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Tendring District Local Plan
Publication Draft Consultation
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By Planning Services

Representations prepared by The Land and Planning Company
In relation to land at 185 Thorpe Road, Kirby Cross

The Land and Planning Company welcomes the opportunity to engage with this further consultation. The Tendring District Local Plan is an important document and it has taken some considerable time to formulate. Importantly, it must be robust and sound. As drafted, it is considered to be deficient in these areas. We submit to the Council and to the Inspector in due course, that further work is required in order to present a 'sound' plan. In particular, it is submitted that insufficient housing is planned for and additional sites identified to meet the appropriate housing requirement.

The Land and Planning Company takes this opportunity to comment on certain of the Draft Plan's content, in particular:

- OAN/housing target figure
- Land at Kirby Cross and its allocation

Whilst these representations repeat points made at previous consultation stages, matters are refreshed reflecting more recent circumstances.

Generally

The tests of 'soundness' are critically important. National policy is now clearly understood and applied in term of 'plan making'. A local planning authority should submit a plan for examination which it considers is "sound": consistent with national policy, as well as positively prepared, justified and effective. Additionally, Local planning authorities should positively seek opportunities to meet the development needs of their area, meeting objectively assessed needs, with sufficient flexibility to adapt to rapid change. Tenets emerge and in summary:

- Proactive driving and support for sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places.
- Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.
- Plans set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- To boost significantly the supply of housing, local planning authorities should: ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, consistent with the policies set out in this Framework

In boosting significantly the supply of new housing, it is necessary to identify a supply of specific deliverable sites. To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.

Objectively Assessed Housing Need

The OAN has been subject of analysis and consideration over a lengthy period of time. The draft Local Plan looks to 11,100 new homes over a 20 year period; annual requirement expressed as 550 homes per annum. It is the figure and its derivation that must be considered.

550 homes per annum is a mid-point figure sitting within a range of 500-600 homes per annum (figures rounded). The council's own assessment, presentations, decisions and the work of external consultants, demonstrate a complex and lengthy process of consideration and determination. What presents is a mid-point figure which may be well-off where it should be. It follows that the actual housing requirement cannot be met satisfactorily. The plan in such circumstance is NOT SOUND

Other factors need to be borne in mind, however, including the SHMA and economic characteristics and objectives: OAN is not concerned solely with demography. Whilst the Local Plan looks to a 550 homes per annum, this must be subject to scrutiny by an Inspector. Key to this consideration will be the NPPF test of 'soundness', including:

- boosting significantly the supply of housing,
- using the evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing
- a 5-20% buffer over and above to ensure choice and competition in the market for land and to address persistent under delivery of housing,

Land rear of 185 Thorpe Road, Kirby Cross

The Council should present a more balanced appraisal of options, including the exploration of suitable smaller sites within or adjacent to settlements. Land at the western side of Kirby Cross can be considered for allocation. This location has been supported by the Council's officers in relation to a recent planning application. Moreover, the broad area has been assessed positively by the Council on previous occasions

Our client owns land at rear of 185 Thorpe Road, Kirby Cross. This is subject of previous representations. However, it is important to reflect on the Council's previous consideration of the growth potential of the Kirby Cross area.

In 2008, the Council published a report 'Identifying Broad Areas for Potential Settlement Expansion'. This considered a then housing requirement of 6500 new homes across the District and provided an assessment of the suitability of locations including the above land. Land to the rear of 185 Thorpe Road has been promoted for development since 2012 and has been considered by the Council as far back as 2008. In 2016 planning approval was granted on appeal for 109 dwellings on land to the south of Thorpe Road, the Inspector citing physical characteristics comparable with the site subject of these representations.

The opportunity remains for this site to be thoroughly considered. The merit of this discrete and well-located site has been considered, but not been recognised. Indeed, the 2016 Appeal Decision is at odds with the Council's SHLAA.

In terms of the 2008 Report, this land would provide a good residential environment (according with the statement made at para 7.52 of that report). Indeed, para 7.38 supports this in determining the area suitable for development through the 'sieving out' of other sensitive or inappropriate areas. It follows that careful consideration of a number of factors has led to a conclusion that land, including that to the rear of 185 Thorpe Road, has been found suitable for settlement expansion.

Turning to address the more specific findings of the report:

Para 7.41, Strong Defensible Boundaries: the railway line running along the southern edge of Kirby Cross is recognised as creating a strong physical line between the countryside and the built-up area and a logical edge to the Local Green Gap that affects that area. The area south of the railway was ruled out as a development option.

Para 7.42, Ribbon Development: The site is within the western part of Kirby Cross within an area considered suitable for development. The site is within the area delimited by the 'blue spot'.

The integrity of a Local Green Gap can be maintained by the railway line forming an effective policy boundary. Development of the site would not contribute to coalescence or the compromise of physical distinction between settlements.

The site does not form part of an area that can be considered 'particularly sensitive' or to be retained as a matter of principle. The wider content of the 2008 report includes the following:

" ... the most obvious strong defensible boundary in this area... is the railway line running along the southern edge of Kirby Cross. This creates a strong physical line between the countryside and the built-up area and a logical edge to the Local Green Gap that affects that area. This ... rules out the wisdom of considering any area south of the railway line as a development option.

... Kirby Cross, particularly towards the western extremities is effectively one large area of ribbon development extending from the main bulk of the built-up area ... Any option for expansion that would involve further westward expansion towards Thorpe-le-Soken (beyond the blue spot marked on the sieve map) are discounted on a point of principle.

... There are no parts of the settlement's periphery that are obviously landlocked or constrained by having no points of access.... The only areas that may be problematic ... are the western parts of Kirby Cross, west of Halstead Road; areas where development might be discouraged ... for reasons of accessibility ... is shown with a red 'X' on the sieve map.

... It is considered that any location on the periphery of the Frinton and Walton urban area would provide a good residential environment."

In relation to the land rear of 185 Thorpe Road, Kirby Cross (see above), we find the SHLAA/HEELA assessment to be questionable. This site is available and achievable.

The attributes of this site are:

- land r/o 185 Thorpe road would not comprise a large scale urban extension and therefore there is no significant harm or requirement for major infrastructure
- development would not have a damaging visual impact on the sensitive landscape.
- major growth is not proposed and the scale and location must be considered sustainable and deliverable in the context of local morphology
- land r/of 185 Thorpe Road is a valid growth option
- the site is not a 'considerable distance from any facilities', being 15-20 minutes walk from the village centre and railway station
- the Council has identified that there are no "irresolvable issues" and that the site would be a "sensible extension"
- if the Council is serious about attracting higher income jobs or boosting the local economy there is a need to offer housing environments that are aspirational and capable of drawing in those who may choose to live elsewhere.

The 2016 Appeal decision (109 dwellings) is an important consideration here and when one considers other minor development which has been permitted in the area, it is reasonable to conclude that the land at 185 Thorpe Road is a sustainable development site.

We commend that the land rear of 185 Thorpe Road, Kirby Cross, should be considered in the emerging Local Plan as a housing allocation with a capacity of up to 40-50 homes.

Evidentially, land to the rear of 185 Thorpe Road is available, deliverable, accessible, sustainable. Measuring approximately 6 acres it can provide an attractive setting for a discrete quality-led housing development.

It is contended that inadequate consideration of its planning merit has taken place to date.

It is commended that it be considered favourably for allocation in the emerging Local Plan.

The Land and Planning Company