



# Tendring

## District Council

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Helen Morris-Ruffle

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10 September 2020

Dear Helen Morris-Ruffle,

### PRE-APPLICATION ENQUIRY

|                   |  |
|-------------------|--|
| REFERENCE NUMBER: | 20/30104/PREAPP  |
| ENQUIRY:          | PROPOSED 1.5 STOREY ECO-FRIENDLY DWELLING.                                 |
| LOCATION:         | LAND BETWEEN CONNEMARA AND NETHERFIELD, MICHAELSTOWE DRIVE, HARWICH, ESSEX |

Thank you for your pre-application enquiry as detailed above. I have visited the site and considered the proposal based on the information submitted. Below I have outlined the main planning policies that are relevant to your proposal, detailed the main planning considerations and noted the information required to support a planning application for your proposal.

### Relevant Policies

#### National Planning Policy Framework National Planning Practice Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN3 Coastal Protection Belt

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

COM6 Provision of Recreational Open Space for New Residential Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

CP2 Improving the Transport Network

PPL2 Coastal Protection Belt

PPL4 Biodiversity and Geodiversity

HP5 Open Space, Sports & Recreation Facilities

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

**Supplementary Planning Guidance:**

- Parking Standards Design and Good Practice Guide (2009)
- Essex Design Guide (2005)

**Planning History:**

20/30104/PRE Proposed 1.5 storey eco-friendly dwelling. Current  
APP

**Main Issues**

1. Principle of Development

The site lies outside of any Settlement Development Boundary as defined within both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries

as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The National Planning Policy Framework 2019 (NPPF) requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

At the time of this report, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

Whilst it is recognised that there would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict.

#### - Assessment of Sustainable Development

While the NPPF advocates a plan-led approach, it is important to consider whether any circumstances outweigh the conflict. Development should be plan led unless material considerations indicate otherwise and it is accepted that the site is not in a preferred location for growth.

In line with Paragraph 8 of the National Planning Policy Framework (2018), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective. These are assessed below.

- economic;
- social, and;
- environmental roles.

The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

#### - Economic

It is considered that the proposal would contribute economically to the area, for example by providing employment during the construction of the properties and from future occupants utilising local services, and so meets the economic arm of sustainable development.

- Social

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraph 17 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

Harwich is identified as a Town within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a Strategic Urban Settlement within Policy SPL1 of the emerging Tendring District Local Plan Publication Draft (2017).

To the front of the application site is a public footpath that leads into Dovercourt and Harwich providing pedestrians with access to nearby shops/services in those urban areas. Furthermore, in close proximity is a bus stop and the local school is within walking distance. The application site is considered to be in a sustainable location as identified within recent decisions of the Council for sites in the immediate locality having regard to the relatively good access to local services and facilities. For these reasons, the site is concluded to perform well against the social strand of sustainability.

- Environmental

The environmental role is about contributing to protecting and enhancing the natural and built environment which is considered below under the heading Layout, Scale and Impact.

## 2. Layout, Scale and Impact

Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.

Elevational plans have been provided which demonstrate the site will accommodate a one and half storey dwelling of a traditional design.

A block plan has been provided however it is hard to understand the layout or relationship of the dwelling on the site. It is suggested if a full application is submitted, elevations and floor plans will be required as well as a block plan demonstrating parking (in line with Essex Parking Standards), private amenity space, access and the proposal in relation to neighbouring amenities.

Saved Policy HG9 of the adopted Tendring District Local Plan (2007) sets out the minimum requirements for private amenity space for the new dwelling and the existing dwelling

- 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

No indication of the number of bedrooms has been provided and therefore the proposed dwelling would need to comply with Policy HG9 of the Tendring District Local Plan (2007).

To the south of the application site is a single storey dwelling and to the north of the application site is a two storey dwelling. There are a mixture of dwelling types along Michaelstowe Road and the proposed one and half storey is considered to be acceptable in this location.

Within the cover letter accompanying this pre application, it is stated that the proposal will incorporate solar panels and the option to run a ground source heat pump. When submitting a full application, please submit details of the above as well as identifying the proposed works on the block plan, floor plan and elevations.

### 3. Trees and Landscaping

The main body of the application site is set to grass and does not contain any trees or other significant vegetation. The boundary with Michealstowe drive is demarcated by a scrubby hedgerow comprise primarily of Hawthorn and Elm regrowth that has arisen from the roots of old trees that have died as a result of Dutch Elm Disease. There are 4 Sycamore on the boundary that make a pleasant contribution to the appearance of the area although their shape, form and amenity value is such that they do not merit protection by means of a tree preservation order.

It appears that access to the site can be gained with the need for the extensive removal of boundary vegetation. When submitting a full application, details of soft landscaping should be provided or this can be secured by way of a condition to the planning permission.

The hedgerow on the boundary with Michealstowe Drive should be retained or provision made for replacement planting. Additionally soft landscaping should include tree planting and should aim to soften, screen and enhance the appearance of the completed development.

### 4. Highway Safety and Parking Provision

Please note that the Council have not consulted with Essex County Council Highways as part of this pre application enquiry. Essex County Council (ECC) has taken the decision to start charging developers for formal advice provided to them at the pre planning application ('pre app') stage of the planning permission process. Such advice includes attendance at meetings and written responses by Strategic Development team members regarding highways & transportation issues.

The new charges for different levels of service, and how developers contact ECC for such advice, are set out on our web site: <http://www.essex.gov.uk/Environment%20Planning/Planning/Transport-planning/Infomation-for-developers/Pages/Developer-information.aspx>

Essex Parking Standards state that there should be a minimum parking provision of 2 spaces for a dwelling with two or more bedrooms with parking spaces measuring 5.5 metres by 2.9 metres or garages should measure 7 metres by 3 metres. A block plan will need to be provided when submitting a full application demonstrating that the proposed dwelling can achieve sufficient parking in line with Essex Parking Standards.

### 5. Residential Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

It is considered that due to the distance to the neighbouring dwellings, the proposal will not cause any significant impact upon neighbouring amenities.

## 6. Coastal Protection Belt

Saved Policy EN3 of the Tendring District Local Plan 2007 and Draft Policy PPL2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development as well as seeking to improve public access to and enjoyment of the coast in accordance with the National Planning Policy Framework.

The proposal will not have a substantial impact on the Coastal Protection Belt due to its position in an already residential area. The proposal creates a one and a half storey dwelling which is accommodated on the application site without any significant impact to the coastal views surrounding the property and open character of the local landscape.

## 7. Financial Contribution - Open Space

Paragraph 34 of the NPPF states that development plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure such as that needed for education, health, transport, flood and water management, green and digital infrastructure.

In this instance, saved Policy COM6 and emerging Policy HP5 would be relevant. Saved Policy COM6 states;

### **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**

The Councils Open Space Team have been consulted on this application and have stated that there is currently a deficit of 12.59 hectares of equipped play in Harwich and Dovercourt. The nearest play areas to the development site are located at Clayton Road. To ensure the above play area is able to cope with the additional usage from this development it would be necessary to upgrade and increase the play provision available. Due to the lack of play facilities in Harwich it is felt that a contribution towards play and formal open space is justified and relevant. Any contribution received would be used to improve the play facilities at Clayton Road Play Area.

However, for future reference please see the scale of contribution below. Please see the scale of contributions in respect of financial contributions for open space, sport and recreational facilities associated with the completion of planning obligations below. Where Planning Permission is granted, the amount of your contribution will increase in line with the increase in the "All Items" index figure of the Index of Retail Prices from the date of your Unilateral Undertaking to the date of payment of your contribution in full to the Council.

Scale of contributions in respect of financial contributions for open space

| <b>The Schedule</b>                |                     |
|------------------------------------|---------------------|
| <b>Number of bedrooms per unit</b> | <b>Contribution</b> |
| <b>Studio Flat</b>                 | <b>£544</b>         |
| <b>1</b>                           | <b>£845</b>         |
| <b>2</b>                           | <b>£1690</b>        |
| <b>3</b>                           | <b>£2253</b>        |
| <b>4</b>                           | <b>£2816</b>        |
| <b>5</b>                           | <b>£3380</b>        |

8. Financial Contribution – RAM's

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular the Stour and Orwell Estuaries RAMSAR, SAC and SPA, mitigation measures will need to be in place prior to occupation.

Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings that are located within Zones of Influences (which the above site falls within).

The financial contribution is £125.58 per dwelling and will be secured through the Unilateral Undertaking process.

Please see this link for further information - <https://www.tendingdc.gov.uk/essex-coast-recreational-disturbance-avoidance-and-mitigation-strategy-rams>

**Supporting information required with planning application**

In addition to the application form and relevant fee you will need to submit with your application:

- Plans: 1:1250 Site Location Plan, 1:500 Block Plan, 1:100/1:50, Proposed Elevations, 1:100/1:50 Proposed Floor Plans
- Design and Access Statement

**Conclusion**

Subject to the matters above being satisfactorily addressed it is likely that an application for the proposal would receive a recommendation for approval.

Please note that this letter is not binding on the Council. Any final decision on a planning application will rest with authorised officers under the Council's delegation scheme or elected members on the Planning Committee. However, if an application is received within 12 months of this letter and there has been no material change in planning policy or site specific circumstances then the advice in the letter is unlikely to change.

We will not transfer plans and documents submitted with your pre-application enquiry across to a formal planning application. Any plans or documents will need to be resubmitted when the formal planning application is submitted.

We hope that the information contained within this letter proves useful. The pre-application enquiry file has now been closed, therefore if you have any further queries a fresh pre-application enquiry will need to be submitted.

Any views or opinions presented in this correspondence are solely those of the author and do not necessarily represent those of Tendring District Council. Any such communication is informal and is based exclusively on the information that has been provided. The informal views expressed are not binding in any way and the Council will not accept any liability in respect of such communication.

I hope you find the information above helpful, however if you have any queries please contact me.

Yours sincerely

**Naomi Hart**

PLANNING OFFICER