up to 2011. Accordingly, this Plan allocates 7.6 hectares of land north of the Oakwood Business Park for employment use as the first phase of a longer-term expansion.

**8.15** In addition to the above site, around 4 hectares of land south of Centenary Way, to the south west of the Oakwood Business Park is also allocated for employment in this Plan. This site lies immediately to the rear of residential properties and a landscape buffer strip will be required on the southern boundary of the site to mitigate any detrimental affect on residential amenity in that area. The Council will expect to work with any prospective developer to assist with the suitable relocation of the present occupier (the riding school).

**8.16** Also allocated are a number of smaller undeveloped plots in and around the Gorse Lane Industrial Estate and Oakwood Business Park. Many of these plots were allocated for employment use in the 1998 adopted Local Plan but did not come forward for development during that Plan Period. The Employment Land Supply Review recommended that they were still suitable for employment allocation however, and therefore they have been carried forward into this Plan. Another employment land allocation carried forward from the last Local Plan is for a 0.2-hectare plot in Kennedy Way on the Valleybridge Road Industrial Estate.

**8.17** There are a number of other important business and industrial areas in the town including Ford Road, Valleybridge Road and Oxford Road Industrial Estates which have existed for many years and have met the changing needs of businesses such as the growth in the service and non-food sectors. All areas are safeguarded for employment purposes under Policy ER3 of this plan.

## **Offices**

**8.18** As Clacton grows, there will be an increasing demand for office developments of various kinds to provide accommodation for a range of public and private professional and other services. Strategically, the most suitable location in Clacton for such uses is within the town centre as defined on Proposals Map Inset 1a, in line with the Government Guidance in PPS6.

**8.19** The Town Centre Strategy report identifies a number of locations within the town centre that are considered particularly suitable for office development and change of use to offices. These include existing office areas in parts of Station Road, Jackson Road and Carnarvon Road and Rosemary Road West. In addition, it is considered that office development can be provided as an element of mixed-use development on the NCP Car Park site, Jackson Road, the Warwick Castle site, Pier Avenue/Old Road and the TDC Car Park, Carnarvon Road/High Street.

**8.20** Potential changes of use from residential to small scale office type businesses within the town centre will be considered on their individual merits, having regard to all relevant policies of this Local Plan. This would include the suitability of the area for the use envisaged the physical capacity of any property to provide for its effective conversion to business use, and the amenities of local residents.

## **Leisure and Tourism**

**8.21** Tourism remains a vital part of the Clacton economy, although changing holiday trends have led to a decline in long stay holidays but an increase in short breaks and day visits. Clacton has been identified as a Priority Area for Coastal Tourism in Policy LRT11 of the Replacement Structure Plan; recognising the role and potential of tourism to contribute to economic regeneration, protecting and upgrading existing leisure and tourism facilities and encouraging new development to strengthen and diversify the town's attractiveness.

**8.22** The Urban Area's main tourist facilities are the beaches, the Pier, seafront gardens, and amusements along with other facilities adjoining the town centre. Tourist accommodation is found in the form of hotels, guesthouses and holiday flats, and caravan and chalet parks. There will be several elements in the future planning of leisure and tourism facilities in the area including: -

## **Redeveloping the Pavilion Site by the Pier**

**8.23** The Clacton Pavilion, originally built in 1935, is a building in urgent need of redevelopment due to its poor structural condition. From a development potential point of view it has an excellent location at Pier Gap within the Conservation Area, where there is a high volume of pedestrian traffic to and from the beach and the pier. A high standard of design

will be essential in such a prominent position.

#### **Policy CL2 – Clacton Pavilion**

**Proposals will be sought for the redevelopment or renovation of the Clacton Pavilion site for leisure purposes for which the site will be protected. All weather facilities in a flexibly designed building will be sought with pedestrian access from the upper or lower promenade.**

**8.24** In 2003, the site was granted planning permission for the refurbishment of the existing pavilion building, provision of a new promenade at Marine Parade level, public toilet facilities, bowling alley, catering facilities and retail and leisure facilities.

#### **Defending the Coastline**

**8.25** The coast and in particular the beaches provide one of the urban area's most valued assets for both residents and tourists alike however, they are being eroded away, which is in-turn undermining the strength and condition of the sea walls and promenades. A serious need has been identified for the replacement of the coastal defences at Clacton and Holland and a scheme has been approved to provide improved defences.

**8.26** The scheme as presently proposed is based on an extensive series of studies and surveys. As shown in Diagram 5, it proposes to establish a series of 13 low crested offshore breakwaters across the Clacton frontage, and to recharge the beaches with imported sand in order to maintain a significant depth of beach against the sea wall. The breakwaters and recharged beaches will absorb wave energy and so prevent the sea wall from being undermined. The effect of this work will be to alter the coastal landscape considerably. Similar work has already proved successful on the Jaywick coast.

**8.27** The system of timber groynes and concrete breakwaters will be removed and beach levels will be considerably higher creating large expanses of open sandy beach at all states of the tide. This work could well create opportunities for sheltered summer boat moorings or launching facilities.

**8.28** Phase 1 has begun at Holland on Sea, where the existing beaches are at their lowest and will consist of just over one kilometre of new beaches and three offshore breakwaters whilst the second and third phases are less urgent and will be carried out over a 20 year period. The areas covered by the three phases are shown in Diagram 5.

#### **Enhancing the Seafront for Tourism Purposes**

**8.29** Improving the quality and stability of the town's beaches and promenades is an important element in a wider strategy to promote the development of seaside tourism in the area. The facilities provided along the seafront for tourism use, including seafront kiosks and shelters, are a fundamental feature of the area's character and popularity. If the necessary financial resources are made available, seafront kiosks and other buildings could be remodelled or replaced with a unifying design theme throughout the entire length of the seafront - particularly between the pier and Martello Bay.

#### **Policy CL3 –Tourism related facilities along Clacton Seafront**

**Tourist related facilities, features and amenities along Clacton Seafront, including seafront kiosks, toilets, shelters and other buildings, structures, features and amenities used or enjoyed for tourism-related purposes and which are capable of making a positive contribution to the historic context of the seafront will be progressively enhanced.**

**Development which would have a detrimental effect on the tourism role of the facilities, features and amenities will not be permitted.**

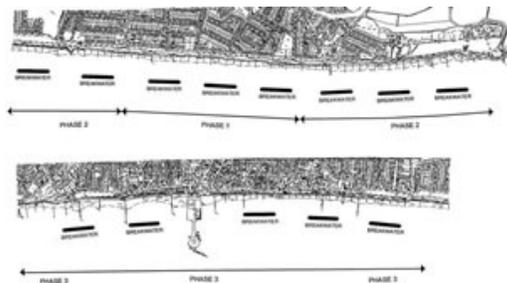
**8.30** The 1998 Adopted Local Plan allocated an area east of the Martello Bay housing development for a mixed-use water-sports centre. This area now contains facilities for Coach and visitor parking, a launching ramp, a restaurant/pub and a coastguard station. The remaining vacant areas as shown on Diagram 6, currently used for overflow car parking, could be developed for leisure and/or tourist related uses.

#### **Policy CL4 – Martello Bay**

**As a final phase of development at Martello Bay, leisure and/or other tourist related development will be encouraged on land east and south of the Coastguard Station.**

**8.31** New development in this area would boost the tourism potential of Martello Bay, taking advantage of undeveloped land and could include some ancillary retailing to meet local shopping needs. The Council has granted planning permission for the R.N.L.I. to relocate their lifeboats from the pier and on the west beach to one site at Martello Bay.

#### **DIAGRAM 5: COAST PROTECTION SCHEME - STRATEGY PLAN CLACTON-ON-SEA**



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Should local economic circumstances justify it, proposals for the Martello Bay (outlined in Diagram 6) could include a hotel. The Martello Tower is an important Scheduled Ancient Monument (SAM) in need of refurbishment. Any proposals for the further use of the tower will need to be considered carefully to ensure that the structure is safeguarded.

### Existing Caravan and Chalet Parks

**8.32** Policies ER18, ER19 and ER23 of this Plan deal with the need to safeguard the sites of existing caravan and chalet parks in principle, to seek improvements to facilities wherever appropriate, and to encourage some provision of touring caravan and tent pitches.

**8.34** These safeguarded sites are shown on the Proposals Map Insets 1 and 1b. Valley Farm and Highfield are particularly important large sites offering a good range of on-site facilities. The Tower Caravan Park is proposed to be extended. This will ensure the site layout can be improved and the setting of the Martello Tower is considerably improved by the relocating of caravans.

### DIAGRAM 6: WATERSPORTS CENTRE, MARTELLO BAY, CLACTON



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### Serviced Tourist Accommodation

**8.35** Both nationally and locally, the demand for serviced tourist accommodation on the coast has been declining over a number of years. This has been reflected in a loss of much of the area's hotel accommodation to alternative uses. Policy ER24 therefore, seeks to safeguard the remaining small stock of hotels and guesthouses in the centres of the district's coastal resorts including Clacton. The extent of the safeguarded area is shown on Proposals Map Inset 1a.

**8.36** Proposals for new hotels, guesthouses and holiday flats, in accordance with Policy ER25, are encouraged in areas of mixed commercial and residential accommodation in Clacton town centre and along the seafront.

### Amusement Centres

**8.37** Amusement Centres and related facilities currently occupy the southern section of Pier Avenue between West Avenue and Marine Parade, the Pier and the Pavilion. These areas provide a natural focus for holidaymakers and day-trippers to Clacton and it is considered that the convenience achieved through the concentration of amusement facilities in a core area for holidaymakers to enjoy them should be maintained.

**8.38** Moreover, because of the nature of amusement centres, which are often noisy, and the fact that large areas of the Town Centre remain basically residential in character, it is not considered appropriate to allow the establishment of such activities elsewhere within the Town Centre in the interests of local amenities.

### **Policy CL5 – Amusement Centres**

**Amusement centres will be confined to the southern part of Pier Avenue, Clacton Pavilion and on the Pier. In addition, such proposals will be permitted within existing holiday and caravan camps as ancillary facilities, provided that residential amenities would not be significantly adversely affected.**

**Proposals for amusement centres outside these areas will not be permitted.**

**8.39** It is considered that Clacton Pier, the Pavilion site and the southern section of Pier Avenue provide ample opportunity for the development of additional intensive leisure facilities, without the need to extend such activities further along the sea front.

**8.40** Probably the resort's best known feature dominating the seafront is the Pier, which contains a number of tourist attractions including amusements, rides, shops and an aquarium. The Council would support sympathetic enhancements to the Pier for tourism purposes to provide a range of leisure facilities and improved attractions.

### **Shopping and Town Centres**

**8.41** The Clacton-on-Sea and Jaywick Urban Area contains six defined centres. Clacton Town Centre is categorised as a "Major Town Centre" in the strategic hierarchy in Policy TCR1 of the Structure Plan and reinforced in Policy ER31 of this Plan. Great Clacton, Holland-on-Sea and Old Road, Clacton are defined as "District Centres". The remaining "Local Centres" are Broadway in Jaywick and Bockings Elm, Clacton.

#### **Clacton Town Centre**

**8.42** Clacton Town Centre contains the largest primary shopping area within the District. The town centre health checks commissioned by the Council stated that Clacton appears to be in a relatively good state of health when measured against the relevant indicators. This appears to be the result of concerted efforts by public and private sector bodies who have invested in the town. However, the health check report stated that in order to retain and improve this position, much effort is required, particularly in the face of competition from other centres such as Colchester.

**8.43** There is still scope within the Town Centre to achieve more efficient use of floorspace by the extension and alteration of the existing building stock. Although the awkward shape and small size of the street blocks which form the core of the Town Centre, limits the development opportunities, the Town Centre Strategy however identified a number of sites within the primary shopping area that could potentially provide more retail space.

### **Policy CL7 – New Town Centre Retail and Mixed-Use Development**

**Within Clacton Town Centre, new retail and mixed-use development will be encouraged on the following sites:**

- i. Pavilion Garage site at the corner of Pallister Road and Colne Road (retail use to Pallister Road frontage and residential use to Colne Road and above ground floor level);**
- ii. Land to the rear of the food store in Colne Road (retail use only);**
- iii. Land between High Street and Rosemary Road (Class A uses at ground floor level with residential flats above); and**
- iv. NCP car park, Jackson Road (retail at ground floor with offices above and multi-storey car park).**

**8.44** Any development on the NCP car park site in Jackson Road must ensure that there will be no net loss of car parking spaces.

**8.46** The resort role of the town generates a demand for catering establishments near the beach and town centre. These can often complement shops that require a secondary position. The Town Centre Strategy report identified the potential for a specialist shop/caf\_ area between High Street, Colne Road and Pallister Road. The streets in this area, as shown on Proposals Map Inset 1a, are well placed to fulfil this function and the accommodation is suitable for catering and small shops.

### **Policy CL8 – Specialist Shop/Caf\_ Area**

**Class A1 and A3 catering services and small scale retailing establishments will be encouraged in the area defined on Proposals Map Inset 1a, particularly if improvements to related residential accommodation are proposed.**

**8.47** Amusement centres have traditionally dominated the southern part of Pier Avenue. However, recent years have experienced a decline in this type of use and some units have remained vacant. Therefore, this Plan allows for greater diversification within this part of Pier Avenue and additional retail as well as food and drink uses will be encouraged along with amusements. This area is shown on the Proposals Map Inset.

### **Policy CL9 – Food and Drink uses in Pier Avenue South**

**Within the southern part of Pier Avenue, proposals for food and drink uses will be permitted providing they will not result in the loss of existing amusement centres. Such uses will not be permitted elsewhere within Pier Avenue.**

**8.48** The Waterglade Centre lies within walking distance of Clacton's primary shopping area and currently contains a Morrisons superstore, Iceland food store and four non-food retail warehouse units as well as parking for approximately 550 cars. This Centre has become well established in the central Clacton area and serves a useful adjunct to the main shopping area, in terms of additional retail offer and car park provision.

**8.49** Whilst the Waterglade Centre is physically separated from the primary shopping area by housing, it performs an anchor role to the western part of the Town Centre and there is strong evidence of linked trips between the two. Therefore, the Council considers that the Waterglade Centre should be recognised as a complementary part of the town centre in shopping policy terms and accordingly it is included, along with Rosemary Road West, within the defined town centre.

**8.50** The District-Wide Retail Study for Tendring (updated in 2003) identifies a need for non-food bulky goods floorspace in the Clacton area up to 2011. Accordingly, Policy CL10 allocates the area north of the existing Waterglade Centre car park comprising the gas holders and reservoir as being suitable for mixed-use comprising non-food bulky comparison retail goods and leisure use. The existing uses are expected to become redundant within the Plan Period and retail development on this site could comprise a retail warehouse format suitable for accommodating non-food bulky goods. The development of the site may be acceptable subject, at the planning application stage, to the sequential assessment required by Policy ER31 of this plan and the impact on the highway network and on the vitality and viability of the rest of the town centre. Development could also take the form of a mixed-use retail/leisure scheme to supply the town centre's "evening economy".

### **Policy CL10 – Extension to the Waterglade Centre**

**Land north of the Waterglade Centre is allocated for mixed-use comprising non-food bulky comparison retail goods and leisure activities. Permission for the accommodation of a non-bulky retail goods element will be dependent on the nature of the proposals, the application of a sequential assessment and consideration of the likely impact on the highway network and on the vitality and viability of the town centre.**

**8.53** To provide for additional employment opportunity in the central Clacton area, it is intended that the Warwick Castle Market site, at the junction of Old Road and Pier Avenue, accommodates a mixed form of development, which should include an element of general office floorspace. The office space could be provided at first floor level above the retail use. This site currently has the benefit of planning permission for non food retail/office redevelopment subject to a section 106 agreement.

**8.54** The Warwick Castle site currently contains a popular weekly open-air market. The Council supports the retention of this market within central Clacton and has identified a potential new location in the southern parts of Pier Avenue and West Avenue as part of a pedestrian priority scheme recommended by the Town Centre Strategy report.

### **Clacton Factory Shopping Village**

**8.56** The Clacton Factory Shopping Village opened in December 1998. The Factory Shopping Village sells a variety of adult fashion clothing, footwear and other shopping facilities provided direct from the manufacturers at discount prices. This has improved the retail offer of Clacton as a shopping centre. Because of the special circumstances concerning the development of the Factory Shopping Village, which lies in an out-of-centre location, the range of goods sold from the centre is restricted.

**8.57** The Factory Shopping Village is also a popular tourist attraction and is visited by customers from both outside and within the District. Although this centre competes with the shopping offer within the town centre, it is linked by a current shuttle bus service which travels between the two. The Factory Shopping Village functions as a separate centre from the town centre and any future proposals for further restricted factory outlet retail development in this location should be the subject of a sequential test assessment referred to in Policy ER31 of this Plan.

**8.58** Whilst the Factory Shopping Village is a useful addition to the variety of shopping facilities in the Clacton area, it is not considered to be an appropriate location for unrestricted Class A1 retail development and the Council will not permit such proposals here.

### **Policy CL12 – Clacton Factory Shopping Village**

**Permission will not be granted for proposals that include the introduction of unrestricted retail use on the Clacton Factory Shopping Village. Any application for expansion of the Factory Shopping Village will also need to comply with the sequential test required by Government Planning Guidance and not adversely**

**affect the vitality or viability of Clacton Town Centre.**

## **Brook Retail Park**

**8.60** Brook Retail Park, recently developed on land north of Clacton between the A133 and London Road, has accommodated approximately 50% of the non- food bulky goods retail shopping floorspace need for the catchment area for the period up to 2006 and all of the convenience floorspace need up to 2011. The development will enable the town to claw back a proportion of shopping trade which has taken place outside of the District in recent years principally in Colchester.

**8.61** The overall effect of the implementation of the non-food bulky goods element of the Brook Farm proposal has been to postpone the need and justification for further bulky goods floorspace in the Clacton area until the latter part of the Plan period. This approach is intended to secure the development of the identified sites within and on the edge of Clacton town centre, in particular on the site north of the Waterglade Centre allocated for non-food retail and leisure development in Policy CL10.

**8.64** Regarding convenience goods stores including supermarkets and food superstores, the new Brook Park superstore, Morrisons stores at the Waterglade Centre and Centenary Way coupled with other existing outlets; Somerfield (town centre and Gt. Clacton), Fiveways and Co-op, Iceland and Lidl supermarkets provide for adequate provision for food shopping to meet future needs of the catchment area to 2011. The appropriate location for significant new retail provision are the town centres. Such proposals will be judged on their merits against Policies ER31 and ER32 and any other relevant policies of this Plan.

## **Forecourt Trading and Markets**

**8.65** Notwithstanding the general guidance provided by Policy ER40 in this Plan, the Council considers that the establishment of additional forecourt trading within the Town Centre's main shopping area would in general be detrimental to visual amenity and pedestrian safety. The existing significant amount of forecourt trading fronting commercial premises in the Town Centre narrows available pavement widths for pedestrians in one-way streets which are becoming increasingly busy with traffic. In addition, further forecourt trading would do nothing to improve the general appearance of the Town Centre shopping environment, resulting in pavement clutter.

**8.66** Pedestrian priority proposals for the town centre recommended in the Town Centre Strategy and supported in this Plan, when implemented, would provide an alternative site for the Warwick Castle open market which will need to move once the existing site in Old Road has been redeveloped. Any proposals to relocate the market will be subject to Policy ER39 of this Plan.

### **Policy CL14 – Open Market**

**Following the implementation of pedestrian priority measures in the southern parts of Pier Avenue and West Avenue, the Council will support the relocation of the Warwick Castle Market to this area.**

## **Housing a Sequential and Sustainable Approach**

**8.67** The Clacton-on-Sea urban area, in terms of the Adopted Replacement Structure Plan, is defined as a "large urban area" with a resident population of almost 56,000 (2001 Census), including Holland-on-Sea and Jaywick. It is both the largest urban area in the District and, whilst subject to some environmental constraints, is the least environmentally constrained of the District's coastal towns.

**8.70** A combination of rolled forward large site commitments that accord with this Plan (Appendix 1) and allocated large sites (Appendix 2) should provide some 740 dwellings on 12 identified large sites within or adjoining Clacton-on-Sea urban area up to 2011, (see Table 1). These sites are generally well located in relation to public transport corridors, including the proposed new urban extension on the north-west edge of Clacton that is capable of delivering nearly 400 new dwellings.

**8.70a** Located within an Urban Regeneration Area, it is proposed that the urban extension to Clacton takes the form of a mixed-use allocation that will contribute positively towards the wider regeneration of the area. Notably, the development will include a purpose built health centre to address a shortage of health care provision in an area identified by the Tendring Primary Care Trust as a priority for improvement. In addition, the scheme will incorporate small-scale convenience retail uses and other community facilities to meet local needs plus open space. The area is to be developed in a comprehensive manner. By this the Council envisage that proposals to develop 356 residential units on the majority of the site are shown to sit within an overall development concept of the larger allocation such that these proposals would not preclude, through physical restrictions, the development of the smaller part of the site, i.e. land at 522-524 St John's Road.

### **Policy CL14a – Mixed-Use Development in north-west Clacton**

**Land between 398-508 St. Johns Road and adjoining 3-29 Little Clacton Road together with land to the rear of 522-524 St. Johns Road is allocated for mixed-use including predominantly residential**

## development with health centre, community uses, retail uses to meet local needs and open space.

**8.71** In addition a substantial number of small windfall housing sites, residential conversions and possibly a few larger windfall sites on previously developed urban land will continue to come forward for consideration through the development control process. The scale of new housing provision locally in Clacton-on-Sea should therefore make an important contribution to meeting the District's housing provision requirement in a sustainable way well related to employment, shopping, educational and other community facilities, which are easily accessible by a choice of means of transport.

**8.72** Residential development of land in the curtilage and in proximity to the Grade II\* listed Cann Hall will be required to be in accordance with the Adopted Design Brief for this site. This Design Brief was subject to extensive Public Consultation and involved inputs from the County Council and English Heritage. This is reflected in the indicative dwelling capacity for the site in Appendix 2.

### **Dwelling Sub-Division**

**8.74** It is important to maintain a range of residential accommodation within the town. This is particularly important in the areas of older housing surrounding the town centre, conveniently located for town centre services, and in terraced streets off St. Osyth Road. Many older properties in these areas comprise a useful stock of smaller, more affordable homes for small families and small households, although often without off-street parking facilities. There have been applications for flat conversions of the larger, and in some instances among the smaller properties. It is important that these areas of smaller, cheaper dwellings are retained to meet the needs of smaller households and first time buyers and do not cater for development that would intensify parking problems. Proposals to sub-divide dwellings will be considered with these points in mind and will also have particular regard to Policy HG10.

### **Regeneration and Development in Jaywick**

**8.75** Jaywick was originally built as a seaside resort for Londoners in the 1930's with small chalets built on private unadopted roads. Over many years, the occupation of the older part of the area has switched progressively from holiday to permanent residential use, but without the benefit of the services and facilities that would go with planned development today.

**8.75a** The Council's corporate approach is to support the people of Jaywick to maintain a cohesive and viable community where they can safely live and enjoy a wider range of services than presently provided. The parts of Jaywick most in need of regenerative effort are the Brooklands, Grasslands and Village areas, and to date, a number of major projects have been completed here in partnership with other organisations. Recent examples include the construction of the Jaywick Community Resource Centre, the Lotus Way Spine Road, the Jaywick Enterprise Centre and 40 new homes.

**8.75b** Located within an Urban Regeneration Area, the Council, in partnership with other organisations and stakeholders is working to bring about additional investment for social, economic, transportation and infrastructure improvements in Jaywick. A positive approach to bring about the regeneration of Jaywick is the establishment of a Masterplan. This will provide the stimulus for 'step-change' improvements and a positive vision for developing a comprehensive programme of measures aimed at bringing about the managed regeneration, redevelopment and upgrading of the area. The Masterplan will be the subject of public consultation and community engagement and will influence how Local Plan policies might best be fashioned to produce the benefits and quality living environment people have aspirations to achieve.

**8.75c** In 2003, the Rural Community Council of Essex worked with the residents of Jaywick to produce the "Jaywick Community Plan". That Plan sets out what the Jaywick community wants for the future of the area. It will help inform the preparation of the Jaywick Masterplan. 'Step-change' improvements will require a positive vision for the area with all stakeholders working together.

**8.76** The original Brooklands, Grasslands and Village areas defined on Proposals Map Inset 1b were developed with plots for chalets as small as 6 metres x 15.2 metres. The residential density throughout the area typically varies between 60 and 100 dwellings per hectare. In addition, this part of Jaywick lies within an area of high flood risk. The Environment Agency warn that the consequences of climate change and any subsequent flooding could be severe, particularly given that many existing dwellings are substandard and single storey.

**8.76b** To both reduce the density of development in an area vulnerable to flooding and at the same time raise the standard of design and safety, the Council will encourage the redevelopment of the existing sub-standard housing stock in accordance with the criteria of Policy CL15. The Council considers the most appropriate form of redevelopment to be 3-storey structures containing no living accommodation on the ground floor, erected on a minimum plot size of 225 sqm. The ground floor of new dwellings can incorporate off-street car parking and utility rooms etc. A flood risk assessment will need to be carried out before any application is made in accordance with Policy QL3 for any development proposal and the advice of the Environment Agency in this regard will be an important material consideration.

### **Policy CL15 – Residential Development in Jaywick**

**In Jaywick, the Council will encourage the redevelopment of the original Brooklands, Grasslands and**

**Village areas defined on Proposals Map Inset 1b in accordance with the Jaywick Masterplan. In this area:-**

- i. any new residential development should take the form of single dwellings on combined plots, the desirable width and depth of resulting plots to be at least 18 metres and 15 metres respectively. The minimum width and depth of resulting plots to be 15 metres and 15 metres respectively;
- ii. only three storey development that excludes habitable rooms on the ground floor will be allowed;
- iii. direct road frontage access should be available to each plot;
- iv. a minimum of 5 metres deep rear yard/amenity area shall be provided;
- v. a minimum one metre space between side boundaries and any detached, semi-detached or end terraced dwelling, or a minimum distance of 2 metres between the flank walls of any two such dwellings will be required;
- vi. any off street car parking should be provided within the ground floor of each dwelling;
- vii. the front building line to be 2 metres from the highway;
- viii. subsequent extensions to new dwellings will not be allowed if they contain living accommodation on the ground floor in the form of habitable rooms;
- ix. no development will be allowed within four metres of the ditch to the rear of Brooklands and Grasslands to allow for the passage of Maintenance Plant; and
- x. development along the Brooklands Frontage will need to be set back 2 metres to allow for the expansion of the road and a minimum 1.2 metre-wide foot path.

**The approval of any new dwelling will be subject to a contribution through a Section 106 Legal Agreement towards the continued wider regeneration of Jaywick in accordance with Policy CL15a below.**

**8.79a** The Jaywick Masterplan will enable the Council, using both public and private funding to adopt a pro-active approach to the application of Policies CL15 and CL15a to bring about the phased redevelopment of sub-standard housing in this high flood risk area, and generally improve the quality of the environment including the highway network, roads, footpaths and cycle routes. To enable this redevelopment to begin within this Plan period, a number of sites in the Jaywick area, as identified on Inset Map 1b are exceptionally allocated for private residential and mixed-use development through Policy CL15a below. Development on these additional sites will help bring about the regeneration of Jaywick both financially, through developer contributions towards the assembly of viable redevelopment plots, but also by introducing new standards of design and safety.

**8.79b** PPS25, the Government's Planning Policy Statement on Planning and Flood Risk, which promotes a sequential approach to the location of residential development, seeks to direct new housing development towards areas at the lowest possible risk of flooding. The Council's proposals for Jaywick would result in a net decrease in the number of households exposed to the threat of flooding and therefore helps to achieve the objectives of the Guidance. The Environment Agency is supportive of the Council's desire to bring about improvements and reduce the level of flood risk, provided that the redevelopment does not generate an increase in the population of the area.

**8.79c** The exceptional nature of redevelopment in Jaywick does not have a bearing on general housing provision in the District and therefore does not feature as an item in Appendix 2 of this Plan.

**8.79d** In accordance with the exceptional nature of the proposals for development at Jaywick, the Council will set aside the normal range of infrastructure investment required from developers by way of Section 106 legal agreements. This is an exceptional area which requires new thinking. Therefore a tariff will be levied on each new residential unit built within the existing Brooklands, Grasslands and Village area and on the additional new sites allocated in Policy CL15a to be invested specifically in a regeneration fund to provide the means to finance continuing improvement in a managed way. The precise level of tariff will be determined in accordance with the parallel work undertaken on the Masterplan.

**Policy CL15a – Jaywick Regeneration**

**To facilitate the phased redevelopment of the original Brooklands, Grasslands and Village area of Jaywick in accordance with the Jaywick Masterplan, the Council will allow residential and mixed-use development on the following sites:**

1. Land at the former Brooklands and Grasslands Social Club (mixed-use);
2. Land west of Lotus Way and north of Brooklands (mixed-use on southern part of site);
3. Land east of Lotus Way; and
4. Land west of the Guinness Trust development, Lotus Way.

**Residential development on these sites will be permitted subject to the securing of Section 106 Legal**

**Agreements. Each new dwelling built both within the existing Brooklands, Grasslands and Village area and on sites 1-4 above will be required to make contributions towards:**

- a. the assembly of either vacant or 'open market' plots within the defined area;
- b. securing improvements to the highway network, roads, footpaths and cycle routes; and
- c. securing and providing a range of new facilities including retail and public open spaces.

**8.80** In the intervening period until the regeneration of Jaywick is substantially completed, Policy CL16 will remain in place. The whole of the Brooklands, Grasslands and Village area is the subject of an existing Article 4 Direction under the Town and Country Planning (General Permitted Development) Order. The Direction requires planning permission to be obtained for any enlargement, alteration or other improvements to dwellings including extensions, porches or the placing of structures in gardens. Normally such works are exempt from the need for permission but because the buildings in Jaywick are already so close together, the Council decided in 1978 to impose the direction to protect the amenities of local residents and to strictly control the appearance of the areas.

#### **Policy CL16 – Planning Controls in Jaywick**

**The Council will continue to control development in Jaywick in accordance with the Article 4 Direction that applies to the area defined on Proposals Map Inset 1b.**

**In addition, permission will not be granted in this area for the following types of development:-**

- i. the stationing of caravans except on an authorised caravan site;
- ii. industrial or other inappropriate uses in predominantly residential areas;
- iii. retail sales from residential properties or the use of land for retail sales; or
- iv. the sale of goods from commercial properties unrelated to the normal business being carried out in the premises.

**8.81** It is the policy of the Council to resist certain types of development to which the Jaywick area has proved to be vulnerable in the past. These include the stationing of caravans on vacant plots, the sale of goods from forecourts or the use of open land for business purposes. Such activities are clearly out of character and incompatible with the protection of residential amenities particularly in such a high-density area.

#### **Residential Institutional Purposes**

**8.84** Clacton had witnessed substantial changes of use of properties from residential or holiday uses to institutional use prior to the adoption of a Control of Institutional Uses Policy in the 1998 Adopted Local Plan; much to the detriment of the character of the town centre and seafront. This Policy of control is carried forward into this Plan so within the Control of Institutional Uses Area as defined on Proposals Map Inset 1 and 1a, changes of use to institutional use are not allowed under Policy COM5.

**8.85** In a change from the Adopted Local Plan, the Control of Institutional Uses Area has been extended eastwards to include the Gardens Area of Special Character, where it is considered that Institutional Uses could be harmful to the character of the area.

#### **Recreation and Open Space**

**8.86** The Council has recently undertaken a comprehensive assessment of the quality and quantity of public open space across the district. When measured against the National Playing Field Association (NPFA) standards, the district was found to be deficient in virtually all types of public open space and it was found that the quality of existing facilities also needs to be improved. In order to redress these concerns, new policies have been introduced to help redress this imbalance and the following sites have been identified as new areas of public open space to be safeguarded and brought into public use as and when sufficient funds become available through applying Policy COM6. The proposals in question are:

- i. To extend the Pickers Ditch Walkway along the northern edge of the Cann Hall development, and eastwards from Sladbury's Lane to Holland Haven. Additionally to link the walkway with an existing public footpath connecting to Little Clacton Road; and
- ii. To provide a new area of public open space in Brooklands and Grasslands at Jaywick.

**8.87** Both of these areas are shown on the Proposals Map Insets as well as all areas of open space safeguarded under Policy COM7 and COM7a of this Plan.

#### **Provision of Healthcare**

**8.89** In July 2000, the Government published the NHS Plan. This is a 10-year plan for reforming and modernising the

NHS. The Plan identified that a key constraint to the development of services was the lack of modern purpose-built premises. Accordingly, Tendring Primary Care Trust is intending to improve doctor's practice facilities in north Clacton and Holland-on-Sea by centralising them in a new purpose built premises funded under the Local Improvement Finance Trust (LIFT). Any proposal for such facility will need to be in accordance with Policy COM24 of this Plan. In addition, the allocation of land at north-west Clacton for residential and mixed-use development makes provision for a new health centre through Policy HG14a.

## **Sustaining Our Environment**

### **Historic Parks and Gardens**

**8.95** The Seafront Gardens are located in the centre of the resort, west of the Pier and provide one of the town's most valued attractions. They were substantially upgraded in 1997 with financial assistance from the Heritage Lottery Fund; and in recognition of their historic value, they were included on the English Heritage Register of Parks and Gardens of Special Historic Interest in 2002 as a Grade II site. Registered Parks and Gardens are protected from harmful development in Policy EN1 of this Plan.

### **Conservation Areas**

**8.96** Clacton has two Conservation Areas: Great Clacton and Clacton Seafront. The Great Clacton Conservation Area was designated in 1983 and it is particularly important locally as it contains thirteen Listed Buildings, including the Grade I St Johns Church which dates from the early 12th Century.

**8.97** The particular historic character of the seafront and town centre has been recognised by the designation of the Clacton Seafront Conservation Area in 2001 stretching from the moated Martello Tower adjoining the hospital at the western end to the former Colchester Institute buildings at the eastern end. It includes the Pier, the seafront gardens and many surviving buildings fronting the seafront or in nearby side streets. The layout of this area dates from the development of Clacton as a resort at the end of the 19th century.

**8.98** In addition to control over demolition of buildings, felling or lopping of trees and greater influence on the design of development, Conservation Area designation offers opportunities for schemes of enhancement to achieve visual improvements. Sites within these Conservation Areas that would benefit from such enhancement are highlighted in the Council's draft Conservation Area Appraisals. These documents highlight the main features of the historic environment that both contribute and detract from the special character and when adopted, will be used when determining relevant planning applications.

**8.99** Policies dealing with Conservation Areas are found in the Sustaining Our Environment Chapter of this Plan.

### **“The Gardens” Area of Special Character**

**8.100** The Gardens area off the seafront in east Clacton was laid out in the 1920's and 1930's as a low density residential area of high quality enhanced by 2.8 hectares of long formal gardens. It is important that the essentially Arcadian character of this area is preserved by ensuring that it remains an area of large detached houses on spacious plots in a well-landscaped setting. This Area of Special Character is identified on Proposals Map 1 and in Diagram 7.

#### **Policy CL17 - “The Gardens” Area of Special Character**

**Development within “The Gardens” area of east Clacton shall have particular regard to the special character and appearance of the area. The following Policy Guidelines will be applied to safeguard the area's intrinsic character:-**

- i. New development shall generally conform to the existing building line;**
- ii. (building extensions should use matching materials and respect the architectural integrity of the existing building;**
- iii. single storey housing will not be permitted;**
- iv. new development will generally conform to the existing density of development and avoid proposals which would result in a cramped or incongruous appearance in the street scene. The demolition of existing properties will not create any presumption in favour of more intensive redevelopment;**
- v. flats will not be permitted either as new development or through the subdivision of existing properties;**
- vi. only where both the sedate residential character of the area and residential appearance of a property as a single dwelling remain unaffected, may permission for changes of use to non-residential uses be exceptionally permitted. Commercial uses, including private hotels, guesthouses and offices will not be considered appropriate; and**
- vii. the existing areas of amenity open space will be safeguarded and maintained. Finer trees in the area will be considered for protection by tree preservation orders.**

**8.101** SPG relating to this area was adopted in 1990 to provide detailed guidance for the future planning of the “Gardens Area” to supplement the Council’s Local Plan policies. This guidance will be a material consideration in the determination of planning applications within the Gardens Area.

### Supporting Public Transport

**8.102** Throughout the Town Centre Strategy consultation period in 2002, one of the most popular requests from the public was that a bus station be reinstated somewhere within the town centre. At present, a number of bus stops in the centre of town drop passengers off directly on to the busy shopping streets causing congestion for motorists and an uncomfortable experience for public transport users. There is also a need for an interchange to allow buses to park/stack near to the railway station. The Council, with support of funding through the Local Transport Action Plan, propose a new bus and rail interchange on land fronting Carnarvon Road, west of the railway station.

**8.103** The development envisaged on this site includes access from Oxford Road and egress to Carnarvon Road, a roundabout and a bus shelter where passengers can be dropped off to catch the train and vice versa. Integrated development of this kind is in accordance with government guidance in PPG13. It will reduce the demand for car parking provision, encourage people to use public transport and reduce reliance on the private car.

### DIAGRAM 7: THE GARDENS, CLACTON AREA OF SPECIAL CHARACTER



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#### Policy CL18 – Bus/Rail Interchange

**Land west of the railway station, Clacton-on-Sea, is proposed for mixed-use development including a bus-rail interchange and employment generating uses. Development shall include improved access to the site, a bus shelter and a roundabout.**

### Pedestrian Priority and Traffic Management

**8.105** The Town Centre Health Check for Clacton identified a conflict between traffic and pedestrians and the need for pedestrian priority measures. In response, the Town Centre Strategy report recommended a number of measures aimed at improving the shopping environment for pedestrians and easing congestion by improving traffic circulation around the town centre whilst creating a safe, pedestrian priority area in main shopping streets. Some traffic calming measures have already been introduced in the central section of Pier Avenue in an attempt to improve the safety of pedestrians.

**8.106** The Town Centre Strategy report recommended improving the balance in favour of pedestrians as well as reconfiguring the inner traffic circulatory system to divert traffic away from the Primary Shopping Frontages. In order to achieve this, it is vital that a pedestrian priority scheme be introduced in the central and southern sections of Pier Avenue and at the junction of Pier Avenue, Station Road and West Avenue would further improve pedestrian accessibility.

**8.107** In addition to the pedestrian priority measures put forward by the Town Centre Strategy report, the Council recognises the scope for pedestrian priority measures being introduced in Rosemary Road West. This would support longer-term expansion of the town centre and provide a strong pedestrian link between the main town centre and Waterglade.

#### Policy CL19 – Pedestrian Priority Measures

**Pedestrian priority measures, in accordance with traffic management objectives, will be introduced**

**progressively in and around Clacton town centre where appropriate and as resources permit, to provide priority for pedestrians, public transport and essential access traffic, improved amenities and to reduce or eliminate through traffic in principal shopping streets.**

**8.108** In a tourist resort like Clacton-on-Sea the town centre is an important leisure facility that visitors as well as the resident population should enjoy. Therefore the District and County Councils, in conjunction with local interest groups such as the Chamber of Trade, need to provide improved amenities in accordance with the general traffic management and pedestrian priority proposals for the Town Centre.

**8.109** These would need to be implemented in conjunction with a number of other policies aimed at protecting and enhancing the appearance of the existing principal shopping streets. Such improved amenities will include well designed and co-ordinated street furniture, improved toilets, seating, additional soft and hard landscaping and convenient facilities for the disabled.

**8.110** Related to the improvements of accessibility, the report recommended the implementation of a small number of key environmental enhancement schemes. These include:

- the creation of a key "town square" as a focal point at the junction of Pier Avenue, Station Road and West Avenue;
- improving forecourts in Station Road and the introduction of a tree lined avenue boulevard between the Primary Shopping Frontage and the railway station;
- introducing landscaping schemes to the speciality shopping area east of the Primary Shopping Frontage;
- hard and soft landscaping to the central part of Pier Avenue;
- upgrading of shop fronts and canopies including the control of advertisements;
- introducing quality street furniture; and
- Improving links between the Primary Shopping Frontage and the Waterglade Centre and Old Road.

**8.111** Suitable off-street vehicular access and egress arrangements will be expected for town centre proposals wherever practicable. Such arrangements will not only be in the operational interests of business for loading or unloading goods and the convenience of visitors, but will be an important consideration in relation to pedestrian and highway safety.

## **Public Car Parking**

**8.112** It is important to retain the existing public and privately owned off-street car parks in the town centre, particularly as the Town Centre Strategy Final Report identified only limited provision compared with other major seaside resorts. The continued viability and vitality of the town centre as a major shopping centre depends upon there being adequate and convenient car parking provision available.

**8.113** The provision of more off-street car parking in the town centre is a desirable objective in principle. However, in the interests of other objectives such as pedestrian priority measures, it may not always be technically acceptable or desirable.

**8.114** Policy TR8 of this Plan safeguards the public car parks shown on the Proposals Map Insets.

## **Clacton Airstrip**

**8.115** Fixed wing aircraft have operated from a grassed airstrip at West Road since 1958. This small airstrip is not subject to any land use safeguarding control zones of the kind imposed at larger airfields by the Civil Aviation Authority. Nevertheless, the presence of light aircraft may affect other land use proposals in the vicinity.

### **Policy CL21 – Clacton Airstrip**

**In considering any development proposal in the vicinity of the Clacton airstrip, the Council will have regard to any existing development use of that site for light aircraft flying operations.**

## **Chapter 9**

**Harwich, Dovercourt, Parkeston,  
Ramsey and Little Oakley**



## Chapter 9 Harwich, Dovercourt, Parkeston, Ramsey and Little Oakley

**Aim: To address local planning issues specific to the Harwich, Dovercourt, Parkeston, Ramsey and Little Oakley areas.**

**9. 1** This Chapter of the Plan relates to Proposals Map Insets 2 and 2a which cover Harwich, Dovercourt and its Town Centre, Parkeston, Ramsey and Little Oakley respectively (referred to as the Harwich Inset Area). It considers the land-use planning background and makes policy and site specific proposals, to meet the needs of the area for the period up to 2011. It is essential that this Chapter is read in conjunction with the earlier policies that relate to the whole of Tendring District.

### Key Issues:

- The identification of appropriate settlement boundaries, including new locations for housing.
- Ensuring sufficient land is available for the needs of industry and commerce, including stimulating local employment and economic activity in association with the proposed Bathside Bay development.
- Recognising the value of environmental assets in promoting the economic regeneration of the area.
- Protecting and enhancing the Harwich and Dovercourt Conservation Areas.
- Improving the quality and range of the area's main tourist attractions.
- Improving open space provision, opportunities for recreation and community facilities.
- Upgrading, safeguarding and improving the area's main shopping areas, especially Dovercourt Town Centre, including a new location for the market.
- Transport, including enhancement of the area's two main railway stations and addressing traffic, parking and pedestrian issues generally.

### Location of New Development

**9. 2** As one of the two main settlements in the District, Harwich has been identified as a focal point for growth in the District. Concentrating development within Harwich represents a sustainable choice whereby residents have the potential for access to all essential services including employment opportunities without relying solely on the use of the car. The Settlement Development Boundaries for the Harwich, Dovercourt, Parkeston, Ramsey and Little Oakley urban area to which policies QL1 and HG3 apply reflect the built-up area of the defined settlements. They include peripheral industrial and commercial areas, both existing and new allocations.

**9. 3** In accordance with district-wide policies in the Plan, including the principles of sustainable development, new development will predominantly be contained within the Settlement Development Boundaries or on edge-of-town locations.

### Strengthening the Economy and Promoting Regeneration

**9. 4** Regional Planning Guidance for the South East Region identifies Harwich as one of the Priority Areas for Economic Regeneration. Under the latest EU review, the majority of the Tendring District is currently classified as an area eligible for Enterprise Grants under EU Tier 3 arrangements. This is reflected in the Essex and Southend-on-Sea Replacement Structure Plan where Policy CS3 gives priority to investments, infrastructure and allocations that facilitate widely based economic regeneration and renewal in order to reduce disparities in economic success across Essex.

**9. 5** The Structure Plan identifies that Harwich International Port offers potential for large-scale economic development to contribute to the overall improvement of the Essex economy. In specific support of this Policy BIW10 of the Structure Plan identifies Harwich International Port as suitable for expansion through the development of Bathside Bay.

### Bathside Bay

**9. 7** The economy of the Harwich area is heavily dependent upon the port and its associated industries and services, and this is expected to remain the case for the lifetime of this Plan. This role will increase as the expansion of Harwich International Ports and Bathside Bay proceeds.

**9. 8** The planning applications to develop the 122ha site known as Bathside Bay and comprising previously reclaimed land and inter-tidal mudflats, have been approved but not implemented. The key elements of these proposals are the creation of a 1.4km long quayside through the reclamation of 72ha of intertidal area. It also includes the creation of a small boat harbour in the vicinity of Gas House Creek and the creation of a compensatory habitat through the managed realignment of Hamford Water at Little Oakley. Key factors of the scheme are:

- i. in association with other port operations at Harwich and Felixstowe, the site can provide excellent facilities for handling large ships close to the entrance to the Stour and Orwell estuaries;
- ii. there is space to create capacity for a significant volume of traffic;
- iii. the site is well placed geographically to handle road and rail traffic to the Midlands and the North and the need for additional infrastructure to maximise its benefits has been recognised;
- iv. appropriate environmental mitigation measures can be achieved relating to avoiding air, noise, and light pollution along with the provision of a major compensatory wetland habitat, off-site highways works, landscaping, high quality design and the creation of a small boat harbour;
- v. development at Bathside Bay broadly accords with regeneration, employment and port related development policies contained within this Plan;
- vi. the present proposals could generate up to 1,700 local jobs both on site and in the wider local economy; and
- vii. it fits in well with the transport network and provides ideal cargo interchange facilities subject to the proposed road/rail freight modal split targets being achieved.

**9. 9** In relation to the compensatory habitat at Hamford Water, the Council will continue to seek to ensure that the details of this provide appropriate replacement habitat to compensate for the loss of the SSSI and SPA at Bathside Bay and the other environmental impacts identified in the Environmental Impact Assessment (2003) that accompanied the planning applications.

#### **Policy HAR1 – Bathside Bay**

**Bathside Bay is a strategic employment site by virtue of Policy QL5. Permission has recently been granted, but not yet implemented, for the development of 122 Ha of land at Bathside Bay for the expansion of the existing container port facilities. No new planning permission will be granted unless it is for substantially similar development. In respect of any application for a new permission or for an extension to, or variation of, the existing permission, the Council will weigh the case for such new permission or for such extension or variation against the likely impact of the new, extended or varied development:**

- i. **upon local amenity, by reason of increased noise, vibration, air pollution or light pollution;**
- ii. **Upon infrastructure, including the impact upon the road network and the public transport network;**
- iii. **Upon nature conservation interests, including the Suffolk Coast and Heaths Area of Outstanding Natural Beauty, the Stour and Orwell Estuaries Special Protection Area and Ramsar site; and the Stour Estuary Site of Special Scientific Interest;**
- iv. **Upon the Harwich and Dovercourt Conservation Areas, scheduled ancient monuments and listed buildings.**

#### **Land East of Pond Hall Farm**

**9. 11** This 27ha site is located to the south of the Dovercourt bypass on land north of the main housing areas of Dovercourt. Access to this site will need to be directly from the A120. This site offers the potential to provide accommodation for a range of port-related uses in a suitably landscaped business park setting. As with Bathside Bay, development proposals will need to be accompanied by an Environmental Impact Assessment including a Green Travel Plan, as detailed in the Local Transport Plan and the Tendring Transportation Strategy.

**9. 12** The local economy relies very heavily on transport-related uses and the site represents a prime opportunity to aid diversification to create a more balanced economy less reliant on one sector. To this end, the Council will encourage general and light industrial uses as well as storage and distribution activities related to the port.

**9. 12a** Recent assessment of this proposed development site concluded that despite some environmental and physical constraints when considered against planning guidance (including the Sustainability Appraisal), the site retains a sustainable option for release as a strategic employment site in support of growth that is likely to be associated with the potential off-site employment development needs of the expansion of Bathside Bay. A detailed development brief for the site will be prepared.

#### **Policy HAR2 – Land East of Pond Hall Farm**

**Land east of Pond Hall Farm (27ha gross) is allocated for the development of a new business park for storage and distribution along with general and light industrial uses.**

**9. 12b** This site will provide for:

- vehicular access to the satisfaction of the Highway Agency from the A120;
- a strategic landscape scheme on the western and northern perimeter of the site;
- a cycle footpath connection along its northern boundary to the adjacent Country Park to the west; and
- a pre-school cr\_che facility as part of its development.

### **Development within the Vicinity of Carless Refinery**

**9. 13** The Carless Refinery to the west of the village of Parkeston contains a range of large storage tanks to enable various solvents and other materials to be mixed. The existing refinery is safeguarded for refinery purposes. In view of health and safety requirements relating to the operation of the refinery and the need for safeguarded areas around it, only a limited expansion will be allowed between the northern boundary of the site and the railway line.

**9. 13a** If an Appropriate Assessment is required particular regard should be had to disturbance during construction and operations, loss of habitat, impacts on estuarine water quality, and the provision of a programme of monitoring and implementation of measures to ensure that the effects of ongoing activities on the site are controlled to levels which will not adversely affect the integrity of any international site.

#### **Policy HAR3 – Development within the Vicinity of Carless Refinery**

**The Carless Refinery site will be allowed to expand: northwards to the railway line, an area of 2.41ha;**

**The site is shown on proposal inset map 2. Such expansion proposals will be permitted provided:**

- i. the impact on nature conservation sites is fully assessed and mitigation measures taken accordingly;**
- ii. proposals meet all health and safety requirements;**
- iii. measures are taken to minimise visual intrusion; and**
- iv. that structural landscaping is provided on the southern boundary.**

**Natural England will be consulted to assist in determining the likely effects of any enhanced operations on the Stour and Orwell Estuaries SPA and Ramsar site. If it is considered that a given proposal under this policy would be likely to have a significant effect on this site, then an Appropriate Assessment will be provided in accordance with the Habitat Regulations.**

### **Other Employment Sites**

**9. 15** The identification of the site west of Station Road, Parkeston has previously been controversial, due to its proximity to local residents and the sites of environmental significance. As a consequence of this and the potential availability of other employment land, it was not previously pursued and was therefore not included in the Adopted Local Plan of 1998. However, it is now very likely to be the case that the Bathside Bay site will be developed wholly as a container port with no land available for general industrial uses. Also, a considerably smaller area of the Stanton Euro Park site is now likely to be available for employment and port-related uses.

**9. 16** This means that in the light of the expected increased demand for employment land in the area associated with the Bathside Bay port development proposal and the need to allocate 59 hectares of employment land, this site is now required for that purpose. The allocation of the site is shown on the Proposals Map. Considerable landscaping works and related mitigation measures are proposed in accordance with a previously approved Design Brief for the site. Full regard will be given to the environmental impact of the development recognising its location adjoining residential areas and open countryside on the edge of Parkeston and the need to carry out adequate flood mitigation measures.

**9. 17** Other employment development opportunities are likely to occur within the built up area of Harwich and Dovercourt, including the redevelopment of existing industrial sites including the Pelcombe Engineering works off Main Road in Dovercourt.

### **Small Businesses**

**9. 18** There are relatively few small businesses in Harwich. In order to redress the problem and thereby reduce the dependency on a few major employers, the Council will support appropriate proposals for sites and premises for small business units.

#### **Policy HAR3a – Small Businesses in the Harwich Area**

**The Council will support appropriate proposals for sites and premises for small business units in Harwich:**

- where they are on existing allocated industrial sites; or
- by considering favourably the location of small businesses within Use Class B1 in predominantly residential areas subject to suitable safeguards on residential amenities.

### **Sustainable and Affordable Housing - A Sequential and Sustainable Approach**

**9. 19** The Harwich and Dovercourt urban area, in terms of the Adopted Replacement Structure Plan, is defined as a “large urban area” with a resident population exceeding 20,000, (taking into account the parts of the Ramsey, Parkeston and Little Oakley parishes within the urban area). It is largely surrounded by sensitive countryside and coast of recognised environmental, ecological or agricultural importance.

**9. 22** A combination of rolled forward “large” site commitments made up from existing planning permissions and presently allocated sites that accord with this Plan (Appendices 1 and 2) should provide over 590 dwellings on 16 well distributed large sites within the urban area. All of the proposed new allocations are located close to public transport corridors. In addition, a substantial number of small windfall housing sites, residential conversions and possibly one or two larger windfall sites on previously developed land will continue to come forward for consideration through the development control process. The scale of new housing provision locally in Harwich should therefore make an important contribution to meeting the District’s housing provision requirement in a sustainable way well-related to employment, shopping, educational and other community facilities, which are easily accessible by a choice of modes of transport.

### **Protecting and Enhancing the Natural and Built Environment and Promoting Tourism**

**9. 25** These issues are considered together because of the importance of improving the local environment and exploiting its potential tourism benefits. Policies elsewhere in this Plan, particularly within the Sustaining Our Environment Chapter, provide clear protection for the natural and built environment for the whole of the District. These assets are a crucial factor in securing the regeneration of the local economy through tourism and to providing a more attractive location for new businesses to locate. This section of the Chapter identifies specific local proposals to upgrade the built infrastructure and to enhance the appearance and character of the main urban area, including the Conservation Areas. The delivery of these important urban regeneration projects will make a significant contribution to improving the attractiveness of this locality to businesses and for tourism, thus benefiting the local economy as a whole.

**9. 26** The historic town of Harwich, which is a designated Conservation Area containing approximately 200 Listed Buildings, is regarded as an important visitor attraction with significant tourism potential. Similarly, the substantial open spaces of the Dovercourt Conservation Area, including Cliff Park and the Beacon Hill Fort SAM, have a key role in the regeneration of the local tourism economy. Therefore, as part of regeneration initiatives within the area, the Council will encourage development that enhances the historic character and attractive appearance of these two Conservation Areas.

**9. 27** To secure the repair and upgrading of the most important buildings in the Harwich Conservation Area the District and County Councils together with English Heritage have for many years operated a Town Scheme, a Conservation Area Partnership Scheme and a Heritage Economic Regeneration Scheme (HERS) whereby grants have been given to assist owners with the high cost of repair and restoration work. The latter HERS programme targeted various commercial buildings in the Conservation Area. A Townscape Heritage Initiative funded by the Heritage Lottery Fund and other partners commenced in 2005.

### **Harwich**

**9. 28a** Harwich “Old Town” as identified in Policy QL6 is an Urban Regeneration Area, the extent of which is shown on Proposals Map Inset 2A. The Haven Gateway Partnership, which is promoting regeneration opportunities in the Sub-Region, has identified Harwich as one area requiring regeneration. In order to take this forward the Partnership, which includes the Council, has prepared a Master Plan identifying certain areas and individual sites for new development.

**9. 29a** The Master Plan was subject to two periods of public consultation and a Strategic Environmental Assessment. The Master Plan was subsequently submitted to the Council for consideration and the document has been adopted as a Supplementary Planning Interim Document to guide Council development control policy in the Harwich area. It is intended that the Master Plan will be formally adopted as a Supplementary Planning Document once the Local Plan has been adopted.

**9. 30a** The Harwich Master Plan contains proposals for the development of the waterfront sites at The Quay occupied by Trinity House and Harwich Haven Authority, redevelopment of the Navyard Wharf for mixed development comprising housing, commercial and leisure uses with a large marina within the region of 500 berths. Other proposals involve enhancement of certain areas of the public realm, especially The Quay, redevelopment opportunities at the railway station, sailing club, and the Bernards site. There are other proposals for improved car parking, a new public transport interchange and improved pedestrian access and circulation. Proposals Map Inset 2A shows the area covered by the Master Plan.

**9. 31a** The Master Plan provides a detailed framework for the consideration of development proposals over a ten year period i.e. 2005 – 2015. Those proposals included in the Master Plan which are considered “long term” i.e. post 2011 are not covered by this Local Plan but may be subsequently included in the new Local Development Framework (Harwich Area Action Plan). Diagram 8 shows the main proposals incorporated into the Masterplan.

**9. 32a** As most of the area covered by the Master Plan is within a Conservation Area it is proposed that there will be a sensitive approach taken to redevelopment proposals ensuring that the preservation or enhancement of the Conservation Area are primary factors in the consideration of proposals. The Master Plan proposals generally replace the Conservation Area Enhancement proposals put forward previously in the First Deposit Draft Local Plan (former policies HAR4 and HAR5).

**9. 33a** The Master Plan proposals are also reflected in the following amended policies: HAR10 Water-Based Recreation and Marina Development, and HAR16 Port Development. Subsequent amendments have also been made to other aspects of the Local Plan dealing with housing and employment sites.

#### **Policy HAR4a – Harwich Master Plan**

**Proposals for new development in the Harwich Conservation Area and Urban Regeneration Area will be considered against the relevant provisions of the Harwich Master Plan. The Master Plan will also be used to guide and influence decisions on the enhancement of the Conservation Area and the need to carry out further improvements to the public realm.**

**9. 34** In contrast to Harwich the centre of Dovercourt is largely the result of development spanning the second half of the 19th Century. Although the new resort grew slowly, Victoria Street comprises a complete set piece, with two, almost identical terraces. Whilst not presently listed, these houses are remarkable, not only because of their contribution to the townscape’s value, but also for the attention to the original detailing, which remains intact, such as window and door arches, “dentil” courses at the eaves, entrance steps with piers and railings and fine chimney stacks. In order to safeguard these features (which can often be lost during “improvement” works) the Council will give consideration to serving an Article 4 Direction which will require owners to apply for planning permission for certain minor building works. Grant aid will be available through the Townscape Heritage Initiative to encourage appropriate building repairs and re-instatement of architectural detail.

**9. 36** Following the designation of the enlarged Conservation Area enhancement proposals will be prepared aimed at creating an improved shopping environment for residents and visitors alike. There is considerable scope for improving the appearance of Kingsway, the High Street and the very extensive currently featureless space around the Station with good quality paving, tree planting and improved street furniture. These enhancement proposals will be prepared in consultation with the Highway Authority, Network Rail and various local stakeholders. They will also be closely related to the detailed proposals put forward in the Dovercourt Town Centre Regeneration Strategy and in accordance with policies HAR12, HAR13 and HAR14.

#### **Beacon Hill Fort**

**9. 38** Beacon Hill Fort is an extensive Scheduled Ancient Monument comprising the surviving structures of four major phases of development i.e. the 1860s and earlier, 1880s/1890s, and the First and Second World Wars. Many of the defensive features above and below ground, including gun emplacements, observation towers, underground magazines, engine houses etc, provide an interesting insight into the development of coastal fortifications developed over the last Century.

**9. 39** In 1989 the Council published a Draft Action and Management Plan which has been used as a basis for consultation with both local and national bodies involved in the conservation, restoration and interpretation of this coastal fortification site. The intention is to develop the fort complex and its associated cliff-top open space as a significant heritage tourist attraction to complement the other attractions in Harwich itself. Any work to be carried out at Beacon Hill will be discussed and agreed in advance with English Heritage.

#### **Policy HAR6 – Beacon Hill Fort**

**The Council will support conservation-based proposals for the Beacon Hill Scheduled Ancient Monument to be restored as a museum and heritage complex depicting the historical significance and evolution of the fortification. Other forms of development will not be permitted.**

#### **Countryside and Natural Resources**

**9. 43** Although predominantly urban in character, the Harwich Area includes some very important areas of countryside and undeveloped coastline, much of which is of considerable ecological and landscape value. Particularly important are the expanses of undeveloped land to the south and west of the Dovercourt Bay Housing Estate and the valley between Upper Dovercourt and Parkeston. The coastline extending westwards from Harwich International Port along the River Stour and southwards from Dovercourt Bay towards Hamford Water is particularly sensitive in relation to landscape and nature conservation considerations.

**9. 44** Hamford Water is a SSSI, SPA and a NNR. The Stour Estuary is also a SSSI and contains internationally important wildlife habitats. It has also been identified as a wetland area of international importance under the Ramsar Convention and is a SPA designated under the European Community's Wild Birds Directive. Recently the SSSI boundaries have been amended to include the whole of Bathside Bay and the remaining undesignated portion of Copperas Bay. The extent of these designations is shown on the Proposals Map Insets 2 and 2a. A District-Wide Landscape Character Assessment has been carried out which has identified the countryside around Harwich as particularly diverse, incorporating both open and drained estuarine/coastal marshes, coastal slopes, coastal ridges and peninsulas, river flood plains and clay valleys. Local Green Gaps have also been defined between Dovercourt and Ramsey and between Dovercourt and Parkeston. These local policy boundaries have been taken from a technical study, which has identified a number of these local designations throughout the Plan area. Notwithstanding the technical study recommendations, the boundaries of the Local Green Gaps in this location have been amended to accommodate the new land allocations for employment development on the site East of Pond Hall Farm and West of Station Road, Parkeston. Similarly an amendment has been made to accommodate the proposed extension of the Carless Refinery to the south of its existing site.

**9. 46** The eastern extremity of the Stour Estuary falls within the Harwich Inset Area and the Local Plan specifically seeks to protect the special character and ecology of the estuary through strict control of development. Policy EN11 also seeks to encourage the co-ordination of agencies involved in the management and use of the Estuary. An overall Management Plan for the Suffolk Coast and Heaths AONB, including the southern shore of the Stour Estuary, was adopted in February 2003. The southern shore of the Stour is of equal quality to the northern shore and it is suggested that the area should be treated as if it were an AONB. The suggested boundary of the AONB is shown on the Proposals Maps. A technical study has been prepared to justify the AONB boundary proposed.

## Tourism

**9. 48** The Structure Plan identifies Harwich/Dovercourt as falling within a Priority Area for Coastal Tourism where economic vitality and viability should be promoted by protecting and enhancing tourist facilities, as well as permitting new development that strengthens and diversifies the attractiveness of the area for tourism.

**9. 49** Large numbers of passengers pass through Harwich International Port each year travelling to and from Europe. However, to date, Harwich has only been able to capitalise on this tourism potential to a limited extent. In order to be able to tap into this substantial market, existing tourist facilities will be safeguarded and support given to proposals which seek to upgrade them.

**9. 50** Over the last 30 years the area has continued to suffer from a long period of decline in the tourist industry, with many hotels and guesthouses closing down. This trend is a reflection of the national tourism industry as evidenced in other resorts. There remain several medium-sized hotels and a number of small family-run businesses that provide a useful stock of accommodation. The Council will therefore safeguard these existing hotels and guesthouses and encourage their upgrading and improvement.

**9. 51** The provision of new hotel developments within the Harwich area is encouraged and planning permission has been granted for a large hotel on the Stanton Euro Park site west of Bathside Bay. Other new hotel developments in the area will be judged in accordance with all relevant policies. Surveys of holidaymakers and day-trippers revealed that the main attractions of the resort were the sandy beaches. Dovercourt's beach has been awarded Blue Flag status and attracts considerable numbers of visitors each year. The viewing of shipping south of Lower Marine Parade through to Harwich is also a major tourist asset which will be safeguarded and upgraded during the Plan Period (as resources permit).

**9. 52** Whilst tourism has generally moved away from the long-stay "main holiday" to shorter and more frequent breaks, much more could be done by the local "tourism industry" to broaden its appeal. Accommodating this change will require radical restructuring of the local tourism infrastructure, including the provision of good quality facilities appropriate to the day-tripper. For its part, the Council will encourage such facilities in the Harwich area, particularly in the area off Lower Marine Parade.

**9. 53** The main concentrations of tourist facilities, including various amusements and associated recreation areas, are found along Lower Marine Parade and Low Road. There is also an attractive seafront adjoining Harwich near the Low Lighthouse. Overall, these areas will be progressively upgraded and improved by the Council in partnership with the private sector and other stakeholders as resources become available.

### Policy HAR8 - Tourism

**Visitor attractions and facilities will be encouraged in the Harwich area;**

- 1. In particular amusement centres, tourism and holiday uses will be encouraged to locate in the area off Lower Marine Parade defined for such purposes on the Proposals Map Inset.**
- 2. All proposals will be subject to the other policies of this Plan concerning protection of amenity, highway safety, design and the preservation of the countryside beyond the Settlement Development Boundary.**

## Open Space Provision, Opportunities for Recreation and Community Facilities

**9. 54** Opportunities for recreational open space are safeguarded through policies in the Safer and Healthier Communities Chapter of this Plan. One specific site requiring attention in this Inset Area is land known as “The Hangings”, as an area of open space linking Parkeston Road to Dovercourt Town Centre along the old railway line. This is an important linear open space that provides the potential to become part of the National Cycle Route Network and could be declared as a LNR.

**9. 55** The informal linear open space area of “The Hangings”, following the old railway track, will be augmented by the proposed open space within the Capital House housing development. This amounts to a total open space provision of 7.2 hectares as a green buffer zone between existing and proposed housing and the extensive Bathside Bay development. The Bobbitt’s Hole LNR also provides further open space in this locality.

**9. 57** A long-standing proposal exists to provide an area of 6.6 hectares of public open space on land south of Low Road to serve the Dovercourt Bay Housing Estate and the south west of the town generally. This land was allocated for open space in the Adopted Local Plan of 1998. The above recreational open space shortfall needs to be reduced and therefore it is proposed to extend the Low Road area of open space to include further land to the south west. This will also assist in providing an undeveloped buffer between the Dovercourt Bay Housing Estate, the caravan parks and the sensitive coastal area. The new open space proposal in this area amounts to 16.5 hectares.

**9. 60** Harwich and Parkeston Football Club currently occupy The Royal Oak Football Ground situated on the Main Road, Dovercourt opposite Fiveways supermarket. The Council recognises the important local community role of the Football Club and will assist any proposals to relocate to a new site if this becomes necessary during the Plan Period where such a proposal accords with the relevant policies of this Plan.

### **Indoor Recreation and Sports Provision**

**9. 61** Local indoor sports and recreation provision is provided by the Harwich Sports Hall, a dual-use facility in the grounds of the Harwich School and the Council’s covered swimming pool located within the main recreation area off Lower Marine Parade and Wick Lane. The Council will support the provision of new facilities to enhance these sites.

### **Water-Based Recreation**

**9. 62** The Replacement Structure Plan recognises that Harwich is one of various locations in the County where sailing facilities are concentrated. Policy LRT6 of the Structure Plan seeks to limit the establishment of new facilities to such locations as defined in Local Plans. In this context, as part of the Bathside Bay development, there are proposals for a small boat harbour in the vicinity of Gas House Creek, which will accommodate the local yacht club and other boat users including fishermen. The proposed site for the boat harbour is shown on Proposals Map Inset 2a.

**9. 63** The Harwich Haven Authority has now established some floating pontoons for visiting yachts off Halfpenny Pier. Further mooring facilities could be developed during the Plan Period in accordance with proposals for a “seed marina” which is included in the Harwich Master Plan.

**9. 63a** The long-term redevelopment of Navyard for mixed use (mixed residential and commercial) will also involve the creation of a large marina of 500 berths. These proposals have been included in the Harwich Master Plan although the implementation of this scheme will stretch well beyond the Plan period i.e. post 2011. However, approximately 50% of the development is expected to be completed by 2011.

#### **Policy HAR10 – Water-Based Recreation and Marina Development**

**Proposals for a small boat harbour in the vicinity of Gas House Creek as part of the Bathside Bay development will be permitted subject to compliance with other relevant policies of this Plan. The detailed design and use of materials associated with this development must respect its location within the Harwich Conservation Area.**

**Further mooring facilities will be provided for yachts and small craft in the vicinity of Harwich Quay between Half Penny Pier and Trinity Pier. A large-scale marina development is proposed at Navyard Wharf in association with a mixed redevelopment scheme comprising housing, small-scale retail outlets, and leisure outlets and facilities.**

### **Community Facilities – Land Adjoining Barrack Lane**

**9. 65** Policy COM3 safeguards this site for community facilities. It is actively used by a number of local organisations, and the Council is keen to further improve these facilities in line with the wishes of the current users and in accordance with the broader objectives of this Plan. However, many of the buildings are in a very poor condition and major investment is needed to ensure their longevity. The Council recognises that this can only be achieved by a major capital investment.

**9. 66** As the first stage in reviewing the options for achieving this goal, the Council instructed consultants to develop a vision for the site. All options included an element of housing to part-fund a purpose-built community facility. Recognising that the upgrading of this facility would have wider community benefits, the Council supports mixed-development at this

site recognising that the limited intrusion of such development into the surrounding recreational open space is more than offset by the wider benefits a new and enhanced community facility would have. This site is in a sustainable location near to Dovercourt town centre and will be part of the strategy to ease the pressure to release new greenfield housing sites. Nonetheless, housing is proposed purely as enabling development to facilitate appropriate regeneration of the adjacent community facilities.

#### **Policy HAR11 – Land Adjoining Barrack Lane**

**The Council will support redevelopment of the Barrack Lane community facilities comprising mixed-development of housing and new community facilities.**

### **Improving the Main Shopping Areas**

**9. 67** The Replacement Structure Plan identifies Harwich as one of the Principal Second Tier Town Centres of Essex and supports additional retailing and other town centre uses in the town. The Council supports this approach for Harwich and the Council's land-use strategy for retailing is considered in more detail in the Strengthening the Economy and Promoting Regeneration Chapter of this Plan. A key factor is the identification of the Dovercourt Town Centre Regeneration Area. This Chapter considers the local implications for the Harwich area of these broader strategy policies.

#### **Dovercourt Town Centre**

**9. 70** Recent studies undertaken for the Council have concluded that Dovercourt town centre is in a poor state of health. It is anticipated that in time the town centre will benefit from the expansion of Harwich International Port. However, proposals are also needed to improve the existing facilities now to secure its short-term future as a local shopping centre and its broader contribution to the local economy. In recognition of Dovercourt being identified as a Town Centre Regeneration Area, measures will be taken to encourage the repair and restoration of historic buildings. The Townscape Heritage Initiative bid is one illustration of such initiatives.

**9. 71** To identify specific opportunities, the Council commissioned a Town Centre Regeneration Study to identify proposals for the enhancement of the following parts of the town centre: Kingsway, Station Road, High Street, Victoria Street, and the area in front of Dovercourt train station. A significant feature of the resultant proposals was the relocation of the existing market, currently sited on land adjoining The Royal Oak Football Ground, to Kingsway. This project will require substantial infrastructure investment but will have a significant benefit by consolidating retailing activity in the town centre and thus creating greater potential for more sustainable locally linked trips to the local town stores rather than out-of-town or edge-of-centre outlets.

**9. 72** Linked to this are proposals by Essex County Council's Community Rail Partnership to secure funding from the Strategic Rail Authority's Rail Passenger Partnership Fund for improvement to Dovercourt railway station. Proposals include improved waiting areas and a station café. These proposals will be supported through policies in this Plan.

#### **Policy HAR12 – Dovercourt Town Centre Regeneration Area**

**Within the defined regeneration area, covering parts of the town centre, appropriate mixed-use development (including residential use) will be encouraged in order to bring about the repair and restoration of historic buildings.**

#### **Policy HAR13 – Environmental Improvements within Dovercourt Town Centre**

**Proposals to carry out environmental improvement works within the town centre, as well as to improve facilities at Dovercourt railway station (including a station café), will be supported subject to the approval of highway and environmental safeguards including protection of the amenities of local residents.**

#### **Policy HAR14 – The Market**

**Proposals to relocate the market to within the Dovercourt Town Centre area and the Kingsway/Station Road station forecourt area will be supported subject to appropriate highway and environmental enhancement and safeguards including protection of the amenities of local residents.**

### **Transport**

**9. 75** Development at Harwich provides a prime opportunity to promote sustainable forms of transport. The Essex Local Transport Plan and the Tendring District Transportation Strategy (2004) seek to develop a sustainable, integrated transport system for the District that provides necessary access to facilities, services and goods with less dependence on cars and less impact on the environment.

**9. 76** Harwich is a major gateway to Europe and the Council continues to lobby strongly for the remainder of the A120 route from Little Bentley to the Port to be dualled during the Plan Period. In addition, the Council is also pressing for the

provision of an all-purpose A120/A133 junction provided at Hare Green. These priorities for highway improvements to the A120 are recognised in the emerging Regional Strategy and sub- regional policies for the Haven Gateway.

**9. 77** Since the completion of the Dovercourt bypass and a new port access road to Harwich International Port, the County Council has introduced some local traffic management measures in Parkeston. Opportunities exist to improve environmental conditions especially in residential areas with one-way streets, improved and additional on-street parking, traffic calming measures and where feasible, the introduction of pedestrian priority streets. These will be supported. The District Council will actively investigate what measures can be taken to improve the availability of off-street parking in residential areas that currently have little or no provision. These could involve the possibility of creating rear access-ways to older housing areas. Residential streets immediately surrounding Dovercourt town centre will be considered as a priority as resources permit. Heavy vehicles will be directed to the new bypass and a weight ban on local roads is in operation.

**9. 78** Possible opportunities to introduce pedestrian priority measures to parts of Dovercourt Town Centre will be considered alongside Urban Regeneration objectives.

#### **Policy HAR15 – Dovercourt Town Centre Traffic Improvement**

**The Council will support development proposals to improve conditions in Dovercourt town centre for car parking, servicing of shops and giving greater priority to pedestrians (including the special needs of the disabled) provided such proposals are carried out in conjunction with any enhancement works which might be introduced within the provisions of Policies HAR13 and HAR14.**

### **Port Development**

**9. 78a** The Harwich Master Plan envisages the relocation of the Navyard Wharf port operations elsewhere in the Harwich area and the redevelopment of the existing dock area. The redevelopment for mixed use with marina is likely to take place later in the Plan period and beyond. The dock operations will therefore cease at that time.

**9. 79a** Irrespective of the Bathside Bay Container Port proposal, the Council will continue to support the further development, expansion and upgrading of port facilities at Harwich International Port.

#### **Policy HAR16 – Port Development**

**The Council will support proposals for the upgrading of on-site port facilities at Harwich International Port.**

**Natural England will be consulted on the need for an Appropriate Assessment.**

### **Rail Services**

**9. 80** Rail services to Harwich have improved with the electrification of the railway line so that fast non- stop services to London take just over an hour. There is a small element of rail commuting from the Harwich area. Rail freight services continue to operate at Harwich International Port with rail borne containers still an important part of the port's business. Such services are due to be dramatically expanded as part of the Bathside Bay Container Port proposal where it is proposed that up to 22.5% of freight will go by rail.

**9. 81** The train ferry service from Harwich was discontinued in 1987 but the Grade II listed train gantry and "linkspan" remains. Proposals for Bathside Bay and the small boat harbour involve removing the long arm of the berthing pier that is attached to the gantry. The structure, which is a "Building at Risk", is to be retained as a local heritage attraction and properly maintained by the owner as part of the Bathside Bay development proposals. This Chapter of the Plan supports the enhancement of Dovercourt railway station and supports the Harwich Masterplan proposals for Harwich Town station with the aim of making the stations more welcoming as the potential first point of call for tourists, holiday makers and business people to the area.

### **Bus and Ferry Services**

**9. 82** Local bus services are operated from the bus station located close to Harwich Town Station. The Harwich Master Plan contains proposals to redevelop the whole station area and relocate and improve these facilities. A new rail/bus interchange is proposed in the Masterplan. The District Council wishes to see local services maintained and improved. A Community Bus Service has also been introduced recently, and proving to be very popular.

**9. 83** There is a local ferry service for foot passengers currently running between Harwich Quay, Shotley and Felixstowe. The upgrading of this service has been considered by the Haven Gateway Partnership. The ferry is also an additional tourist attraction for visitors to Harwich and those interested in the three historic forts guarding the mouth of the River Stour and River Orwell. The Council will resist proposals that would have an adverse impact on this ferry service.

#### **Policy HAR17 – Bus and Ferry Services**

**Development proposals for new facilities for public bus services including a proposed new bus/rail interchange and the ferry service from Harwich Quay to Shotley and Felixstowe will be supported, subject to satisfactory safeguards for the environment and residential amenity. Development proposals that would undermine the provision of these services will not be permitted.**

## **Coastal Protection**

**9. 91** Responsibility for most of this stretch of coastline lies with the Council under an agency agreement with the Environment Agency. Much of the policy area including Parkeston and Harwich has been vulnerable to salt water flooding under tidal surge conditions. However, substantial improvements have been carried out in recent years to protect Harwich and other parts of the town. Further works will be carried out during the Plan Period.

## **Chapter 10**

### **Frinton-on-Sea, Walton-on-the-Naze and Kirby Cross**



## Chapter 10 Frinton-on-Sea, Walton-on-the-Naze and Kirby Cross

**Aim: To address local land use planning issues specific to the Frinton-on-Sea, Walton-on-the-Naze and Kirby Cross Urban Area.**

**10. 1** This Chapter relates to Proposals Map Insets 3, 3a and 3b and covers Frinton-on-Sea, Walton-on-the-Naze, Kirby Cross, Walton Town Centre and Connaught Avenue and “The Avenues” area, Frinton respectively. It provides the planning context, policies and site specific proposals to meet the needs of the area up to 2011. It is important this Chapter is read in conjunction with the earlier district wide policies that relate to the whole of the Tendring District.

### Key Issues:

- The identification of appropriate settlement development boundaries;
- Promoting regeneration of the local economy, particularly in the Walton Town Centre and Seafront Urban Regeneration Area;
- Ensuring that sufficient land is made available for the needs of industry and commerce;
- Promoting tourism and the holiday industry including leisure development at Walton Mere;
- Improving open space provision and community facilities;
- The scale and location of future housing developments;
- Recognising the value of environmental assets including the Naze, Walton Backwaters and Hamford Water in promoting the economic regeneration of the area;
- Protecting and enhancing the character of Conservation Areas and the peaceful nature of the Frinton seaside area, in particular “The Avenues” Area of Special Character; and
- Addressing traffic, parking and pedestrian issues particularly in Walton and Frinton Town Centres.

### Location of New Development - Settlement Development Boundaries

**10. 3** The Settlement Development Boundaries for the area, to which policies QL1 and HG3 apply; generally follow the built-up area boundary of the 1998 Local Plan. However, the new boundary includes commercial and industrial development on the edge of these towns and any land allocated in this plan. For example, Kirby Cross Trading Estate, Orlando Court and Harmer’s Foundry are all now included within the boundary. Settlement boundaries have been drawn tightly in some locations, mainly to discourage inappropriate backland development.

### Strengthening the Economy and Promoting Regeneration

**10. 4** Frinton, Walton, and Kirby Cross each have differing roles and functions as employment centres. Frinton, and in particular Connaught Avenue, has developed as the main shopping and local office centre serving the area and therefore, as a result most local jobs are in the service sector. However, it has a large established residential environment that limits the scope for increasing the employment role to any significant degree. Walton is heavily dependent on the tourism industry for jobs; this is characterised by a large amount of seasonal and part-time work. Kirby Cross has changed over the years from a traditional agricultural rural economy to one which is broader based, including local jobs in the service and manufacturing sectors.

### Stimulating Urban Regeneration and Renewal

**10. 5** Policy QL6 identifies Walton Town Centre and seafront as an Urban Regeneration Area where the Council is encouraging economic and physical regeneration. There continues to be a need to boost the economic regeneration of Walton-on-the-Naze to support business investment in the town.

**10. 6** Following previous studies carried out in Walton aimed at attracting external funding, work has taken place to upgrade and enhance the High Street. In addition, the Walton Heritage Economic Regeneration Scheme (HERS) has targeted commercial properties in and around the High Street area with the offer of grants for structural and external repairs which will help enhance the attractive historic character of the area.

### Achieving Economic Success and Protecting Existing Employment Areas

**10. 8** To enable and encourage economic growth to occur in this area, Policy ER1 allocates 0.37 hectares of land for new manufacturing and service-based development east of the Kirby Cross Trading Estate forming an extension to the existing employment area. All other areas of existing employment land will be safeguarded under Policy ER3.

## **Leisure and Tourism**

**10. 9** Walton-on-the-Naze and Frinton-on-Sea are two of the principal coastal resorts in Essex. These two resorts have been identified as a Priority Area for Coastal Tourism in Policy LRT11 of the Replacement Structure Plan, recognising the role and potential of tourism to contribute to economic regeneration, protecting and upgrading existing leisure and tourism facilities and encouraging new development to strengthen and diversify the resorts' attractiveness.

**10. 10** Considerable numbers of holidaymakers and day visitors are attracted to the safe sandy beaches, entertainment and recreational facilities, and by the pleasant character of the towns and their setting. These visitors make a highly significant impact upon the local economy with tourism being a major generator of local jobs. The Council wishes to both protect and enhance the tourism role for the area. Government guidance recognises tourism to be an important aspect of urban regeneration.

**10. 11** However, the traditional holiday tourism is in decline. There is clear movement away from longer holidays in coastal resorts to one of shorter, more intensive activity breaks. The challenge is for Frinton and, especially, Walton to respond to this by developing new facilities that both provide for this new pattern and generate further demand for short breaks. To succeed, they must achieve year round business and shift the emphasis from the traditional holiday to a combination of these plus, off-season breaks, business, education, training, conferences and meetings, recreation, sport, shopping and culture.

**10. 12** It will be for the market to bring forward new facilities; Policy FW1 below sets out the Council's approach to determining such proposals and Policy ER26 of this Plan deals with the support that will be given to conversion of buildings. Where proposals are compatible with other policies in this Plan, the Council will support the tourism market in developing new products that have the potential to meet emerging demand; especially in bird watching and nature tourism; overseas tourism; domestic short break tourism; and special interest tourism.

**10. 13** Whilst tourism is changing, Walton remains a family holiday centre, the pier providing a focus for indoor amusement facilities, whilst a number of caravan sites, guest houses and holiday flats provide a range of accommodation for holidaymakers. It is also very important as a yachting and sailing centre; the sheltered moorings in Walton backwaters providing a haven for many sailing craft. The Naze peninsular, to the north of the town, is a major countryside recreation area, enjoyed by both residents and visitors for coastal walks and informal recreation.

**10. 14** It is essential to preserve the peaceful atmosphere of Frinton-on-Sea reliant on its natural attributes and good sporting opportunities. The countryside around Kirby Cross also provides opportunities for informal recreation in addition to sports facilities at local playing fields.

**10. 15** The land north of the built up area of Walton and the B1034/B1414 is designated as a Coastal Protection Belt where development is very restricted to that which can demonstrate a functional need for a coastal location outside of the built up area. In practice this means that the range of acceptable development is very limited. This approach is recognised in Structure Plan Policy CC1 and, in this Plan, Policy EN3 - Coastal Protection Belts. The Landscape Character Assessment provides detailed assessments of the local landscape and advice on built development in these rural coastal areas. This advice will be a material consideration in determining planning applications.

**10. 16** There is a need, particularly in Walton, to generate confidence in the tourism industry by promoting appropriate new leisure developments that will enable the area to adapt to the changing trends in tourism. One of the Plan's principal functions in this part of the district is therefore, to attempt to balance the economic and employment opportunities generated through tourism and recreation with the need to conserve the natural environment, both for its own sake, but also the contribution it makes to the attractiveness of the area.

**10. 17** As part of developing a broader and stronger tourist economy, the Council will support new leisure development, particularly at two key sites comprising Walton Pier and Walton Mere. These present the best potential locations for providing new leisure and recreational facilities to support the local tourism industry although other locations will be considered on their merits.

**10. 18** The restoration of the Mere may need to be based on a wider package of proposals to make it a viable proposition. Such proposals will be considered on their merits and in addition to the other policies in this Plan.

### **Policy FW1 - Tourism Related Development**

**Proposals for new development in connection with providing new and enhanced facilities for visitors to the district will be supported at Walton Pier and Walton Mere, Walton-on-the-Naze. Proposals for Walton Mere must ensure that there would be no prejudicial effect on the nature conservation or scientific interests of Walton backwaters or the undeveloped rural coastline.**

**10. 19** The beach and pier at Walton are the main visitor attractions and the pier is important in relation to the economy

of the town. The pier owners have invested in the pier in recent years. The Council will support additional new facilities on the pier if these come forward.

**10. 20** Walton Mere, originally a millpond, was popular as a boating lake until its closure in 1976. Since then it has remained disused and the Council are seeking an appropriate use that would not conflict with important environmental considerations. Congestion and detrimental effects on nature conservation would occur in Walton Backwaters from marina proposals for Walton Mere or Titchmarsh Marina. The Backwaters are part of a SSSI and within the Coastal Protection Belt. Thus these sites are not considered suitable for new or expanded marina development.

**10. 21** Walton Mere clearly represents a site of major potential for various forms of water recreational and related activities because of its size, (10.5 hectares), and unusual setting near the sea, a major car park and the town centre. Amongst possible uses are a nautical heritage and exhibition centre, a water sports training complex, public boating, and outdoor activity centre and water Leisure Park, or a combination of such activities. However, any scheme will need to be viable having regard to the high restoration costs. The Adopted Development Brief for this site will be a material consideration in determining any development proposals involving Walton Mere and which is due to be updated.

### **Existing Caravan and Chalet Parks**

**10. 22** This type of holiday accommodation is confined to four sites, all located in Walton-on-the-Naze and all defined on the Proposals Map Insets. Policies ER18, ER19 in the Strengthening the Economy and Promoting Regeneration Chapter of this Plan apply to three of these sites: Naze Marine, Martello and Willow Caravan and Holiday Parks. These policies safeguard the sites for continued use as caravan and chalet parks, seek improvements to facilities where appropriate and encourage some provision of touring caravan and tent pitches. Each of these sites are located on the edge of Walton in sensitive coastal locations and thus form an important buffer from more intensive development in the built up area.

**10. 23** Whilst the Council will support applications to upgrade and enhance the facilities at these sites, proposals for expansion will be resisted because of the impact this would have on the very sensitive landscape surrounding these sites, see Policy ER19. This approach is supported by Government guidance on tourism.

**10. 24** Southcliff Trailer Park off Woodberry Way, Walton is not safeguarded for its existing use in this Local Plan. It has been identified as a site for housing development and has been subsequently allocated for residential use in relation to Policy HG1.

### **Serviced Tourist Accommodation**

**10. 25** Both nationally and locally, the demand for serviced tourist accommodation on the coast has been declining over a number of years. This has been reflected in a loss of much of the area's hotel accommodation to alternative uses. Policy ER24 therefore, seeks to safeguard the remaining small stock of hotels and guesthouses in the centres of the district's coastal resorts including Frinton and Walton.

**10. 26** Proposals for new hotels, guesthouses and holiday flats, in accordance with Policy ER25, are encouraged in areas of mixed commercial and residential accommodation in Walton town centre and along Frinton Esplanade.

### **Amusement Centres**

**10. 27** Walton Pier is the traditional centre for amusement centres in the Frinton, Walton and Kirby Cross area and will continue to be the main focus for holidaymakers and day trippers who enjoy a range of seaside games, rides and stalls provided. The pier is located away from the main residential areas and traffic routes and therefore does not create serious amenity or highway problems. Elsewhere in the Frinton, Walton and Kirby Cross area, the criteria of Policy ER29 of this Plan will apply in respect of any amusement centre proposals. The Sanctuary site, next to Walton Pier has the benefit of planning permission for a mixed residential and commercial scheme that includes new commercial floor space at the Pier Approach ground floor level.

#### **Policy FW2 – Amusement Centres**

**Proposals for amusement centres will be permitted on Walton Pier and in the commercial parts of the redevelopment of The Sanctuary Site, Pier Approach, Walton. In addition, such proposals will be permitted within existing holiday and caravan camps only if residential amenities would not be adversely affected. Proposals for amusement centres outside these areas will not be permitted.**

### **Shopping and Town Centres**

**10. 28** Existing shopping provision for the Frinton, Walton, Kirby Cross area is concentrated mainly in the established centres of Connaught Avenue, Frinton, and Walton Town Centre as well as the Triangle Centre off Rochford Way. The strategic hierarchy of shopping centres defined in Policy TCR1 of the Structure Plan, defines Frinton and Walton as having "town centres", and The Triangle Centre, Rochford Way, is defined as a "district centre". Policy ER31 of this Plan makes it clear that new retail development will be directed to these centres in the sequential order specified in that policy.

## **Frinton Town Centre**

**10. 29** The retail strategy for Frinton is to consolidate the retail core within Connaught Avenue. The Health Check Report carried out for all the main settlements of the District concluded that Frinton is in a relatively good state of health and is maintaining a role as a quality shopping centre. It is important to preserve the unique character of Frinton “town centre” by keeping office/shopping activity within the bounds of Connaught Avenue and not allowing development of inharmonious commercial activities.

**10. 30** Connaught Avenue is unique among the District’s town centre shopping areas in having no sizeable secondary shopping area to which any further non-retail uses could be directed as an alternative. Policy ER33 of this plan however recognises that there is limited scope to accommodate further non-Class A1 shopping uses within Primary Shopping Frontages and seeks to accommodate a small amount of non-retail use whilst avoiding an erosion of the important local shopping character. This is particularly relevant in Connaught Avenue and will principally be achieved by avoiding dilution of the shopping offer caused by the introduction of concentrations of non-shopping uses.

**10. 31** Along the Connaught Avenue frontage, there are a number of infill development opportunities above the few remaining single storey units. Appropriate new uses at these upper floors would include office and residential uses. These proposals would be subject to other policies within this Plan dealing with the design of built form, including Policy QL7 (up to two additional storeys will normally be appropriate).

## **Walton Town Centre**

**10. 32** Walton town centre comprises a number of generally narrow Victorian Streets within the Frinton and Walton Conservation Area centred on Walton-on-the-Naze High Street. The Town Centre Health Check Report for Walton concluded that the town centre was in a poorer state of health compared with Clacton and Frinton, and suffers from fluctuations in the number of seasonal visitors. However, the Health Check Report concluded that the centre performs a useful local shopping centre role. In addition, with a trend towards greater urban residential density promoted elsewhere in this Plan, the commercial opportunities for this shopping centre will be improved.

**10. 33** The retail strategy for Walton is to retain a clear shopping presence in the High Street and to continue to support and improve the market in its current location. The Primary Shopping Frontages in the High Street, as defined on the Proposals Map Inset, will be protected from the introduction of any significant further non-retail uses, particularly of a seasonal nature such as amusement arcades, by the application of Policy ER33. However, greater flexibility for accommodating other complementary non-retail uses is possible elsewhere within the main shopping area of the town with the traffic improvements that have taken place. Walton has the potential to develop an image as a specialist shopping centre with additional complementary uses. Further investment in the local environment will enhance the largely unspoilt townscape.

## **Triangle District Shopping Centre**

**10. 34** The Triangle Centre is a modern purpose-built shopping centre for the residential areas of Frinton and Walton. It also has some specialist stores that serve a much wider area. The health check summary for this centre stated that, like Frinton town centre, the Triangle is in a relatively good state of health. There is scope to accommodate additional non-retail uses such as cafés and small professional offices within this centre in scale with the size of this centre to complement other shops and services.

## **Forecourt Trading and Markets**

**10. 35** Walton as a popular destination for day visitors and family holidays experiences a certain amount of forecourt trading and, in addition, has a regular market operating from the High Street Car Park. In applying shopping Policy ER40, it is unlikely that permanent seafront kiosks will be permitted other than at existing established sites in Walton. No commercial activity will be allowed on Frinton greensward and seafront. It is considered that further retail markets in the Frinton, Walton and Kirby area could harm local character and be detrimental to local amenities. In considering such proposals, the Council will apply Policy ER39.

## **HousingA Sequential and Sustainable Approach**

**10. 36** The urban area of Frinton, Walton and Kirby Cross is, in Structure Plan terms, a small town with a population of 16,939 residents (2001 Census). It also occupies a sensitive coastal location, being mostly surrounded by countryside of recognised environmental, ecological or agricultural importance.

**10. 39** In accordance with Replacement Structure Plan Policy H2, a combination of rolled forward large site commitments (Appendix 1), and allocated large sites within the urban area of Frinton, Walton and Kirby Cross (Appendix 2), should provide nearly 130 dwellings on 5 identified large sites in the town up to 2011 (see Table 1 to Policy HG1). These sites are well distributed within Frinton, Walton and Kirby Cross and close to public transport corridors. In addition a substantial number of small windfall housing sites, residential conversions and possibly one or two larger windfall sites on previously developed land will continue to come forward for consideration through the development control process. The scale of housing provision locally in Frinton, Walton and Kirby Cross should therefore make an important contribution consistent with local community needs and sustainability principles.

## Dwelling Sub-Division and Infilling

**10. 41** Policies FW5 and FW6 aim to protect the outstanding Arcadian character of “The Avenues” Frinton, within Frinton and Walton Conservation Area, against infilling that would create a cramped appearance in its setting and proposals to intensify the use of existing properties through sub-divisions into flats.

## Safer and Healthier Communities Local Services and Facilities

**10. 43** An important characteristic of the area's population is that it has a larger proportion of elderly residents than anywhere else in Essex, more than twice the national average. The 2001 Census indicated that 36.1% of the population were 65 years or older, compared with the Essex figure of 16.7% and the UK figure of 15.9%. There is, therefore, considerable pressure on local health and social services and provision is orientated particularly towards the elderly.

**10. 44** A new community hall has been developed at the junction of Frinton Road and Holland Road, Kirby Cross and the need to safeguard a site for a further new community hall has been identified in Policy FW3.

### **Policy FW3 – Provision for a New Community Hall**

**Provision is made for a new community hall on land off Edenside, as shown on Proposals Map Inset 3, comprising a 0.2 hectare site adjacent to the central open space on the Turpins Farm estate.**

## Residential Institutional Uses

**10. 45** The large numbers of elderly residents, particularly in Frinton and Walton creates a high demand on Health Services with the number of residential and care homes. Institutional uses can create planning problems and pressures upon existing service provision. Equally, the intensification of use of residential property can, if not carefully controlled, have adverse affects upon the character of the area and the holiday atmosphere in seafront areas.

**10. 46** The Council recognises the need to safeguard the eastern section of Frinton Esplanade which remains unaffected by institutional or commercial activities. It is considered that the conversion of residential properties to nursing homes for the elderly or other institutional uses would be detrimental to the seaside character and atmosphere of this part of the Frinton and Walton Conservation Area, and once introduced would be difficult to contain. This is because the area contains a number of large residential properties that might be the subject of this form of proposal. Policy COM5 protects this area against new development and change of use to institutional uses.

## Recreation and Open Space

**10. 47** The Council have recently undertaken a comprehensive assessment of the quality and quantity of public open space across the district. When measured against the National Playing Field Association (NPFA) standards, the district was found to be deficient in virtually all types of public open space. Equally worrying, it was found that the quality of existing facilities also needs to be improved. In order to redress these concerns, new policies have been introduced to help redress this imbalance and land comprising field OS 0717 north of Village Close and south of Turpins Lane has been identified as a new area of public open space. This will be safeguarded and brought into public use as and when sufficient funds become available through either applying funding raised through Policy COM6 of this Plan and/or other sources of funding.

**10. 48** The assessment also concluded that specific pitch and non-pitch sports facilities also needed improvement. An all-weather, floodlit, multi-use games area is to be provided within the park playing fields. The Council will secure funding for this facility from a range of sources, including developer contributions from new housing development. The mechanism for securing developer contributions is set out in the Council's Supplementary Policy Interim Document (SPID) entitled “Open Space, Sport and Recreation” in support of Policy COM6.

**Policy FW4 – Multi-Use Games Areas Proposals for a multi-use games area comprising an all-weather, fenced and floodlit sports pitch on land within Park Playing Fields, Frinton will be favourably considered provided:-**

- i. its design, siting and illumination do not cause an unacceptable impact on the amenities of adjoining residents;**
- ii. built development will be limited to that needed to provide changing rooms essential to the use of the facility;**
- iii. the existing grass pitch provision is satisfactorily maintained within the park (including safety margins); and**
- iv. the sports development benefits would outweigh any detriment caused by the loss of playing fields.**

**10. 49** The study also revealed a number of improvements needed to existing pitches at this site, and the children's play areas. Improvement of these will be paid for from developer contributions and other sources of funding.

## Water-Based Recreation

**10. 51** The natural features of Walton Backwaters provide sheltered waters well suited to water recreation. Boating activity in the area is concentrated notably in the Mill Lane area, the traditional centre of local boatyards, as well as Titchmarsh Marina.

**10. 52** The Council recognises that the popularity of sailing and other boating activity has grown considerably over the last twenty years. Although demand exists for the provision of more facilities, expansion of such facilities, and the associated activity, would be inconsistent with other policies to protect the special character and designations of Hamford Water. This approach is supported by the Essex Structure Plan, in particular Policy NR6, that seeks to protect nature conservation sites from inappropriate development.

**10. 53** Policies COM15 and 16, recognise that Hamford Water is environmentally sensitive and an exposed coastal location of international importance for nature conservation, and is unsuitable for any further expansion of boat mooring facilities.

**10. 54** The Council will safeguard and encourage the improvements of existing sailing, water-skiing and powerboat activities from the Frinton slipway, providing there is no detrimental impact on the amenity of local residents or other users of the beach area. Also, in principle, improvements to facilities at Mill Lane and Titchmarsh Marina, such as provision of a clubhouse or boat repair facilities are welcomed, provided that there is no adverse visual or environmental impact. In addition, the development of Walton Mere with contained water-based recreation activities will be encouraged as stated in Policy FW1.

### **Coastal Erosion and Flood Protection**

**10. 56** In relation to flood protection, the more important developed urban frontages have been strengthened since the 1953 floods and the Environment Agency continue to improve these flood defences.

**10. 57** It is the intention of the Council to seek to protect the cliffs at Walton-on-the-Naze from further erosion. The Council and local organisations have approached Central Government for additional financial support for coastal defence works to save the East Cliffs at the Naze from further erosion.

### **Sustaining Our Environment Conservation Areas**

**10. 64** The Frinton and Walton Conservation Area was originally designated in 1982 and subsequently extended in 1989 and 1992 and is defined on the Proposals Map. In addition to control over demolition of buildings, felling or lopping of trees and greater influence on the design of development, Conservation Area designation offers opportunities for schemes of enhancement to achieve visual improvements.

**10. 65** Sites within the conservation Area that would benefit from such enhancement are highlighted in the Council's adopted Conservation Area Character Appraisals. These documents highlight the main features of the historic environment that both contribute and detract from the special character and are a material consideration in determining relevant planning applications. As the Frinton and Walton Conservation Area covers such a large area, the Appraisals are split into three documents covering Walton-on-the-Naze, Frinton Park and Frinton respectively.

**10. 66** Policies dealing with Conservation Areas are found in the Sustaining Our Environment Chapter of this Plan.

### **“The Avenues” Area of Special Character, Frinton**

**10. 67** The “Avenues” to the west of Connaught Avenue shopping centre and north of the Esplanade forms a sedate residential area of outstanding Arcadian character, with wide, straight, tree and hedge lined avenues, grass verges and large, spacious detached houses set in mature gardens. The mature landscape features must be retained to preserve the Arcadian setting of the many individually designed houses of distinctive architectural styles. In addition, new development, both extensions and the very limited opportunities for infilling, will be expected to reinforce this special quality with appropriate landscaping and tree planting.

**10. 68** As the spacious scale of buildings and extensive plot frontages and sizes also contribute to the special character of the Avenues, residential densities that may be suitable for infill housing development elsewhere will be inappropriate in this area. Well-designed infill development on plots at least 15 metres wide may be acceptable in some cases. However, new dwellings would need to stand on plots that compare favourably with neighbouring houses to the side and access the road, thus requiring frontages of significantly more than 15 metres in many cases to avoid any reduction in this special Arcadian character. The spacious appearance of important corner plots will be especially protected, as well as the aspect of houses which were specifically designed to have regard to side as well as rear garden areas.

#### **Policy FW5 – “The Avenues” Area of Special Character**

**New development in “The Avenues” area of Frinton shall have particular regard to the special character and appearance of the area, including the scale, aspect and design of adjoining buildings and the density of existing development. Proposed development which would result in a reduction in the spacious character of the area will be refused planning permission.**

**10. 69** Where exceptionally Conservation Area consent for building demolition is granted, this will in no way imply the suitability of that site for more intensive redevelopment. A landscaping and tree planting scheme appropriate to the character of the area will be required as an integral part of new development.

**10. 70** "The Avenues" were developed exclusively with substantial individually designed houses and remain almost unspoilt by any form of multi-occupation or commercialisation. This sedate residential character forms an important quality of this part of the Conservation Area and should be safeguarded. Even individual changes of use of large houses, particularly to institutional uses, private hotels, or sub-division into flats, would undermine the area's outstanding character and the quiet enjoyment of residents in the locality.

**Policy FW6 – Changes of Use in "The Avenues" Area of Special Character**

**Within the Avenues area of the Frinton and Walton Conservation Area, changes of use from a dwelling house to other uses, including classes C1 and C2 of the Town and Country Planning Use Classes Order, will not be allowed. Neither will proposals to intensify the use of existing properties be considered favourably.**

**10. 71** Part 3 of the draft Frinton and Walton Conservation Area Appraisal highlights the features to preserve and enhance in the Avenues area.

### **Access and Servicing**

**10. 76** Whilst existing rear access facilities in Connaught Avenue, Frinton are generally of sufficient standard to minimise servicing problems, the older Walton Town Centre is poorly suited to the requirements of modern delivery vehicles with over three quarters of local businesses taking deliveries from the street. The Council therefore considers that where off-street facilities do exist they should be safeguarded, and that provision should be made wherever possible for such facilities within new development. The following Policy is intended to provide for the improvement of the environment of the main shopping areas and a reduction in the congestion caused by delivery vehicles.

**Policy FW7 – Rear Servicing**

**Rear servicing to new shops in Walton and Frinton town centres will be required wherever practicable. Development which would result in the loss or reduction of existing off-street servicing facilities will not be permitted, unless satisfactory alternative servicing arrangements, clear of the highway, are provided.**

### **Car Parking**

**10. 77** The present levels of on-street and off-street parking provision in Walton Town Centre are far from adequate to cope with peak demands of car-borne day-trippers and shoppers during the summer months. There is, however, more than enough space to cope with car parking levels outside the peak holiday period.

**10. 78** Under Policy TR8, existing off-street parking facilities are safeguarded from alternative uses. Nonetheless, not all car parks are extensively used, even in peak periods. In particular Walton Station car park is very under utilised and is accordingly allocated for new housing development.

# **Chapter 11**

## **Brightlingsea**



## Chapter 11 Brightlingsea

**Aim: To address local land use planning issues specific to the Urban Area of Brightlingsea.**

### Introduction

**11.1** This Chapter relates to Proposals Map Inset 4 covering Brightlingsea. It provides the planning context, policies and site specific proposals to meet the needs of the area up to 2011. It is important this Chapter is read in conjunction with the earlier policies that relate to the whole of the Tendring District.

### Key Issues

**11.3** The principal local issues for Brightlingsea are as follows:

- Maintaining a sustainable pattern of development, including amount and location;
- Preserving and safeguarding the attractive waterside setting of the town and its surrounding countryside;
- Maintaining the attractiveness of the town for water-based recreation and leisure pursuits, including public and private open space;
- Creating conditions in which local commerce and industry can continue to flourish whilst maintaining a pleasant environment for residents;
- Preserving and enhancing the Conservation Area including the waterfront;
- Transport, including traffic and parking issues in the town centre and waterfront area;
- The future of the commercial wharf and local boat building;
- Maintaining the vitality and viability of the town centre shopping area;
- The maintenance of the well defined, logical and defensible settlement development boundary for the built-up area; and
- Identifying sustainable opportunities for housing development.

### Location of New Development - Settlement Development Boundaries

**11.4** The Settlement Development Boundary for Brightlingsea, to which policies QL1 and HG3 apply, reflect the built-up area of the defined settlement. It includes peripheral industrial and commercial areas, both existing, such as the Morses Lane and Shipyard Estates, as well as land allocated in this Plan. In other respects the settlement boundary remains tightly drawn. This is partly because Brightlingsea occupies a sensitive location in relation to the Colne Estuary, being surrounded by countryside of recognised environmental, ecological or agricultural importance, but principally due to the sequential approach to housing development adopted in this Plan. (See Sustainable and Affordable Housing).

**11.5** In some locations, other factors also apply to limit the settlement boundary. Examples include to the east of properties in Tower Street to discourage inappropriate backland development with poor access, and around Bell Green to maintain its remaining rural character and setting of a Listed Building.

### Strengthening the Economy and Promoting Regeneration

#### Achieving Economic Success and Protecting Existing Employment Areas

**11.6** The Regeneration Strategy is described in the Strengthening the Economy and Promoting Regeneration Chapter, and supported by core policies in the Improving the Quality of Life Chapter of this Plan. It provides the framework and policies for the provision of employment land, concentrating large-scale employment development on the edges of the main towns of Clacton and Harwich, with further provision at other towns and larger villages.

**11.7** Within this context, Brightlingsea is a small coastal town located in a sensitive setting, served by a single "B" class road access, and with fairly limited public transport. Accordingly it is not proposed to actively promote Brightlingsea for large-scale employment growth. However, established local industries are encouraged to expand utilising existing allocated industrial land. The local economy is buoyant and provides valued local employment enabling short journeys to work, thus helping to minimise the impact of car borne out-commuting.

**11.8** The two main existing industrial areas at Morses Lane and the Shipyard Estate, as shown on the Inset Map, still have scope for further development. The Shipyard Estate is also an essential component of the Waterside Regeneration Area, described below.

**11.9** Two sites, one at Morses Lane Industrial Estate, the other north of the Co-op Fiveways Store nearby, are identified as land allocated for new employment development (class B1, B2 and B8) and safeguarded for such uses by Policy ER1. Other land at Morses Lane is identified as one of the District's existing Principal Business and Industrial Areas by Policy ER2, to which employment development will be directed, together with allocated sites. The other employment areas within Brightlingsea, will be protected by Policy ER3.

**11.10** The safeguarded employment land on the eastern side of Tower Street, shown on the Inset Map, is currently in fragmented ownership. Where applicants can demonstrate that redevelopment for non-employment generating uses would satisfy the requirements of Policy ER3, the Council will expect development of this area to be carried out in a comprehensive manner, rather than by individual parcels. Development should include replacement of public car parking and maximise the opportunities to create an attractive street-scene reflecting the compact layout and the maritime character of the locality. Regard should also be had to Policies QL6 and BR1 for development within the Waterside Regeneration Area and SPD to be prepared for that area.

**11.11** In addition to the above sites, various small-scale industrial uses are scattered throughout the town in predominantly residential areas. When considering proposals for new light industrial uses or proposals for extensions to existing businesses, the Council will need to be satisfied that the use will not prove detrimental to the amenities of any residential area and would meet the criteria of Policies ER6 and ER8. Special regard will be given to adequate and convenient car parking provision and servicing arrangements in the interests of highway safety and local amenity.

**11.12** Demand for new office floorspace is not likely to be high in Brightlingsea as the town centre performs only a limited service and administrative function. Local offices are mainly limited to the financial institutions and to local professional services such as solicitors and estate agents. New office development or changes of use to offices in the town centre should primarily take first floor accommodation or secondary ground floor locations, outside of the Policy ER33 protected Primary Shopping Frontages identified on the Proposals Map Inset.

**11.13** It is a key component of the Colne Estuary Strategy (described below) to support local businesses and the local economy. Elsewhere in this Plan, in the Strengthening the Economy and Promoting Regeneration Chapter, the Council identifies its positive approach to creating employment opportunities across the District. The above employment sites provide opportunities for the local economy to grow. The Colne Estuary Strategy acknowledges that the local economy also builds upon the protection of the natural assets of the locality. This reinforces the strong protectionist policies towards these assets throughout this Plan and is discussed in more detail in the section below on the Waterside Regeneration Area.

## **Stimulating Urban Regeneration and Renewal**

### **The Waterside Regeneration Area**

**11.14** Core Policy QL6 identifies the Brightlingsea Waterfront as an Urban Regeneration Area. In this area, the Council is seeking to promote development that will enhance the function, character and appearance of the Waterfront. The focus will be upon encouraging mixed-use development and enhancing vitality and viability, environmental quality, community safety, accessibility and links between the tourism and shopping cores of the town. The main objectives for this area that new development can help deliver are:

- regeneration of the Waterside;
- promoting vitality and viability of the town, especially employment, housing, tourism/leisure and retailing functions;
- a sustainable pattern of development that provides access to core services and a balanced range of facilities, including housing, to enable the creation of an integrated and self sufficient community;
- a high profile for the Waterside Area in new development, including better public access to the water's edge and the retention of public landing facilities by both slipway and quay; and
- preserve environmental quality by protecting the Colne Estuary and Brightlingsea Creek from development that would harm its special environmental and landscape value.

**11.15** The area of the Waterside is indicated on Proposals Map Inset 4, broadly drawn to enable maximum flexibility in the scope of proposed regeneration schemes. In time, and as resources permit, the Council will prepare SPD for this area when a more tightly drawn limit could be defined.

**11.16** Within this broad area the Council has identified that there are excellent opportunities to comprehensively plan for the future. This area plays a vital role in both the leisure industry and general employment sector of the local economy. Within the context of promoting development, many factors will define the scope of new development. This includes the expectations of the local community identified through the Brightlingsea Waterside Working Group.

**11.17** The Waterside Area is in two distinct parts. The developed parts comprising a mix of commercial, residential and

leisure related development, and the areas of recreation comprising the Western Promenade where the principle activity is focused on outdoor recreation. In accordance with Structure Plan policies and policies elsewhere in this Plan, the Council will seek to direct development that requires a coastal location to the developed parts of the coast. Whilst encouraging new development to locate in the Waterside Area, it is essential to ensure that the unique waterfront characteristics of the town are not overwhelmed by major new development, be they related to water recreation or any other use. Below the high-water mark, the mud flats and main channel of Brightlingsea Creek extending into the River Colne are subject to important national and international nature conservation designations.

**11.18** The Waterside Area is dominated by two main commercial sites, the former James and Stone Shipyard, and the Shipyard Estate. The redevelopment of each of these sites will provide a significant opportunity to realise the objectives for the Area. Redevelopment will provide opportunities for enhancement beyond the immediate site boundaries as the Council seeks to integrate new development into the broader community. Through SPD, the Council will identify in more detail the contribution development will make to the objectives for this area.

**11.19** However, Policy BR1 sets out a range of development criteria for development proposals in the Brightlingsea Waterside Regeneration Area. All applications will be required to provide sufficient detail, to demonstrate how the proposals would fit with and contribute towards the strategic objectives and development criteria concerning the provision of river access and retention of public quay facilities, the maintenance of public rights of way, the relationship with the adjoining built fabric, private motorised road traffic minimisation and calming and the maintenance of a balance of uses. These are in addition to the criteria of other relevant policies in the Plan, such as affordable housing.

#### **Policy BR1 – Brightlingsea Waterside Regeneration**

**Development Proposals for Brightlingsea Waterside Regeneration Area, as defined on Proposals Map Inset 4, shall:**

- a. provide measures for the protection and enhancement of the historic environment and maritime heritage;
- b. make provision for new housing, recreation and leisure facilities and the maintenance at least of current employment levels;
- c. apply the principles of sustainable new development, especially the need to reduce the reliance on the motor car as a means of personal transport;
- d. provide continuing facilities for vessels to moor at a quayside, with appropriate access for lorries and small mobile cranes;
- e. provide enhanced and new opportunities for public access and public facilities at the water's edge, including slipways;
- f. provide or allow for sustainable and managed public access to the river frontage, including a public footpath link;
- g. protect the adjoining nature conservation interests, biodiversity and landscape quality during construction work and thereafter;
- h. except on the James and Stone Shipyard, maintain building heights at or below three storeys with third floors normally being contained within roof spaces;
- i. provide or contribute to the provision of a maritime heritage museum;
- j. provide enhancements to the access roads to the regeneration area;
- k. provide flood defences to meet the appropriate standard;
- l. maintain and enhance access to the water for sport and recreation purposes;
- m. provide suitable areas for the winter storage of boats and caravans;
- n. provide for the environmental enhancement of the area immediately to the east of Lime Street.

**To promote new development in accordance with these principles, the Council will prepare a Supplementary Planning Document for the Waterside Area.**

**11.20** A number of important factors impact on the pattern of development appropriate in the Waterside Area and have influenced the formulation of the above Policy. Except for Brightlingsea Conservation Area, (which is referred to elsewhere in this Chapter), these factors are described in the following paragraphs.

#### **The Colne Estuary Strategy**

**11.21** In 1999 the Council endorsed the Colne Estuary Strategy which is a joint initiative created by a partnership including local authorities, Government agencies, and representatives of the local community and local businesses. The aims of the Partnership has been to create a Strategy with the purpose of setting out clear, long term arrangements for

co-ordination between the many different organisations that have a management role and to set common management objectives to guide their individual decision making. For the Local Plan, this sets a framework for land-use policies and the subsequent decisions made on planning applications. The policies in this Plan will ensure that the environment is protected and that proposals providing economic development opportunities that are sensitive and appropriate in relation to the Colne Estuary objectives are permitted.

**11.22** One of the key actions identified in the Partnership's Colne Estuary Strategy is to prepare SPD for sensitive waterside areas, including Brightlingsea. The purpose of this SPD will be to support regeneration of the Waterside Area whilst ensuring that key features of this sensitive area are enhanced. In connection with this the Colne Estuary Strategy has facilitated the Brightlingsea Waterside Working Group to enable the local community to make an input into the future of development in this part of the town.

**11.23** The Group identified many important positive aspects that any new development should aim to enhance as well as the problems that new development could help to solve. The Group also provided an analysis of opportunities for change that could come forward through regeneration. Key themes the Group identified for new development to address are:

- Proper recognition and representation of the maritime heritage of the town, including demand for a museum and the retention of traditional maritime industries;
- Retaining and enhancing the informal recreation opportunities in this area, including the Western Promenade, the sailing clubs, and the provision of enhanced visitor facilities;
- The local environment of flora and fauna, in particular bird-life and the rural parts of the town fringes;
- Parking and traffic issues;
- Flood defence;
- Scale of buildings should reflect existing character; and
- Maintenance of public access to the water, including deep water.

**11.24** Whilst some of the Group's recommendations go beyond the scope of what can be achieved by land-use planning, many can be developed within the SPD that the Council intends to prepare for this Waterside area.

**11.25** The Partnership is also seeking Heritage Coast designation for the Colne Estuary area and the Mid-Essex Coast. This will achieve national recognition for the special character of this area, provide a focus for regeneration of the rural economy and also preserve and enhance this coastal resource.

## Nature Conservation

**11.26** A number of statutorily designated sites of nature conservation apply to the Waterside Area, and beyond. These include a SPA, which are defined in accordance with the EC Birds Directive to protect birds and their habitats. SACs are designated under the EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive). This gives protection to habitats and (non-bird) species. Within Brightlingsea, the Essex Estuaries SAC will impact upon development proposals. It is a large estuarine habitat covering a large part of coastal Essex and is typical of an undeveloped, coastal plain estuarine system with associated open coast, mudflats and sandbanks.

**11.27** Nationally important sites include the Brightlingsea Marshes section of the Colne Estuary NNR. NNRs are managed to conserve their habitats and to encourage public access. In connection with this designation, the area below the high-water mark in Brightlingsea Creek is also a SSSI. The SSSI is within an area proposed as a Wetland of International Importance under the Ramsar Convention. Ramsar Sites are designated because they contain representative, rare or unique wetland types, or they are sites of international importance for conserving biological diversity.

## Transport

**11.28** The issue of traffic generation is of particular importance to the Waterside Regeneration Area given its narrow and tortuous access roads, which run through high-density residential areas. It is essential therefore to minimise the levels of both commercial and private vehicle movements. The total amount of development and its precise use will largely be determined by the impact of traffic through Brightlingsea. This can only be determined through a traffic impact assessment. Particular emphasis will be placed upon the impact of any proposal to the flow of traffic through Colne Road, which is at the present inadequate and will not support any significant increase in traffic without improvement. In view of the difficult nature of the access roads for heavy vehicles, agreements will be sought as part of any permission to require construction materials to be brought to the site by alternative routes and/or methods.

**11.29** Development proposals will be required to demonstrate how the proposed traffic generation can be accommodated on the local highway network and its likely impact on residential amenity. The study will also need to show how the levels and types of vehicle movements will be managed, bearing in mind the particular uses proposed. Development proposals will also be required to demonstrate how they will minimise private car use and provide safe routes of desire lines for cyclists and pedestrians, including routes to bus stops. The design of any vehicular streets will be required to follow the

traffic calming and safety principles of the Essex Design Guide for Mixed Use and Residential Areas.

## Access to the River

**11.30** Due to the prominent riverside location, redevelopment of the Waterside Area provides the opportunity to maximise the potential for riverside access for the public. The river frontage is a major and important feature that will provide significant opportunities to maximise the area's maritime links and provide a major public amenity for the town. Requirements of any development proposal for the area will be to secure the retention and beneficial future management both of a public quay and of the public slipways. This should include guarantees that access will be provided to the public quay for lorries and cranes, that the slipways will provide unrestricted public pedestrian access and that facilities will be provided for use by local fishermen to land and remove their catches. Additionally, the requirements of commercial fishing in Brightlingsea, in terms of access, landing and unloading facilities on the waterfront will be considered in the SPD to be prepared for the whole waterside area. Until then, any development proposal for the area must address these requirements.

**11.31** It will also be a requirement of any scheme to keep existing public footpaths. Where this is not practical in the context of a proposal, diversion of the line of the public footpath may be acceptable providing a satisfactory alternative alignment incorporating key features such as riverfront access or passage across the site is retained. This will be subject to the standard statutory procedures. Provision of new footpaths will also be required to enable better public access to the development sites, including the waterfront within new development.

## Sea Defences

**11.32** Land adjacent to the River Colne, Brightlingsea Creek, Alresford Creek and Brightlingsea Brook has been identified as potentially vulnerable to flooding. Such areas are shown on the Environment Agency's Map and have been confirmed in the Council's Strategic Flood Risk Assessment carried out as an input to this Local Plan. An Environment Agency flood defence scheme carried out in 1994 protected the majority of the town to the required standard. These defences will provide the minimum 1:200 year standard of protection up to 2044, taking into account sea level rise through climate change. Proposals for any development within the flood risk area must include a Flood Risk Assessment (FRA). Where defences exist, the FRA should consider the current standard of protection and residual risk over the lifetime of the development (50 years). The Environment Agency is able to provide further advice on the preparation of these Assessments.

**11.33** The Waterside area is not currently defended. Any future development in this locality must be defended to the appropriate standard, as required by PPG25, and the work funded by the developer. The construction of an appropriate flood defence is likely to require off site works to tie in with existing defences, and the feasibility of such a scheme will need to be established. Furthermore, the developer will need to ensure that management arrangements are in place for the maintenance and retention of any flood defences for the lifetime of the development.

## The James and Stone Shipyard

**11.34** Traditionally, a considerable part of the local industry in Brightlingsea has been associated with boat and shipbuilding. However, the closure of the James and Stone Shipyard in 1987 has meant that this sector now employs considerably fewer people in the town. A Design Brief was prepared by the District Council for this site and in 1998 this was updated to assist with renewed initiatives to promote the regeneration of the waterfront of the town. The brief outlines proposals to redevelop the shipyard for predominantly residential use. It identifies a developable area of 1.6 hectares. The brief also proposes to link the development by means of a waterfront public footpath to the Western Promenade and to any future residential/leisure development on The Shipyard Estate to the east. The Listed Cinque Ports Wreckhouse will be retained and renovated as part of any new development.

**11.35** In November 2002, the Council resolved to grant planning permission for an application for full planning permission on a site of just over 3 hectares subject to a S106 agreement. The scheme proposes 148 dwellings, restaurant and shops, 5 commercial live/work units and a marina.

## The Shipyard Estate

**11.37** Port activity in Brightlingsea only recommenced on any significant scale in 1983, based on permission granted for wharfage on the Shipyard Estate in 1975. Since then, there has been considerable pressure for more intensive use of the wharf facilities, which has been resisted by the Council. This approach has been upheld at appeal by the Department of the Environment due to the associated adverse environmental impact on the town. This policy of containment has been reinforced by the Colne Estuary Strategy and is supported by the Replacement Structure Plan, Policy BIW11, which states that expansion of small-scale port facilities will only be permitted in those locations where they are not detrimental to local amenities and have good accessibility. With the strong environmental objections to the consolidation of shipping activities at the Shipyard Estate, the Council will continue to positively discourage the use of the site as a commercial transit wharf by refusing planning applications that would lead to an intensification in the use of the wharf and by promoting redevelopment of the site through this Local Plan.

## Policy BR2 – Port Facilities

**New port facilities/development will be refused planning permission if it adversely impacts on the amenities of local residents and the character of the waterside area. No port related development to the north of the main access road to the shipyard estate will be permitted.**

**11.38** Under the original 1975 planning permission for the refurbishment of the Shipyard, three phases of redevelopment were approved. Phase 1 consisted of refurbishment and new buildings on the landward part of the site. Phase 2 related to the operation of a wharf as discussed above and Phase 3 consisted of marina development. There has been some minor development of the northern part of the site for industrial purposes, but to date the development of a marina has not occurred and the wharfage activities continue on the main waterfront areas. The Proposals Map Inset shows the extent of this site for mixed development in the vicinity of the Hard and Waterfront.

**11.39** Although a Design Brief for Brightlingsea Shipyard and Wharf was adopted in 1983, this is now in need of review to provide an up-to-date framework for redevelopment of this mixed-use site. The Supplementary Planning Document for the Waterside Regeneration Area will provide the opportunity for this review. In the meantime, development proposals for the Shipyard and Wharf will be considered against the policies in this Plan, having particular regard to policies BR1 and BR3.

#### **Policy BR3 – Brightlingsea Shipyard**

**Development proposals for the Brightlingsea Shipyard mixed-use area, as shown on Proposals Map Inset 4, will be required to comply with the following criteria:**

- i. protect the employment base of Brightlingsea through the provision of alternative employment facilities to replace any potential loss of employment**
- ii. retain quayside facilities for unloading fish and shellfish, including allowing for access by HGVs and small cranes to the quayside**
- iv. provide for public access and mooring along those parts of the river frontage not occupied by working quay.**

#### **Storage Uses in the Lime Street Area.**

**11.40** The mixture of storage uses located off Lime Street is concentrated close to residential properties in Tower Street but nevertheless perform an important function in connection with the recreational activities of the town. During the winter months boats and caravans are stored in this area.

**11.41** The storage use of many of these sites has continued for many years with the benefit of successive temporary planning permissions. These are now an established land use pattern and future applications will be considered on their merits as permanent uses of land. The Council will consider such factors as opportunities to enhance the appearance of the site, particularly boundary treatment onto Lime Street, as well as the suitability of the access. Where permission is granted, conditions will be imposed with regard to the number of boats and caravans which may be stored.

#### **Policy BR4 – Lime Street Area**

**Planning applications for storage of caravans and boats and their trailers on land located immediately to the east of Lime Street (as indicated on Proposals Map Inset 4) will be permitted provided:**

- a. Environmental enhancements are proposed to improve the appearance of the site;**
- b. The scale and nature of the activity does not cause harm to the amenities of adjoining residents; and**
- c. Proposals do not include the storage of liquefied petroleum gas or other similar highly inflammable substance.**

#### **Shopping and the Town Centre**

**11.42** Brightlingsea has only limited influence as a commercial or administrative centre on the surrounding rural areas, principally because of its relatively isolated coastal position. Despite a small catchment area, the town nevertheless provides a reasonable range of local shops for a settlement of its size and these cater for the day-to-day shopping needs of the town's residents. More specialist shopping demand is met by Colchester or Clacton.

**11.43** Within the Policy ER31 shopping centre hierarchy, Brightlingsea town centre is defined as a "small town centre". For its size and function it includes a reasonable range of convenience and comparison goods shops, including some that can be classified as multiples, but there are no department or variety stores. It also includes banks, other financial and professional service office functions and A3 to A5 (food and drink) uses. The town centre also has a relatively low vacancy rate with only 6 out of nearly 70 units within the main shopping area around High Street and Victoria Place being vacant on July 1st 2003. This main shopping area is an historically important area of the town containing various buildings of architectural or historic merit reflected in its designation as a Conservation Area.

**11.44** A detailed Town Centre Health Check study (Drivers Jonas, December 1998) identified a number of important

issues regarding the future of the shopping centre. The study concluded that the town centre's retailing vitality and viability were in a moderate state of health. A key issue will be the ability of the centre to maintain and improve its economic viability particularly in the light of increasing competition from larger centres. Although a substantial majority (68%) of visitors who were surveyed identified that walking or cycling were the main means of visiting the town centre, car borne visitors also accounted for a significant number (28%). The ability to park easily is seen as an important issue to both visitors and shopkeepers alike. Therefore, the Council will continue to safeguard the existing designated car parks, as shown on the Inset Map, from alternative forms of development.

**11.45** A key to the future of the town centre are economically viable retailers able to provide high quality goods and able to maintain investment in their premises. Although new investment in retailing in the town centre is welcomed, any building refurbishment, alterations or other development would need to be carried out sensitively. This is given that the town centre is entirely within the Conservation Area, characterised by historic small-scale sites.

**11.46** The district-wide Retail Study (Drivers Jonas, October 2000) concluded (para 7.19) that the identified additional floor space requirements for convenience (food) shopping is so low that consideration should be given to ensure that over-provision does not occur, which could threaten the town centre's retailing vitality and viability. For comparison (non-food) shopping, the competition from the sub- regional centre of Colchester and also from Clacton means that the demand for additional floor space for comparison shopping is limited. Accordingly, the study concludes (para 9.86) that there is no specific need to identify sites for additional floor space, although small-scale provision within or on the edge of the centre may be feasible if development opportunities arise. This reflects the broad floorspace estimates of level of need identified in support of Policies ER31 and 32. As mentioned above, such development would need to pay particular regard to the impact on the Conservation Area.

**11.47** Part of the strategy of maintaining and improving the strength of the town centre includes ensuring that its primary retail function in ground floor Primary Shopping Frontages is not undermined by an increasing proportion of changes of use from Class A1 shop uses. Also that the breaking up of such frontages through a number of non-retail uses in close proximity to one another is avoided. This is especially to maintain the vitality and viability of the shopping centre for its principal retailing role. Accordingly, it is intended that Policy ER33 will be applied to protect ground floor Primary Shopping Frontages in the High Street and Victoria Place as shown on Proposals Map Inset 4. Other uses appropriate to a town centre, providing non-retail services within Classes A2 and A3 to A5 of the Town and Country Planning (Use Classes) Order 2005 will generally be encouraged elsewhere in the town centre in accordance with Policy ER34.

**11.48** A supermarket and petrol filling station at the junction of Morses Lane and Samson's Road opened in 1991. However, given the very low identified additional food shopping floorspace requirement and in order to protect the commercial vitality and viability of the town centre in the future, there will be a presumption against further large out-of-centre developments of this type in Brightlingsea during the Plan Period.

## Leisure and Tourism

**11.49** Brightlingsea is a popular small coastal resort, and is of particular importance as a centre for water sports. During the summer months large crowds are attracted to the waterfront to take part in or watch the various activities taking place, sometimes creating severe traffic congestion in the general vicinity.

**11.50** Brightlingsea provides a very attractive setting for sailing and boating activities, but the Council feels that the river frontages on the edge of the town should be protected from excessive recreational pressures. In an attempt to balance any conflict of interests between conservation and recreation, it is felt that whilst Brightlingsea should continue to be promoted as a watersports centre, its essential character should not be sacrificed. The following Policy, in conjunction with Policy BR2 seeks to achieve this objective.

### **Policy BR5 – Protection of River Frontage**

**To protect the unspoilt river frontages on the edge of the town, no additional holiday development, sailing or other recreational uses will be permitted outside the designated areas as shown on Proposals Map Inset 4.**

**11.51** The main recreation/tourist area for visitors and local residents is the Western Promenade that, having been gradually up-graded and improved by the Town Council, is the focus of recreational facilities. The area contains caravan sites, beach huts, a playground, boating lake, swimming pool and associated car parking.

**11.52** The River Colne has traditionally been a commercial river. However as the commercial operations have declined, new pressures from leisure activities have emerged. These have a very positive economic impact but also generate the potential to conflict with the protection of a unique environment. To ensure the leisure economy is developed without prejudicing the local environment, Tendring District and Colchester Borough Council, the two planning authorities responsible for the Colne Estuary, have adopted The Colne Estuary Boating Study (prepared by consultants EMC in 2001) as SPG, in order to provide a proactive framework in guiding future leisure boating development. Overall the study supports "small to medium size marinas" on the developed waterside of Brightlingsea, subject to strict criteria regarding environmental impact and the type and scale of shoreline development. This will be an important material consideration when determining planning applications. Leisure is also an important component of the approach to new development within the Waterside Regeneration Area. (See Policies BR1 and BR3).

## **Housing a Sequential and Sustainable Approach**

**11.53** Brightlingsea is a small town with a population of some 8,146 residents (2001 Census). It also occupies a sensitive coastal location in relation to the Colne Estuary, being surrounded by countryside of recognised environmental, ecological or agricultural importance.

**11.56** In accordance with Replacement Structure Plan Policy H2, a combination of rolled forward large site commitments (Appendix 1) and allocated large sites within Brightlingsea's urban area (Appendix 2) should provide over 180 dwellings on identified large sites in the town up to 2011 (see Table 1 to Policy HG1). The main focus for this housing development will be Brightlingsea waterfront to enable regeneration of that area. In addition a number of small windfall housing sites, residential conversions and possibly larger windfall sites on previously developed land will continue to come forward for consideration through the development control process. The scale of housing provision locally in Brightlingsea should therefore make an important contribution consistent with local community needs and sustainability principles.

## **Dwelling Sub-Division**

**11.58** It is important to maintain a range of residential accommodation within the town. This is particularly important in the areas of older housing surrounding the town centre, including the area between the High Street and the Waterfront. These are conveniently located for the town centre services and the waterfront, and provide a useful stock of smaller, more affordable housing, that is in sound condition. The Council will seek to preserve or enhance the distinctive character of these streets, especially the parts within the Brightlingsea Conservation Area. Proposals to sub-divide dwellings will be considered with these points in mind and will also have particular regard to Policy HG10.

## **Safer and Healthier Communities**

### **Recreation and Open Spaces**

**11.59** Some 19.0 hectares of public and private open space is available in Brightlingsea for sports activities on pitch and non-pitch sites, including school playing fields. In addition, other existing open space includes the Western Promenade Recreation Area, extending to 7.8 hectares, amenity space such as Hurst Green, and allotment gardens. The overall level of open space within the town is modest with a shortfall of playing pitch provision to meet a combination of current and anticipated future demand. Consequently it is important to safeguard existing open space areas, and attempt to improve provision as opportunities arise. School playing fields contribute to the PPG17 definition of "open space", supplement formal open space, and have similar amenity value. Accordingly school playing fields will also be safeguarded from development unless required for improvements to local educational or community facilities.

**11.60** One identified local issue is that Brightlingsea Town Football Club would like to relocate to a new site to provide better facilities, funded by redeveloping their existing ground. Policy COM8 provides a criteria based approach to considering proposals for the provision of outdoor recreational facilities and, dependant upon location, other Structure Plan and Local Plan policies will also be relevant. Moreover, in relation to safeguarded open space sites like the football ground, any development opportunity to exchange the use of one site for another to substitute for any loss of open space should, in accordance with PPG17, ensure that the new facility is at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality. Policy COM7 covers this issue.

**11.61** Clearly a satisfactory "package" of planning applications in relation to both a new location and facilities for the football club and the use of its existing site would be necessary to achieve a successful relocation. In the meantime, the Plan must continue to safeguard this important open space within the heart of the town.

## **Sustaining Our Environment**

### **Sites Designated for their Nature Conservation or Other Scientific Value**

**11.63** The whole area is particularly important for its nature conservation value. Almost the whole of the Colne Estuary, including the tidal creeks, has been notified as a SSSI by English Nature, who also manage the Brightlingsea Marsh area of the Colne Estuary NNR (Policy EN11). The coastal area is also subject to a number of international designations. These include the Essex Estuaries Special Area for Conservation that is designated under the EC Habitats and Species Directive for the protection of habitats and (non-bird) species; the Colne Estuary SPA designated under the European Commission Directive on the Conservation of Wild Birds; and the Colne Estuary Ramsar site, designated under the International Convention on Wetlands of International Importance especially as Waterfowl Habitat.

**11.64** The Inset Map area also contains all or part of a number of non-statutory county wildlife sites. These sites include ancient woodlands at Thicks Wood, Rook Wood and Thorrington Hall Wood well to the north of the town, and Wicks Wood west of Brightlingsea. The Robinson Road Lakes to the east of the town are also a county wildlife site.

## **Minerals**

**11.65** The existence of a glacial deposit overlying London Clay in the vicinity of Brightlingsea means that large areas of

land have been taken over for sand and gravel workings. The only site remaining in the Brightlingsea vicinity is at Moverons Farm, and a further site east of this at Lodge Farm. The County Council are carrying out work on the new Minerals Development Document (MDD). For Essex, the present "landbank" of sand and gravel planning permissions was in excess of 11 years at 1 January 2001. As this considerably exceeds the Government guidelines for landbanks, the Council will most strongly resist planning applications to extend or create new mineral workings in the Brightlingsea area or anywhere in the Tendring district. Gravel working is by nature a destructive activity and as such could cause significant permanent harm to nature conservation interests, the amenity of local residents and a further danger to highway safety.

## **Conservation Areas**

**11.66** Brightlingsea's traditional links with the sea and sailing, and its history as a port, are reflected in some of its surviving historic buildings. The District Planning Authority considers that the distinctive character of the town is one of its most important assets and that this should be protected. Brightlingsea Conservation Area, originally designated in 1975 and extended in 1987, covers the town centre and the adjoining residential area leading to the waterside to the south as defined on Proposals Map Inset 4. It contains over 40 properties which have been statutorily listed as being of Special Architectural or Historic Interest, most of which are in the High Street.

**11.67** A separate and much smaller Conservation Area, based on the historic area around All Saints Church and Brightlingsea Hall on the approach to the town, was designated in 1993. In addition to control over demolition of buildings, felling or lopping of trees and greater influence on the design of development, Conservation Area designation offers opportunities for schemes of enhancement to achieve improvements.

**11.68** In accordance with Government advice in PPG15 Planning and the Historic Environment, the Council have produced draft Conservation Area Character Appraisals for both of the designated areas. These have provided concise appraisals of the character and appearance of each area to assess the boundaries and put forward proposals for preservation and enhancement. Following consultation, the Council may review the Conservation Area boundaries before adopting the Conservation Area Character Appraisals.

**11.69** The New Town area, lying between High Street and the Waterside, has a distinctive character, consisting of 19th Century housing based on a grid-iron pattern of predominantly terraced properties. Although within the Brightlingsea Conservation Area, this part of the town has suffered from a large number of unsympathetic alterations and changes to dwellings that are eroding its architectural integrity. These changes have usually taken place without the need to apply for planning permission and therefore there has been no control over them.

**11.70** Although the extent of these changes is now widespread, the Conservation Area Character Appraisal recommended that further consideration be given to an Article 4(2) direction to restrict future small scale domestic alterations in the New Street/Sydney Street area, because of its distinctive character. Such a proposal would be subject to public consultation, and require support of the residents affected.

## **Sustainable Transportation**

**11.71** Priorities for transport investment are contained within the Essex Local Transport Plan and the Tendring Transportation Strategy. A particular problem locally is that the B1029 is the only access road to and from Brightlingsea. Summer holiday traffic and peak period commuter traffic often results in congestion at the Thorington Crossroads (B1029/B1027). The limited capacity of certain local roads can also have an effect on the efficient operation of local bus services. The recent improvement to the alignment of the B1029 under the "Brightlingsea Bends" project initiative of the Essex Local Transport Plan is welcomed as an important step towards improving the safety of non-motorised users of the road.

**11.72** Tendring Transportation Strategy includes measures to encourage cycling and walking and a reduction in car use, develop safer routes to schools, improve bus information, introduce speed reduction schemes and traffic management measures where appropriate. Policies within the Sustainable Transportation Chapter provide a framework for determining applications for development necessary to support the objectives of this strategy (see also the section on Transport in relation to the Waterside Regeneration Area).

## **Car Parking**

**11.74** The District Planning Authority's adopted off-street vehicle parking standards for new development are referred to in Policy TR7. In some parts of the town, principally the Conservation Area, the narrow building frontages and lack of space on certain sites will require a flexible interpretation of these standards. This may be justified if desirable well-designed development is not to be frustrated.

# **Chapter 12**

## **Lawford, Manningtree and Mistley**



## Chapter 12 Lawford, Manningtree and Mistley

### **Aim: To address local planning issues specific to Lawford, Manningtree and Mistley.**

**12.1** This Chapter of the Plan relates to Proposals Map Inset 5, which covers Lawford, Manningtree and Mistley. It is essential that this Chapter is read in conjunction with the earlier policies that relate to the whole of Tendring District.

#### **Key Issues:**

- Identification of appropriate settlement boundaries, including new sustainable locations for housing;
- Strengthening the Economy and Promoting Regeneration - ensuring sufficient land is available for the needs of industry and commerce;
- Maintaining the vitality and viability of the town centre shopping area;
- Safeguarding the particular identity and distinctive character of each settlement, including the protection and enhancement of the character of the two Conservation Areas and the regeneration of Mistley Quayside Maltings;
- Safeguarding the countryside and riverside setting of the settlements and the Dedham Vale AONB;
- Safeguarding and enhancing the estuary's wildlife habitats;
- Transport, especially in relation to vehicular traffic in Manningtree Town Centre and at Mistley Quay; and
- The need to improve local community facilities including open space provision, other opportunities for recreation and community facilities.

#### **Location of New Development**

**12.2** Whilst Manningtree is the smallest town in the district, with a range of facilities reflecting its size, it is strategically located on the main London to Norwich railway line. Given that it has good communications, a large proportion of residents choose to commute to other places of work. As a core element of the approach to developing more sustainable communities, the Council has decided that the majority of new development, especially housing, will be contained within Harwich and Clacton given that these have the access to the widest range of facilities.

#### **Strengthening the Economy and Promoting Regeneration**

##### **Achieving Economic Success and Protecting Existing Employment Areas**

**12.4** In the Replacement Structure Plan, Policy CS3 gives priority to investments, infrastructure and allocations that facilitate economic regeneration and renewal in order to reduce disparities in economic success across the plan area. Policy QL6 of this Plan identifies Mistley Waterfront and Village as an Urban Regeneration Area where permission will be granted for development that reinforces and/or enhances the function, character and appearance of the area and contributes towards regeneration and renewal. The further implications for this Local Plan of the Regional Strategy are discussed in more detail in the Strengthening the Economy and Promoting Regeneration Chapter of this Plan.

**12.5** Traditionally, sources of employment within the three settlements have related to the processing of agricultural produce from an important agricultural hinterland. The production of malt and the merchandising of grain has provided a sound industrial base with Edme and Mistley Quay Forwarding Company investing heavily in the area. In addition the industrial estate at Brantham has provided an important means of local employment for residents for many years.

**12.6a** A significant employment area is the Lawford Dale Industrial Estate. This site is allocated as protected employment land and further land is identified in this location and listed in Policy ER1. Local businesses that do not require a town centre location will be encouraged to locate here.

##### **Mistley Urban Regeneration Area**

**12.6b** Appendix 12 identifies that the Council will produce a Supplementary Planning Document for the Mistley Waterfront and Village Urban Regeneration Area, where the Council is seeking to encourage economic and physical regeneration.

**12.7** Mistley Port handles the shipment and storage of loose, bulky materials such as granite, stone and other coarse

aggregates. The port is linear in shape with port handling facilities adjacent to the berths at the eastern end of the quay with warehousing and storage facilities located to the west of the site. Sandwiched between the port and the warehouses are a number of the former malting buildings and associated office and warehouse buildings. Some of which are offices and light industrial use, while others are being converted into apartments, offices, live-work units and food and beverage uses.

**12.9** Whilst a Master Plan was produced in 1999 which sought to focus all the port related activities to the east of the site, it relied upon replacement warehousing being made available at the eastern end of the site. However, no substantive progress has been made on taking the Master Plan forward and it is now acknowledged that the Master Plan will not be implemented in its current form during the life of this Local Plan.

**12.10** Expansion of the port eastwards beyond East Quay is supported by the Council in principle, providing that any proposals for such expansion could satisfactorily demonstrate that they would not adversely affect the adjacent special protection area, the SSSI, Suffolk Coast and Heaths AONB or the possibility of extending the AONB to include the southern shore of the River Stour. Land has been allocated for port expansion and is identified on Proposals Map Inset 5.

#### **Policy LMM1a – Port Expansion**

**3 hectares of land to the east of Mistley Quayside is allocated and safeguarded as land for port expansion. Proposals will need to demonstrate that they will not cause any harm to the adjacent special protection area nor damage the character of the estuarine landscape.**

**12.11** As well as having regard to the need to preserve and enhance the Conservation Area and secure the longevity of the listed buildings, a key issue that any planning applications for the Mistley Quayside area will need to address is vehicular access. The Council will seek to use legal agreements to secure the route of vehicles through and around Manningtree and Mistley. Another key principle is that the development must secure non-motorised public access to the waterfront in all the non-commercial areas.

#### **Policy LMM1 - Mistley Urban Regeneration Area**

**New development in the Mistley Urban Regeneration Area will be required to:**

- i. **provide for the promotion of a balanced community, including an appropriate range of opportunities for the protection and enhancement of the historic environment (having particular regard to the maritime heritage of the area) and the provision of new housing, employment, tourist, recreation and leisure facilities;**
- ii. **protect the employment base of Mistley through the provision of alternative employment facilities to replace any potential loss of employment;**
- iii. **protect the port operations;**
- iv. **have regard to the potential for port uses of existing buildings, before allowing any change of use;**
- v. **allow for access arrangements which do not increase current levels of HGV traffic on the High Street;**
- vi. **provide or allow for sustainable and managed public facilities and non-motorised public access to the waterfront, including a public footpath link in all the non-commercial areas and a public right of mooring along the quayside;**
- vii. **enable the development of views across the Stour Estuary; and**
- viii. **protect the adjoining nature conservation interests, biodiversity and landscape quality during construction work and thereafter.**

**New development at the western end of the Urban Regeneration Area must respect the character and setting of the Mistley Towers Scheduled Ancient Monument.**

**To promote new development in accordance with these requirements, the Council will prepare a Supplementary Planning Document for the Mistley Village and Waterfront area.**

#### **Edme Site, Mistley**

**12.12a** The above site is likely to become vacant and available for redevelopment during the Plan period. A mixed-use scheme would be appropriate for that part of the site lying to the south-west of the High Street, with a residential element containing a mix of dwelling types, an employment element providing an equivalent level of employment to that provided on the site currently and ancillary recreation and leisure facilities. Given the Conservation Area status of the site and its central location in Mistley, emphasis must be placed on a high quality of design and the integration of the site with the existing character and appearance of the village.

## **Tourism**

**12.14** The area adjoins Dedham Vale with its nationally and internationally known tourist attractions of Dedham Village and Flatford Mill. These tourists could be attracted to the main local tourist attractions including The Walls, Mistley Towers and Mistley Craft Workshops. The area also offers craft shops and restaurants in Manningtree, although there is very little hotel or guest house accommodation.

**12.15** The conversion and development of the Quayside Maltings and adjacent land at Mistley provide a unique opportunity for the development of a mix of small-scale shops, restaurants and bars along with residential and business uses. The proposed redevelopment will add to existing visitor attractions and collectively contribute to the revitalisation of Mistley High Street and the attractive river frontage.

**12.16** The “secret” nuclear bunker to the south of Mistley has previously been open as a local tourist attraction. The Council would favourably consider proposals to re-open it as a public visitor facility.

## **Shopping and the Town Centre**

**12.17** Manningtree has a quality historic environment with a small town centre that has recently seen investment including the addition of new housing.

**12.18** The District wide Town Centre Health Check Report concluded that Manningtree is in a good state of health despite significant shopping outflows to Ipswich and Colchester. However there is pressure on existing car parking space, with an imbalance in favour of the western end of the town. There is only limited potential to increase the shopping offer within the centre and therefore the Plan’s strategy is to protect and retain the Primary Shopping Frontages as set out on the Proposals Map for predominantly Class A1 shop uses through the application of Policy ER33.

**12.19** The Main Shopping Area has been extended to include the western part of the Jewson’s yard on the River frontage. Should this existing builders merchants’ site come forward for redevelopment in the Plan Period, it would be suitable, in principle, for a mixed development scheme comprising shopping, housing development and car parking with public access to the riverside, subject particularly to compliance with flood risk assessment and no harm to the adjoining SSSI and the Conservation Area.

## **Sustainable and Affordable Housing**

### **A Sequential and Sustainable Approach**

**12.20** The Lawford, Manningtree and Mistley Policy Area comprise three main settlements and their immediate rural surroundings. The settlements which are all quite distinct in terms of their appearance and character, have now coalesced as a result of the large-scale housing developments during the period 1960-1990. However, their attractive setting remains and the preservation of the wedges of countryside which break up the built-up area are recognised as particularly important locally. The settlements also occupy a sensitive location in relation to the Stour Estuary, being fringed by countryside of recognised environmental, ecological or agricultural importance. In Structure Plan housing terms the built-up area constitutes the equivalent of a small town and has an estimated resident population of over 8,000 people.

**12.23** However, in accordance with Replacement Structure Plan Policy H2, a combination of rolled forward large site commitments (Appendix 1) and allocated large sites within the built-up areas of Lawford, Manningtree and Mistley (Appendix 2) should provide nearly 150 dwellings on identified large sites in these settlements up to 2011, (see Table 1 to Policy HG1).

**12.24** The main focus for new housing development locally will be regeneration of the EDME Maltings sites in Mistley through a mixed development allocation in this Plan. In addition a number of small windfall housing sites, residential conversions and possibly larger windfall sites on previously developed land will continue to come forward for consideration through the development control process. The scale of housing provision locally in Lawford, Manningtree and Mistley should therefore make an important contribution consistent with local community needs and sustainability principles.

### **Dwelling Sub-Division**

**12.26** It is important to maintain a range of residential accommodation within the settlements. This is particularly important in those areas of older housing that provide a useful stock of smaller, more affordable housing, in sound condition, such as the California Road area of Mistley within the Manningtree and Mistley Conservation Area. Proposals to sub-divide dwellings will be considered with these points in mind and will also have particular regard to Policy HG10.

## **Safer and Healthier Communities**

### **Recreation and Open Spaces**

**12.30a** Policies in Chapter 5 set out how the Council will deliver increased levels of recreational open space and how it will improve existing facilities as well as ensure the provision of new ones. Some 17.5 hectares of public and private open space is currently available in Lawford, Manningtree and Mistley, this is in addition to amenity space and allotment gardens.

**12.30b** The Council has produced a Supplementary Policy Interim Document (SPID) entitled "Open Space, Sport and Recreation". This should promote effective communication between the community and the Council towards the creation of more successful areas of open space and recreation in the area.

## **Water Recreation**

**12.31** The sheltered waters of the Stour Estuary are ideal for sailing. Policy COM15 in this Local Plan supports the development of appropriate water recreation uses. However, as the Stour is an internationally important SSSI, the Council will resist development that will lead to an increase in watersport activity harmful to nature conservation designations and amenity generally.

## **Community Facilities and Public Utilities**

**12.32** As the population of the three settlements of this area has grown so has the demand for better services and facilities. The Council will therefore continue to support and encourage the provision of new and improved local community facilities to meet the needs of the local population. Improvements have been undertaken to the Mistley Health Centre designed to improve primary health services, and further improvements to such facilities are supported by the Council subject to the usual considerations of residential amenity, design and highway safety. Additionally, a site for a new three bay retained fire station is proposed and safeguarded in Long Road, Mistley.

### **Policy LMM2 – Land Safeguarded for a New Fire Station**

**Land adjoining 80 Long Road, Mistley, is allocated and safeguarded for a new fire station. Development will be permitted provided the building and ancillary structures are of an appropriate design and there is no unacceptable harm to residential amenity and highway safety.**

## **Flood Defence**

**12.33** Flood protection works have been carried out in Manningtree. If any further works are proposed during the Plan Period the Council will look for any structures to be compatible with Conservation Area and other relevant policies, and be designed to minimise visual intrusion. Good quality hard and soft landscaping should be part of all schemes especially within the Manningtree and Mistley Conservation Area.

## **Sustaining Our Environment**

### **Conservation Areas and Settlement Character**

**12.34** Manningtree and Mistley developed in the early medieval period as planned ports serving inland markets. Victuals intended for the North Sea Fleet based at Harwich were transhipped here, and Manningtree also became a leading fishing port, supplying Colchester.

**12.35** Lawford developed as a small agricultural settlement as early as the 14th Century and there is a strong possibility that a deserted early Medieval village exists around the Hall. The historic nucleus is still identifiable although modern development now physically links Lawford with Manningtree.

**12.36** Two Conservation Areas exist, these being:-

- i. Manningtree and Mistley Conservation Area designated in 1969 and extended in 1981, 1983, 1989 and 1994; and
- ii. Lawford Conservation Area designated in 1981 and extended in 1990.

**12.37** The Council continues to strictly control development within these Conservation Areas to ensure that new buildings preserve or enhance local character and are committed to undertake further improvements as resources permit. To this end, part of the Manningtree and Mistley Conservation Area is covered by an Article 4 Direction removing permitted development rights. This can be seen on Proposals Map 5.

**12.38** Within the area there are 154 Listed Buildings. Of particular note are three nationally important Grade I Buildings, namely; Lawford Hall, Lawford Church and Mistley Towers. There are also a number of sites of archaeological interest within the area, including extensive remains of Prehistoric and Roman settlements, burial sites, crop marks and roadways. There are also three SAMs of national importance namely Mistley Towers, a Neolithic settlement site west of the recreation ground in Lawford and a tumulus west of Lawford Hall.

**12.39a** Manningtree is identified by Essex County Council as being of special archaeological importance, the extent of which is shown on Proposals Map 5. Development here must therefore respect Manningtree's setting as a historic town in accordance with Policy EN30.

## The Countryside

**12.40** A Landscape Character Assessment for the District has been carried out (Adopted in 2001) and defines the most sensitive areas of landscape value. Lawford, Manningtree and Mistley are set within a particularly attractive area of countryside on the southern shore of the Stour Estuary. The land rises quite dramatically giving impressive views over the Stour Valley and the Estuary across to Suffolk.

**12.41** Dedham Vale AONB extends into the western part of the area including the countryside north of Harwich Road and Wignall Street and west of Cox's Hill. The boundary of this nationally important countryside is shown on Proposals Map 5. Policy EN5 will be strictly applied in relation to the AONB. Also providing further guidance is the Dedham Vale AONB and Stour Valley Management Strategy, which was prepared by the Dedham Vale and Stour Valley Joint Advisory Committee on behalf of all local authorities within the AONB. (Adopted by this Council in February 2004).

**12.42** In addition, this Council considers that the southern shore of the Stour Estuary, like the northern shore, warrants AONB status and a study has been carried out on the potential of this area to be designated as an AONB. This is supported by Essex County Council and Policy NR3 of the Replacement Structure Plan. Whilst this matter remains to be considered by the Countryside Agency, the Council will apply Policy EN5a to protect the character, ecology and broad landscape setting of the Stour Estuary eastwards from Dedham Vale AONB, including most of the area covered by the three settlements. The Council also seeks to encourage the co-ordination of agencies involved in the management and use of the estuary. This will ensure a consistent approach with similar policies operating on the northern shore of the Stour Estuary. An overall Management Plan for the Suffolk Coast and Heaths AONB additionally includes the southern shore of the Stour Estuary.

**12.43** The Council also wishes to protect the undeveloped and rural coastline. Parts of the Policy Area are therefore designated as part of the Coastal Protection Belt and within these areas Policy EN3 will be strictly applied.

**12.44** The particular character of the three settlements needs to be preserved, and their settings protected, by especially safeguarding the Local Green Gaps defined in Policy EN2 and identified on Proposals Map 5. These are:

- i. The Walls, Mistley Place Park and other areas of open space and parkland between Manningtree and Mistley;
- ii. The land north of Long Road providing a wedge of countryside between Colchester Road and Trinity Road;
- iii. The land around Dale Hall Farm; and
- iv. The important open break between Bromley Road and Lawford Primary School.

## Nature Conservation

**12.45** In addition to landscape and amenity considerations, the countryside and coast in this area has considerable nature conservation importance. The Stour Estuary is designated a SSSI and it is of international importance for its wildlife habitats. It has also been identified as a wetland area of international importance under the Ramsar Convention and has been proposed for SPA designation under the EC Wild Birds Directive. Policy EN11a will be applied within the Stour Estuary SSSI.

## Trees and Woodlands

**12.46** As well as trees and woodlands protected by Tree Preservation Orders, other trees, groups of trees and woodlands exist in the Plan Area which contribute greatly to the overall quality of the landscape. Such areas include the woodlands and trees in the Dedham Vale AONB, the woodland adjacent to the railway line and the trees in the grounds of Lawford Hall and Lawford Place. A number of trees in the vicinity of Lawford Hall and Church Hill have protection as they fall within the Lawford Conservation Area. In accordance with policies in the Sustaining Our Environment Chapter of this Plan, new development must have regard to the contribution these trees and woodland have to the character and appearance of the area.

**12.47** Other trees and woodland of importance are those in the Furze Hill area, School Wood, the Beech Plantation, trees surrounding Game Keepers Pond and Mistley Green and those within Mistley Place Park and Mistley Lodge. The Manningtree and Mistley Conservation Area covers the whole of Mistley Place Park thus ensuring strong protection for these trees.

## Protected Lanes

**12.48** Many historic features still survive in the landscape and of particular importance are the ancient lanes and hedgerows which often date back to Saxon times. In order to protect these lanes from unsympathetic "improvement" works the County Council has designated a number of lanes in the District as "protected lanes", one such "protected lane" is Church Hill, Lawford.

## Sustainable Transportation

## **Town Centre Traffic Management**

**12.49** A major issue for local residents is traffic in the centre of Manningtree. Its historic building pattern has resulted in narrow roads unsuited to some modern vehicles. Traffic management measures have been introduced aiming to reduce unnecessary through movements of heavy goods traffic, and the road pattern in the centre naturally discourages this. The Council works with the County Council, Town Council and other interested bodies over the introduction of further traffic management measures, and supports appropriate schemes by granting planning permission for necessary development in accordance with Adopted Replacement Structure Plan Policy T11.

**12.49a** In order to comply with sustainable transport objectives and in accordance with Policy TR10 the Council will support proposals to bring back the use of the railway at Mistley port.

## **Footpaths and Bridleways**

**12.50** The extensive network of public footpaths in the area provide a very useful facility for informal recreation providing access to the surrounding countryside and to Dedham Vale. One important footpath, the Essex Way (running from Epping to Harwich) runs through Lawford, Manningtree and Mistley. Footpath routes within Dedham Vale will be developed in accordance with the principles of the approved Management Plan for the AONB. Policy COM12a of the Local Plan seeks to maintain and improve access to the countryside by protecting and enhancing Bridleway provision.

# **Chapter 13**

## **The Rural Area**



## Chapter 13 The Rural Area

**Aim: To address local land use planning issues specific to the defined rural settlements, the Colchester Fringe and other defined areas within the countryside surrounding them.**

**13.1** This Chapter relates to Proposals Map Insets 6 onwards covering the rural villages as defined in Policy QL1 of this Plan and the Colchester fringes; and in part, the Main District Proposals Map. It provides the planning context, policies and site specific proposals to meet the needs of these areas up to 2011. It is important this Chapter is read in conjunction with the earlier policies that relate to the whole of the Tendring District.

**13.3** The previous Adopted Local Plan included detailed statements for each of the villages in Tendring. For this Plan, it is clear that a number of common themes have emerged for all the settlements within the countryside and it is therefore considered that one statement covering all rural settlements is appropriate. However, this plan still retains individual Inset Maps for each of the defined villages.

### Key Issues:

**13.3a** The Key issues for the rural areas of the District are as follows:

- the identification of appropriate Settlement Development Boundaries;
- promoting regeneration of the rural economy;
- ensuring that sufficient land is made available for the needs of industry and commerce;
- improving open space provision and community facilities;
- the scale and location of future housing developments;
- recognising the value of environmental assets in and around the villages; and
- protecting and enhancing the character of Conservation Areas.

### Location of New Development - Settlement Development Boundaries

**13.4** As part of a sustainable approach, Settlement Development Boundaries to which policies QL1 and HG3 apply, are only drawn around those villages listed in Policy QL1. This is to encourage development only in villages that, with a certain range of facilities, could support some further development without significantly increasing unsustainable travel. A village has been defined as a geographically compact group of 30 or more dwellings that, within the group, also has one or more of either a primary school, a village hall or a convenience shop.

**13.5** The Settlement Development Boundary for the Colchester fringe encapsulates the built-up area of Colchester that falls within the Tendring side of the District Boundary. This includes the residential area in Plains Farm Close and the car show rooms on the opposite side of the road. Also, employment land at the Betts Factory, Ipswich Road and land west of Ipswich Road is included within the boundary.

**13.6** The Settlement Development Boundaries are tightly drawn to reflect the prominent impact development on the edge of these villages would have over the surrounding open countryside and to discourage inappropriate proposals for backland development.

### Strengthening the Economy and Promoting Regeneration

#### Stimulating Rural Regeneration and Renewal

**13.7** Rural communities nationally have suffered from a loss of facilities and public services, shortages of low-cost housing and reduced local job opportunities brought about by changes in farming practices over the last ten years. These trends have been reflected in the rural communities of the Tendring District.

**13.8** In Policy QL7 of this Plan, the Council aims to encourage regeneration in rural areas by permitting appropriate rural diversification schemes on agricultural holdings and supporting affordable housing to address local need, employment opportunities and local recreation or new community facilities within the defined villages. This Policy also gives protection to existing local services and community facilities, the Best and Most Versatile Agricultural land and employment sites.

**13.9** Agriculture, once a major source of employment in rural areas, now employs only a small percentage of the rural population. This is a downward trend likely to continue due to increasing mechanisation of production and as changes to the Common Agricultural Policy (CAP) begin a permanent shift away from farming for subsidy to farming for the market. CAP funds will become increasingly available for measures that focus less on agriculture and more on developing the rural economy as a whole and on promoting sustainability.

**13.10** Diversification of the rural economy will be encouraged provided new uses do not damage the landscape, generate excessive amounts of traffic or significantly affect residential amenities or character. Diversification will be crucial to providing future employment opportunities and thus ensure the long-term economic prosperity of rural communities. The diversification of farm enterprises and the re-use of other redundant rural buildings is dealt with in both the Strengthening the Economy and Promoting Regeneration and the Sustaining Our Environment Chapters of this Plan.

### **Achieving Economic Success and Protecting Existing Employment Areas**

**13.11** The trend to move away from agriculture to more diverse sources of employment brings about a demand for more land for employment development within the rural areas. In accordance with the Structure Plan, around 59 hectares of new employment land will be made available throughout the District to meet expected demand over the period 1996 to 2011. The Council places a high priority on protecting existing suitable employment sites because of the need to provide adequate land, over the Plan Period and beyond, to enable sufficient opportunities for new rural enterprises that will help to ease the problems created by the declining agricultural employment.

**13.12** Proposed and existing safeguarded employment sites are protected by policies ER1 and ER3 respectively. Policy QL7 emphasises the importance of promoting and protecting employment sites to assist regeneration in the District's rural areas and gives additional protection to existing sites that provide a source of legitimate employment in rural areas, but that are not specifically identified on the Proposals Map. An example is the Exchem Organics Works, Bramble Island, Great Oakley. The chemical nature of the work that takes place there is considered most suitable in this remote location away from areas of residential development.

**13.13a** Four sites are allocated for employment use in the rural areas.

**13.14** A site of 0.94 hectares of land to the east of the Plough Centre, Plough Road, Great Bentley, allocated for employment use in the previous Local Plan, is re-allocated to form an extension to the Plough Centre.

**13.15** Martells Pit, just south of Ardleigh village, is an area currently used for gravel workings and a small industrial estate. 25% of the site is already in industrial use and there is potential for further provision depending on the extent of mineral operations. Whilst the site is allocated for a mixture of B1, B2 and B8 uses, its particular value is as a location for industrial activities which by nature of their untidy or un-neighbourly character may not be well suited to an industrial estate. Consequently, this particular site is valuable as a potential location for non-conforming industrial activity that might otherwise be difficult to accommodate elsewhere in the District. The Environment Agency have indicated that they would expect any new industrial development to be connected to the public foul sewer, which may necessitate the construction of a pumping station. This is required as there is a significant risk of foul water polluting the ground water aquifer.

**13.16** Particular consideration will be given to the issue of traffic generation of heavy goods vehicles and that adequate provision is made within the site for vehicle circulation. The following Policy addresses this issue.

#### **Policy RA1 – Martells Pit, Ardleigh**

**On land allocated for employment use at Martells Pit, no new premises will be occupied until the internal road system has been extended satisfactorily in highway terms, to cope with the new development.**

**13.17** In Wix, Land north of Paskell's Timber Yard is allocated to form an extension to the employment area north of the village and south of the A120. This site was identified for employment use in the previous Local Plan but development did not take place in the Plan Period. It is still considered by the Council to be a suitable site for employment use and has therefore been re-allocated.

**13.18** Proposals for new employment areas in the rural areas not specifically allocated in this Plan are supported in Policy ER10 subject to meeting the criteria set out in Policy ER7 of this Plan.

**13.19** Thorpe-le-Soken Maltings, opposite Thorpe-le-Soken Railway Station is one of the district's most recognisable historic landmarks. Listed in October 1998 as a Grade II structure, and lying within the Thorpe Station and Maltings Conservation Area, every effort should be made to retain and restore the building, and any proposal for re-use should respect the building's architectural and historic character along with its setting.

**13.20** Due to its derelict and rapidly deteriorating state, Thorpe Maltings has been identified by Essex County Council as a "Building at Risk". In response, the County Council and the building's landowners have commissioned a study aimed at finding a viable comprehensive scheme for restoration of the Maltings and adjoining properties. The study will recommend a strategy which addresses the need to preserve and re-use the Maltings and resolves the mix of problematic uses that surround it.

## **Policy RA2 – Thorpe-le-Soken Maltings**

**The conservation and re-use of Thorpe-le-Soken Maltings will be supported as part of a comprehensive enhancement of the Thorpe Station and Maltings Conservation Area. Acceptable uses within the overall development scheme will include offices or small business premises and housing.**

**13.21** Following discussion between the Maltings' landowner, English Heritage and Tendring District Council, the following points have been agreed as the basis for carrying forward the conservation and regeneration of Thorpe Maltings and the surrounding area.

1. The internal structures, main roofs and most of the rear wall will need to be removed and a demolition strategy has been agreed in principle as part of a scheme of repair and partial reinstatement of the listed building.
2. Partial conservation of the historic structure is acceptable with the retention of the existing front (south) and gable walls, surviving kiln structures, existing lucams and as much of the rear (north) wall as possible.
3. A design approach with courtyards between occupied areas has been agreed
4. The Maltings building may be part-restored and otherwise converted for residential use
5. Roof pitches and surviving features e.g. lucams will be retained along the front elevation south of the main ridge line to follow the existing form and materials. The inclusion of new lucams and dormers in a modern idiom is acceptable.
6. Some limited raising of the height of the building at the rear is acceptable in principle.
7. A design strategy for complementary and enabling development, including the green, retail and commercial areas around the pub to replace the salvage yard, and the retention of the pub and the barn is acceptable as a basis for the preparation of a scheme that must be justified in the light of an agreed conservation deficit on the Maltings and the requirements for the regeneration of the Conservation Area.
8. The principle of allowing enabling development is accepted subject to appraisal at application stage in accordance with the information and procedures specified in appendices to the English Heritage policy statement on Enabling Development and Conservation of Heritage Assets published in 2001.
9. Some residential development on the Network Rail part of the site is acceptable Three-storey residential development on the Network Rail part of the site is acceptable as enabling development for station and public realm improvements.
10. The Council will encourage all landowners to co-operate with the comprehensive enhancement of the Conservation Area. Failing such co-operation, it will consider using all other means to ensure such enhancement occurs as soon as possible.

## **Existing Caravan and Chalet Parks**

**13.22** The rural areas have some important caravan and chalet parks that should be protected to promote tourism in the Tendring District. Policies ER18, ER19 and ER19a of this Plan deal with the need to safeguard these sites in principle, to seek improvements to facilities wherever appropriate, and to encourage some provision of touring caravan and tent pitches. The safeguarded sites are shown on the Proposals Map Insets.

## **Serviced Tourist Accommodation**

**13.24** The allocation of land rear of "The White Hart" Public House, Harwich Road, Wix for the potential development of a motel has been carried forward from Local Plan to Local Plan since 1982. This site does have the benefit of planning permission for the development of an 18-room motel granted in 2003.

## **Policy RA3 – Motel**

**Land at the rear of "The White Hart" Public House, Harwich Road, east of Wix, is considered suitable for the development of a motel.**

## **Shopping and Town Centres**

**13.25** Shopping provision varies considerably from village to village. Large villages like Thorpe-le-Soken contain a variety of small comparison and convenience goods shops; whereas small villages like Great Bromley, have little or no provision at all. General policies covering shopping issues are contained in the Strengthening the Economy and Promoting Regeneration Chapter of this Plan.

**13.26** The Tendring District contains six rural "Local Centres" as defined in Policy ER31 of this Plan. These are:

- High Street, Thorpe-le-Soken;
- Clacton and Spring Roads, St. Osyth;
- Station Road, Alresford;

- Clacton Road, Elmstead Market;
- Plough Road, Great Bentley; and
- The Street, Little Clacton.

**13.27** These areas are shown on the Proposals Map Insets for these six villages.

## Housing

### A Sequential and Sustainable Approach

**13.28** As part of a sustainable approach the Plan, through Policy QL1, contains 24 villages with defined Settlement Development Boundaries based upon their size, layout and the presence of certain key facilities.

**13.31** In accordance with Replacement Structure Plan Policy H2, a combination of rolled-forward large site commitments (Appendix 1), and a large number of small windfall housing sites on previously developed land within defined villages will continue to come forward for consideration through the development control process. The scale of housing provision locally in villages should therefore make an important contribution consistent with local community needs and sustainability principles, and will be supplemented by rural exception schemes (see below).

### Affordable Housing

**13.32** In accordance with Policy HG4, housing schemes of 3 or more dwellings in villages will be expected to provide an element of genuinely affordable housing, normally for rent from a registered social landlord, to meet local housing needs. In addition, Policy HG5 provides for local needs affordable housing schemes on land outside but immediately abutting small rural communities under the Government's Rural Exceptions Scheme. This is a continuation of a successful policy that has resulted in the implementation of several appropriate small-scale schemes adjoining villages in the District in recent years to meet the local housing needs of persons unable to afford market housing.

### Housing Development within Defined Villages

**13.33** Housing development within the Settlement Development Boundaries of defined villages is governed by the application of Policy RA4. This provides clarity on the scale of development permitted. In brief, it is more appropriate to locate small-scale residential development in those villages with a range of facilities and services, rather than the smaller settlements which are devoid of facilities and where new development would therefore place a heavy reliance upon travelling for virtually all service requirements.

**13.34** The steady fall in rural employment opportunities and the increase in car ownership have contributed to the marked decline in local services and facilities in rural communities. Each facility lost in a village makes the situation worse, resulting in more people needing to travel further to schools, shops, entertainment etc. The Council recognises the difficulties and hardship that the loss of a local post office or village store can cause, particularly for residents who do not own a car, or do not have access to one during the day.

**13.35** Policy QL1 of this Plan defines Settlement Development Boundaries for those villages comprising an existing compact group of at least 30 dwellings and one or more of the following key facilities: primary school, convenience good shop, (often including a post office), or village hall. Some of the District's rural settlements, however, consist of several hundred houses, some with a better range of facilities/services including:

- a primary school;
- good journey to work public/community transport to a town;
- convenience goods shop;
- community leisure and social facilities; and
- a variety of employment opportunities.

**13.36** Policy RA4 is designed to allow housing development in villages that is related, in its scale, to the range of facilities available in that village, i.e. villages with a greater range of services can support larger housing developments in sustainability terms without severely increasing the number of car-borne journeys in the District. In contrast, in villages with a smaller range of services, residential development should be restricted to smaller scale schemes.

**13.36a** The Council recognises the important role that local schools in rural communities perform and acknowledges the fact that, to sustain their continued operation, modest levels of local household growth may be necessary. In secondary and other defined villages, the presence of a primary school will therefore be a material consideration in determining the level of weight to be given to the application of Policy RA4 in limiting the amount of dwellings permitted in these rural settlements.

**13.37** The Policy identifies three categories of village: "Principal Defined Villages", "Secondary Defined Villages", and

“Other Defined Villages”. These are explained below.

### **Principal Defined Villages and Rural Settlements**

**13.38** Defined rural settlements containing all five of the above-listed facilities/services are considered to be “Principal Defined Villages”. At the Plan’s base date of April 2004, the following villages were ranked in this category:

- Alresford
- Great Bentley
- Little Clacton
- St. Osyth
- Thorpe-le-Soken
- Weeley

### **Secondary Defined Villages and Rural Settlements**

**13.39** Defined rural settlements containing any four of the five above-listed facilities/services are considered “Secondary Defined Villages”. In April 2004, these included:

- Ardleigh
- Bradfield
- Elmstead Market
- Great Bromley
- Great Oakley
- Kirby-le-Soken
- Ramsey
- Thorrington
- Wix

### **Other Defined Villages and Rural Settlements**

**13.40** Defined rural settlements containing three or fewer of the five above-listed facilities/services fall within the “Other Defined Villages” category. In April 2004, these were:

- Aingers Green
- Beaumont-cum-Moze
- Frating Green and Balls Green
- Great Holland
- Point Clear
- Tendring
- Tendring Green
- Weeley Heath
- Wrabness

#### **Policy RA4 –Housing Development within Defined Villages**

##### **Within the Settlement Development Boundaries of Defined Villages:**

- **Proposals for 6 or more dwellings will only be allowed in “Principal Defined Villages”;**
- **Small groups of up to 5 dwellings may be appropriate within “Secondary Defined Villages”; and**
- **In the “Other Defined Villages”, housing development will take the form of infilling (1-3 houses)**

### **Other Rural Settlements**

**13.40a** Tendring District contains a number of other rural settlements such as: Little Bentley, Little Bromley and Stones Green. These settlements are important in terms of their historical associations and as the central focus of parish life. Government guidance in PPS7 recognises that small scale development in these settlements may be justified where it helps to meet identified community needs. In addition, these settlements may benefit from the provision of affordable housing under the terms of policy HG5.

## **Safer and Healthier Communities**

### **Local Services and Facilities**

**13.41** The wide range in population and dwelling numbers, results in a broad range in the numbers of local services provided within each village. Services such as post offices, village stores, community halls, places of worship and schools are all essential to village life. They help maintain inclusiveness, reduce the need to travel by car and contribute to alleviating rural poverty by providing low-income households with access to essential services.

**13.42** Policy QL7 and Policy COM3 provide protection for these facilities. In some villages, there are deficiencies in services that need to be remedied. Where possible, the Council will take planning action to help secure this by permitting development that provides local services within the villages, subject to the relevant policy considerations, including amenity and highway safety.

**13.43** The retention of existing local services, recreation and community facilities and provision of new facilities are considered in more detail in the Safer and Healthier Communities Chapter and rural transport is considered in the Sustainable Transportation Chapter.

**13.45** Pubs perform a useful social role in rural communities and are a source of local employment. Frequently, they 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 the introduction of a specific policy so that future applications may be properly assessed.

#### **Policy RA6 - Village Pubs**

**Retention of public houses is strongly supported, particularly in rural areas where the availability of other premises is limited. Applications for changes-of-use will be resisted, unless convincing evidence can be provided to show that the public house is not economically viable. If permission is granted for a change-of-use, encouragement will be given to the premises remaining in some form of community or employment use as long as there is no traffic, amenity, environmental or conservation problems as a result.**

**If applications for a change of use of a public house are received in rural areas, evidence will be required that:**

- i. a comprehensive and sustained marketing campaign (agreed in advance) offering the public house for sale as a going concern, has been undertaken, using an agreed valuation of the premises;**
- ii. the public house has been offered for sale locally, and in the region, in appropriate publications.**
- iii. the marketing campaign has run for a period of at least 12 months before the planning application is submitted; and**
- iv. if marketing has been based wholly or partially on an alternative community or employment use, there has been prior discussion on the principle of the proposal.**

### **Recreation and Open Space**

**13.47** The Council has recently undertaken a comprehensive assessment of the quality and quantity of public open space across the District. When measured against the National Playing Field Association (NPFA) standards, the District was found to be deficient in virtually all types of public open space and it was found that the quality of existing facilities also needs to be improved. New policies have been introduced to help redress this imbalance and the following sites have been identified as new areas of public open space to be safeguarded and brought into public use as and when sufficient funds become available through applying Policy COM6.

**13.48** The sites in question are:

- land north of the existing recreation ground and south of Mary Warner Road, Ardleigh; and
- land to the rear of 18-32 Holly Way, Elmstead Market.

**13.49** Both of these areas are shown on the Proposals Map Insets as well as all areas of open space safeguarded under Policy COM7 of this Plan.

## Utilities

**13.51** The Tendring Peninsula historically suffers from a low annual rainfall which can pose long-term problems in terms of water supply. A site west of Great Holland is shown on the Proposals Map for a new reservoir and pumping station and is safeguarded for that purpose under Policy COM31 of this Plan. Another water supply site will be identified in the St. Osyth Area during the Plan Period.

**13.52** In the past, irrigation requirements have, to a large extent, been met by groundwater abstraction. To help protect limited groundwater supplies for future needs, the Council will generally support the development of reservoirs in rural areas to serve the needs of agriculture, subject to there being no material adverse environmental impacts. Such developments usually amount to large engineering projects that can have a significant adverse impact on the environment. Such proposals will be judged in relation to the requirements of Policy EN1 and against Policy RA8.

### **Policy RA8 – Agricultural Reservoirs**

**Support will be given for agricultural reservoirs and/ or winter water storage facilities subject to such proposals having no material adverse impact on:**

- i. **landscape characteristics;**
- ii. **biodiversity;**
- iii. **historic environment;**
- iv. **public rights of way;**
- v. **important nature conservation sites;**
- vi. **floodplain and associated flood storage; and**
- vii. **public safety.**

**Where there would be an impact on the supply of aggregate, the developer must prove the agricultural need for the water.**

**Applications will be expected to include high quality landscaping both on and off site.**

**Furthermore, the development must be designed to maximise opportunities to create wildlife habitat and measures need to be put in place to ensure suitable management.**

## Sustaining Our Environment

### Protection of Landscape Character

**13.53** The rural villages of the Tendring District are surrounded by important and attractive rural landscape that is considered vital to sustaining the rural economy. The protection and enhancement of this environmental asset will ensure that the countryside continues to be an attractive place in which to live and work.

**13.54** The Tendring District Landscape Character Assessment (LCA) identified thirty different landscape character areas across the District and provided specific guidance for built development as well as an appraisal of these individual landscapes. This material will be adopted as SPD and will be a relevant consideration when determining planning applications.

### Sites Designated for their Nature Conservation, Geological or Other Scientific Value

**13.57** Many of the District's rural villages are affected by areas designated for their nature conservation, geological or other scientific value. These internationally, nationally and locally important sites are given protection against inappropriate development by Policies EN11 a, b and c in this Plan and are shown on the Proposals Maps.

### Historic Parks and Gardens

**13.58** There are two Registered Parks and Gardens in the rural part of the District, namely St. Osyth Priory and Thorpe Hall (Lady Nelson Home). English Heritage have produced detailed descriptions of these registered sites. These areas are shown on the Proposals Map Insets and Policy EN1 protects them from inappropriate development.

### Conservation Areas

**13.59** Many of the District's village centres are included in Conservation Areas, typically comprising the historic nucleus of now much expanded settlements. Examples include Great Bentley, Great Oakley and Kirby-le-Soken Conservation Areas. Others, including the Thorpe-le-Soken Station and Maltings, Brightlingsea Hall and All Saints Church Conservation Areas, are found distinctly separate from defined settlements, but are located around key architectural

features with distinctive surrounding character. The extent of all the District's Conservation Areas are defined on the Inset Maps.

**13.60** In all, there are twelve Conservation Areas in the rural areas of the District and in addition to control over demolition of buildings, felling or lopping of trees and greater influence on the design of development, Conservation Area designation offers opportunities for enhancement schemes to achieve visual improvements.

**13.61** Characteristic features to be retained and parts of Conservation Areas that would benefit from enhancement are highlighted in the Council's Draft Conservation Area Reviews. These documents highlight the main features of the historic environment that both contribute and detract from the special character and, when formally adopted by the Council, will be a material consideration when determining relevant planning applications.

## **Sustainable Transportation**

**13.62** The priorities for transport investment are contained within the Essex Local Transport Plan and the Tendring Transportation Strategy. The Tendring Transportation Strategy accepts that in rural areas, for many people there is no realistic alternative to the car. The continued development of rural public transport initiatives is therefore strongly supported by the Council.

## **Supporting Public Transport**

**13.63** Thorpe, Weeley, Great Bentley and Alresford have railway stations on the main Clacton to London Liverpool Street line, Kirby Cross railway station is on the branch line between Thorpe and Walton-on-the-Naze and Wrabness station is on the Harwich to London Liverpool Street Line. The Council will support any increase in the frequency of train services at rural stations. The "Village Link" bus services that operate between Clacton and Harwich and between Clacton and Mistley which provide important north-south public transport links through the villages are also strongly supported.

# **Chapter 14**

## **Implementation and Monitoring**



## Chapter 14 Implementation and Monitoring

### Implementation, Monitoring and Replacement of the Local Plan

**14.1** The Tendring District Local Plan 2007 sets out a balanced framework for sustainable development and conservation within Tendring for the period up to 2011. The overall level of development proposed and the various policies put forward are strongly related to national and regional guidance and the Essex and Southend-on-Sea Replacement Structure Plan strategy interpreted and defined at the local level.

**14.2** The Planning and Compulsory Purchase Act 2004 has introduced a major change to the form of the “Development Plan” to a combination of Regional Spatial Strategy (RSS) and a Local Development Framework (LDF) involving the proposed abolition of Structure Plans. Tendring District Council will endeavour to ensure a smooth transition to the new system, and an important step to achieving this is the adoption of an up-to-date Tendring District Local Plan 2007 that will remain in force under the ‘saved plan’ arrangements of the new planning system. Details of the transitional arrangements are set out in the Council’s Local Development Scheme (LDS).

### Implementation

**14.3** The implementation of the policies and proposals of this Local Plan and any subsequent LDF will be achieved in a variety of ways. As Planning Authority the Council will take the greater role in the implementation of the Plan. It is important to note however that many bodies will be involved in the implementation of the policies and proposals of this Plan in order to provide an integrated system of co-operation between the Council and other relevant organisations. Appendix 11 identifies the key policies, the main organisations responsible and timescales where applicable for the implementation of this plan.

**14.4** The following organisations are expected to be involved in the implementation of this Local Plan:

### Tendring District Council

**14.5** As the Planning Authority, the Council will take the greater role in the implementation of the Plan by:

- Determining planning applications with regard to the policies of this Plan, the Essex and Southend-on-Sea Replacement Structure Plan, advice set out in Government Circulars, Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), and any other material considerations. These will include consideration of policy as set out within the new Documents comprising the Local Development Framework (LDF);
- Preparing, adopting, promoting and issuing Supplementary Planning Documents such as design guides and issuing advice on detailed planning issues such as accessibility;
- Preparing, adopting and promoting design/development briefs for particular sites to provide more detailed guidance to developers. Some of these sites may also comprise Local Development Documents (LDD) in due course;
- Attaching conditions to planning permissions;
- Seeking legal agreements with developers and landowners;
- Liaising and negotiating with landowners, applicants, developers and the house building industry generally;
- Encouraging schemes to meet local and affordable housing needs through housing associations;
- Issuing advice, for example, on design matters or employment issues or, in an enabling role, indicating where advice, financial assistance etc, can be obtained;
- Publishing of registers, schedules, leaflets, etc, as appropriate and as financial resources permit;
- Implementing specific local schemes as contained in the Council’s budget;
- Granting aid in accordance with the Council’s adopted policies; and
- Liaising and co-operating with statutory undertakers, Essex County Council as the Highways and Transportation Authority, and other appropriate agencies.

**14.6** The extent to which the Council can successfully implement the policies and proposals of this Plan is partly dependent on the levels of finance available during the Plan period. The level of funds available to implement this Plan is

greatly influenced by a number of factors, notably, Central Government restrictions on spending. For this reason, Plan implementation is likely to be subject to fluctuation in spending and the Council will review its budget on an annual basis, and seek to achieve a steady and properly managed implementation programme to meet the needs of the District throughout the Plan period.

## **Essex County Council**

**14.7** The County Council, as Highways and Transportation Authority, is responsible for all matters related to roads and transport, including the provision of new facilities (except the A120 Trunk Road), on- street parking, road closures, highway safety and other traffic management. The County Council is also responsible for Education and Social Services and, as a Planning Authority is responsible for planning for minerals and waste management. The County Council is also the Waste Disposal Authority.

**14.8** In line with this Local Plan and the Community Strategy, Tendring District Council will liaise with the County Council to aid the integration of services between the two authorities.

## **Public Utilities**

**14.9** Public Utilities include British Gas, Electricity providers, British Telecommunications plc, and Anglian Water. These organisations will need to take account of the policies and proposals of the Plan in the provision of their services and facilities, which are essential to sustainable well planned development, and liaise with TDC on their proposals.

## **Health Authorities**

**14.10** The Strategic Health Authority and the Tendring Primary Care Trust (PCT) are responsible for the provision of health facilities in the District. Close communication with these health authorities will enable the Council to take into account the various proposals for new facilities in the District through the Local Plan process.

## **Environment Agency**

**14.11** The Environment Agency holds responsibility for protection and improvement of the environment and controlling pollution in relation to air, land and water. It is a statutory body responsible for implementing environmental legislation and the regulation of the environmental effects of industry. It also provides advice and guidance to the local planning authority through its role as a statutory consultee, particularly in respect of the drainage and flood protection implications of new development.

## **Town and Parish Councils**

**14.12** As appropriate, the Local Councils provide and manage recreation and community facilities, including allotments, occasionally with new grants and existing aid as relevant, from the District Council and other sources. They provide an important link with the local community and have a key role in assisting the District Council in implementing the Community Strategy.

## **Housing Associations**

**14.13** Housing Associations and other Registered Social Landlords have an important role in the provision and management of affordable and specialist needs housing. These organisations provide an important source of funding through the Housing Corporation and of guidance to the District Council, and this role is likely to increase throughout the life of this Local Plan.

## **The Private Sector**

**14.14** The private sector will be responsible for the great majority of development carried out during the Plan period including new residential properties, new employment and commercial development, and the creation of tourist and leisure facilities. The District Council will encourage the provision of such facilities and development in accordance with all the relevant objectives, policies and proposals set out in this Plan.

## **Further Implementation Guidance**

**14.15** In the preceding chapters of this Local Plan there are various references to the intention of the District Council to prepare design or development briefs to be used as Supplementary Planning Documents. These are necessary where it is important to provide more detailed guidance to developers in the sustainable development of specific sites or areas. The District Council considers the preparation of these documents to be an important component of the implementation process. Appendix 12 lists existing adopted Supplementary Planning Guidance (SPG) that is referred to in this Local Plan and also the Supplementary Planning Documents (SPD) it is intended to produce during the early part of the Local Plan period.

**14.16** It is also probable that new circumstances will arise during the life of the Local Plan, when it will be desirable to prepare SPD of this kind. Where appropriate, the major elements of design briefs and other forms of supplementary

planning guidance that are prepared and adopted by the District Council, will be incorporated into the evolving Local Development Framework.

## Monitoring

**14.18** It is essential to monitor development trends within the District to gauge the effectiveness of this Local Plan's policies and proposals. Under the Planning and Compulsory Purchase Act, it is now a statutory requirement for local planning authorities to prepare an Annual Monitoring Report. The preparation of this report will enable the Council to detect at regular stages within the Plan period, trends in development that may be detrimental to the District's long-term aspirations for sustainability and identify any policies that are proving to be ineffective or unenforceable. Annual Monitoring Reports will therefore provide key technical data to inform the preparation of subsequent Local Development Frameworks. Appendix 11 identifies the key policies, the main organisations responsible and timescales where applicable for the monitoring of this plan.

**14.20** The Council will monitor the following key indicators and include details of its performance in its Annual Monitoring Report:

## Improving the Quality of Life

- Amount and type of development allowed and completed annually outside of Settlement Development Boundaries;
- Amount and type of development allowed and completed in areas likely to be at direct risk from tidal or fluvial flooding against the advice of the Environment Agency; and
- Amount and type of employment related development, which is completed or lost within the defined Urban Regeneration Areas.

## Strengthening the Economy and Promoting Regeneration

- Amount of business and industrial development completed or lost by location and type;
- Percentage of employment related development completed on previously developed land;
- Amount, type and location of tourism related development completed or lost;
- Amount and type of retail floorspace completed or lost by location and type;
- Use Class and concentration of retail development in identified Primary Shopping Frontages; and
- Percentage of the total net provision of employment land, which is readily available for business or industrial development.

## Sustainable and Affordable Housing

- Housing stock changes in relation to Structure Plan/Regional Plan requirements;
- Projection of likely housing completions throughout to the end of the relevant plan period;
- Percentage of new and converted dwellings completed on previously developed land;
- Net density of completed residential schemes; and
- Amount, size and type of residential development allowed and completed:
- Amount and type of affordable housing completed.

## Safer and Healthier Communities

- Number of services and facilities lost or gained as a result of development by location and type;
- Number of residential institutions permitted within the Control of Institutional Uses Areas in Clacton and Frinton;
- Area of public open space gained or lost as a result of development; and
- Percentage of eligible open spaces managed to green flag award standard.

## Sustaining Our Environment

- Amount and type of development allowed and completed within:
  - a. Local Green Gaps;
  - b. Coastal Protection Belt;
  - c. Existing or proposed AONBs; or

d. Any area designated for its nature conservation, geological or other scientific value.

- Change in areas and populations of biodiversity importance including change in priority habitats and species (by type) and change in areas designated for their intrinsic environmental value including sites of international, national, regional, sub-regional or local significance; and
- Number of Listed Buildings, Historic Parks and Gardens, Scheduled Ancient Monuments (SAMs) or other nationally important archaeological sites, which are damaged or destroyed.

## **Sustainable Transport**

- Percentage of completed non-residential development complying with the Council's adopted vehicle parking standards;
- Amount of public car parking gained or lost as a result of development; and
- Percentage of new residential development within 30 minutes public transport time of GP, hospital, primary and secondary school, employment and a major health centre.

**14.23** The monitoring process may reveal the need to amend certain policies possibly through inclusion within new Local Development Documents that will supersede the Tendring District Local Plan 2007. In addition, the Local Plan must remain consistent with Regional Planning Guidance/ the Regional Spatial Strategy and the Essex and Replacement Southend-on-Sea Structure Plan while this remains in force.

## **Plan Replacement**

**14.24** The Local Plan will be revised regularly to ensure that its policies and proposals remain up-to-date, relevant and reflect regional and sub-regional guidance as required by Central Government and its advice contained in PPS1 – Delivering Sustainable Development and PPS12 – Local Development Frameworks.

**14.25** Replacement of the Local Plan will take into account the changes brought into force by the Planning and Compulsory Purchase Act. Preparation of the subsequent LDF and its constituent documents will take into consideration Government and Regional policy statements as well as findings and considerations raised through the monitoring process of this Local Plan. Relevant policies will be included within the 'Core Strategy' of the emerging LDF.

# **Chapter 15**

## **Appendices**



## Appendix 1

### Rolled Forward Dwelling Commitments on Large Sites at 1st April 2007 that accord with this Local Plan

| Location                                        | Greenfield/<br>Previously<br>Developed<br>Land | Position at April 1 2007                              |                                        | Notes                           |
|-------------------------------------------------|------------------------------------------------|-------------------------------------------------------|----------------------------------------|---------------------------------|
|                                                 |                                                | Site Status                                           | No. of Net<br>Dwellings<br>Outstanding |                                 |
| <b>Clacton-on-Sea and Jaywick Urban Area</b>    |                                                |                                                       |                                        |                                 |
| Land east of Woolner Road                       | Greenfield                                     | Site under construction                               | 30                                     | Site well within urban area     |
| r/o Burcart's Corner 259-265 Old Road           | PDL                                            | Site with outstanding residential planning permission | 36                                     |                                 |
| 241 Old Road                                    | PDL                                            | Site with outstanding residential planning permission | 12                                     |                                 |
| Highland Chalet Park, Thorpe Road               | PDL                                            | Site under construction                               | 84                                     |                                 |
| Land r/o Cann Hall, Constable Avenue            | PDL                                            | Site with outstanding residential planning permission | 30                                     |                                 |
| 67 Frinton Road, Holland-on-Sea                 | PDL                                            | Site with outstanding residential planning permission | 14                                     |                                 |
| <b>Harwich and Dovercourt Urban Area</b>        |                                                |                                                       |                                        |                                 |
| Brickfield site west of Una Road, Parkeston     | PDL                                            | Site with outstanding residential planning permission | 48                                     |                                 |
| Anchor Hotel, Stour Street                      | PDL                                            | Site with outstanding residential planning permission | 15                                     |                                 |
| 407 Main Road, Harwich                          | PDL                                            | Site with outstanding residential planning permission | 24                                     |                                 |
| 109-117 High Street, Dovercourt                 | PDL                                            | Site with outstanding residential planning permission | 14                                     | Mixed scheme of flats and shops |
| Homemaker Store, 60 Kingsway, Dovercourt        | PDL                                            | Site with outstanding residential planning permission | 17                                     | Mixed scheme of flats and shops |
| Land off Vicarage Lane and Lee Road, Dovercourt | PDL                                            | Site under construction                               | 8                                      |                                 |
|                                                 |                                                |                                                       |                                        |                                 |

|                                                                                                                   |            |                                                             |     |                                                                       |
|-------------------------------------------------------------------------------------------------------------------|------------|-------------------------------------------------------------|-----|-----------------------------------------------------------------------|
| Plot 2, Iconfield Park,<br>Freshfields Road,<br>Dovercourt                                                        | PDL        | Site under construction                                     | 228 |                                                                       |
| Plot 3, Iconfield Park,<br>Freshfields Road,<br>Dovercourt                                                        | PDL        | Site with outstanding<br>residential planning<br>permission | 14  |                                                                       |
| Former Capital House site,<br>adjacent to Co-op<br>supermarket, Main Road<br>and off King's Avenue,<br>Dovercourt | PDL        | Site with outstanding<br>residential planning<br>permission | 100 |                                                                       |
| <b>Frinton-on-Sea and Walton-on-the-Naze Urban Area</b>                                                           |            |                                                             |     |                                                                       |
| The Sanctuary(former pier<br>Hotel), Pier Approach,<br>Walton                                                     | PDL        | Site under construction                                     | 7   |                                                                       |
| Bridgeman's Yard, 103-105<br>Thorpe Road, Kirby Cross                                                             | PDL        | Site under construction                                     | 10  |                                                                       |
| <b>Brightlingsea Urban Area</b>                                                                                   |            |                                                             |     |                                                                       |
| Former James and Stone<br>Shipyards                                                                               | PDL        | Site under construction                                     | 70  | Mixed use scheme<br>including commercial<br>and retail<br>development |
| <b>Lawford, Manningtree and Mistley Urban Area</b>                                                                |            |                                                             |     |                                                                       |
| Lawford Place, Cox's Hill,<br>Lawford                                                                             | PDL        | Site under construction                                     | 29  | Restoration of listed<br>building with enabling<br>development.       |
| Land r/o Rose Builders<br>Works, School Lane, Mistley                                                             | PDL        | Site with outstanding<br>residential planning<br>permission | 21  |                                                                       |
| <b>Rural Areas</b>                                                                                                |            |                                                             |     |                                                                       |
| Adjacent 91 Spring Road,<br>St. Osyth                                                                             | Greenfield | Site under construction                                     | 1   |                                                                       |
| Land at Meadow View,<br>Priory Meadows, St. Osyth                                                                 | PDL        | Site with outstanding<br>residential planning<br>permission | 16  |                                                                       |
| Hillside House, Clacton<br>Road, Weeley                                                                           | PDL        | Site under construction                                     | 18  | Restoration of listed<br>building with enabling<br>development.       |
| Wix Service Station,<br>Colchester Road, Wix                                                                      | PDL        | Site with outstanding<br>residential planning<br>permission | 13  |                                                                       |



## APPENDIX 2

### New Housing Site Allocations

| Location                                                                          | Greenfield/<br>Previously<br>Developed<br>Land | Area [ha] | Indicative<br>Dwelling<br>Capacity [i] | Indicative<br>Affordable<br>Housing<br>Target<br>[40%] [ii] | Notes                                                                                                                                          |
|-----------------------------------------------------------------------------------|------------------------------------------------|-----------|----------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                   |                                                |           | No.of Dwellings                        |                                                             |                                                                                                                                                |
| <b>Clacton-on-Sea and Jaywick Urban Area</b>                                      |                                                |           |                                        |                                                             |                                                                                                                                                |
| Clacton Garden Centre, St John's Road                                             | PDL                                            | 0.89      | 27                                     | 10                                                          |                                                                                                                                                |
| Orchard Works r/o 110 London Road                                                 | PDL                                            | 0.376     | 15                                     | 6                                                           |                                                                                                                                                |
| Land r/o The Ship Inn PH, Valley Road, Great Clacton                              | PDL                                            | 0.419     | 15                                     | 6                                                           |                                                                                                                                                |
| Land off Waterworks Drive                                                         | PDL                                            | 2.19      | 77                                     | 31                                                          |                                                                                                                                                |
| Land at 522-524 St John's Road                                                    | PDL                                            | 1.23      | 43                                     | 17                                                          | Part of larger mixed development allocation to include a health centre, community uses and retail uses to meet local needs. (See Policy CL14a) |
| Land between 398-508 St. Johns Road and adjoining 3-29 Little Clacton Road        | Greenfield                                     | 10.17     | 356                                    | 142                                                         | Part of larger mixed development allocation to include a health centre, community uses and retail uses to meet local needs. (See Policy CL14a) |
| <b>Harwich &amp; Dovercourt Urban Area</b>                                        |                                                |           |                                        |                                                             |                                                                                                                                                |
| Land adjacent Byways, Patricks Lane, Dovercourt                                   | Greenfield                                     | 0.14      | 6                                      | 2                                                           | For development with adjoining large committed housing site                                                                                    |
| Land south-west of junction of Patricks Lane and Station Lane, Dovercourt.        | PDL                                            | 0.11      | 4                                      | 1                                                           | For development with adjoining large committed housing site                                                                                    |
| Car Park beside Harwich Town Football Club Ground, Main Road, Dovercourt          | PDL                                            | 0.191     | 13                                     | n/a                                                         |                                                                                                                                                |
| Land adjoining 360 Main Road, Dovercourt                                          | PDL                                            | 0.56      | 25                                     | 10                                                          | Provides for access to the school                                                                                                              |
| Land opposite public gardens, Barrack Lane, Harwich [pt of Harwich Pavilion site] | PDL                                            | 0.402     | 28                                     | 11                                                          | Part of larger mixed development allocation to regenerate community facilities                                                                 |

|                                                                                           |            |       |     |     |                                                   |
|-------------------------------------------------------------------------------------------|------------|-------|-----|-----|---------------------------------------------------|
| Part of former Isolation Hospital, off Main Road, Dovercourt, adjacent to Football ground | PDL        | 0.38  | 23  | 9   |                                                   |
| Land r/o Pound Farm, Main Road, Dovercourt                                                | Greenfield | 0.86  | 30  | 12  | Site well within urban area                       |
| <b>Frinton-on-Sea and Walton-on-the-Naze Urban Area</b>                                   |            |       |     |     |                                                   |
| Station Yard Car Park, Walton                                                             | PDL        | 0.614 | 31  | 12  |                                                   |
| Land adjacent to water supply reservoir, Witton Wood Road, Frinton                        | PDL        | 1.23  | 49  | 19  |                                                   |
| Southcliff Trailer Park, Woodberry Way, Walton                                            | PDL        | 1.04  | 31  | 12  |                                                   |
| <b>Brightlingsea</b>                                                                      |            |       |     |     |                                                   |
| Brightlingsea Shipyard, south of Copperas Road                                            | PDL        | 2.35  | 100 | 40  | Part of larger mixed development allocation       |
| Water Tower site, Church Road                                                             | PDL        | 0.39  | 12  | n/a |                                                   |
| <b>Lawford, Manningtree &amp; Mistley</b>                                                 |            |       |     |     |                                                   |
| EDME sites, High Street, Mistley                                                          | PDL        | 2.17  | 100 | 40  | Main site is part of mixed development allocation |

## Notes:

- i. Indicative dwelling capacity is based upon an assessment of the criteria of Policy HG7, Tendring Urban Capacity Study "best fit" and other factors where appropriate.
- ii. The affordable housing target for each site is derived from Policy HG4 as a basis for negotiation with the site developer. In the event of planning permission being granted for a different number of dwellings from the indicative dwelling capacity, this will alter the affordable housing target accordingly. Sites marked n/a have indicative dwelling capacities below the policy threshold to trigger an affordable housing requirement.



## APPENDIX 2a

### Rural Areas where Rural Exception Schemes Under Policy HG5 are Applicable

Source: Statutory Instrument 1997 No.623 Schedules 1 and 2

The Parishes of:

|                   |                |                      |
|-------------------|----------------|----------------------|
| Alesford          | Great Bromley  | Ramsey and Parkeston |
| Ardleigh          | Great Oakley   | St. Osyth            |
| Beaumont cum Moze | Little Bentley | Tendring             |
| Bradfield         | Little Bromley | Thorpe le Soken      |
| Elmstead          | Little Clacton | Thorrington          |
| Frating           | Little Oakley  | Weeley               |
| Great Bentley     | Mistley        | Wix                  |
|                   |                | Wrabness             |



## Appendix 3

### Supporting Information Required to Demonstrate Lack of Need and/or Viability of Local Facilities

The Council will require any application involving the loss of a key facility to be supported by written evidence of lack of need and/or viability such as:

- i. in the case of a business, the current and projected trading performance;
- ii. in the case of a community facility, the current and projected patterns of use;
- iii. the nature and condition of the building and the cost of repairs, renovations or improvements needed to allow the facility to continue in operation;
- iv. the extent of the local catchment including the location of the premises in relation to local settlement pattern and accessibility;
- v. the nature and location of comparable facilities;
- vi. the potential to relocate the use into other premises in the community;
- vii. in respect of public houses, the approaches and attempts to transfer from a chain of tied pubs to a free house;
- viii. in the case of a business, evidence that it has been offered on the open market as a whole (parts having not been identified for separate sale) and at a realistic market value. This should be for a period of not less than six months by a competent agent. Evidence should include sales literature, details of approaches, and details of offers; and
- ix. evidence that the local community has been notified in writing of the intention to close the facility and has not, within a period of six months come forward with a realistic proposal to assume operation of the facility, including its proposals to finance and operate the facility.



## Appendix 3a

### Retention of Employment Sites

Tendring has a range of Local Plan policies that seek to protect the current stock of employment land and premises in the District, as they are important to the vitality of the local economy.

Where planning applications are submitted to change a site currently in employment use or was last in employment use to a non-employment use, Policy ER3 sets out a framework to:

- Explore ways of retaining the site for other employment uses, by way of either:
  - An agreed, sustained marketing campaign, or
  - Providing proof that the site is inherently unavailable for all types of employment use, through documentary evidence
- Identify an appropriate financial contribution to improve employment prospects in the District if the site obtains permission for a non-employment use, or
- Provide alternative, suitable and viable employment land within the District.

Policy ER3 is only one of a number of policies that may have a bearing on the approach to such applications; all relevant policies must be satisfied in order for the application to be determined. It is recommended that potential applicants seek a discussion with a planning officer at the earliest opportunity in order to understand the issues relating to their particular development.

### Part 1: Justification for Non-retention as Employment Land

It is important that all employment uses are explored where applications are received for non-employment uses. Therefore, the applicants will usually be expected to undertake a marketing campaign to ascertain whether the site is viable.

Alternatively and where agreed in advance, the Council may consider submitted evidence that the site is inherently unsuitable for employment uses.

#### A: The Marketing Campaign

The following aspects should be considered before a marketing campaign is considered:

- Marketing of sites can be undertaken by the applicant or an appointed agent of the applicant, such as an estate agent,
- The length of marketing campaigns must be agreed in advance with the Local Planning Authority but should be undertaken for the period of at least one year. This period may be increased in appropriate cases. In exceptional circumstances, and where agreed in advance, the Local Planning Authority will consider a 6 month review of the marketing campaign to establish whether the remainder of the campaign should be pursued.

The following criteria will be used to establish whether a review of the campaign will need to be undertaken after six-months:

- i. size of site and/or premises;
  - ii. potential for job creation/ loss;
  - iii. location in relation to the principal highway network;
  - iv. condition of any buildings at the site and their suitability for other employment uses;
  - v. whether the continued employment use of the site would represent an unsustainable form of development.
- The Council will monitor the progress of each campaign, and will expect to receive a regular update of progress by the party undertaking the marketing at agreed intervals.
  - The details of the campaign must be agreed in advance with the Council.
  - Any previous marketing activity undertaken will not be considered as the Council will not have had the opportunity to monitor any such activity.

- Where expressions of interest in the site have been received, a detailed description of progress with each lead will be required, including details of sums offered, terms of any deal discussed, applicants response to each offer etc. The Council will treat the detail of such information as confidential.

The applicant should agree the following specific marketing details with the Council:

### **(i) Particulars**

The particulars should include the following:

- Internal and external photographs.
- Description of the site/ premises.
- Dimensions of:
  - Buildings;
  - Internal rooms;
  - Eaves heights and door widths if relevant;
- Gross internal area; and
- Size of total site, including land.
- Services – e.g. electricity, gas, water – any other relevant information.
- Asking price (see below also).
- Any restrictions, conditions and covenants.
- Known costs, such as service charge, rateable value.
- Any other items included in sale (note- the price expected for these should be disclosed to the Council).
- Terms of sale & tenure – leasehold, freehold etc (see also 'tenure' below).
- Extent of site, shown on a site plan.
- Site location including map.
- Contact details for viewing and more information.

### **(ii) Advertisement**

- An advertisement should be featured at least once a month in the newspaper. Additional features in trade magazines are encouraged (if appropriate) at intervals based upon the regularity of their circulation.
- The advertisement should be placed in an appropriate newspaper or journal. These usually include the commercial section of the local/district paper. In cases where part of the property is residential it is not appropriate for an advert to be placed solely in the residential section of the newspaper.
- Trade magazines specific to commercial property or to specific industries may also be used if appropriate.
- The format of the advert needs to be appropriate to the type of property being marketed. This usually includes at least one external photograph, appropriate size when compared to similar properties being marketed and appropriate wording. The advert should be located in the appropriate column.
- The brief description of the property within the advert should include a description of the property, size, price, terms and alternative commercial uses that may be acceptable. The 'subject to planning' is encouraged if alternative uses are possible, even without current consent. Advertisements placed on websites are also a useful marketing tool. A similar approach as described in the 'particulars' section and above should be followed in terms of details to be included.

### **(iii) Price**

It is important that the price at which the property is being offered reflects the current market value of such a property based on its current and potential employment uses. This should not include any potential residential or other non-employment use value. The applicant should seek a minimum of one independent valuation obtaining both freehold and leasehold prices (see also 'Tenure').

The recommended approach is for the applicant to obtain an independent valuation of the property from an established commercial source familiar with the local area and with properties of the type to be marketed. Estate agents usually provide such a valuation service, although other sources may be considered if their credentials can be established. The cost of the independent valuation(s) will be borne by the applicant. This should be backed by evidence.

**(iv) Tenure**

The applicant should be prepared to offer the property on both a leasehold and freehold basis to ascertain its employment viability. Flexible terms, such as short leases, monthly licences, and regular break clauses are encouraged.

**(v) Evidence**

The applicant should ensure that evidence should be kept of the marketing campaign as a record of what has taken place. The evidence should be appended to any planning application. This can include:

- Evidence of the negotiations prior to the start of the campaign, including details of independent valuation, site particulars;
- Monthly reports detailing interest in the property and progress with negotiations, contact details of interested parties;
- Copies of advertisements placed. The date and publication should also be noted; and
- Final summary of marketing campaign and its results.

**B: Inherent Unsuitability**

In agreement with the case officer, the applicant can make a case that the property is inherently unsuitable for employment use.

Significant evidence from an independent source would be required to demonstrate the non-viability of the site. This process would be undertaken in conjunction with the case officer who would conclude on the viability of the site.

**Part 2: Commuted sum**

The intention of this section of policy ER3 is to mitigate the loss of employment land where permission has been granted for change of use to a non-employment use. The District Council will use the sum obtained from the applicant to improve employment prospects for the Tendring community.

**Calculations:**

The following table identifies the average square metre per employee calculation by use class that should be used when calculating the contribution expected. Applicants unsure of the use class category that their land or premises falls within should make enquiries to the Planning Department for clarification.

| Use class   | Average sq. metre per employee | Use class description                             |
|-------------|--------------------------------|---------------------------------------------------|
| A1          | 63                             | Shops                                             |
| A2          | 32                             | Banks, estate agents, betting offices             |
| A3          | 45                             | Restaurants, cafes                                |
| A4          | 45                             | Pubs, wine-bars and other drinking establishments |
| A5          | 45                             | Hot food take-away                                |
| B1          | 75                             | Offices, R&D, light industry                      |
| B2          | 76                             | General industry                                  |
| B8          | 163                            | Warehouse distribution                            |
| C           | 53                             | Hotels, residential schools                       |
| D           | 80                             | Church, clinics, cinemas, sport & leisure         |
| Sui generis | 103                            | Motor vehicles, petrol stations, hostel, theatre  |

- The average cost of creating a job through creation of new workspace = £500.

**How to work out the commuted sum:**

1. Identify use class within which your premises fall

2. Obtain the measurement of the gross internal floor area of existing buildings in employment use in square metres (do not include land measurements).
3. Identify the average number of employees that work within the given use class by:
  - o Dividing the total size (in square metres) of your premises by the average square metre per employee of your use class (see table above).
  - o This figure may be less than 1 in some cases. Figures should be to two decimal places.
  - o Multiply this figure by £500 (average cost of job creation).
4. This figure will be the commuted sum expected to be paid.

### **Example:**

Mr Smith owned a unit currently used for light industrial purposes (B1 use class). The Unit's gross internal floor area size is 500 square metres. Mr Smith intends to apply to change the use of the unit to a non-employment use, and has undertaken the marketing exercise to the satisfaction of the Council. To work out the commuted sum payment required he did the following calculations:

- $500 \text{ (sq. m of his buildings)} \div 75 \text{ (average B1 sq. m per employee)} = 6.66 \text{ (employees)}$
- $£500 \times 6.66 \text{ employees} = £3,330$
- Therefore the commuted sum would be £3,330

### **When the commuted sum should be paid:**

If planning permission is granted for the change of use from an employment to non-employment use the Council will enter into a legal agreement with the applicant regarding the commuted sum. The applicant will be expected to pay the commuted sum upon occupation of 50% of the development.

### **How the commuted sum will be spent**

The Council's economic development programme identifies a number of ways in which the Council acts to promote employment and the local economy.

Examples of this include:

- Business workspace grant;
- Start up and business growth loans;
- Managed workspace;
- Area regeneration; and
- Inward investment.

The Council will spend the commuted sum through its economic programme in areas as close as possible to the location of the building that has provided the funding. Projects in the immediate and next 'Travel to work' areas will be considered if projects do not come forward close to the site. The Council will deliver the appropriate projects within five years of the sum being paid.



## Appendix 4

### The Location and Design of New Golf Courses

The following information is taken from the "Essex Golf Report" that was produced by the Essex Planning Officers Association in 1990. A second edition appeared in 1992. Tendring District has adopted its content as supplementary planning guidance.

#### Locational Factors

- i. Proposals featuring highly visible countryside, e.g. prominent sites on scarp slopes, valleys, exposed plateaux and ridges will not be acceptable.
- ii. Proposals within the Dedham Vale Area of Outstanding Natural Beauty or on adjacent land that could adversely affect the appearance of the Area of Outstanding Natural Beauty will not be acceptable.
- iii. Golf course developments in the coastal protection belt need to be restricted to sites that:-
  - a. Are already affected by development including existing towns and holiday areas;
  - b. Have scope for visually accommodating development by reason of land form or vegetation without detriment to the ecology of the area;
  - c. Would not be visually inappropriate from significant vantage points;
  - d. Do not further reduce or place at risk the extensive open tracts of Essex marshland which represent a valuable yet finite resource in nature conservation and landscape terms.
- iv. Proposals in areas of derelict or despoiled land and in areas where intensive farming practices have damaged the landscape through the removal of trees and hedgerows, will generally be acceptable providing the design of the golf course would result in a material improvement in the appearance of the landscape and where this does not adversely affect the established ecological value of such land.
- v. Golf courses and driving ranges will not be permitted within sites of special scientific interest nor adjacent to such areas where their character is likely to be adversely affected.
- vi. The development of golfing facilities will not be allowed on land included as "preferred sites" identified for mineral extraction in the Minerals Subject Plan nor in respect of approved but unworked sites which contribute to the landbank of approved reserves.
- vii. New golf courses should preferably be established in the urban fringe in proximity to the major urban areas they are to serve. Subject to considerations of local landscape and amenity and the adequacy of the highway network, urban fringe locations are considered the most preferable.
- viii. Golf courses and driving ranges will not be permitted in locations which would detract from the appearance or setting of ancient monuments, listed buildings or historic landscapes or features of such landscapes.
- ix. Proposals for golf courses and driving ranges need to be located so that safe and convenient access can be made to the route hierarchy. Proposals which rely on access via long stretches of narrow country lanes and pass through small settlements will not normally be acceptable.
- x. Because of their potentially intrusive impact, golf driving ranges need especially careful siting preferably in the following locations:
  - a. In the urban fringe subject to safeguarding of amenities of residential areas from possible adverse effects of noise, general disturbance, traffic generation, and to the careful control of the size and siting of buildings and fences, the degree and direction of lighting and highway safety.
  - b. In rural areas in conjunction with an existing golf club and preferably sited in proximity to the clubhouse.
  - c. In former mineral workings where the floor level of a former mineral working has not been restored to original ground levels. Such an area is likely to be particularly suitable for use as a driving range, subject to the general safeguards referred to above.
- xi. Golf driving ranges will generally not be accepted within the coastal protection belt or special landscape areas.
- xii. Where a golf course is proposed on high quality agricultural land substantial earth movement and the creation of water

features which could prevent the land subsequently reverting to agriculture at its original quality if required will not be acceptable.

- xiii. When considering proposals which affect areas of particularly historic landscape, regard will be given to the document 'Golf Course Proposals in Historic Landscapes' produced by English Heritage.

## Design Factors

- i. The layout of the course, the siting and size of its buildings, car parking and landscaping scheme should be submitted as part of the planning application. The layout should be based on a thorough survey and analysis of the selected site. Landscape schemes should be designed in character with their context using primarily indigenous plant species. As many as possible of the existing landscape features including hedgerows, woodlands, ponds, streams and any areas of unimproved grassland, should be retained and incorporated into the design of the course. From outside the site the course should represent only an intensification of the traditional landscape pattern. Buildings and car parking need to be provided in areas well screened from the adjacent countryside by existing or proposed landscaping or earthforms. Environmental assessments may be requested in respect of proposals within special landscape areas.
- ii. Features alien to the landscape context such as bunkers, surfaced trolley or buggy tracks, artificial mounding, and exaggerated water features should be designed so as to minimise their visual impact from beyond the limits of the course.
- iii. Particular care needs to be exercised over the design of golf courses in the coastal protection belt.
- iv. The visual impact of built development must be minimised to safeguard the open rural character of the coastal landscape. Similarly car parking must be carefully sited and screened to avoid the visually intrusive element of reflected sunlight from cars and their windscreens.
- v. Areas of high intrinsic or historic landscape quality, whether parkland, the grounds of mansions or areas of historic hedgerows and woodlands will warrant the most sensitive design treatment in respect of the maintenance of their integrity. Formal environmental assessments may be requested, but, even where they are not, planning authorities will require impact statements in justification of the proposal.
- vi. Planning applications need to be accompanied by ecological statements which demonstrate that existing ecological features and habitats are fully safeguarded by the proposals. Applicants should be encouraged to provide opportunities for the creation of new habitats within their layouts. New planting needs to be ecologically congruent with the site and its environs and designed to create a wide variety of habitats by variation of species grouping and densities. Ecological statements also need to indicate, notably by a management plan, how the course is expected to develop with time.
- vii. The design of golf courses needs to have special regard to the protection of rivers, riverbanks and floodplains and to the source of water for irrigation. Prior to the submission of a planning application, consultation needs to take place with the Environment Agency.
- viii. Archaeological sites within proposed golf course areas should normally be preserved. Where appropriate, golf course applications should include an archaeological impact statement demonstrating how archaeological sites will be protected and enhanced and that provision will be made for archaeological investigation and recording where preservation in situ is not possible, the funding of such work to be met by the developer.
- ix. Existing footpaths and bridleways shall be safeguarded unless acceptable diversions are agreed, and the provision of extensions to and links between existing footpath and bridleway networks will be encouraged.
- x. The layout of the fairways shall be such that no danger is likely to occur to users of the adjacent highway and rights of way, and any which cross the course, nor to adjacent residential properties by stray golf balls. The use of high fencing shall be avoided wherever possible.
- xi. In areas of known mineral deposits, where there is no objection on the grounds of sterilization, golf courses may be allowed providing:
  - a. No built development of clubhouses, equipment stores, etc is proposed;
  - b. No earthworks in the form of remoulding of the landscape nor planting is proposed which would disturb or sterilise the deposit;
  - c. No major water features are created.

## Built Development

- i. On any golf course within a rural location, built development must be restricted to those facilities essentially required to serve the club:- namely clubhouse, including changing rooms, office, bar, refreshment facilities and staff accommodation, where considered essential and associated maintenance buildings. Applications which feature the conversion of existing suitable buildings for golf purposes and/or the removal of existing unsightly structures will be encouraged. Any new buildings must be well designed in themselves and constructed of appropriate vernacular materials.
- ii. Large scale buildings in the countryside not essentially related to the use of the land for golf purposes, e.g. hotels, conference centres, sports halls, large scale restaurants, health and beauty parlours, etc will not be acceptable. Proposals for private residential development time-share units or other holiday accommodation in association with golf courses in the countryside will be firmly resisted on policy grounds.

- iii. The brilliance of the lighting of driving ranges should be limited to the minimal functional level unless the site is exceptionally well screened.
- iv. Car parking for both golf courses and driving ranges needs to be provided at a minimum level of 1 space for every 2 people who use the facility at any one time. In practice, this will need to make allowance for overlap between users, plus staff.



## Appendix 5

### Ancient Woodland Inventory

| <b>Name</b>                              | <b>Grid Reference</b> |
|------------------------------------------|-----------------------|
| Thick's Wood, Brightlingsea (CoWS)       | 71190                 |
| Wicks Wood, Brightlingsea (CoWS)         | 76175                 |
| Mill Wood, Alresford (CoWS)              | 77199                 |
| Rook Wood, Thorrington                   | 87191                 |
| Bullock Wood, Ardleigh (SSSI, CoWS)      | 19279                 |
| Churn Wood, Ardleigh (CoWS)              | 36258                 |
| Walls Wood, Ardleigh (CoWS)              | 38274                 |
| Cockaynes Wood, Alresford (CoWS)         | 58218                 |
| Palegate Wood, Elmstead (CoWS)           | 62235                 |
| Park Wood, Elmstead (CoWS)               | 65231                 |
| Oldhall Wood, Alresford (CoWS)           | 68203                 |
| Money Wood, Elmstead (CoWS)              | 68252                 |
| Crestland Wood, Alresford (CoWS)         | 70209                 |
| Captains Wood, Frating (CoWS)            | 75228                 |
| Mill Wood, Great Bromley (CoWS)          | 75248                 |
| Boudge Hill Wood, Great Bromley (CoWS)   | 76258                 |
| Tenpenny Heath, Thorrington (CoWS)       | 81203                 |
| Hockley Wood, Frating (CoWS)             | 88213                 |
| Manning Grove, Great Bromley (CoWS)      | 88275                 |
| Thorringtonhall Wood, Thorrington (CoWS) | 101194                |
| Martins Grove, St Osyth (CoWS)           | 124187                |
| Riddles Wood, St Osyth (SSSI, CoWS)      | 129180                |
| Milton Wood, St Osyth (CoWS)             | 132191                |
| Stockets Grove, St Osyth (CoWS)          | 132198                |
| Maldon Wood, St Osyth (CoWS)             | 142197                |
| Hartley Wood, St Osyth (CoWS)            | 152176                |
| Coppins Hall Wood, Clacton (CoWS)        | 156162                |
| Alder Car, Great Bentley                 | 102224                |
| Chequers Wood, Little Bromley            | 104291                |
| Thirty Acre Wood, Great Bentley          | 109233                |

|                                                |        |
|------------------------------------------------|--------|
| Little Bentleyhall Wood, Little Bentley (CoWS) | 114245 |
| High Barn Wood, Tendring (CoWS)                | 124230 |
| Shair Wood, Tendring (CoWS)                    | 130230 |
| Gutteridgehall Wood, Weeley (CoWS)             | 142209 |
| Hillands Wood, Tendring (CoWS)                 | 143234 |
| Home Wood, Tendring (CoWS)                     | 149235 |
| Tendring Grove, Tendring (CoWS)                | 153244 |
| Island Grove, Weeley (CoWS)                    | 155218 |
| Rogers Grove, Weeley (CoWS)                    | 158222 |
| Stonehall Wood, Great Oakley (CoWS)            | 158256 |
| Weeleyhall Wood, Weeley (SSSI, CoWS, EWT)      | 160210 |
| Simons Wood, Tendring (CoWS)                   | 162253 |
| Killgrove Wood, Great Oakley (CoWS)            | 162267 |
| Dengewell Wood, Great Oakley (CoWS)            | 167277 |
| Broadmeadow Wood, Great Oakley (CoWS)          | 169263 |
| Glebe Wood, Beaumont (CoWS)                    | 175258 |
| Mill Grove, Bradfield                          | 140308 |
| Brakey Grove, Wrabness (CoWS)                  | 172313 |
| West and East Grove, Wrabness (CoWS)           | 183319 |
| Stour Wood, Wrabness (SSSI, CoWS, WT, RSPB)    | 190314 |
| Hollandhall Wood, Great Holland (CoWS)         | 221195 |
| Copperas Wood, Ramsey (SSSI, CoWS, EWT (pt))   | 203316 |

(Source: English Nature, February 1992)



## Appendix 6

### Historic Parks and Gardens

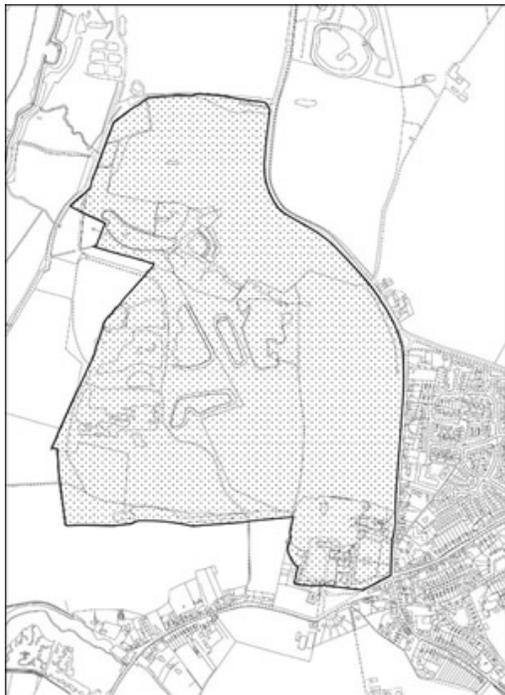
#### **HISTORIC GARDEN CLACTON SEAFRONT GARDENS (Grade II)**



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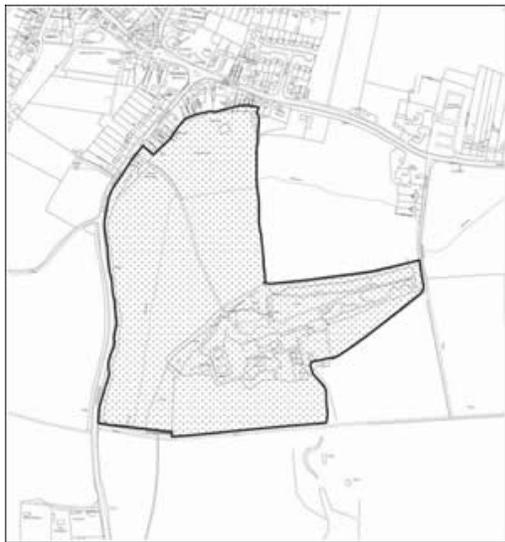
#### **HISTORIC GARDEN ST. OSYTH PRIORY (Grade II)**



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#### **HISTORIC GARDEN THORPE HALL (THE LADY NELSON HOME (Grade II)**



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## Appendix 7

### Protected Lanes

| <b>Parish</b>  | <b>Name</b>                 |
|----------------|-----------------------------|
| Ardleigh       | Wick Lane                   |
|                | Lodge Lane/Crown Lane North |
|                | Spring Valley Lane          |
| Bradfield/Wix  | Cansey Lane                 |
| Elmstead       | Turnip Lane                 |
| Great Bromley  | Little Bromley Road         |
|                | Mary Lane                   |
|                | Ravens Green                |
| Great Oakley   | Red Barn Lane               |
|                | Pesthouse Lane              |
|                | The Soils/Rectory Road      |
| Lawford        | Church Lane                 |
| Little Bentley | Ravens Green                |
| Wrabness       | Wall Lane                   |

Note: Protected Lanes were designated by Essex County Council 1976. They were adopted by Tendring District Council 1978.



## Appendix 8

### County Wildlife Sites

This List Includes Local Nature Reserves (LNR), National Nature Reserves (NNR), Sites of Special Scientific Interest (SSSI), Ramsar Sites, Essex Wildlife Trust Reserves (EWT), Royal Society for the Protection of Birds Reserves (RSPB) and Ancient Woodlands (AW)

| <b>Woodland</b>                                     | <b>Grid Reference</b> |
|-----------------------------------------------------|-----------------------|
| Aldercarr, Lawford (W14)                            | TM 075314             |
| Ardleigh Reservoir Wood, Ardleigh (W2)              | TM 027287             |
| Birch Wood, Ardleigh (W57)                          | TM 028303             |
| Boudge Hill Wood, Great Bromley (AW) (W15)          | TM 076258             |
| Brakey Grove, Wrabness (AW) (W48)                   | TM 172313             |
| Broadmeadow Wood, Great Oakley (AW) (W47)           | TM 169263             |
| Bullock Wood, Ardleigh (SSSI, AW) (W1)              | TM 019277             |
| Captains and Fratinghall Woods, Frating (AW) (W12)  | TM 075228             |
| Churn Wood, Ardleigh (AW) (W3)                      | TM 036258             |
| Cockaynes Wood, Alresford (AW) (W5)                 | TM 058218             |
| Copperas Wood, Wrabness (SSSI, RSPB, EWT, AW) (W53) | TM 203316             |
| Coppin's Hall Wood, Clacton (AW) (W39)              | TM 156162             |
| Crestland Wood, Alresford (AW) (W10)                | TM 070209             |
| Dengewell Wood, Wix (AW) (W46)                      | TM 167277             |
| East Grove, Wrabness (AW) (W51)                     | TM 183318             |
| Glebe Wood, Beaumont (AW) (W49)                     | TM 175258             |
| Gravel Wood, Tendring (AW) (W44)                    | TM 162253             |
| Gutteridge Wood, Weeley (AW) (W33)                  | TM 143209             |
| Hartley Wood, St Osyth (AW) (W36)                   | TM 152176             |
| High Barn Wood, Great Bentley (AW) (W23)            | TM 124230             |
| High Grove, St Osyth (W31)                          | TM 142175             |
| Hillands Wood, Tendring (AW) (W34)                  | TM 143234             |
| Hockley Wood, Thorrington (AW) (W20)                | TM 088213             |
| Hollandhall Wood, Great Holland (AW) (W54)          | TM 221195             |
| Home Wood, Tendring (AW) (W35)                      | TM 149235             |

|                                                               |           |
|---------------------------------------------------------------|-----------|
| Island Grove, Weeley (AW) (W38)                               | TM 155218 |
| Killgrove Wood, Great Oakley (AW) (W45)                       | TM 162267 |
| Little Bentleyhall Wood, Little Bentley (AW) (W22)            | TM 114245 |
| Maldon Wood, St Osyth (AW) (W32)                              | TM 143197 |
| Manning Grove, Little Bromley (AW) (W19)                      | TM 082275 |
| Martin's Grove, St Osyth (AW) (W24)                           | TM 125187 |
| Mill Wood, Great Bromley (AW) (W13)                           | TM 075248 |
| Mill Wood, Hart Wood and Stable Wood, Alresford (AW) (W16)    | TM 077199 |
| Milton Wood, St Osyth (AW) (W27)                              | TM 132191 |
| Money Wood, Elmstead (AW) (W9)                                | TM 068252 |
| Oakhurst Wood, Weeley (W30)                                   | TM 141206 |
| Oldhall Wood, Alresford (AW) (W8)                             | TM 068203 |
| Palegate Wood, Elmstead (AW) (W6)                             | TM 062235 |
| Park Wood, Elmstead (AW) (W7)                                 | TM 065231 |
| Pedlars Wood, Frinton and Walton (Local Nature Reserve) (W56) | TM 244209 |
| Riddles Wood, St Osyth (SSSI, AW) (W25)                       | TM 129180 |
| Roger's Grove, Weeley (AW) (W40)                              | TM 158221 |
| Shair Wood, Great Bentley (AW) (W26)                          | TM 130230 |
| Simon's Wood, Tendring (AW) (W43)                             | TM 160240 |
| Simplebirch and Bowshots Wood, St Osyth (W29)                 | TM 139198 |
| Stockets Grove, St Osyth (AW) (W28)                           | TM 132198 |
| Stonehall Wood, Tendring (AW) (W41)                           | TM 158256 |
| Stour Wood, Wrabness, (SSSI, RSPB, AW) (W52)                  | TM 190314 |
| Tendring Grove, Tendring (AW) (W37)                           | TM 153244 |
| Tenpenny Heath Wood, Thorrington (AW) (W18)                   | TM 081203 |
| Thicks Wood, Thorrington (AW) (W11)                           | TM 071190 |
| Thorringtonhall Wood, Thorrington (AW) (W21)                  | TM 101194 |
| Wall's Wood, Ardleigh (AW) (W4)                               | TM 038274 |
| Weeleyhall Wood, Weeley, (SSSI, EWT, AW) (W42)                | TM 159210 |
| West Grove, Wrabness (AW) (W50)                               | TM 181319 |
| Wick's Wood, Brightlingsea (AW) (W17)                         | TM 078175 |
| Witton Wood, Frinton (EWT Reserve) (W55)                      | TM 235204 |

**Grassland****Grid Reference**

Aingers Green Special Roadside Verges, Great Bentley (G8)

TM 124203 to TM 126201 (250m)

|                                                                              |                               |
|------------------------------------------------------------------------------|-------------------------------|
|                                                                              | TM 124197 to TM 126201 (600m) |
| Barnes Spinney, Walton (EWT Reserve) (G17)                                   | TM 258227                     |
| Beaumont Bridge Special Roadside Verge, Beaumont (G12)                       | TM 186238 to TM 187237 (200m) |
| Bush Paddock Special Roadside Verge, St Osyth (G9)                           | TM 132161 to TM 137159 (500m) |
| Central Holland Brook, Clacton/Gt Holland (G14)                              | TM 202183                     |
| Churnwood Meadow, Ardleigh (G19)                                             | TM 033256                     |
| Crockleford Heath Special Roadside Verges, Ardleigh (G1)                     | TM 039261 to TM 043261 (250m) |
|                                                                              | TM 043261 to TM 043264 (400m) |
|                                                                              | TM 039265 to TM 039261 (400m) |
| Dines Farm Special Roadside Verge, St Osyth (G7)                             | TM 116182 to TM 118186 (350m) |
| Holland Haven, Clacton/Gt Holland (G16)                                      | TM 225179                     |
| Howlands Marsh, St Osyth (Part of NNR & SSSI, Ramsar site, EWT Reserve) (G6) | TM 108163                     |
| Lower Botany Farm Field, Weeley (G20)                                        | TM 168209                     |
| Lower Holland Brook/Picker's Ditch, Clacton/Gt Holland (SSSI) (G15)          | TM 207173                     |
| Manor House Meadow, Ardleigh (G4)                                            | TM 052288                     |
| Pyecats Corner Special Roadside Verge, Elmstead (G2)                         | TM 043253 to TM 045256 (400m) |
| St. Michael's Churchyard, Thorpe le Soken (G11)                              | TM 179222                     |
| The Naze, Walton (G18)                                                       | TM 265237                     |
| Thorpe Green, Thorpe le Soken (G10)                                          | TM 171231                     |
| Thorrington Special Roadside Verge, Thorrington (G5)                         | TM 102203 to TM 105196 (700m) |
| Upper Holland Brook, Lt.Clacton/Gt.Holland (G13)                             | TM 195197                     |
| Wivenhoe Marsh, Elmstead (SSSI) (G3)                                         | TM 045215                     |

### **Freshwater Aquatic**

|                                                     |           |
|-----------------------------------------------------|-----------|
| Alresford Lodge Pits, Alresford (FW2)               | TM 063203 |
| Bobbit's Hole, Harwich (Local Nature Reserve) (FW5) | TM 252315 |
| Judas Gap Reedbed (FW6)                             | TM 080323 |
| Noah's Ark Pit, Brightlingsea (FW1)                 | TM 061188 |
| Reed Pond, St Osyth (FW4)                           | TM 124151 |
| Robinson Road Lakes, Brightlingsea (FW3)            | TM 096174 |

### **Grid Reference**

### **Coastal**

|                                        |           |
|----------------------------------------|-----------|
| Cattawade Marshes, Lawford (SSSI) (C2) | TM 090329 |
|----------------------------------------|-----------|

### **Grid Reference**

|                                                                           |           |
|---------------------------------------------------------------------------|-----------|
| Clacton North Cliff (C6)                                                  | TM 187153 |
| Colne Estuary (NNR, SSSI, Ramsar site) (C1)                               | TM 075155 |
| Colne Point, St Osyth (Part of NNR & SSSI, Ramsar site, EWT Reserve) (C3) | TM 100135 |
| Hamford Water (NNR, SSSI, Ramsar site) (C8)                               | TM 240240 |
| Jaywick Coastal Grassland, Clacton (C4)                                   | TM 142133 |
| John Weston Reserve, Walton (Part of NNR & SSSI, EWT Reserve) (C9)        | TM 263247 |
| Skipper's Island, Thorpe le Soken (Part of NNR & SSSI, EWT Reserve) (C7)  | TM 218243 |
| Stour Estuary (SSSI, Ramsar site) (C5)                                    | TM 155321 |
| Upper Colne Marshes (SSSI) (G3)                                           | TM 048213 |

**Mosaic Sites****Grid Reference**

|                                                   |           |
|---------------------------------------------------|-----------|
| Alexander Reserve, Alresford (EWT Reserve) (M1)   | TM 080207 |
| Burrsville Park, Pickers Ditch, Clacton (M5)      | TM 179171 |
| Great Holland Pits, Gt Holland (EWT Reserve) (M3) | TM 202193 |
| Ramsey Creek Complex (M4)                         | TM 233314 |
| St Osyth Parkland, St Osyth (M2)                  | TM 117168 |

**Other Sites of Special Scientific Interest**

The following Sites of Special Scientific Interest within Tendring District have been notified by English Nature because of their geological interest.

**Ardleigh Gravel Pit**

Very important site for British Pleistocene stratigraphy and palaeogeographical reconstruction, containing important plant macro-fossils rare or unique in Britain.

**Clacton Cliffs**

Important Pleistocene interglacial and foreshore deposits, yielding abundant fossil remains from the internationally significant Clactonian Channel deposits.

**Harwich Foreshore**

Important for fossil flora attributable to the lowest division of Eocene London Clay.

**Holland on Sea Cliff**

A stratigraphic site of considerable importance enabling the reconstruction of the Pleistocene history of the Thames.

**Little Oakley**

Reserve of Pleistocene interglacial channel – fill sediments, unique in Britain. Associated with early Thames drainage systems. Abundant faunal and floral remains.

**St Osyth Pit**

Contains an important sequence of Pleistocene deposits related to the diversion of the Thames during the Anglian glacial period.

**The Naze, Walton**

Cliffs form classic site for the junction between London Clay and Waltonian Red Crag.



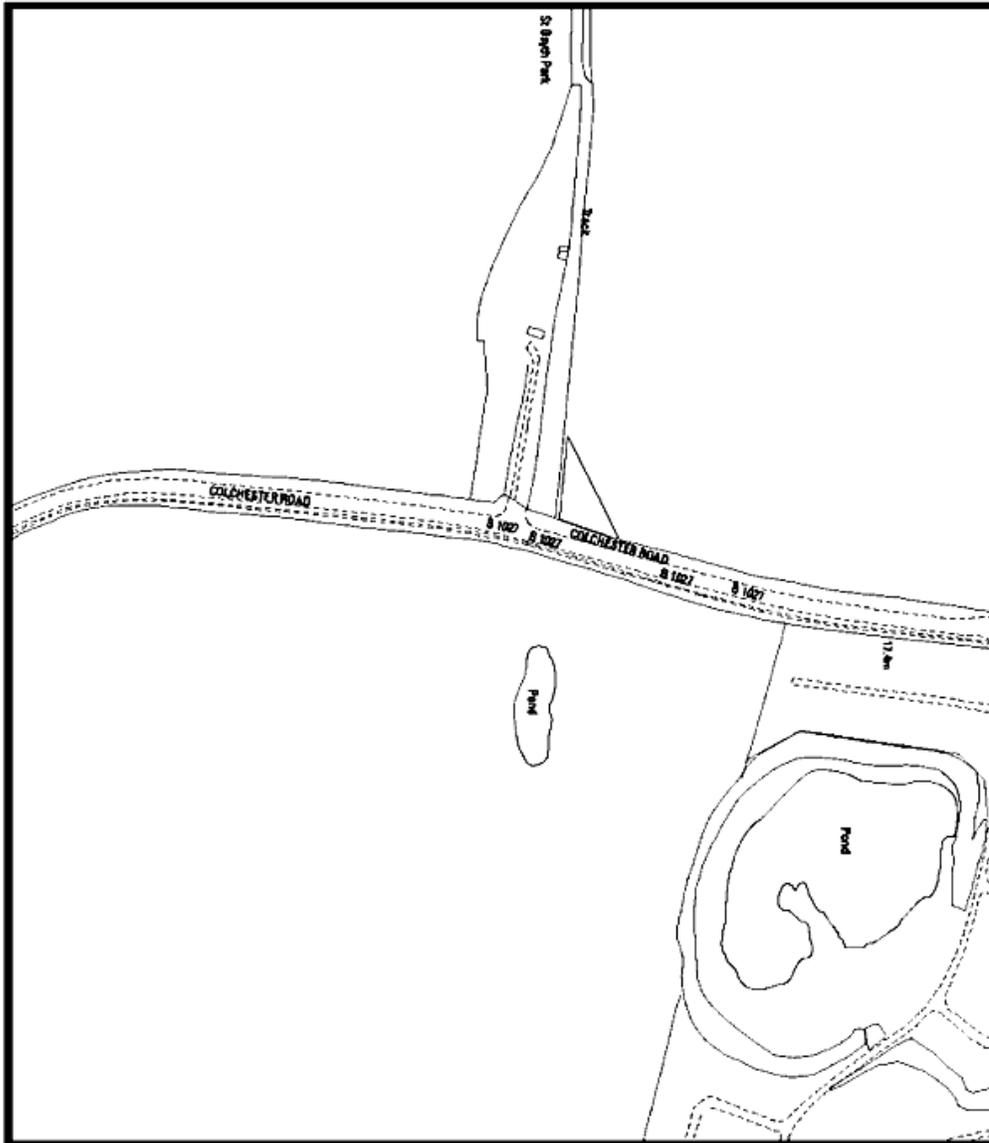
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## Appendix 8a

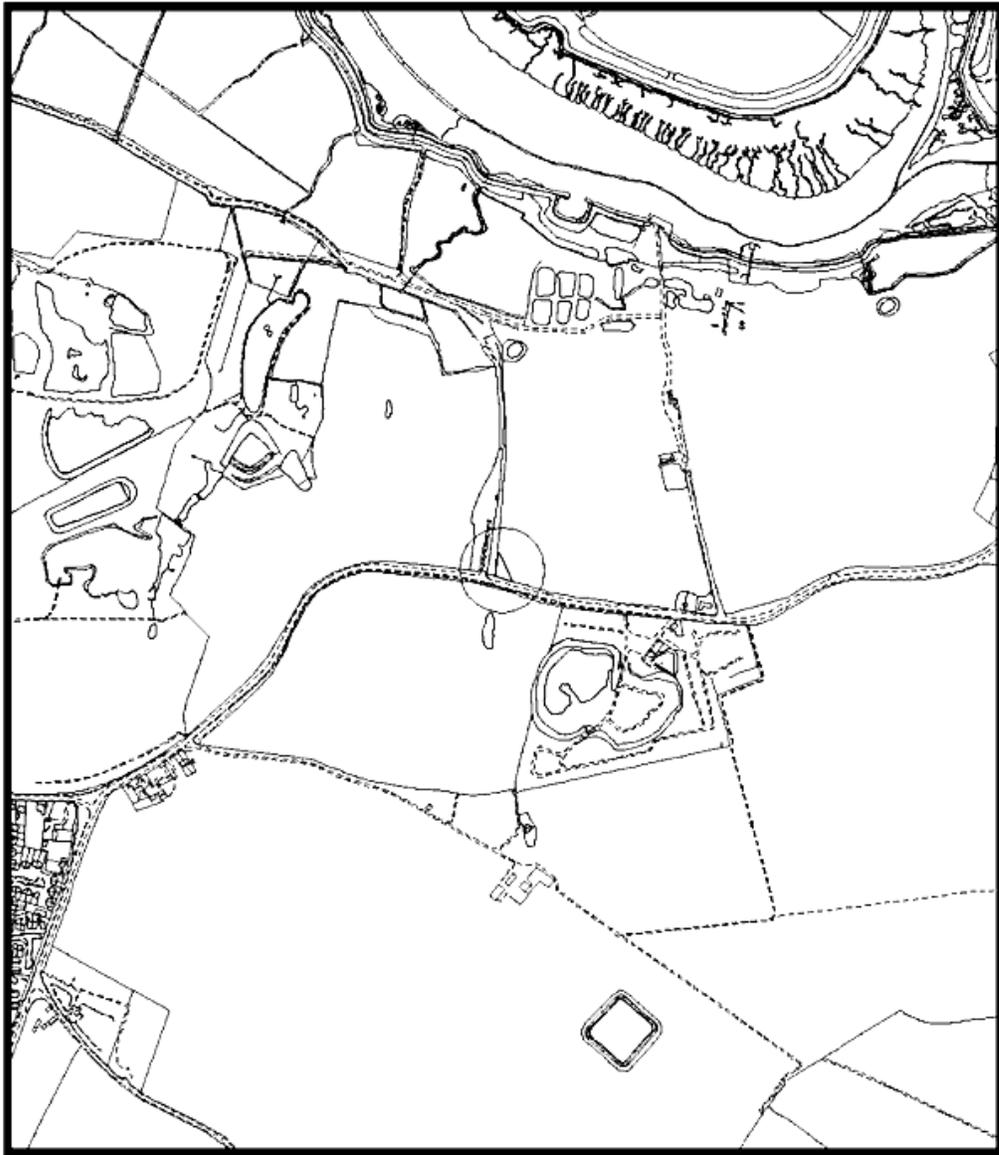
### Site of Special Scientific Interest

### St. Osyth Pit, Colchester Road, St Osyth

### Site Plan



### Location Plan





## Appendix 9

### Conservation Areas

| Location                               | Date of Designation | Additional Information                         |
|----------------------------------------|---------------------|------------------------------------------------|
| Ardleigh                               | 23.3.81             |                                                |
| Bradfield                              | 21.9.81             |                                                |
| Brightlingsea                          | 30.6.75             | Extended 16.9.85 and 14.9.87                   |
| Brightlingsea Hall & All Saints Church | 22.3.93             |                                                |
| Clacton Seafront                       | 4.12.01             |                                                |
| Dovercourt                             | 14.7.86             | Extended 16.7.92 and 25.9.95                   |
| Frinton and Walton                     | 19.6.82             | Extended 20.11.89                              |
| Great Bentley                          | 2.10.69             | Amended 7.6.82                                 |
| Great Clacton                          | 19.9.83             |                                                |
| Great Holland                          | 8.6.81              | Extended 21.11.88                              |
| Great Oakley                           | 2.11.73             | Amended 7.6.82                                 |
| Harwich                                | 19.6.69             | Extended 8.2.82, 14.7.86 and 25.9.95           |
| Kirby-le-Soken                         | 8.6.81              | Extended 8.6.87                                |
| Lawford                                | 23.3.81             | Extended 16.7.90                               |
| Manningtree & Mistley                  | 2.10.69             | Extended 23.3.81, 6.6.83, 18.12.89 and 11.7.94 |
| Ramsey                                 | 21.9.81             |                                                |
| St Osyth                               | 2.10.69             | Amended 7.6.82 and 21.11.88                    |
| Tendring                               | 21.9.81             | Extended 16.11.92                              |
| Thorpe-le-Soken                        | 2.10.69             | Extended 21.11.88                              |
| Thorpe-le-Soken Station and Maltings   | 26.3.90             |                                                |

Note: Maps of the Conservation Area boundaries can be found in the accompanying document with the Proposals Map and Proposals Map Insets.



## Appendix 10

### Scheduled Ancient Monuments (SAMs)

| Parish           | County No. | Monument Title                                                                                                                         | Grid Ref |
|------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------|----------|
| Alresford        | 32440      | Remains of St. Peter's Church                                                                                                          | TM064206 |
| Ardleigh         | 199        | Crop mark site south of Ardleigh                                                                                                       | TM057284 |
|                  |            |                                                                                                                                        | TM058289 |
| Beaumont         | 32455      | Beaumont Quay, Hamford Water                                                                                                           | TM189240 |
| Frinton & Walton | 29434      | Martello Tower (K) and associated Battery                                                                                              | TM250220 |
|                  | 29434      | south west of Walton Mere                                                                                                              | TM251220 |
| Clacton          | 32412      | Lion Point Decoy 810m south-east of Cockett Wick Farm                                                                                  | TM139133 |
| Clacton          | 32442      | Remains of the Medieval Parish Church and Cemetery<br>70m north-east of the junction of hall Close and frinton<br>road, Holland-on-sea | TM209167 |
| Clacton          | 119        | Martello Tower (F) on Marine Parade West                                                                                               | TM174143 |
| Clacton          | 120        | Martello Tower (E) 300m south-west of Junction of Marine<br>parade West and Wash Lane                                                  | TM167137 |
| Clacton          | 121        | Martello Tower (D) on golf links west of town                                                                                          | TM162133 |
| Clacton          | 122        | Martello Tower (C) west of Lion Point                                                                                                  | TM137128 |
| Harwich          | 29440      | The Harwich Treadwheel Crane                                                                                                           | TM262325 |
| Harwich          | 29443      | The Harwich Redoubt                                                                                                                    | TM261321 |
| Harwich          | 29445      | Napoleonic Coastal Battery at Bathside                                                                                                 | TM258324 |
| Harwich          | 29446      | Beacon Hill Fort                                                                                                                       | TM262317 |
| Harwich          | 184        | Dovercourt Lighthouses and Causeway                                                                                                    | TM252308 |
|                  |            |                                                                                                                                        | TM254308 |
| Harwich          | 29439      | Harwich High Lighthouse                                                                                                                | TM261324 |
| Harwich          | 186        | Harwich Low Lighthouse                                                                                                                 | TM262323 |
| Lawford          | 133        | Settlement site north north-east of Lawford House                                                                                      | TM086308 |
| Lawford          | 175        | Ring ditches south-west of Reed Island                                                                                                 | TM086327 |
| Lawford          | 215        | Round Barrow west of Lawford Hall                                                                                                      | TM081318 |
| Little Oakley    | 32431      | Heavy Anti-Aircraft Gunsite 350m north                                                                                                 | TM216288 |
| Mistley          | 116        | Mistley Towers                                                                                                                         | TM116319 |
| Mistley          | 194        | Site of Old St Mary's Church                                                                                                           | TM128310 |

|                 |       |                                                                       |          |
|-----------------|-------|-----------------------------------------------------------------------|----------|
| St Osyth        | 24    | St Osyth Priory (Uninhabited portions and gatehouse)                  | TM120157 |
| St Osyth        | 29429 | Martello Tower (A) and associated battery at Stone Point, Point Clear | TM083157 |
| Thorpe-le-Soken | 32443 | WWII Bombing Decoy HA2, Kirby-le-Soken                                | TM218239 |
| Wix             | 32444 | WWII Bombing Decoy WRI Spinnels Farm                                  | TM159302 |

(Source: English Heritage)



## Appendix 10a

### Vehicle Parking Standards

#### Summary version of the Council's adopted SPG: Vehicle Parking Standards

| Use Class | Description of Land Use                                                                                       | Standard (maximum)                                                                                |
|-----------|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| A1        | Shops - food                                                                                                  | 1 space per 14m <sup>2</sup>                                                                      |
|           | non-food                                                                                                      | 1 space per 20m <sup>2</sup>                                                                      |
| A2        | Financial and Professional Services                                                                           | 1 space per 20m <sup>2</sup>                                                                      |
| A3        | Restaurants                                                                                                   | 1 space per 5m <sup>2</sup>                                                                       |
|           | Roadside Restaurants                                                                                          | 1 space per 5m <sup>2</sup>                                                                       |
|           | Transport Cafes                                                                                               | 1 lorry space per 2m <sup>2</sup>                                                                 |
| A4        | Pubs and Clubs                                                                                                | 1 space per 5m <sup>2</sup>                                                                       |
| A5        | Take away outlets                                                                                             | 1 space per 20m <sup>2</sup>                                                                      |
| B1        | Business                                                                                                      | 1 space per 30m <sup>2</sup>                                                                      |
| B2        | General Industrial                                                                                            | 1 space per 50m <sup>2</sup>                                                                      |
| B8        | Storage or Distribution                                                                                       | 1 space per 150m <sup>2</sup>                                                                     |
| C1        | Hotels                                                                                                        | 1 space per bedroom (guest or staff)                                                              |
| C2        | Residential Care Homes                                                                                        | 1 space per residential staff and 1 space per 3 bed spaces/ dwelling units                        |
| C2        | Hospitals                                                                                                     | 1 space per 4 staff and 1 space per 3 daily visitors                                              |
| C2        | Residential Education Establishments                                                                          | 1 space per resident staff and 1 space per 2 other staff                                          |
| C3        | Dwelling Houses:                                                                                              |                                                                                                   |
|           | <ul style="list-style-type: none"> <li>Main urban areas/ good access to public transport</li> </ul>           | 1 space per dwelling                                                                              |
|           | <ul style="list-style-type: none"> <li>Urban location with poor off peak public transport services</li> </ul> | 2 spaces per dwelling                                                                             |
|           | <ul style="list-style-type: none"> <li>Rural/ suburban locations</li> </ul>                                   | 2 spaces per dwelling for 3 bedroom properties and 3 spaces per dwelling for 4 bedroom properties |
| D1        | Medical Centres                                                                                               | 1 space per full time staff and 2 spaces per consulting room                                      |
| D1        | Day care centres                                                                                              | 1 space per full time staff and 1 spaces per 4 persons attending                                  |

|    |                                             |                                                                      |
|----|---------------------------------------------|----------------------------------------------------------------------|
| D1 | Crèches/Nurseries                           | 1 space per full time staff and waiting facilities where appropriate |
| D1 | Schools (Primary and Secondary Education)   | 1 space per 2 daytime teaching staff                                 |
| D1 | Schools (Further and Higher Education)      | 1 space per 2 daytime teaching staff and 1 space per 15 students     |
| D1 | Art Galleries/ Museums/ Public Halls        | 1 space per 25m <sup>2</sup>                                         |
| D1 | Places of Worship/ Libraries/ Reading Rooms | 1 space per 10m <sup>2</sup>                                         |
| D2 | Cinemas                                     | 1 space per 5 seats                                                  |
| D2 | Other uses (Assembly and Leisure)           | 1 space per 22m <sup>2</sup>                                         |



## Appendix 11

### Monitoring and Implementation Schedule

This schedule identifies, for certain key and other general policies, the principal organisations responsible for monitoring and implementation. Where applicable, for the key policies, the timescale implications for monitoring and implementation during the plan period are identified. Policies included in this schedule have been selected as those that are measurable for monitoring purposes, mainly on an annual basis, or promote the provision of development or facilities during the plan period up to 2011.

The identified “key policies” have wide-reaching strategic implications in terms of provision and implementation will be monitored particularly closely over the plan period in line with the requirements of the East of England Regional Assembly and the Annual Monitoring Report.

Several bodies will be involved in the monitoring and implementation of policies and proposals. Organisations holding responsibility mentioned in this schedule include:

- Tendring District Council (TDC)
- Essex County Council (ECC)
- East of England Regional Assembly (EERA)
- Environment Agency (EA)
- Housing Associations (HA)
- Private Sector Developers (PS)
- Town and Parish Councils (T&PC)
- Conservation Organisations (CG)

### Monitoring

| Policy                                                      | Main Organisations Responsible | Monitoring Time Scale (if stated for key policies) |
|-------------------------------------------------------------|--------------------------------|----------------------------------------------------|
| <b>Improving the Quality of Life</b>                        |                                |                                                    |
| QL1* - Spatial Strategy                                     | TDC                            | Each financial year                                |
| QL3 - Flood Risk                                            | TDC/EA/PS                      |                                                    |
| QL4* - Supply of Land for Employment Development            | TDC/ECC/EERA                   | Each financial year                                |
| QL5* - Economic Development and Strategic Development Sites | TDC/ECC                        | Each financial year                                |
| QL12 - Planning Obligations                                 | TDC/ECC                        |                                                    |
| <b>Strengthening the Economy and Promoting Regeneration</b> |                                |                                                    |
| ER1* - Employment Sites                                     | TDC/ECC                        | Each financial year                                |
| ER2* - Principal Business and Industrial Areas              | TDC/ECC                        | Each financial year                                |
| ER3* - Protection of Employment Land                        | TDC/ECC                        | Each financial year                                |
| ER4 - Non-Employment Uses in Employment Areas               | TDC/ECC                        |                                                    |
| ER7* - Industrial and Warehouse Proposals                   | TDC/ECC                        | Each financial year                                |
|                                                             |                                |                                                    |

|                                                                                                                                               |                 |                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------------|
| ER13 - Employment in Residential Areas                                                                                                        | TDC             |                     |
| ER16 - Tourism and Leisure Uses                                                                                                               | TDC             |                     |
| ER18 - Caravan and Chalet Parks                                                                                                               | TDC             |                     |
| ER19 - Extensions to Static Caravan and Holiday Parks                                                                                         | TDC             |                     |
| ER24 - Protection of Hotels, Guest Houses and Holiday Homes                                                                                   | TDC             |                     |
| ER29 - Amusement Arcades                                                                                                                      | TDC             |                     |
| ER31* Hierarchies of Centres                                                                                                                  | TDC/ECC         | Each financial year |
| ER32 Town Centre Uses Outside Existing Town Centres                                                                                           | TDC             |                     |
| ER32a - Primary Shopping Area                                                                                                                 | TDC             |                     |
| ER33 - Non-retail Uses Within Primary Shopping Frontages                                                                                      | TDC             |                     |
| ER37 - Small Convenience Stores                                                                                                               | TDC             |                     |
| ER38 - Proposals for Retail Development in the Countryside                                                                                    | TDC             |                     |
| <b>Sustainable and Affordable Housing</b>                                                                                                     |                 |                     |
| HG1* Housing Provision                                                                                                                        | TDC/ECC/EERA    | Each financial year |
| HG3* - Residential Development Within Defined Settlements                                                                                     | TDC/ECC         | Each financial year |
| HG4* - Affordable Housing in New Developments                                                                                                 | TDC/HA/PS       | Each financial year |
| HG5 - Local Needs Affordable Housing Outside Village Development Boundaries                                                                   | TDC/ECC/HA/PS   |                     |
| HG6* - Dwelling Size and Type                                                                                                                 | TDC/HA/PS       | Each financial year |
| HG7* - Residential Densities                                                                                                                  | TDC/ECC/EERA/PS | Each financial year |
| HG9 - Private Amenity Space                                                                                                                   | TDC/HA/PS       |                     |
| HG10 - Conversion to Flats and Bedsits                                                                                                        | TDC             |                     |
| HG17 - Relocatable Dwellings for Agricultural Workers                                                                                         | TDC             |                     |
| HG18 - Permanent Dwellings for Agricultural Workers                                                                                           | TDC             |                     |
| <b>Safer and Healthier Communities</b>                                                                                                        |                 |                     |
| COM3* - Protection of Existing Local Services and Facilities                                                                                  | TDC/T&PC        |                     |
| COM5 - Residential Institutional Uses                                                                                                         | TDC             |                     |
| COM6* - Provision of Open Space for New Residential Development                                                                               | TDC/HA/PS       | Each financial year |
| COM7* - Protection of Recreational Existing Recreational Open Space Including Children's Play Areas and Pitch and Non-Pitch Sports Facilities | TDC             | Each financial year |
| COM7a* - Protection of Existing Playing Fields, Including School Playing Fields                                                               | TDC/ECC         | Each financial year |
| COM8 - Provision and Improvement of Outdoor Recreational Facilities                                                                           | TDC/T&PC        |                     |
| COM11 - Formal Recreational Facilities in the Countryside                                                                                     | TDC             |                     |

|                                               |                |  |
|-----------------------------------------------|----------------|--|
| COM15 - Coastal Water Recreational Facilities | TDC            |  |
| COM33 - Flood Protection                      | TDC/EA         |  |
| <b>Sustaining Our Environment</b>             |                |  |
| EN1 - Landscape Character                     | TDC            |  |
| EN2 - Local Green Gaps                        | TDC            |  |
| EN3 - Coastal protection Belt                 | TDC/ECC        |  |
| EN6 - Biodiversity                            | TDC/ECC/CG     |  |
| EN11a - Protection of International Sites     | TDC/ECC/EA/ CG |  |
| EN11b - Protection of National Sites          | TDC/ECC/EA/ CG |  |
| EN11c - Protection of Local Sites             | TDC/ECC/EA/ CG |  |
| <b>Sustainable Transport</b>                  |                |  |
| TR1 - Transport Assessment                    | TDC/ECC        |  |
| TR2 - Travel Plans                            | TDC/ECC        |  |
| TR7 - Vehicle Parking at New Developments     | TDC/PS         |  |
| TR8 - Public Car Parking                      | TDC/ECC        |  |

**Implementation**

| <b>Policy</b>                                                               | <b>Main Organisations Responsible</b> | <b>Implementation Time Scale (If stated for key policies)</b> |
|-----------------------------------------------------------------------------|---------------------------------------|---------------------------------------------------------------|
| <b>Improving the Quality of Life</b>                                        |                                       |                                                               |
| QL5* - Economic Development and Strategic Development Sites                 | PS/ TDC/ECC                           | 1 April 2004 to 31-Mar-11                                     |
| QL12 - Planning Obligations                                                 | PS/TDC/ECC                            |                                                               |
| <b>Strengthening the Economy and Promoting Regeneration</b>                 |                                       |                                                               |
| ER1* - Employment Sites                                                     | PS/TDC/ECC                            | 1 April 2004 to 31-Mar-11                                     |
| ER16 - Tourism and Leisure Uses                                             | PS/TDC                                |                                                               |
| ER22 - Small Holiday Village Requirements                                   | PS/TDC                                |                                                               |
| ER25 - New Hotels, guest Houses and Holiday Homes                           | PS/TDC                                |                                                               |
| ER31* - Hierarchies of Centres                                              | PS/TDC/ECC                            | 1 April 2004 to 31-Mar-11                                     |
| <b>Sustainable and Affordable Housing</b>                                   |                                       |                                                               |
| HG1* - District Housing Provision                                           | PS/TDC/HA                             | 1 April 1996 to 31-Mar-11                                     |
| HG4* - Affordable Housing in New Developments                               | PS/TDC/HA                             | 1 April 1996 to 31-Mar-11                                     |
| HG5 - Local Needs Affordable Housing Outside Village Development Boundaries | TDC/HA                                |                                                               |
| HG22 - Gypsy Caravan Sites                                                  | TDC/ECC/PS                            |                                                               |
| <b>Safer and Healthier Communities</b>                                      |                                       |                                                               |
| COM1 - Access for All                                                       | PS/TDC                                |                                                               |

|                                                                              |             |                           |
|------------------------------------------------------------------------------|-------------|---------------------------|
| COM2 - Community Safety                                                      | PS/TDC      |                           |
| COM4 - New Community Facilities                                              | PS/TDC/T&PC |                           |
| COM6* - Provision of Recreational Open Space for New Residential Development | PS/TDC      | 1 April 2003 to 31-Mar-11 |
| COM8* - Provision and Improvement of Outdoor Recreational Facilities         | PS/TDC/T&PC | 1 April 2003 to 31-Mar-11 |
| COM26 - Contributions to Education Provisions                                | PS/TDC/ECC  |                           |
| COM27 - Telecommunications Equipment                                         | TDC/CG      |                           |
| <b>Sustaining Our Environment</b>                                            |             |                           |
| EN6 - Biodiversity                                                           | TDC/PS/CG   |                           |
| EN29 - Archaeology                                                           | TDC/ECC     |                           |
| EN30 - Historic Towns                                                        | TDC/CG      |                           |
| <b>Sustainable Transport</b>                                                 |             |                           |
| TR5 - Provision for Cycling                                                  | TDC/ECC/PS  |                           |
| TR6 - Provision for Public Transport Use                                     | TDC/ECC/PS  |                           |

\* **Key Policy**



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## Appendix 12

### Supplementary Planning Guidance/Supplementary Planning Documents

#### Existing Supplementary Planning Guidance (SPG)

The District Council considers the continued use of existing SPG documents to be an important component of the implementation process. A list of existing guidance in relation to sustainable development of specific sites, areas or topics has been included below.

- Accessible and Inclusive Environments
- Arts Council (Access Standards)
- The Colne Estuary Boating Study
- Crime Reduction Through Environmental Design
- Design for Accessibility: An Essential Guide for Public Buildings
- Enabling Development and the Conservation of Heritage Assets
- Essex Design Guide for Residential and Mixed-Use Areas (1997)
- Essex Golf Standards
- Essex Historic Towns (1999)
- The Gardens Area of Special Character
- Vehicle Parking Standards (2001)
- Landscape Character Assessment
- Nature Conservation
- Planning Obligations
- Protect Your Home
- Schools Contributions from Residential Developments
- Standard of access produced by Holiday Care Services/ English Tourism Council
- Strategic Flood Risk Assessment
- Sport England's Design Guide for (For Access)
- Flood Risk Maps
- Tendring District Access Guidance

#### Proposed Supplementary Planning Documents (SPD)

In due course the Council will prepare a number of SPDs that will further develop advice for specific areas, or on particular aspects of development or planning procedure. It is expected that SPDs prepared will include:

- Planning obligations and financial contributions for open space and leisure areas associated with new housing developments
- The delivery of Affordable Housing

A number of Design Statements and Master Plans will also be prepared as SPD and would include statements for the following Areas:

- Jaywick;
- Harwich Old Town;

- Dovercourt Town Centre
- Brightlingsea Waterside;
- Mistley Urban Regeneration Area ; and possibly
- Thorpe Maltings



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## Appendix 13

### Glossary of Terms

This glossary of terms is only intended to provide a guide. It is not a statement of the law, nor does it make any claim to be an official definition.

#### Affordable Housing

Accommodation of different tenures that is available at below market values or rents, in perpetuity, to meet the needs of those people who cannot otherwise afford to buy or rent their own homes. The properties are normally rented, although shared equity schemes may also play a role.

#### Amenity

A positive component that contributes to the overall character of an area, e.g. open land, trees, historic buildings and the inter-relationship between all elements of the local environment.

#### Ancient Woodland

Identified by English Nature as an area that has had continuous woodland cover since 1600 AD resulting in the survival of certain rare plants and animals.

#### Ancillary Use

A subsidiary use connected to the main use of a building or piece of land, e.g. storage space within a factory.

#### Area of Outstanding Natural Beauty (AONB)

An Area of Outstanding Natural Beauty contains landscape of national importance as designated by the Government on advice from the Countryside Agency.

#### Article 4 Direction

A power available under the 1995 Town and Country Planning (General Permitted Development) Order allowing the Council to limit or remove permitted development rights of properties and land.

#### Backland Development

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

#### Best and Most Versatile Agricultural Land

The most flexible, productive and efficient agricultural land as graded by the Department of Environment, Farming and Rural Affairs (DEFRA) as being between 1 and 3a, with 1 being excellent and 3a being good.

#### Biodiversity

“Biodiversity is the variability among living organisms from all sources including, among other things, terrestrial, marine and other aquatic ecosystems, and the ecological complexes of which they are part; this includes the diversity within species, between species and of ecosystems” (EU Convention on Biological Diversity Definition).

#### Bridleway

A highway over which the public have a right of way on foot, bicycle and on horseback or leading a horse.

#### Circulars

Non-statutory Government advice on topics such as gypsy sites, electricity stations and overhead lines, planning obligations etc.

#### Coastal Protection Belt

An area originally defined within the Essex Coast Protection Subject Plan (1984). Coastal Protection Belts consists of the undeveloped rural areas of a coastline.

### **Conditions**

Clauses attached to a planning permission considered necessary, relevant, enforceable, precise and reasonable to enable development to proceed where it might otherwise be necessary to refuse permission.

### **Conservation Area**

An area designated by the Council under the Planning (Listed Buildings and Conservation Areas) Act 1990 as possessing special architectural or historical interest. The Council is required to preserve or enhance the character and appearance of these areas.

### **County Wildlife Site**

Non-statutory designation for a site of county significance for wildlife or geology.

### **Design Brief**

Statement of the specific requirements of a site owner, within the context of planning policies, to assist potential developers on such matters as the required density, plot ratio, means of access, number of parking spaces, design and landscaping.

### **Dwelling**

A self-contained residential unit, occupied by either a person or group of people living together as a family, or by not more than six residents living together as a single household (including a household where care is provided for residents).

### **Enabling Development**

Development promoted primarily as a way of saving an important Listed Building, registered garden or scheduled monument that is neglected, dilapidated, or otherwise perceived to be "at risk".

### **Environmental Impact Assessment**

Process by which information about the likely environmental effects of certain projects is collected, assessed and taken into account by both the applicant, as part of a project design, and by the decision making body in deciding whether permission should be granted.

### **Flood Risk Areas**

Land that is at risk of tidal or fluvial flooding. Flood risk maps are produced by the Environment Agency which grades the level of risk in each area.

### **Flood Risk Assessment**

Assessment required to accompany planning applications for development in areas of identified flood risk that both determines the level of risk and whether mitigation measures can address any flood risk problems that may be brought about by development.

### **Greenfield Site**

Land that is not considered to be previously developed as per the PPG3 definition.

### **Infilling**

Development of sites that have adjacent buildings – usually the redevelopment of a plot in an otherwise continuously built-up road frontage of buildings.

### **Infrastructure**

The basic facilities, services, and installations needed for the functioning of the community, such as transportation and communications systems, water and power lines, and public institutions including schools and post offices etc.

### **Institutional Uses**

Uses that can include care homes, nursing homes and other non-custodial institutions.

### **Landscaping**

The treatment of land for the purposes of enhancing and protecting amenities, and including fencing, walls or other means of enclosure, the planting of trees, hedges, shrubs or grass and the formation of gardens and courtyards.

### **Listed Building**

A building designated by the Department of Culture, Media and Sport as being of special architectural or historic interest often on the advice of English Heritage. There are three grades of listed building: I, II\* and II.

### **Local Development Scheme (LDS)**

Three year project plan setting out the documents the Council intends to produce within its Local Development Framework under the new Planning and Compulsory Purchase Act 2004, and how and when it will involve the public in their preparation. The LDS is reviewed annually.

### **Local Green Gaps**

Areas of locally important strategic open land that protect the countryside between urban areas, and safeguard the separate identity, character and openness of settlements.

### **Local Nature Reserve (LNR)**

A reserve declared and managed by a local authority under the National Parks and Access to the Countryside Act (1949). LNRs are usually declared on land which has some actual or potential wildlife interest in a local context, and which is well suited to public access and interpretation.

### **Material Consideration**

A matter that should be taken into account in deciding on a planning application or on an appeal against a planning decision.

### **National Nature Reserve (NNR)**

Sites managed by English Nature or an approved body, established as reserves under the National Parks and Access to the Countryside Act (1949).

### **Non-Conforming Use**

Any use which would be out of character and keeping with the established predominant use of an area, e.g. a general industrial use located in a primarily residential area.

### **Occupancy Conditions**

Conditions attached to a planning consent that restrict the occupation of a dwelling, or permanent holiday accommodation to either certain times of the year or to certain parties.

### **Department for Communities and Local Government (CLG)**

The Department for Communities and Local Government (previously The Office of the Deputy Prime Minister (ODPM)) is the Government department responsible for town and country planning policy and administration.

### **Permitted Development**

Limited forms of development allowed without the need to make an application for planning permission, as granted under the terms of the Town and Country Planning (General Permitted Development) Order 1995.

### **Planning Obligations**

Legal agreements between a planning authority and a developer, or offered unilaterally by a developer, ensuring that certain extra works related to a development are undertaken, usually through Section 106 of the Town and Country Planning Act (1990).

### **Planning Policy Guidance Note (PPG)**

A series of documents issued by the CLG setting out Government policy and advice on planning issues such as housing, transport, conservation etc.

### **Planning Policy Statement (PPS)**

Documents issued by CLG, under the provisions of the new Planning and Compulsory Purchase Act 2004 setting out Government policy and advice on planning issues. PPS's will eventually replace PPG's as the Government's policy documents.

### **Previously Developed Land**

Land that is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously Developed Land is often referred to as 'brownfield land' (PPG3).

### **Primary Shopping Frontage**

The area of a shopping centre which is generally the busiest, and contains the largest shop units and major multiples. These are primarily in use Class A1.

### **Proposals Map**

An obligatory component of a Local Plan showing the location of proposals and policy boundaries on an Ordnance Survey map.

### **Protected Lane**

Lanes designated by the County Council as having particular historic value or making a significant contribution to the character of the countryside.

### **Protected Species**

Plant and animal species protected under the Conservation (Natural Habitats and Conservation) Regulations 1994, the Wildlife and Countryside Act 1981 and subsequent amendments, or other species protected under legislation specific to them.

### **Private Amenity Space**

Private outdoor sitting area attached to a residential dwelling that is not overlooked by adjacent or opposite living rooms or outdoor sitting areas.

### **Public Right of Way**

A way where the public has a right to walk, and in some cases ride horses, bicycles, motorcycles or drive motor vehicles.

### **Ramsar Site**

Area identified under the internationally agreed Convention on Wetlands of International Importance, especially as waterfowl sites and as Sites of Special Scientific Interest focusing on the ecological importance of wetlands generally. Ratified by the British Government in 1976.

### **Regeneration**

The re-use or redevelopment of decaying or run-down buildings or urban area to bring them new life and economic vitality.

### **Regional Planning Guidance Note (RPG)**

Policy guidance and advice issued for each region in England by the Secretary of State.

### **Regional Spatial Strategy**

Strategic policy guidance and advice issued for each region under the provisions of the new Planning and Compulsory Purchase Act 2004.

### **Residential Amenity**

The normal and reasonable satisfaction people expect from their local living environment.

### **Ribbon Development**

A narrow band of development extending along one or both sides of a road.

### **Rural Diversification**

Activities undertaken on surplus land and the utilisation of redundant and unused rural buildings to support farming incomes, including, for example, forestry, leisure and tourism.

### **Scheduled Ancient Monument (SAM)**

A historic or archaeological structure placed on a schedule compiled by the Department of Culture, Media and Sport for protection under the Ancient Monuments and Archaeological Areas Act 1979.

### **Sequential Approach**

A means by which development can be directed to the most sustainable locations. Examples of sequential tests include that of PPG3 in relation to housing development, PPS6 in relation to retail development and PPG25 in relation to avoiding flood risk.

### **Settlement Development Boundary**

Boundary that shows the extent of defined towns and villages within which there is a presumption, in principle, in favour of development. Land outside of the Settlement Development Boundary is considered to be countryside.

### **Site of Special Scientific Interest (SSSI)**

An area identified by English Nature designated for protection by reason of the rarity of its nature conservation or wildlife features.

### **Special Area of Conservation (SAC)**

A site designated by the UK Government under EC Directive 92/43 on the conservation of natural habitats and of wild fauna and flora.

### **Special Protection Area (SPA)**

An area of international importance for bird conservation designated under the European Community's Council Directive on the Conservation of Wild Birds, which requires special measures to be taken to conserve the habitats of particular species.

### **Statutory**

Required by law (statute), through an Act of Parliament.

### **Strategic Assessment/Strategic Environmental Assessment**

Statutory requirement of the 2001 European SEA Directive to assess the potential environmental effects of the policies and proposals contained in development plans.

### **Structure Plan**

Statutory plan prepared by the County Council setting out key strategic policies which provide the framework for more detailed policies in Local Plans. This Local Plan is required to be in general conformity with the Structure Plan.

### **Supplementary Planning Guidance (SPG)**

Additional advice issued by a local planning authority expanding upon its statutory policies.

### **Supplementary Planning Document (SPD)**

Planning guidance that will supplement statutory planning policies contained in Local Development Frameworks (LDF) or saved Local Plans under the provisions of the new Planning and Compulsory Purchase Act 2004.

### **Supplementary Planning Interim Document (SPID)**

Interim guidance to supplement draft Local Plan policies in the period up to Adoption of the Local Plan. These documents will eventually form SPD in support of the Adopted version of this Local Plan.

### **Sustainable Development**

"Development which meets present needs without compromising the ability of future generations to achieve their own needs and aspirations" (Brundtland Commission Definition, 1987).

### **Sustainability Appraisal**

An appraisal of the of the policies and proposals of development plans in terms of their ability to deliver sustainable development.

### **Traffic Calming Measures**

Management measures designed to lower traffic speeds or redirect traffic to alternative routes to avoid congestion, reduce accidents and injuries and prevent excess levels of pollution.

### **Tree Preservation Order (TPO)**

Order made by a local planning authority that makes it an offence to cut, top, lop, uproot or wilfully damage or destroy a tree without that authority's permission.

### **Urban Capacity Study**

Study commissioned by the Council to identify potential sites for housing development in the urban areas.

### **Use Classes Order**

The Town and Country Planning (Use Classes) Order update places different uses of land and buildings into various categories, planning permission not being required for changes of use within the same use class (see Appendix 14). Some uses do not have their own use class and therefore known as Sui Generis.

### **Wildlife Corridor**

A continuous linear area facilitating the movement of wildlife through rural or urban environments.

### **Windfall Sites**

Sites which have not been specifically identified as available for development in the Local Plan that becomes available. These could include, for example, large sites such as might result from a factory closure or very small changes to the built environment, such as a residential conversion or a new flat over a shop.

### **Written Statement**

Documentary statement of policy and reasoned justification, forming part of a Local Plan submitted by a local planning authority and requiring formal approval.



## Appendix 14

### Town and Country Planning (Use Classes) Order 2005

#### A1: Shop Use

Use for:

- shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, dry cleaners etc;
- pet shops, cats-meat shops, tripe shops, sandwich bars; or
- Showrooms, domestic hire shops, funeral directors.

#### A2: Financial and Professional Services

Use for:

- banks, building societies, estate and employment agencies; or
- professional and financial services, betting offices.

#### A3: Restaurants and Cafes

Use for:

- restaurants, snack bars, cafes.

#### A4: Drinking Establishments

Use for:

- pubs, wine bars and other drinking establishments.

#### A5: Hot Food Takeaway

Use for:

- the sale of hot food for consumption off the premises.

#### B1: Business

Use for:

- offices not within A2;
- research and development, studios, laboratories, high tech; or
- light Industry

#### B2: General Industrial

Use for:

- general Industrial.

#### B8: Storage or Distribution

Use for:

- wholesale warehouse, distribution centres, repositories.

#### C1: Hotels

Use for:

- hotels, boarding and guest houses.

## **C2: Residential Institutions**

Use for:

- residential schools and colleges
- hospitals and convalescent/nursing homes.

## **C3: Dwelling Houses**

Use for:

- dwellings, small businesses at home, communal housing of elderly and handicapped.

## **D1: Non-Residential Institutions**

Use for:

- places of worship, church halls
- clinics, health centres, crèches, day nurseries, consulting rooms;
- museums, public halls, libraries, art galleries, exhibition halls; or
- non-residential education and training centres.

## **D2: Assembly and Leisure**

Use for:

- cinemas, music and concert halls;
- dance, sports halls, swimming baths, skating rinks, gymnasiums; or
- other indoor and outdoor sports and leisure uses, bingo halls, casinos.



## Appendix 15

### ESSEX & SOUTHEND-ON-SEA REPLACEMENT STRUCTURE PLAN POLICIES, APRIL 2001

#### POLICY NR9 – WOODLAND AND TREE COVER

The landscape will be enhanced by increasing the coverage of woodland and hedgerows using locally native species in ways which are in keeping with the character of the landscape, through such measures as grant-aided schemes and taking opportunities provided by the consideration of new development proposals. Where appropriate existing woods, trees and hedgerows will be protected for their wildlife and historic importance.

#### POLICY NR12 – PROTECTING WATER RESOURCES

Development will only be permitted where:-

1. Adequate water resources can be provided within the plan period without a materially adverse effect on the environment;
2. There would not be a risk to existing water resources, including the flow and water quality of underground or surface water, or existing abstraction;
3. Such development would not be at direct risk from tidal or fluvial flooding or likely to increase the risk of flooding elsewhere;
4. There would be no materially adverse effect upon fisheries, nature conservation, archaeological remains, landscape and recreation in river and canal corridors, coastal margins and other waterside areas.

In addition, provision will be sought, where appropriate, for water conservation measures in new buildings, conversions or re-use of existing sites and buildings.

#### POLICY CC2 – DEVELOPMENT RISK ON THE COAST

Development will not be permitted in coastal areas which are at risk from flooding, erosion and land instability, particularly where existing flood defences properly maintained would not provide an acceptable standard of safety over the lifetime of the proposed development, or where the construction of new coastal defences would be required.

#### POLICY CC3 – COAST PROTECTION AND FLOOD DEFENCE

The construction of new or replacement flood defence and coast protection works may be permitted provided they are essential:-

1. To protect human life and existing property; and,
2. To conserve irreplaceable natural habitats.

Consideration of such proposals will also have regard to any material effects on natural coastal processes, sites of nature conservation importance, landscape quality, townscape and traditional character, residential amenities, sites of leisure, tourism and recreational value, and buildings and areas of special architectural, historic or archaeological importance.

#### POLICY CC4 – DEVELOPMENT REQUIRING A COASTAL LOCATION

Development requiring a coastal location should be sited within the already developed areas of the coast defined in adopted local plans, particularly where this can promote urban regeneration and the conservation of areas of

special architectural and historic interest, providing that: -

1. There is no material adverse pollution of urban areas, the coastline, or coastal waters;
2. There is no material adverse impact upon the integrity of flood defences, coast protection works, or natural coastal processes;
3. Road traffic, parking provision and facilities for non car users can be satisfactorily accommodated;
4. Townscape and traditional character, residential amenities, sites of nature conservation importance, landscape quality, sites of leisure, tourism and recreational value, and buildings and areas of special architectural, historic or archaeological importance are protected;
5. The capacity of adjacent water space is sufficient to accommodate any increased recreational or commercial activity.
6. There is no material adverse cumulative impact of criteria 1-5 above.

Where development is acceptable in locational terms, its bulk and scale must be compatible with the special character of the coast.

### **POLICY HC1 – HISTORIC SETTLEMENTS**

The amount, location, rate and density of development will be strictly controlled in all historic settlements so as to protect, safeguard and enhance their special character and environmental quality. The following characteristics of historic settlements, to be defined in adopted local plans, will be rigorously protected from inappropriate development and unsympathetic change: -

1. Landscape setting within surrounding open countryside;
2. Gateway approaches;
3. Public open spaces and corridors;
4. Special townscape character; and
5. Historic and architectural character and archaeological remains.

In addition, within the Historic Towns, development proposals in emerging local plans and planning applications will be considered in accordance with the supplementary planning guidance set out in the relevant Historic Towns Strategy.

### **POLICY HC4 – CONSERVATION OF LISTED BUILDINGS**

In areas where development would not otherwise be allowed, the conversion to a new use of an existing building of special architectural or historic interest may exceptionally be permitted in appropriate circumstances where this would preserve the building, its setting, and its special character or architectural qualities.

### **POLICY BE2 – MIXED USE DEVELOPMENTS**

Mixed use developments will be provided in appropriate locations particularly within town centres, urban regeneration areas, urban villages, areas of major new development and other urban areas well served by a choice of means of transport.

### **POLICY BIW10 - SEAPORTS**

The port facilities at Harwich and the Thameside wharfage facilities are of national economic importance and will be supported as follows: -

1. Improved access facilities by road and rail will be provided and encouraged;
2. The provision of improved port facilities at Harwich International Port within its existing site, and through the future development of Bathside Bay, will be supported;
3. Existing and potential wharfage facilities with a Thameside frontage will be retained and safeguarded for the future

needs of port-related development.

### **POLICY BIW11 – SMALL COASTAL PORTS**

The development of small-scale port facilities will only be permitted in those locations where they are not detrimental to local amenities and have satisfactory access to the strategic road and rail system.

### **POLICY BIW12 – PETROCHEMICAL INSTALLATIONS**

New oil refinery, petrochemical or gas installations will not be permitted unless it can be demonstrated that the proposed development will not add materially to environmental, safety or health hazards. These considerations will also be taken into account when determining applications for further development at existing installations including extensions and intensification of development, but regard will also be had to the need to accommodate changes in technology and economic circumstances.

### **POLICY LRT1 – SPORTS/LEISURE CENTRES AND MAJOR SPORTS STADIA**

Sites for sports/leisure centres, sports stadia and arenas should be located within or adjoining urban areas identified in adopted local plans. Site-specific proposals for such facilities will be determined in relation to the following criteria:-

1. Identified need for the proposed facility;
2. Location of the site in relation to its primary catchment area;
3. Accessibility to the site by a choice of means of transport;
4. Impact on overall travel patterns and car usage;
5. Capacity of the local highway network and car parking provision;
6. Impact upon the economy, vitality and viability of any nearby town centres;
7. Compatibility with surrounding land-uses;
8. Other policies in the Plan.

The identified need for the two Football League Clubs to locate to new sites to provide all-seater sports stadia is recognised. Proposals for such development will therefore be supported in principle subject to criteria 2 to 8 above.

### **POLICY LRT3 – FORMAL COUNTRYSIDE RECREATION FACILITIES**

Large scale, or intensively used facilities for formal countryside recreation including golf courses, golf driving ranges, and equestrian centres should be located in areas where:-

1. The proposed use is compatible with adjoining land-uses; and
2. The visual appearance of the area is enhanced and compatible with surrounding landscape character; and
3. The traffic generated by the proposed use can be accommodated by the adjoining road network in both physical and environmental terms; and
4. They are easily accessible by a choice of means of transport to the population they serve.

Such uses and extensions to existing facilities will not be permitted within sites identified for future mineral extraction, or where they would damage or destroy high-grade agricultural land, areas of landscape importance, sites of nature conservation importance, or buildings or areas of architectural, historic and archaeological importance, or where they would result in large-scale new building in the countryside.

### **POLICY LRT4 – INFORMAL COUNTRYSIDE RECREATION AREAS**

Major existing areas used for informal outdoor countryside recreation will be safeguarded. Provision will be made where necessary in adopted local plans for the extension of existing or the creation of new country parks, or similar informal recreation areas of strategic importance, particularly north of Southend-on-Sea, within the Tendring Peninsula and Central Essex. These should be located on sites which are:-

1. Close to main centres of urban population which they are intended to serve;
2. Accessible to existing towns by a choice of means of transport;
3. Compatible with the conservation of features, buildings or areas of architectural, historic, archaeological, nature conservation, and landscape importance.

Major areas of land with the potential for informal countryside recreation, will also be safeguarded through adopted local plans and development briefs.

#### **POLICY LRT5 – PUBLIC RIGHTS OF WAY**

The existing network of definitive public rights of way will be safeguarded. Where appropriate, new footpaths, bridleways and cycle routes will be created as opportunities and resources permit.

#### **POLICY LRT6 - COASTAL WATER RECREATION**

The establishment of new facilities or the expansion of existing facilities for water recreation, including marinas, moorings and other boat launching and parking facilities, will not be permitted within the Coastal Protection Belt. Within the already built-up areas of the coast defined in adopted local plans, the establishment of new facilities or the expansion of existing facilities for water recreation will be permitted in appropriate locations, subject to the considerations listed in Policy CC4. Water recreation uses will not be permitted where there is an irreconcilable conflict with nature conservation interests.

#### **POLICY LRT7 – INLAND WATER AREAS**

Development will not be permitted which would result in the loss of suitable existing or potential inland water areas for water recreation. Planning permission will be granted for the use of former mineral workings in appropriate locations for recreational use, particularly where there is a marked deficiency in water space.

#### **POLICY LRT8 – NAVIGABLE WATERWAYS**

Proposals to enhance navigable waterways for water recreation, outdoor recreation, and public access may be permitted where suitable. The development of major built facilities associated with the recreational use of the waterways network should be located on sites within urban areas defined in adopted local plans. Only low key moorings with very limited facilities will be acceptable in the countryside.

#### **POLICY RE4 – NEW USES FOR FORMER AIRFIELDS**

The re-use of former airfields and their associated buildings may be permitted for uses related to agriculture, forestry and ancillary purposes, indoor and outdoor recreation, or employment uses which would be compatible with a rural area and support the rural economy, except within the Metropolitan Green Belt, where proposals will be determined in relation to Policy C2. The erection of new buildings or the extension of existing buildings will be permitted if provided for in adopted local plans.

#### **POLICY EG1 – PROPOSALS FOR NEW POWER STATIONS**

Proposals for new power stations must be justified on the basis of an identified need for additional generating capacity and should be located on sites which:-

1. Are within industrial areas of the main urban areas, or within or adjoining existing power station sites, so as to minimise their impact upon the undeveloped coast and countryside. Proposals will not be permitted on remote isolated sites within the countryside and the undeveloped coast;

2. Would not have a materially adverse impact on local environments of special value. Such proposals will not be permitted within Areas of Outstanding Natural Beauty, the Coastal Protection Belt, statutorily protected nature conservation sites, historic settlements, or where there would be a materially adverse impact upon landscape character or buildings/areas of architectural, historic or archaeological importance;
3. Are well related to existing electricity supply infrastructure for the distribution of their electricity output;
4. Enable the supply of raw materials and disposal of waste to be transported by water, rail or pipeline rather than by road. Where transport by road is unavoidable, appropriate traffic management agreements will be implemented;
5. Do not have a materially adverse impact on adjoining land-uses by reason of pollution, noise, loss of visual amenity, or risk to public health and safety.

## **POLICY EG2 - RENEWABLE ENERGY SCHEMES**

Proposals for renewable energy schemes will be permitted provided there is no materially adverse impact upon:-

1. Existing land-uses by reason of pollution, odour, noise, or loss of visual amenity;
2. The local highway network including the convenience and safety of road users;
3. Telecommunications networks, radar installations and flight paths for aircraft;
4. Areas of Outstanding Natural Beauty, the Coastal Protection Belt, statutorily protected nature conservation sites, landscape character, historic settlements, or buildings/areas of architectural, historic or archaeological importance.

In relation to off-shore schemes, the visual impact of associated on-shore electricity transmission equipment should be minimised, preferably by the undergrounding of cables, and servicing for the development should be from existing local port facilities.

## **POLICY EG4 - ENERGY**

All new built development should incorporate principles of energy conservation in relation to the design, massing, siting, orientation and layout of buildings. Renewable sources of energy such as solar power systems should be provided within new buildings, where appropriate.

Where appropriate these principles should also be included during conversion or re-use of existing sites and buildings.

## **POLICY T9 – ROADS IN URBAN AREAS**

Major new highway construction and improvement schemes within urban areas will not be permitted, except where they are essential to:-

1. Facilitate major new development, comprehensive redevelopment or major urban regeneration;
2. Implement a package of measures to support passenger transport, cycling and pedestrians and to improve road safety;
3. Support local environmental improvement schemes.

Minor improvement schemes will be implemented primarily to improve road safety, improve conditions for cyclists, pedestrians and the mobility impaired, assist passenger transport movement, and improve the environment of a town centre or residential areas.

## **POLICY T10 – ENVIRONMENTAL IMPACT OF NEW TRANSPORT INFRASTRUCTURE**

Subject to economic considerations the adverse environmental impact of all new road and other transport infrastructure schemes will be minimised as far as possible by:-

1. Selecting routes for major transport infrastructure improvements which follow existing transport corridors, in preference to new routes crossing the countryside;
2. Avoiding areas subject to special policy protection;

3. Selecting routes which avoid severing an existing community;
4. Using existing topographical and landscape features to reduce noise and visual impact;
5. Providing mitigation measures including screening, ground modelling, planting and measures to protect wildlife;
6. Using suitable recycled materials for construction and maintenance to reduce the demand for new areas of mineral extraction and using modes other than road haulage to transport materials to and from the construction site;
7. Using design measures and materials to control noise and light pollution.

The needs of the mobility impaired, pedestrians, cyclists and horse riders will be considered in the design of schemes as appropriate.

#### **POLICY T11 TRAFFIC MANAGEMENT**

In appropriate circumstances, traffic management measures will be used throughout the Plan area to:-

1. Improve the environment within historic areas, town centres, other shopping centres, residential areas, villages and rural areas;
2. Improve the safety and capacity of existing roads;
3. Improve conditions for passenger transport, cyclists, pedestrians, the mobility impaired and horse riders; and,
4. Manage traffic demand.

#### **POLICY T14 – ROADSIDE SERVICES**

Proposals for appropriate roadside services on the Primary Route Network and on County/Urban Distributors will be considered in the light of the following criteria:-

1. The need for the facility must be established;
2. Proposals within the Metropolitan Green Belt will only be allowed in very exceptional circumstances;
3. Proposals should not conflict with environmental policies and should be sensitively related to existing settlements, be designed to be unobtrusive in the landscape and allow for appropriate landscaping and screening;
4. Proposals should provide an appropriate level of service for all road users whilst not leading to the site becoming a destination in its own right;
5. Proposals should be designed to allow safe access, egress and operation for all road users.

Roadside facilities on Secondary Distributors and lower categories of road in the Road Hierarchy should cater only for the needs of local traffic movements and not long distance traffic.