

PLANNING POLICY AND LOCAL PLAN COMMITTEE

8 JUNE 2020

REPORT OF THE CORPORATE DIRECTOR: PLACE AND ECONOMY

A.2 HOUSING SIZE STANDARDS, EFFICIENCY AND ACCESSIBILITY

(Report prepared by Paul Woods and Gary Guiver)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the Planning Policy and Local Plan Committee's endorsement for suggested amendments to policies in the Council's emerging Local Plan that relate to the design, layout and quality of new housing.

EXECUTIVE SUMMARY

Key Points

The suggested amendments to Local Plan policies set out in this report are aimed at:

- explicitly embracing the government's technical housing standards which set minimum requirements for internal space in new housing;
- explicitly setting out the Council's expectations for minimum garden sizes in Tendring, rather than referring developers to the standards set out in the separate Essex Design Guide;
- promoting the installation of solar panels and vehicle charging points in new residential properties along with other measures to improve sustainability, including water efficiency;
- promoting improved standards of accessibility to ensure homes are fit for purpose and adaptable for older and disabled people; and
- addressing any other policy wording issues either identified by Officers or raised by objectors to the Local Plan during the last formal consultation period in 2017.

Section 2 of the Council's emerging Local Plan contains a number of policies concerned with the design, quality and layout of development as well as renewable energy and water efficiency. Given the time that has passed since the Local Plan was submitted to the Secretary of State to begin the examination process, Officers have been reviewing the content and specific wording of these policies, taking into account any comments that were submitted during the last statutory consultation period

in 2017, any changes in government policy and any new evidence or other factors that have arisen. In response to specific local concerns (including those raised by the Council's Planning Committee when determining planning applications), the Chairman of the Planning Policy and Local Plan Committee has also asked Officers to consider, specifically, whether or not the wording of any of the policies in the Section 2 Local Plan could be strengthened to help improve the quality of new homes, particularly in respect of their internal space, garden sizes, energy efficiency and accessibility. Those matters are considered in this report.

Internal space standards

One of the concerns that has arisen both nationally and locally is the size of new residential property, in particular internal dimensions and the effects they can have on peoples' quality of life. For some years, Members of this Council have referred to, and advocated a return to, the 1960s 'Parker Morris' housing standards (or a modern day equivalent) as a way of improving the size and quality of new housing in Tendring. In 2015, the government introduced optional internal space standards called the 'Technical housing standards - nationally described space standard' (often referred to as 'The Standard') which local authorities could adopt through their Local Plan policies, so long as they could evidence that they were necessary, economically viable and would not have a negative impact on affordability. These standards are similar in many respects to the historic Parker Morris approach and Officers are satisfied that there is sufficient evidence of need and viability to justify their application.

Through the emerging Local Plan, the Council has already sought to embrace such minimum internal standards. Policy LP3 'Housing Density and Standards' in Section 2 of the Council's emerging Local Plan for example requires new residential and mixed-use development to achieve an appropriate housing density that has regard to, amongst other things, "*national minimum floor-space standards*". Similarly, Policy LP4 'Housing Layout' requires the design and layout of new residential and mixed-use developments in the Tendring District to meet certain criteria, including that they "*ensure dwellings meet minimum standards of internal space*". However, neither policy is explicit in referring to the government Standard and Officers consider that amendments would be sensible to avoid any ambiguity.

Section 2 of the Local Plan is yet to be examined by an independent Planning Inspector (pending the final outcome of the Section 1 examination); and whilst Policies LP3 and LP4 did not attract a significant level of objection during the last round of public consultation in 2017, there are a relatively small number of objections from the development industry 1) challenging the Council's justification for wanting to apply minimum space standards and requiring evidence on need and the impacts on viability and affordability; and 2) seeking clarification on which standards will apply. There are also a number of comments about the wording of the policies and how their various criteria would apply in practice. A number of amendments are therefore put forward for Members' consideration.

Private Amenity (Garden) Standards

Policy SPL3 in the emerging Local Plan entitled 'Sustainable Design' requires, amongst other things, that new development makes provision for private amenity space. Policy LP4 on 'Housing Layout'

then refers to the Essex Design Guide for Residential & Mixed-Use Developments, within which are contained the standards for private amenity or garden sizes that planning applications are judged against. Unlike the 2007 adopted Local Plan, the emerging Local Plan does not contain a specific policy of its own in relation to garden sizes.

On reflection, because the approach set out in 2007 Local Plan remains broadly in line with current Essex Design Guide and there have been calls for the emerging Local Plan to be more explicit in respect of garden sizes, Officers recommend that it is suggested to the Planning Inspector, as part of the examination of the Section 2 Plan, that a private amenity or garden sizes policy is included in the new Local Plan. Details of this are set out below.

Energy efficiency and climate change

Another area of concern is the ability of new residential property to minimise energy consumption and to embrace other measures aimed at reducing carbon emissions and tackling global climate change. Whilst today's building regulations already require new homes to meet high levels of energy efficiency through their design, insulation and technology; authorities can require, through their planning policies, developments to exceed regular standards.

In August 2019, this Council declared a 'climate emergency' which commits it to preparing an action plan for consideration by Councilors with the aim of making its activities carbon neutral by 2030. A Climate Change Working Group has been set up to explore the opportunities and to develop recommendations for achieving this goal and consultants are assisting with the preparation of the action plan. On the advice of the Chairman of the Planning Policy and Local Plan Committee, Officers have considered whether or not the policies in the emerging Local Plan could be strengthened to require, specifically, new residential development to be installed with solar panels and charging points for electric vehicles (in anticipation of significant increases in electric car ownership in the future). Officers have considered the potential cost of installation and the potential visual impacts in concluding that the policies could be strengthened and amendments are therefore put forward for Members' consideration.

Water efficiency

As the population grows and more new homes are built, there is increasing pressure to make efficient use of water resources and the design and specification of new housing has a role to play in achieving such efficiencies. Whilst the Tendring District is not identified specifically as an area of serious stress in terms of water supply, there are obvious benefits to householders and to the wider environment to reducing consumption. Policy PPL5 in the emerging Local Plan entitled 'Water Conservation, Drainage and Sewerage' already requires developers to consider measures aimed at maintaining the supply of drinking water and it is considered that the requirements of the policy could be strengthened to require such measures to be implemented.

Accessibility and adaptability

With a higher than average proportion of older and disabled residents in the Tendring area, there is a good argument for having more residential property that is easily accessible for people with mobility impairments and/or adaptable to people's changing mobility through the course of their life. The building regulations include two optional requirements in relation to access in residential property which can be specifically promoted through policies in the Local Plan:

- Requirement M4(2) which requires new dwellings to make reasonable provision for most people to access the building and to incorporate features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users; and
- Requirement M4(3) which requires new dwellings to make reasonable provision, either at completion or at a point following completion, for a wheelchair user to live in the dwelling and for them to use any associated private outdoor space, parking and communal facilities that may be provided for the use of the occupants.

Policy SPL3 in the emerging Local Plan (which deals generally with 'Sustainable Design') already includes a requirement that, on housing developments of 10 or more dwellings, 10% of market housing should Building Regulations Part M4(2) compliant and, for affordable housing, 10% should be Part M4(2) compliant and 5% should be Part M4(3) compliant. This requirement has been tested and confirmed as economically viable through the Council's viability assessments, however Officers consider that these requirements could be set out more clearly and explicitly within Policy LP4 which is more specifically concerned with the design and layout of new housing development.

Summary of Suggested Policy Amendments

Policy SPL3 - SUSTAINABLE DESIGN

The suggested amendments to Section A of the policy in respect of landscape character and the use of locally occurring and characteristic hedge species were advised by Essex County Council in its representations to the Local Plan and the suggested amendments to Section B in respect of highways respond to comments raised by Persimmon and Gladman Homes. The additions to criterion d) of Section B respond to the need for action in response to the climate emergency. The suggested deletion of the asterisk and paragraph relating to Part M accessibility standards is to enable such guidance to be more logically set out in Policy LP3 (see details below). The inclusion of a new criterion e) to Section C of the policy is to address a particular concern raised by the Chariman of Planning Policy and Local Plan Committee which reflects local concerns about the impact of development on neighbours during the construction phase and the damage caused to the highway and public realm.

Policy LP3 - HOUSING DENSITY AND STANDARDS

The suggested amendments to criterion b) of Policy LP3 are to make it explicit that it is the nationally described space standards that should be met in new residential developments and to refer to the new section of the policy proposed in respect of minimum garden sizes, which reflects the wording already present in the Council's adopted Local Plan. The reference to public rights of way in criterion f) of the policy is in response to a specific representation from the Essex Bridleways Trust. The inclusion of the paragraph relating to Part M accessibility standards follows the suggested deletion of such wording from Policy SPL3.

Policy LP4 - HOUSING LAYOUT

Numerous amendments are proposed for Policy LP4 – mainly aimed at addressing local concerns about the quality of new residential development and providing more detail of the principles expected to be followed. The simplified reference to development density response to representations from developers highlighting the potential confusion caused by the existing wording around town centres, semi-rural areas and urban areas. The additional reference Neighbourhood Plans and Village Design Statements should help to ensure that those planning documents produced a local or parish level and adopted by the District Council are given due consideration in the determination of housing schemes.

Policy PPL5 - WATER CONSERVATION, DRAINAGE AND SEWERAGE

The amendment to the second paragraph relating to the sewerage provision responds directly to the advice of Natural England and the additions to the third paragraph is simply designed to ensure that measures aimed minimising water consumption are not only considered, but also implemented.

Policy PPL10 - RENEWABLE ENERGY GENERATION

The suggested amendments to Policy PPL10 are aimed at strengthening the policy to ensure, amongst other things, the incorporation of solar panels into new residential and other developments is a clear requirement and expectation of the Council, apart from Conservation Areas where it might not be appropriate visually.

Next steps

The Local Plan has already been submitted to the Secretary of State for it to be examined by a government-appointed Planning Inspector. The Inspector has the power to recommend 'modifications' to the Local Plan, following the examination, aimed at addressing any issues with the soundness of the plan. Whilst it will be at the Inspector's discretion which modifications are formally recommended, the Council will have the opportunity to suggest changes to the Inspector, for their consideration, as part of the examination process. It is recommended that the changes outlined in this report be put forward to the Inspector for their consideration, at the appropriate time.

RECOMMENDATION

That the Planning Policy and Local Plan Committee:

- a) Considers and approves Officers' suggested amendments to Policies SPL3, LP3, LP4, PPL5 and PPL10 in the Tendring District Local Plan 2013-2033 and Beyond: Publication Draft (the emerging Local Plan) as set out in Appendix 1 to this report; and**
- b) Authorises the Assistant Director for Strategic Planning and Place, in consultation with the Chairman of the Planning Policy and Local Plan Committee, to put forward the suggested amendments to the above policies to the Planning Inspector for their consideration as part of the examination of the Section 2 Plan.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

One of the key themes in the Council's emerging Corporate Plan 2020-2024 is "Building Sustainable Communities for the Future" for which one priority is having effective planning policies. Other priorities include achieving carbon neutrality by 2030, improving health and wellbeing and supporting business activity. The Council has also declared a 'Climate Emergency' giving greater urgency to measures aimed at reducing carbon emissions and tackling climate change. The amendments to the Council's emerging planning policies set out in this report are aimed at improving their effectiveness in helping to improve residents' quality of life whilst also tackling climate change.

RESOURCES AND RISK

The preparation of the Local Plan is being managed by the Council's Planning Policy Team utilising funds from the agreed Local Development Framework (LDF) budget. This budget will also cover the cost of the independent examination of the Local Plan where Officers and, where necessary, expert consultants will defend the plan's policies and proposals in front of a government-appointed Planning Inspector. The amendments to policies recommended in this report, if agreed, will be forwarded to the Inspector for their consideration, along with other amendments, as part of the examination process.

Officers consider that there is sufficient evidence to justify the approach being suggested in this report from a need, viability and affordability perspective but that there may or may not be a cost involved in elaborating on or strengthening this evidence if the amendments attract objections from third parties; or if the Inspector requests further detailed evidence.

The potential risks of introducing the suggested policy amendments could include rejection by the Planning Inspector if he or she concludes that the changes are not necessary, viable or affordable; objections from third parties (most likely landowners or developments) to the changes – most likely

on viability grounds; and a negative local reaction to the physical appearance of solar panels on new properties if they fail to respect or enhance the character of an area or appear unattractive.

LEGAL

The planning legislation and the National Planning Policy Framework (NPPF) (both the 2012 version applicable to this Local Plan and the new 2018 version that was updated in 2019) place Local Plans at the heart of the planning system, so it is essential that they are in place and kept up to date. The NPPF expects Local Plans to set out a vision and a framework for the future development of the area, addressing the needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended) state that applications for planning permission must be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise. The statutory ‘development plan’ for Tendring, as it stands is the 2007 Adopted Local Plan. However, the policies and proposals in the Adopted Local Plan are increasingly out of date. The NPPF states that where the development plan is out of date permission should be granted for sustainable development unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits or other policies indicate otherwise. It is therefore essential to progress the emerging Local Plan through the stages of the plan making process and ensure it meets the requirements of national planning policy so it can become the new statutory development plan and be relied upon by the Council acting as the Local Planning Authority.

The Town and Country Planning (Local Planning)(England) Regulations 2012 make provision for the operation of the local development planning system including, for the purposes of this report, regulations relating to the preparation, publication and representations relating to a local plan and the independent examination.

The NPPF requires a local planning authority to submit a plan for examination which it considers to be “sound” meaning that it is: positively prepared, justified and effective. The job of the Planning Inspector is to test that the Local Plan meets legal and procedural requirements and the above tests of soundness. Any modifications proposed by the Inspector at the end of the examination process will ensure the plan meets all of these requirements but these have to be published for consultation in their own right before the Council can proceed to the final adoption of the Local Plan.

The amendments being suggested through this report are not an indication that the emerging Local Plan as currently written is ‘unsound’, but are aimed at improving the plan in response to comments received during the last public consultation, concerns raised locally about the quality of new residential development and the Council’s declaration of a climate emergency.

OTHER IMPLICATIONS

Area or Ward affected: All wards.

Consultation/Public Engagement: The emerging Local Plan has already been the subject of three rounds of consultation – issues and options in 2015, preferred options in 2016 and the publication draft stage in 2017.

Any local authority that wishes to adopt the government's space standards policies in their local plan will need to carry demonstrate evidence relating to local need, viability, affordability and timing. Even after adoption, current proposals would still allow developers to make a case for exemption on grounds of viability or other factors, with an ability to appeal.

If the Planning Inspector recommends modifications to the Local Plan following the examination of Section 2, those modifications (which may or may not incorporate the amendments recommended in this report) will be published for consultation in their own right before the plan can be formally adopted.

PART 3 – SUPPORTING INFORMATION

Section 2 of the Council's emerging Local Plan contains a number of policies that are concerned with the design, quality and layout of development as well as renewable energy and water efficiency. In the two and a half years that it has taken for Section 1 of the Local Plan to be examined by the Planning Inspector, Officers have been keeping the policies in Section 2 of the Plan under review, taking into account any comments that were submitted during the statutory consultation period in 2017, any changes in government policy and any new evidence or other factors that have come about in the last two and half years.

In response to local concerns, the Chairman of the Planning Policy and Local Plan Committee has asked Officers to consider, specifically, whether or not the wording of any of the policies in the Section 2 Local Plan could be strengthened to help improve the quality of new homes, particularly in respect of their internal space, energy efficiency and accessibility. Those matters are considered in this report, along with the Council's approach to private amenity space (garden) sizes.

Making amendments to the Local Plan

The Local Plan has already been submitted to the Secretary of State for it to be examined by a government-appointed Planning Inspector. The Inspector will however have the power to recommend 'modifications' to the Local Plan, following the examination, aimed at addressing any issues with the soundness of the plan. Whilst it will be at the Inspector's discretion which modifications are formally recommended, the Council will have the opportunity suggest changes to the Inspector, for their consideration, as part of the examination process. It is recommended that the

changes outlined in this report be put forward to the Inspector for their consideration, at the appropriate time. This is most likely to be in response to the Inspector's 'Matters Issues and Questions' which will be issued to the Council ahead of the Section 2 examination.

Any modifications proposed by the Inspector at the end of the examination process may have to be published for consultation in their own right before the Council can proceed to the final adoption of the Local Plan. The amendments being suggested through this report are not an indication that the emerging Local Plan as currently written is 'unsound', but are aimed at improving the plan in response to comments received during the last public consultation.

Internal Space Standards

Policy LP3 'Housing Density and Standards' in Section 2 of the Council's emerging Local Plan requires new residential and mixed-use development to achieve an appropriate housing density that has regard to, amongst other things, "national minimum floor-space standards". Similarly, Policy LP4 'Housing Layout' requires the design and layout of new residential and mixed-use developments in the Tendring District to meet certain criteria, including that they "ensure dwellings meet minimum standards of internal space".

Objections to the emerging Local Plan policies

When the emerging Local Plan was published for its last round of public consultation in Summer 2017, Policies LP3 'Housing Density and Standards' and LP4 'Housing Layout' attracted relatively little objection overall, and the handful of objections that were received were mainly from the development industry, including the Home Builders Federation (HBF), Persimmon Homes, Gladman Homes, Strutt and Parker LLP on behalf of a number of landowners and developers, Britton Properties and local architect Tim Snow.

The HBF, Persimmon Homes and Gladman Homes in particular have objected to the Council's requirements for new residential development to meet minimum internal floor standards, suggesting that insufficient evidence, as required by the governments National Planning Policy Guidance (PPG) has been presented to demonstrate 1) the need to apply such standards in Tendring; 2) that implementing the standards would be economically viable and c) they would not impact adversely on affordability. Tim Snow has not objected, as such, but has requested that the policies are clear as to which minimum space standards will apply.

Background to Space Standards

Minimum internal space standards date back to 1961, with the introduction of the Parker Morris Space Standards. These were calculated taking a practical approach to typical furniture sizes to determine how much space was required to use and move around a dwelling. The standards were mandatory for housing build in new towns from 1967, and in all council housing from 1969. However, the Local Government, Planning and Land Act 1980 removed the requirement to build to these standards, attempting to reduce both the cost of housing and public spending.

It was widely felt that most public and private sector housing being built in the 21st Century failed to meet the Parker Morris standards, and the former government agency English Partnerships took the decision in 2008 to reintroduce minimum standards that were 10% more generous than those of Parker Morris for developments on its own land. The Office of the Mayor of London took a similar decision in 2010, by implementing a Design Guide for Housing within the city that incorporated the 10% increase on Parker Morris standards.

In 2015, the government introduced a Nationally Described Standard, which gave detailed guidance on minimum sizes for new homes. The standards set out the minimum requirements for Gross Internal floor Area (GIA) of different defined occupancy levels, as well as floor areas and dimensions for key parts of the home – bedrooms, storage, floor to ceiling height and minimum requirements for Built in Storage (BiS).

The minimum GIA and BiS standards are reproduced below:

Table 1 - Minimum gross internal floor areas and storage (m2)

| Number of bedrooms (b) | Number of bed spaces (persons) | 1 storey dwellings | 2 storey dwellings | 3 storey dwellings | Built-in storage |
|------------------------|--------------------------------|--------------------|--------------------|--------------------|------------------|
| 1b | 1p | 39 (37) * | | | 1.0 |
| | 2p | 50 | 58 | | 1.5 |
| 2b | 3p | 61 | 70 | | 2.0 |
| | 4p | 70 | 79 | | |
| 3b | 4p | 74 | 84 | 90 | 2.5 |
| | 5p | 86 | 93 | 99 | |
| | 6p | 95 | 102 | 108 | |
| 4b | 5p | 90 | 97 | 103 | 3.0 |
| | 6p | 99 | 106 | 112 | |
| | 7p | 108 | 115 | 121 | |
| | 8p | 117 | 124 | 130 | |
| 5b | 6p | 103 | 110 | 116 | 3.5 |
| | 7p | 112 | 119 | 125 | |
| | 8p | 121 | 128 | 134 | |
| 6b | 7p | 116 | 123 | 129 | 4.0 |
| | 8p | 125 | 132 | 138 | |

* Where a 1b1p has a shower room instead of a bathroom, the floor area may be reduced from 39m² to 37m², as shown bracketed.

The full Nationally Described Standards document is listed as background document (web link provided below).

Viability

Adoption of the government's Optional Technical Housing Standards may cause some property developers to claim that new residential development schemes are no longer financially viable, due to the need to reduce the number of units that can be accommodated on a site or within the conversion of an existing building.

However, larger units that accord with the internal and external space standards are likely to command higher sale, lease and rental figures than smaller and less desirable units. In addition, there is clear evidence that the more structured and prescriptive planning policies are in relation to building sizes etc, then a greater degree of certainty and stability is applied to property markets. This enables developers to more accurately calculate the quantum of development a site can accommodate and therefore, make realistic bids when purchasing a property with a view to preparing a residential development scheme.

Research has been undertaken looking at several recently approved planning applications, and it was found that a high percentage of new dwellings already meet the nationally prescribed gross internal area (GIA) standards for the number of bedrooms – which confirms that in most cases developments are already achieving the desired standard the application of the standards should not therefore cause significant viability issues.

| Application number | Site Name (Developer) | Percentage of properties that meet nationally prescribed GIA standards |
|---|---|---|
| 18/01800/DETAIL | Oakwood Park, Clacton (Persimmon) | 74% |
| 17/01658/FUL | Williamsburg Avenue, Dovercourt | 100% |
| 17/01895/DETAIL, 17/02145/DETAIL, and 18/00898/DETAIL | Finches Park, Kirby Cross | 93% |
| 17/01810/DETAIL | River Reach, Mistley | 81% |
| 17/01318/FUL | Colne Gardens, Brightlingsea | 70% |
| 17/00859/DETAIL | Avellana Place, Colchester | 100% |
| 17/00565/DETAIL | Staunton Gate, Alresford (Taylor Wimpey) | 78% |
| 18/01863/DETAIL | Charity Field, Elmstead Market (Go Homes) | 100% |
| 17/01759/DETAIL | Fusiliers Green, Great Bentley (Go Homes) | 100% |
| 17/00790/FUL | 59-61 London Road, Clacton | 100% |

| | | |
|-----------------|--|------|
| 16/00656/FUL | Priory West Field, St Osyth (City & Country) | 93% |
| 17/01482/DETAIL | Henderson Park, Thorpe le Soken (Bellway) | 93% |
| 16/01456/DETAIL | Millers Green, Weeley Heath (Rose) | 100% |
| 18/00194/FUL | Tokely Road, Frating (Sanctuary) | 100% |

Planning Appeal Decisions

Local Planning Authorities in other parts of the country have successfully defended appeals on the basis of inadequate living and amenity space. In a 2017 appeal relating to a development in Lancashire, the Planning Inspector stated that “insufficient floor space would be harmful to living conditions of occupiers”. The decision referred to the Nationally Described Standards, noting that the proposal fell below the minimum standards stipulated.

Conversions

The National Space Standards will apply to developments where planning permission is required. However, some residential development can be created under permitted development rights – for example the conversion of disused agricultural buildings. In such instances, the local planning authority has no power to seek particular standards or conditions. Therefore the space standards are not applicable to these types of developments.

Conclusion

Officers are satisfied that there is sufficient evidence of need and viability to justify the application of minimum space standards and suggest that the policies are amended to make it explicitly clear that it is the government’s ‘Technical housing standards - nationally described space standard’ (published in March 2015) that the Council will be applying, and thus adopting as part of the Local Plan. These changes can be noted in Policies LP3 and LP4 as tracked changes in Appendix 1.

Private Amenity Space (Garden) Standards

The Council's 2007 adopted Local Plan includes a specific policy (HG9) on Private Amenity Space which is broadly in line with the current advice in the Essex Design Guide however the emerging Local Plan does not carry forward a specific policy – instead relying on the Design Guide itself. The Council’s Planning Officers have indicated that the 2007 policy is still relied upon when dealing with many planning applications for residential development and that it might be beneficial to include some specific policy requirements in the new version of the Local Plan to make it explicitly clear what the Council’s expectations area. There have also been occasions where Members of the Planning Committee have expressed concern about certain developments falling short of the requirement.

History of Private Amenity Space Standards

Whilst a lot of emphasis has understandably been placed upon the adequate provision of internal space. The need to be able to access quality external space is arguably just as important. The original 1973 version of the Essex Design Guide set a minimum requirement of 100 square metres for most types of housing which has remained achievable for most properties of three or more bedrooms which tend to have wider frontages, but for smaller narrow-fronted houses, the 100 square metre standard can result in much longer narrower gardens which are not as practical or useable. The latest version of the Design Guide therefore recognises that for houses of one or two bedrooms, a lower standard might be appropriate with a minimum standard of 50 square metres typically applied – but this can vary from authority to authority depending on their own local policies. For flatted or ‘unextendable’ properties, a standard of 25 square metres per unit is commonly required to be provided, either individually or communally.

Jaywick Sands

The Council are currently in the process of producing a Supplementary Planning Document (SPD) in relation to the future development and regeneration of Jaywick Sands – in particular guidelines for redeveloping existing plots within the Brooklands, Grasslands and Village Area. It should be noted that the proposed standards regarding private amenity space are not likely to be achievable for all development in Jaywick Sands due to the layout of the area, the size of plots and the need to meet the nationally prescribed space standards whilst achieving flood resilient design. The SPD is therefore likely to include bespoke standards for development in that location.

Conclusion

Because the approach set out in 2007 Local Plan remains broadly in line with current Essex Design Guide and there have been calls for the emerging Local Plan to be more explicit in respect of garden sizes, Officers recommend that it is suggested to the Planning Inspector, as part of the examination of the Section 2 Plan, that a private amenity or garden sizes policy is included in the new Local Plan.

It is proposed that the following text is added to Policy LP3:

Private amenity space shall be provided to new dwellings in accordance with the following minimum 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.

A Supplementary Planning Document (SPD) for new development in Jaywick Sands will contain separate and specific amenity space standards that will apply to that particular area.

Energy Efficiency and Climate Change

The Council declared a climate emergency on 6 August 2019, which commits it to preparing an action plan for consideration by Councillors with the aim of making its activities carbon neutral by 2030. A Climate Change Working Group has been set up to explore the opportunities and to develop recommendations for achieving this goal.

As well as looking at what it can do to reduce its environmental impact, the action plan will also examine how the Council can act as a community leader to encourage the rest of Tendring to join its mission. The Local Plan has an important role in the battle against climate change by ensuring new development is located and designed in a way that helps to minimize carbon emissions.

Policy PPL10 'Renewable Energy Generation' in the Council's emerging Local Plan requires proposals for new development to consider the potential for renewable energy generation, appropriate to the site and its location, and should include renewable energy installations, or be designed to facilitate the retro-fitting of renewable energy installations.

In light of the Council's declaration of a climate emergency, the Chairman of the Planning Policy and Local Plan Committee has asked Officers to explore whether or not the policy could be strengthened to specifically require the installation of solar panels on the roofs of new housing.

Until recently there had been some confusion about whether Local Planning Authorities could set higher levels of energy saving and generation measures in excess of the measures required by the Building Regulations, for new buildings requiring planning permission. However, Officers have undertaken further research which confirms that local authorities do have powers to exceed nationally set requirements.

Viability

The cost of installing solar panels within new build schemes has reduced in recent years, but remains a relatively expensive element of a new build. On the other hand, demand for electricity continues to rise and with the increase in electric powered vehicles and the phasing out of petrol and diesel engines in the near future, then the demand for electricity generated locally at our homes and work places to charge our vehicles, is set to grow significantly greater.

Objections to the emerging Local Plan policies

When the emerging Local Plan was published for its last round of public consultation in Summer 2017, an objection was received from the Home Builders Federation in relation to Policy SPL3 (Sustainable Design), which claimed that there was no need for the Council, through the Local Plan, to ask for consideration of the use of renewable energy and the reduction of emissions, as such policies cannot be implemented or monitored. It is considered, however, that the installation of facilities such as solar panels and other energy efficiency measures can be secured at the planning stage, and that monitoring will be undertaken alongside the Council's routine monitoring and enforcement activities.

Two developers, Persimmon Homes and Gladman Homes, made representations in relation to Part C of Policy SPL3 which also requires developers to consider the use of renewable energy and the reductions of emissions as part of any proposals. The developers claimed that a Written Ministerial Statement of 25th March 2015 clearly stated that improvements in energy efficiency and carbon reductions will be delivered through changes to Building Regulations, with only a limited number of optional technical standards that can be required through local plans. However, the government has subsequently clarified this position and has stated that Local Planning Authorities can stipulate energy saving and renewable energy generation measures, that exceed Part L of the requirement in the Building Regulations

Conclusion

Because of the Council's commitment to addressing climate change and carbon emissions, in light of the declaration of a Climate Emergency, Officers recommend that it is suggested to the Planning Inspector, as part of the examination of the Section 2 Plan, that explicit reference is made to the requirement to include solar energy systems in new development.

It is proposed that the following text is added to Policy PPL10:

All proposed development schemes outside of Conservation Areas must incorporate solar generation systems. This will normally take the form of solar panels. To be most effective, this will require buildings to have a strong southerly aspect and for the south side of pitched roofs to be rectilinear and uncluttered, with dormer windows, hipped roofs and corner tower elements confined to the northern side of pitched roofs.

Water Efficiency

In July 2013 the Environment Agency (EA) published "Water stressed areas – final classification". This covers water company areas including Essex & Suffolk Water and identifies current stress levels, four future scenarios and a final stress categorisation. The classifications range from Low – Moderate – Serious Stress. For Essex & Suffolk Water the classification is Serious in every instance. Water stress occurs when the demand for water exceeds the available amount during a certain period or when poor quality restricts its use. Water stress causes deterioration of fresh water resources in terms of quantity (such as aquifer over-exploitation and dry rivers) and quality (including eutrophication, organic matter pollution and saline intrusion).

The EA advises the Secretary of State that areas classified as 'Serious' should be designated as 'Areas of serious water stress' for the purposes of Regulation 4 of the Water Industry (Prescribed Condition) Regulation 1999 (as amended). The classification is designed to support decisions about metering and all new dwellings are required to have water metres. However, good planning can further encourage water efficiency and reduce water consumption.

Although the Tendring District is not identified as being an area of Serious Stress, Committee is asked to consider whether its location within a wider area of stress could support the inclusion of the optional requirement within the new Local Plan. The higher standard would result in more sustainable development and represent good planning. Further research and consultation will be needed, in accordance with Planning Practice Guidance to support the inclusion of a Local Plan policy on water efficiency.

Officers therefore propose making changes to Policy PPL5, which can be viewed as tracked changes in Appendix 1.

Accessibility and Adaptability

The Building Regulations 2010 (2015 Edition) Approved Document M – Access to and use of [domestic] buildings includes two possible optional requirements (either/or) with regard to access. The regulation states that in the Secretary of State's view:

Optional requirement M4(2) will be met where a new dwelling makes reasonable provision for most people to access the dwelling and incorporates features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users.

Optional requirement M4(3) will be met where a new dwelling makes reasonable provision, either at completion or at a point following completion, for a wheelchair user to live in the dwelling and use any associated private outdoor space, parking and communal facilities that may be provided for the use of the occupants.

The Planning Practice Guidance suggests that any Local Plan policy for wheelchair accessible homes should be restricted to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and / or M4(3) of the optional requirements in the Building Regulations. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings,

particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.

Having regard to the population profile of Tendring District and the growing proportion of older and increasingly less mobile people, Committee is asked to consider if the optional standards should be applied to relevant new housing in the district. To comply with the requirement for policies to be evidence-based, further specific consideration would be required to be given to housing needs and viability assessments for such a policy to be included in the Local Plan.

APPENDICES

Appendix 1 - Suggested amendments to Policies SPL3, LP3, LP4, PPL5 and PPL10 shown as 'tracked changes'

BACKGROUND PAPERS

[Technical housing standards – nationally described space standard](#)

Appendix 1: Suggested amendments to Policies SPL3, LP3, LP4, PPL5 and PPL10 shown as 'tracked changes'

Deletions shown as ~~struck through~~. Additions shown as underlined.

Policy SPL3

SUSTAINABLE DESIGN

Part A: Design. All new development (including changes of use) should make a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met:

- a. new buildings, alterations and structures are well designed and maintain or enhance local character and distinctiveness;
- b. the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials;
- c. the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features;
- d. the design and layout of the development maintains or enhances important existing site features of landscape, ecological, heritage or amenity value;
- e. 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. The Council will encourage the use of locally distinctive materials and/or locally occurring and characteristic hedge species ~~in boundary treatments~~.

Part B: Practical Requirements. New development (including changes of use) must meet practical requirements. The following criteria must be met:

- a. access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to an ~~unacceptable increase in congestion~~ severe traffic impact;
- b. the design and layout of the development maintains and/or provides safe and convenient access for people with mobility impairments*:
- c. the development incorporates or provides measures to minimise opportunities for crime and anti-social behaviour;
- d. the applicant/developer can demonstrate how the proposal will minimise the production of greenhouse gases and impact on climate change as per the ~~current~~ Building Regulations prevailing at the time and policies and requirements in this plan – with all new residential development expected to be fitted with electric vehicle charging points and roof solar panels;

- e. buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents;
- f. provision is made for private amenity space, waste storage, ~~separation~~ and recycling facilities, vehicles and cycle parking; and
- g. the development reduces flood risk and ~~opportunities are taken to integrate~~ sustainable drainage within the development, creating amenity and enhancing biodiversity.

~~* On housing developments of 10 or more dwellings, 10% of market housing should be to Building Regulations Part M (4) 2 'adaptable and accessible' standard. For affordable homes, 10% should be to Building Regulations Part M (4) 2 and 5% should be to Part M (4) 3 'wheelchair-user' standards (Ref. Tendring District Housing Viability Assessment 12 May 2-017).~~

Part C: Impacts and Compatibility. New development (including changes of use) should be compatible with surrounding uses and minimise any adverse environmental impacts. The following criteria must be met:

- a. the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties;
- b. the development, including any additional road traffic arising, will not have unacceptable levels of pollution on: air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution of nuisance;
- c. 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; and
- d. all new development should have regard to the most up to date adopted Essex Mineral Local Plan.
- e. during the construction phase, developers must comply with a 'considerate constructors' scheme' which employs reasonable measures and techniques to minimise impacts and disturbance to neighbours and the existing wider community and, following construction and before final completion of a development, any damage to the public highway or other public or private property resulting from the development must be repaired and made good to an equal or better state to what it was prior to construction.

~~The~~ For all new development (including changes of use), the Council will expect applicants/developers to have ~~has~~ considered climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon, passive design, and through green infrastructure techniques where appropriate.

When considering new development, applicants and developers should avoid adverse impacts upon the environment. Where this is not possible, mitigation measures should be put forward. As a last resort, compensate for adverse environmental impacts.

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

Policy LP3

HOUSING DENSITY AND STANDARDS

New residential and mixed-use development (including conversions and changes of use) must achieve an appropriate housing density that has regard to the following factors:

- a. accessibility to local services;
- b. ~~national minimum internal floor space standards~~ the need for residential development to comply with the government's latest 'Technical housing standards - nationally described space standard' and the local minimum private amenity standards set out in this policy below;
- c. the required mix of housing;
- d. the context and character of development (and ~~where appropriate~~ the opportunity to enhance that character) in the immediate area;
- e. for the edge of greenfield sites, the need for an appropriate transition between built development and the open countryside; and
- f. on-site infrastructure requirements that will need to be incorporated into the layout of the development (including green infrastructure, highways and footpaths built to adoptable standards, public rights of way and any community facilities).

Private amenity space shall be provided to new dwellings in accordance with the following minimum 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.

A Supplementary Planning Document (SPD) for new development in Jaywick Sands will contain separate and specific amenity space standards that will apply to that particular area.

On housing developments of 10 or more dwellings, 10% of market housing should be to Building Regulations Part M4(2) 'adaptable and accessible' standard. For affordable homes, 10% should be to Building Regulations Part M4(2) and 5% should be to Part M4(3) 'wheelchair-user' standards (Ref. Tendring District Housing Viability Assessment 12 May 2017).

Policy LP4

HOUSING LAYOUT

To ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential and mixed-use developments in the Tendring District will be expected to:

- a. promote health and wellbeing by incorporating and maximising the use of green infrastructure, verges, trees and other vegetation. Proposals for residential development on sites of 1.5 hectares and above are required to provide at least 10% of the gross site area as public open space (unless there are more specific open space requirements set out in policies relating to the site in question);
- b. locate new public open space where it can be conveniently and safely accessed by all members of the community, especially children by walking and cycling; and ensuring it is directly overlooked on all sides and not located to the rear of properties;
- c. consider surface water management from the outset of site layout and masterplanning. All surface water should be managed by means of Sustainable Urban Drainage System (Suds) unless there is an overwhelming case not to do so;
- d. minimise the opportunities for crime and anti-social behaviour by planning housing within perimeter blocks and avoiding wherever possible houses backing onto public roads and spaces, ensuring good natural surveillance of both public and private spaces from buildings and the streets, providing clear definition between public and private spaces and convenient access for emergency services;
- e. ensure that the overall highway network is legible, permeable, with all roads connected wherever possible and fit for purpose by all road users;
- f. ensure internal road layouts can safely and comfortably accommodate emergency services, waste collection services, buses (where necessary) and other large vehicles;
- g. accommodate residential parking provision for residents on-plot, either at the front or side of dwellings. Rear parking courts should be avoided unless there is an overwhelming case for their use. In addition to on-plot parking, ensure that there is sufficient provision of on-street parking for use by visitors and delivery vehicles minimise the need for and reduce the

~~resulting visual and safety implications of on-street parking by ensuring dwellings have sufficient off-street parking space to accommodate the likely number of vehicles;~~

- ~~h. deliver new dwellings that are designed to high standards of architecture, which together with a well-considered site layout, create a unique sense of place – avoiding the use of ubiquitous standard house types;~~
- ~~i. aside from town centres respect the character of Tendring District by delivering housing development at densities more in keeping with the semi-rural nature of parts of the District be of a density that reflects the factors set out in Policy LP3;~~
- ~~j. respect the historical and settlement hierarchy character of Tendring District by delivering housing development at densities in keeping with the urban nature of parts of the District including the town centres;~~
- ~~k. ensure dwellings meet minimum standards of internal space the government's latest 'Technical housing standards - nationally described space standard' and the local minimum private amenity standards set out in Policy LP3;~~
- l. meet all other requirements of the Local Plan.

To ensure new developments meet these requirements and other requirements of policies in this Local Plan, the Council will sometimes work with landowners, developers and other partners, particularly on larger schemes, to prepare master plans or development briefs prior to the submission of planning applications.

In determining planning applications, the Council will also refer to the guidance provided in the Essex Design Guide for Residential & Mixed-Use Developments, 'Building for Life' and the 'Manual for Streets' and as superseded; as well as adopted Master Plans, Place Plans, Neighbourhood Plans or Village Design Statements. For new residential development in Jaywick Sands, the Council will also refer to the Supplementary Planning Document (SPD) being prepared to guide new development in that area.

Policy PPL5

WATER CONSERVATION, DRAINAGE AND SEWERAGE

All new development must make adequate provision for drainage and sewerage and should include Sustainable Drainage Systems (SuDS) as a means of reducing flood risk, improving water quality, enhancing the Green Infrastructure network and providing amenity and biodiversity benefits. Applicants should explain and justify the reasons for not using SuDS if not included in their proposals, which should include water inputs and outputs designed to protect and, where

possible, enhance the natural environment. New dwellings will be required to incorporate measures to achieve a water consumption rate of not more than 110 litres, per person, per day.

Proposals for development must demonstrate that adequate provision exists, or can be made available provided in time, for sewage disposal to a public sewer and water recycling centre (sewage treatment works).

Applicants should explain their approach to water conservation, including the potential for the re-use of 'greywater' and rainwater 'capture and use' within their development, to help maintain the supply of drinking water. The Council will require such measures to be implemented in all new development.

Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.

Policy PPL10

RENEWABLE ENERGY GENERATION

Proposals for renewable energy schemes will be considered having regard to their scale, impact (including cumulative impact) and the amount of energy which is to be generated.

Proposals for new development should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and ~~its~~ location, and should include renewable energy installations, ~~or~~ and be designed to facilitate the retro-fitting of renewable energy installations.

All proposed development schemes outside of Conservation Areas must incorporate solar generation systems. This will normally take the form of solar panels. To be most effective, this will require buildings to have a strong southerly aspect and for the south side of pitched roofs to be rectilinear and uncluttered, with dormer windows, hipped roofs and corner tower elements confined to the northern side of pitched roofs.