

Elmstead Parish Council Neighbourhood Development Order

March 2023 Submission version



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Submission Order under Regulation 22 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

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1 introduction

1.1 what is a Neighbourhood Development Order?

A Neighbourhood Development Order (NDO) Submission is comparable to a Planning Application, but with two key differences:

- a NDO can only be submitted by a qualifying body such as a Parish Council, community group or organisation (and so are usually drafted to deliver community benefit).
- a NDO can only be approved or 'made' if the local community votes in favour of it at a referendum. (A Planning Application is 'granted', whereas a 'Submission' NDO is 'made' - the result is however basically the same, in that the proposals set out become accepted under planning law).

The right of qualifying bodies, in this case Elmstead Parish Council, to produce and submit a Neighbourhood Development Order is granted under the Neighbourhood Planning (General) Regulations 2012 (as amended).

1.2 why has Elmstead Parish Council submitted this NDO?

The Parish Council has prepared this NDO to support the Neighbourhood Plan which includes a policy supporting the delivery of an affordable housing scheme to meet an identified need in the Parish on the former Elmstead Community Centre site. A NDO can support a neighbourhood plan in a number of ways:

- by illustrating in greater detail particular proposals set out within the Neighbourhood Plan and thus give the community a better idea of what is intended.
- by giving the community the opportunity to decide whether or not to support these particular proposals.

if the proposals are voted for, then the local authority (Tendring District Council) will 'make' the Order. This will be the equivalent to giving this Policy within the Neighbourhood Plan an outline planning consent which will bring it that much closer to being delivered.

1.3 the purpose and organisation of this document.

This is the Draft version of the Order being published under Regulation 21 of the Neighbourhood Planning (General) Regulations 2012 (as amended). It is being published alongside the Elmstead Neighbourhood Plan that contains Policy ELM4: The Former Elmstead Community Centre and this Order is intended to implement that Policy.

The proposed development of the Order is not considered to be Schedule 1 or 2 development and therefore does not fall within the remit of the EIA (Environmental Impact Assessment) Regulations 2017 and is not likely to have a significant effect on the environment. However, the Neighbourhood Plan Policy which this is intended to implement, has been subject to a Strategic Environmental Assessment screening which determined that there are no likely significant environmental effects anticipated.

Whilst part of the purpose of this document is to illustrate the proposals for the NDO, it also provides two distinct kinds of information and, depending on the interest of the reader, the following may be a useful guide to its use.

1 introduction

For those wishing to form a view as regards to both the benefits and character of the proposals the following sections of the document might be best focused upon:

The introduction in **Section 1** which provides an overview of the nature and purpose of the Order and the benefits of the proposals to the community.

The design statement in **Section 4** which provides illustrations of the design proposals and information to help provide an understanding as to why the designs have been developed as they have.

For those wishing to review the planning law framework associated with the Order, the other sections of the document should be referred to, in particular:

Section 3 which outlines the Conditions that will need to be met so that the proposals can be implemented. These Conditions require further technical and design work before the detailed proposals can be prepared and approved for planning and building control matters in the same way, and to the same standards as any other project.

- **Section 7** the consultation statement which provides a record of the consultation carried out with the local community and other parties.

Of the remaining sections of the document,

- **Sections 5 & 6**, relate to the Archaeological and Heritage issues and demonstrate that the proposals will not affect any archaeological features or be detrimental to the setting of any heritage assets or designations.
- **Section 8** explains how the Order meets the Basic Conditions required for it to be put to a referendum and made.

1.4 background

This Order is proposed to help meet a local housing need identified through the Neighbourhood Plan process.

The Elmstead Housing Needs Assessment (EHNA) established a current estimated backlog of affordable rented housing in the neighbourhood area and a need to provide affordable routes to home ownership.

The Parish Council, as landowner, has therefore investigated whether the former Elmstead Community Centre site could be redeveloped to provide much needed affordable homes to help meet this local need.

A new Elmstead Community Centre is being provided as part of the approved development on land opposite the former Elmstead Community Centre. The former Elmstead Community Centre will cease to operate as soon as the new facility is operational.

A Feasibility Study carried out for the Neighbourhood Plan demonstrated that there are no technical or other constraints that would prevent the redevelopment of the site for residential use, and explored the capacity, mix and design principles that have been taken into account in the drafting of this Order.

1 introduction

1.5 the site

Availability of land is often the greatest hurdle in bringing schemes of this type forward as it usually requires a discounted land value to make them viable. In this case the ownership of the site by the Parish Council provides an opportunity to make the land available to support its development for affordable housing.

The Feasibility Study carried out for the Neighbourhood Plan has allowed the Parish Council to test the technical and political credibility of the emerging proposals before committing to making the Order. As part of the Feasibility Study and having agreed an outline brief for the scheme, the local community were consulted on the emerging proposals and supported this type of scheme coming forward in this location.

The Parish Council gratefully acknowledges the financial support of the government's Neighbourhood Planning Support Programme administered by Locality to enable this Order to be prepared.



fig 1: the existing Community Centre building

2 planning policy

2.1 NPPF

Any proposals for the redevelopment of the former Community Centre site will need to have regard to the National Planning Policy Framework.

2.2 The Development Plan

Any proposals for the redevelopment of the former Community Centre site will also need to be in general conformity with the strategic policies of the development plan which primarily comprises the adopted Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan and Tendring District Local Plan 2013-2033 and Beyond Section 2.

The Section 1 Plan contains a proposal for a Tendring/Colchester Borders Garden Community which will eventually provide up to 9,000 homes and falls partly within the Parish but remains separate to the settlement of Elmstead Market.

Policy SPL1 of Section 2 classifies Elmstead Market as a Rural Service Centre and makes no additional housing site allocations in the Parish. Other policies that may be relevant include:

Policy SPL3 Sustainable Design:

Setting out general design criteria for new development.

Policy HP2 Community Facilities:

Protecting against the loss of community facilities unless a replacement facility in the vicinity has been provided and will not lead to a shortfall. Policy ELM4 of the emerging Neighbourhood Plan supports this type of scheme coming forward in accordance with Policy HP2 through the requirement for development to be conditional upon the new Elmstead Community Centre, which will be a replacement facility, first becoming operational.

Policy HP3 Green Infrastructure:

Protecting and enhancing Green Infrastructure Assets.

Policy LP2 and LP5 Housing Choice and Affordable Housing:

Requiring a mix of dwelling types, sizes and tenure.

Policy LP4 Housing Layout:

Securing appropriate layouts and protecting amenity.

2.3 guidance

Tendring District Council also has a number of guidance documents to guide new development and are material planning considerations when considering development proposals in the district.

These include Parking Standards Design Good Practice Guide (2009), the Urban Place Supplement (2007) and the Essex Design Guide (2005). The design statement in Section 4.0 considers these planning matters and provides a starting point for developing a detailed design.

2 planning policy

2.4 The Neighbourhood Plan

This Order has been developed alongside the Neighbourhood Plan and uses the Neighbourhood Plan's evidence base. Relevant Neighbourhood Plan Policies are listed below:

ELM5 Affordable Housing: Requiring the provision and mix of affordable homes on developments of 6 or more (net) homes outside the Tendring/Colchester Borders Garden Community.

ELM6 First Homes: Requiring First Homes, outside of the Tendring/Colchester Borders Garden Community, to be secured with a minimum 40% discount from full open market value.

ELM7 Housing Mix: Requiring all new residential development to seek to include in their housing mix a majority of 1-bedroom and 2-bedroom dwellings.

ELM8 Zero Carbon Buildings: Requiring all development to be 'zero-carbon-ready' and designed to minimise the amount of energy needed to heat and cool buildings.

ELM9 Design Codes: Setting out design guidelines and codes for the different character typologies in the Parish.

ELM11 The Village Core: Requiring development within the Village Core to contribute to its attractiveness, uses, connectivity and activity.

ELM12 Movement and Connectivity: Requiring development to enhance the functionality of the Active Travel Network.

ELM15 Green Ring: Requiring development within the broad location of the Green Ring to align their public open space requirements with its objectives.

3 the Order

3.1 description of development

OS site location plan

The Neighbourhood Development Order proposes the demolition of the former Elmstead Community Centre on land located on the eastern side of School Road, Elmstead Market, Colchester CO7 7ET and the construction of an affordable housing scheme.

The proposals are for; provision of a mix of 1- and 2-bedroom affordable apartments, up to nine in total, with an internal floor area of up to 650 m² in total; access off School Lane to serve the dwellings and a shared parking area; maintaining access to the recreation ground; provision of car parking spaces to serve the development.

3.2 Order conditions

3.2.1 provision of community facilities

No development shall take place until the new Elmstead Community Centre has been completed and is operational.

Reason: in order that the redevelopment of the former Elmstead Community Centre will not lead to a shortfall in the provision of community facilities in line with the requirements of Policy HP2 Community Facilities.

3.2.2 time limit

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3.2.3 reserved matters

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

No development shall be commenced until plans and particulars of the reserved matters referred to in the above conditions relating to the Appearance, Landscaping, Layout and Scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

3 the Order

3.2.4 construction management

No development shall take place until a Construction Method and Management Statement have been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- traffic management within the site confines and delivery times and routes in and out of the site
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction

- a scheme for recycling / disposing of waste resulting from demolition and construction works
- a restriction on any burning of materials on site

Reason: to safeguard the safety and amenity of local residents.

3.2.5 scheme for foul and surface water drainage

No development hereby permitted shall take place until details of foul and surface water sewerage disposal have been submitted to and agreed in writing by the Local Planning Authority. No buildings hereby permitted shall be occupied until foul and surface water sewerage disposal works have been implemented in accordance with the agreed details.

Reason: To ensure consideration is given to sustainable drainage in accordance with national and local policy and in the interests of achieving sustainable development.

3.2.6 landscape

That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be

submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme.

In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

Reason: To ensure the safeguarding of the character and landscape of the area during and post development.

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority before occupation of the development or any phase of the development, whichever is the sooner,

3 the Order

for its permitted use. The landscape management plan shall be carried out as approved.

Reason: To safeguard the character and landscape of the area.

No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012:

Reason: To ensure the safeguard of features that contribute to the character and landscape of the area.

Before the commencement of any site works or operations, an Arboricultural Method Statement to ensure the satisfactory protection of trees to be retained during the construction period will be provided and submitted for approval by the Local Planning Authority in accordance with Condition No. 3.2.3.

Reason: To ensure the continuity of amenity afforded by existing trees.

3.2.7 ecology

No development hereby permitted shall take place until ecological surveys have been carried out in accordance with

Natural England Technical Information Notes to confirm the presence or absence of ecologically important fauna on the site and until a scheme for the protection and enhancement of the ecology of the site has been submitted to and approved in writing by the Local Planning Authority and the scheme shall include mitigation measures such as may be required and shall be carried out as approved.

Reason: To protect and enhance the ecological value of the site in line with National Planning Policy.

3.2.8 highways and access

Development shall not be commenced until details of the access for vehicles, cyclists and pedestrians have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until those works have been constructed in accordance with the approved details.

Reason: To satisfactory standards of access into and within the proposed development in accordance with National and Local Plan Policies.

3.2.9 car and cycle parking

No part of the development shall be first occupied until car and cycle parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: to ensure timely provision of car and cycle parking space serving the development, and thus the amenity of local residents.

3.2.10 layout, scale, design and external appearance

Details of the layout, scale, design and external appearance of the buildings hereby permitted including details of the materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority before the development begins and the development shall be carried out as approved.

Reason: to ensure sustainable development and having regard to national policy and the local plan.

3 the Order

3.2.9 EV charging

Prior to the occupation and beneficial use of the development hereby approved, a scheme for the provision of electric vehicle charging facilities shall have first been submitted to and approved in writing by the Local Planning Authority. The charging facilities shall be installed in accordance with the approved details and retained in working order.

Reason - In order to promote sustainable transport.

3.2.10 20% renewables

No phase of the development identified within the Phasing plan shall be occupied until a scheme detailing how a minimum of 20% of the energy needs generated by the development can be achieved through renewable energy sources shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the anticipated energy needs of the scheme, the specific renewable technologies to be incorporated, details of noise levels emitted (compared to background noise level) and how much of the overall energy needs these will meet and plans indicating the location of any external installations within the development.

The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason - To enhance the sustainability of the development through better use of energy and materials.

3.3 Order informatives

3.3.1 Highways Act

Prior to commencement on site, completion of a S278 Agreement with Essex County Council as the Highways Authority will be required under the 1980 Highways Act – Works within the Highway, to cover any off-site highways works required by the development.

3.3.2 highways

The developer will need to carry out detailed design works liaising with Essex County Council Highways Department to meet Conditions 3.2.9 & 3.1.10.

3.3.3 stage one safety audit

A Stage One Road Safety Audit and Designers Response, in accordance with the ECC Audit Policy, will need to be provided prior to any development commencing.

4 design statement

4.1 introduction

This section of the Order describes the project proposals and the design process that led to these proposals. It follows the format of a design and access statement that would normally accompany a planning application, considering first the context of the site and then carrying out an analysis of both the context and the site itself to establish the constraints as a basis for a design response.

From this analysis, a design concept was developed that responds to the constraints and opportunities and makes provision for the project as set out in the brief in section 4.2.

The design concept includes parameters for the site that will control the massing, scale and form of the building, and the relationship to its surrounds. The design process as set out in section 4.4 involved the consideration of the technical issues and feedback from consultation with the local community and other parties. Section 4.5 sets out the resultant design proposals for the Order, including illustrative plans, elevations and reference images to describe the scale and character of the proposals and their relationship to the setting.

Further work will be carried out to develop detailed design proposals after the Order is made to demonstrate technical compliance with statutory standards, discharge the Conditions in section 3.2, and prepare the proposals for construction.

4.2 the brief

Meetings were held with the Neighbourhood Plan steering group who had received delegated authority from Elmstead Parish Council to progress this Order, develop a brief, review design issues and agree the project proposals set out in this section.

The ambition underlying the brief was for a small scale affordable residential scheme to serve the local needs identified through the Housing Needs Assessment December 2021, carried out by Aecom. The Housing Needs Assessment considered current dwelling stock, affordability and the affordable housing needs within the Parish coming to the conclusions that:

- The 2033 target mix has a higher proportion of 1- and 2-bedroom dwellings than the 2011 mix, with the balance of new housing heavily weighted towards smaller dwellings.

- The current estimated backlog for affordable rented housing is 8 households with a need for an additional 4.9 over the plan period.

4.3 community opinion

It is also important to take into consideration the needs and wants identified by the community. The outcome of the community consultation aligns to an extent with the suggested dwelling mix, with the community identifying the need for 1-bedroom and 2-bedroom homes as 'very important'.

Based on these findings, the brief for the scheme was to optimise the use of the site for a mix of 1- and 2-bedroom dwellings.

4 design statement

4.4 the design process

4.4.1 the setting

The site is on the eastern side of School Road on the southern side of the village next to the village core with its shops and community facilities centred around the Colchester Road/School Road crossroads (**fig. 3**).

Vehicle and pedestrian access to the site is off School Road with a pedestrian/cycle route running past the site through the recreation ground to connect into Clacton Road..

The site has good pedestrian and cycle connectivity to the local amenities. Elmstead primary school is approximately 500m to the north. The bus stops on Colchester Road which are within 100m of the site connect Elmstead Market village to the town centres of Colchester and Clacton.

The local character and scale of the village core is predominantly C19th and C20th residential with frontages close to the street edge and a material palette of clay tiles, render and brick (**view 1**).

To the north of the site is a Budgens convenience store (**view 2**) with planning approval (21/02046/FUL) for a single storey rear extension to the existing

supermarket to provide additional retail and storage space.

To the west of the site, the Charity Fields residential development (**view 3**) is currently being built out and includes a new public open space and community centre to replace the existing facilities.

The recreation ground to the east of the site is subject to lease conditions which limit public use weekday evenings and weekends. It is however a public open space.

To the south of the site, the Market Field School (**view 4**) is a larger scale local landmark with coloured panel elevations and an extensive parking area to the School Road frontage. The School, which is a special day school for pupils aged 5-16, has exclusive daytime use of the recreation ground during term time.

To the south of Market Field School the consented School Road development of 62 homes is being built out with a public open space at its eastern end linking into the local footpath network and Clacton Road.

conclusions

The following issues are considerations for the design:

- The site is in an accessible location with good access to the village and its amenities.
- Despite its small size, the site occupies an important location between two key open spaces, the existing recreation ground and the new public open space and community centre on the Charity Fields development.
- The site is located alongside a footpath that forms part of the Green Ring proposed in the neighbourhood plan policy ELM15.
- Proposals will need to take account of the planned extension of the Budgens store.
- Proposals will need to take account of the Market Field School and consider opportunities for improving access to the existing and new open spaces and amenities.
- Proposals will need to take account of the local scale and character.

4 design statement



fig 2: site location aerial

4 design statement



fig 3: the wider context

4 design statement



view 1: Village Core



View 2: Budgens store



view 3: Charity Field's development



view 4: Market Field School

4 design statement

4.4.2 the site

Layout: The site is flat and rectangular on an east west axis with a southerly aspect. It measures approximately 28m x 26m with an area of 0.075hectares (**fig. 4**). The former Community Centre building is a single storey brick structure (**view 5**) on the northern part of the site with a footprint of around 350m².

The title boundary cuts diagonally across a shared parking area and extends along School Road up to Market Field School, projecting out onto the School Road pavement in front of the entrance. (**view 6**).

Historic mapping shows the building was previously a Primary School with a playing field to the south, which is now the Market Field School, and allotment gardens to the east of the playing field which are now the recreation ground.

Pedestrian and vehicles access is off School Road with a shared vehicle access (**view 7**) and parking area wrapping around the southern and eastern sides of the building.

boundary conditions: The western boundary has a frontage onto School Road (**view 8**) with a dropped kerb for vehicle access to the shared parking area and recreation ground. The main entrance to the building is via a set back lobby on School Road with railings along the kerb line (**view 5**).

The northern boundary to the Budgens store is defined by a low railing and wall adjoining an open space behind the rear of the store (**view 9**).

The eastern boundary is a fence line with vegetation to the Budgens car park to the rear of the store and the gated access to the recreation ground with the school building being a dominant feature (**view 10**).

The southern boundary within the parking area has no defining features and looks onto the boundary to the Market Field School which is defined by a railing with low bushes(**view 11**).

There are two pass gates into the recreation ground from the parking area, one for pedestrians and the other for maintenance access (**view 12**).

transport and access: A Transport Statement September 2022 (appendix A) prepared by TPC for the draft NDO scheme concluded that:

- The site is well located in terms of its accessibility to the major highway network, local amenities, and public transport services by bus.
- The car parking provision considers the local parking standards and likely car ownership of the affordable housing provision, and the site layout will provide an acceptable means of access with the preferred pedestrian visibility splays and driver visibility splays conforming to the required standards and guidance.
- Refuse collection and servicing can be achieved from School Road where an appropriately sized and designed bin store will be provided at the site frontage which will not require large vehicles to enter the site car park/access. There are no loading restrictions in place in this section of School Road.
- The traffic and parking impact on the local highway network will be negligible. Accordingly, we believe there are no sustainable reasons for refusal of this proposal on highway or traffic grounds.

4 design statement

flood & drainage: The site is within Flood Zone 1 making it acceptable for residential development and there are no known surface water issues. Provision will need to be made for on-site surface water management and a SUDS strategy will be provided as part of the Order.

ecology: A Preliminary Ecological Assessment prepared by ACJ Ecology that included a site visit and extended Phase 1 Habitat Survey was carried out in September 2022 and concluded that:

Habitats: Natural England has not designated the area as a site of importance for nature conservation at the national, regional or county level. This is because the site and the on-site habitats are widespread throughout the UK. The habitats are of limited ecological value and only site value.

Protected species: The habitats for protected species were evaluated for their likelihood of providing shelter, roosting, foraging, basking and nesting. The likelihood of protected species is negligible, and no additional surveys are needed.

The removal of suitable habitat must be undertaken outside the bird breeding season. If work during the breeding

season is unavoidable, an inspection will need to be carried out by a suitably experienced ecologist immediately before the start of site clearance to identify whether nests are present. If active nests are found, an exclusion zone will have to be around the nest(s), and work must not continue until the young have fledged.

Biodiversity enhancement should include the native species mix to improve the diversity and adapt to climate change.

arboriculture: Proposals will be submitted for protecting the existing tree on site in accordance with a scheme which complies with BS 5837:2012 prior to development (including site works and demolition) in accordance with condition 3.2.6.

geotechnical: The site is previously developed brownfield land, and its historic use, topography and previous adjacent uses suggest there are no issues with contamination or development abnormalities relating to ground conditions.

utilities: The site currently has utility connections to serve the development.

archaeology: Refer to the Archaeology Statement in Section 5.

heritage: Refer to the Heritage Statement in Section 6

conclusions: The site analysis identified no environmental constraints that would prevent it being redeveloped as proposed in the following sections.

4 design statement

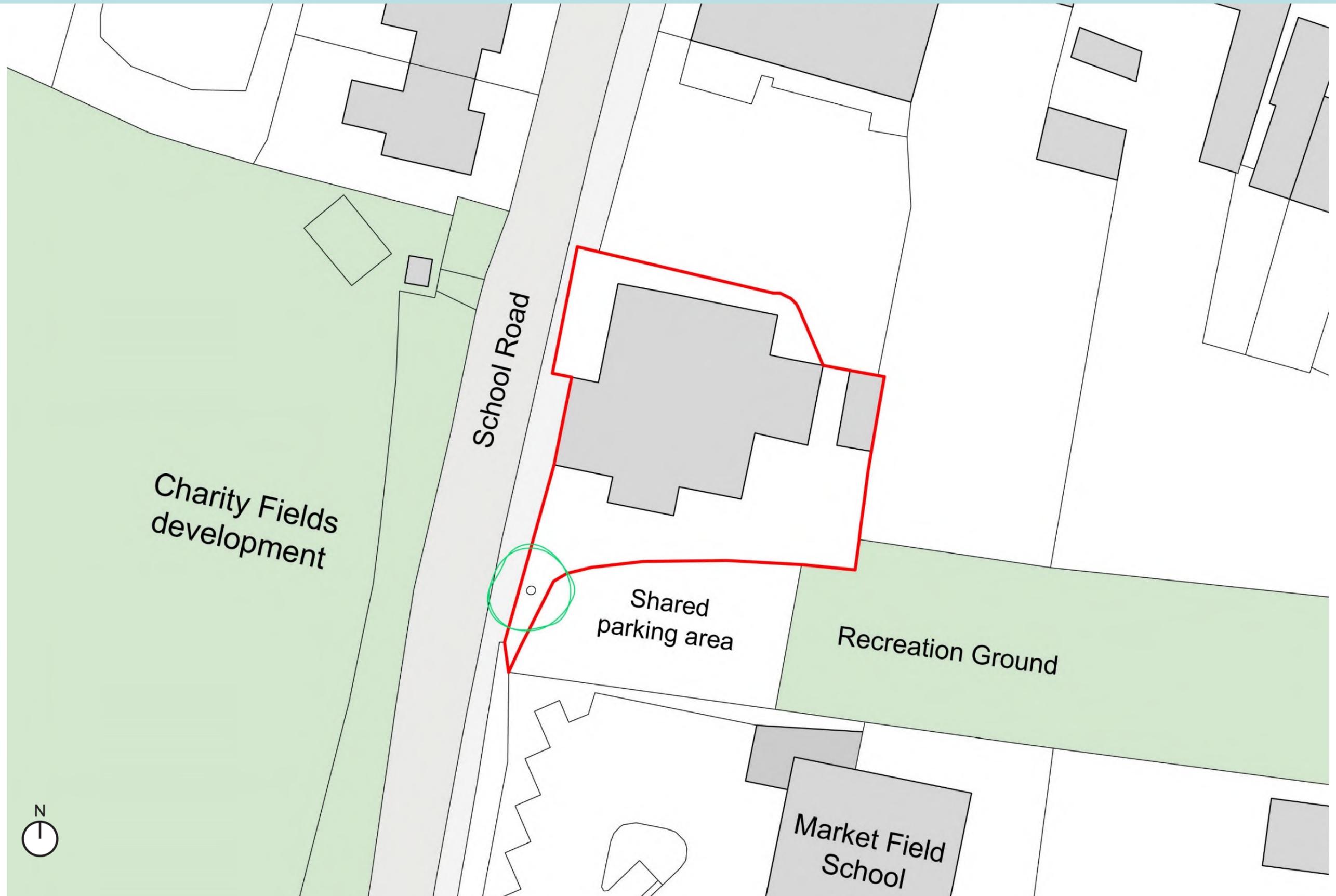


fig 4: the site

4 design statement



view 5: the existing building



view 6: railings and pass gate along title boundary



view 7: shared vehicle access and parking area



view 8: western boundary and existing tree

4 design statement



view 9: northern boundary



view 10: eastern boundary and Market Field School



view 11: southern boundary



view 12: recreation ground and pass gates

4 design statement

4.4.3 design principles

The retention and conversion of the former Community Centre have been considered but its layout would limit the number of dwellings that could be accommodated making inefficient use of the site.

Upgrading the fabric to meet current residential standards would also be difficult and introduce abnormal costs, reducing the viability of the scheme.

It has therefore been assumed as a starting point for the project that the existing building will be demolished, and a new building constructed which is more energy efficient and allows the site to be planned for a greater number of homes. Where practical, materials from the demolitions will be salvaged and reused.

The following design principles (**fig. 5**) for the redevelopment of the site take account of the analysis of the site and its wider context and provide a set of parameters for the detailed design proposals.

KEY

1. The building will be located on northern part of the site and oriented to allow for passive design.
2. The layout will take account of the extension of the Budgens store.
3. The layout will provide an active frontage to School Lane and a 'gateway' function with active oversight of the entrance to the Recreation Ground.
4. The layout will be planned to accommodate a shared access.
5. Frontage boundary treatment to enhance streetscape and provide privacy.
6. The layout will include a dedicated parking area for the new homes.
7. The layout will be designed to be pedestrian friendly and to maintain access to the Recreation Ground.
8. Existing tree
9. Private amenity space to be provided for the dwellings.
10. Existing boundary landscape to be reinforced where possible to provide enclosure and privacy.
11. Building form and scale to be sympathetic to the local context.
12. Materials and architectural detailing will be sympathetic to the character of the village.
13. A full width footpath to be reinstated along the School Road frontage.

4 design statement



fig 5: design principles

4 design statement

4.5 layout

The information in this section illustrates how the design principles could translate into a scheme for the site within the description of development in section 3.1. It also illustrates the intended character of the scheme and provides guidance for the detailed design.

A range of alternative layouts are possible on the site within the development parameters and two of the options considered are included in appendix A. Detailed proposals will follow the making of the Order as part of the reserved matters application.

We are grateful for the input of CHP, a local Registered Provider, on these proposals and their advice on taking the scheme forward. It is the intention to continue to work with CHP following the making of the Order to deliver the scheme.

The illustrative layout (**fig. 6**) has the flexibility to provide a mix of dwelling types. The plan shows 1 x 1 bed 2 person dwelling plus 2 x 2 bed 4 person dwellings per floor. The final mix will be determined through detailed discussions with the Registered Provider, local needs, costs and technical constraints.

A common parts lobby with a stair between the two wings provides access to the upper floor dwellings and a shared open space. The lobby will provide for post/deliveries and pushchairs etc. A lift for a scheme of this scale would be uneconomic and a high ongoing service liability.

Upper floor dwellings will have balconies as part of the private open space provision and to reinforce presence/oversight of the street and Recreation Ground entrance.

A landscaped perimeter will be used to create a green buffer to the ground floor dwellings and reinforce the boundary to the Budgens store and car park.

Tendring's Parking Standards are for 1 space for a 1 bed dwelling and 2 spaces for 2 beds and above. These standards along with layout and parking capacity will determine the eventual number and mix of dwellings.

Secure cycle storage will be provided for each dwelling to encourage active travel.

An appropriately-sized bin store will be provided so that refuse collection can be from School Road.

KEY

1. Entrance
2. Access lobby and stair
3. 2 Bed apartment
4. 1 Bed apartment
5. Living spaces with oversight of School Road
6. Living spaces with oversight of entrance to Recreation Ground
7. Communal garden
8. Building set back with landscape boundary to School Road
9. Building set back with landscape boundary to Recreation Ground entrance
10. Landscape boundary to School Road with integrated bin store
11. Resident parking
12. Vehicle access
13. Existing tree

4 design statement



fig 6: illustrative layout

4 design statement

4.6 Massing

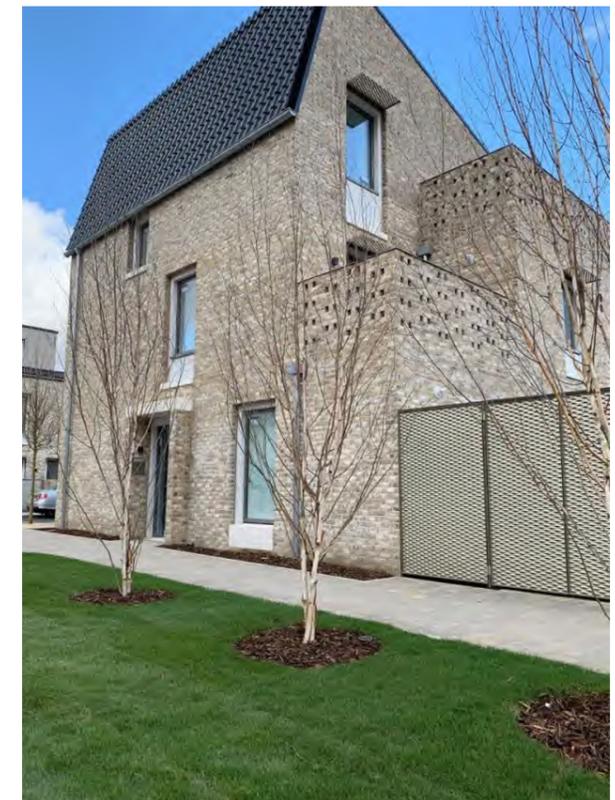
The images on this page are examples of two and a half storey apartment buildings with habitable roof spaces.

The sketch elevation to School Road on the following page (**fig. 7**) is based on the illustrative plan and shows a building with two wings of two and a half storeys which would be the maximum height of the development needed to deliver the maximum of nine dwellings.

The roof pitch fits in with the local character and provides a habitable roof space. This can create a cost-efficient building envelope that is thermally efficient.

South facing roof pitches suitable for solar thermal and PV can be created using the site's orientation. This will maximise the potential for renewable energy and reduce resident's fuel costs..

The lobby between the wings could be designed as a semi enclosed covered space rather than a fully enclosed insulated space to reduce communal heating costs and create a stronger relationship to the shared garden space.



4 design statement



fig 7: sketch elevation to School Road

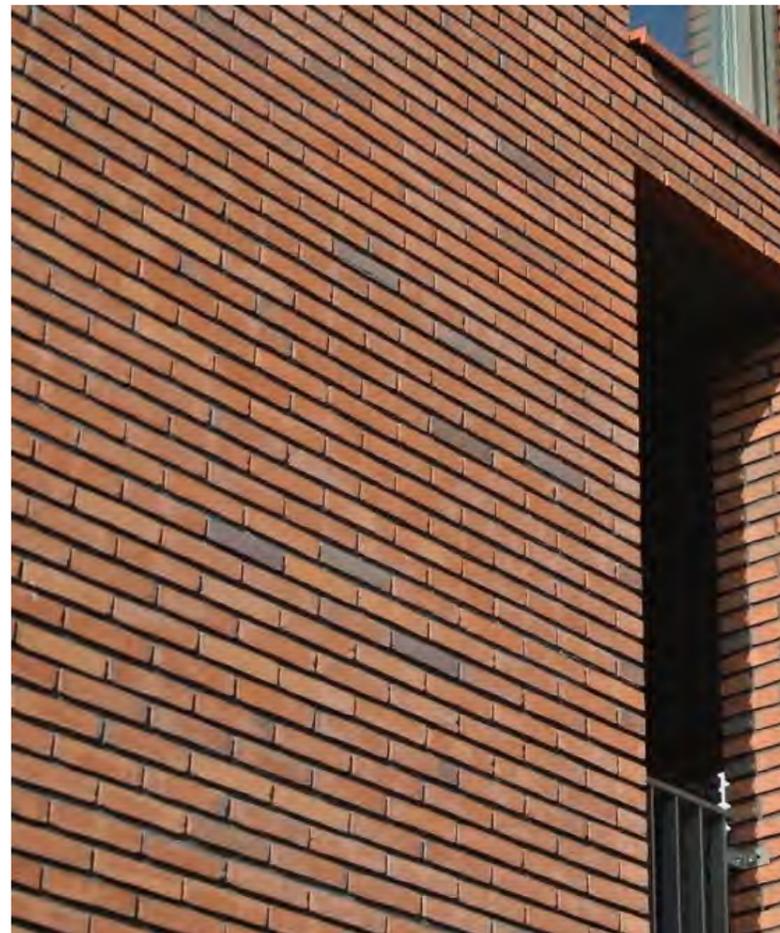
4 design statement

4.7 External Appearance

The local material palette, architectural style and detailing are varied with the use of brick, render, slate and tile, although there is common use of pitched roofs, red clay tile and brick, and painted render which gives an underlying character to the settlement.

Materials will be selected to fit in with this local character and palette, and to meet established environmental standards such as the BRE Green Guide to Specification.

MMC (Modern Methods of Construction) including the use of panelised/ off site prefabricated systems will be considered as part of the early stages of the detailed design.



4 design statement

4.8 landscape

Although the landscape elements of the scheme are relatively modest, they will play an important role in the scheme. There are two key landscape elements:

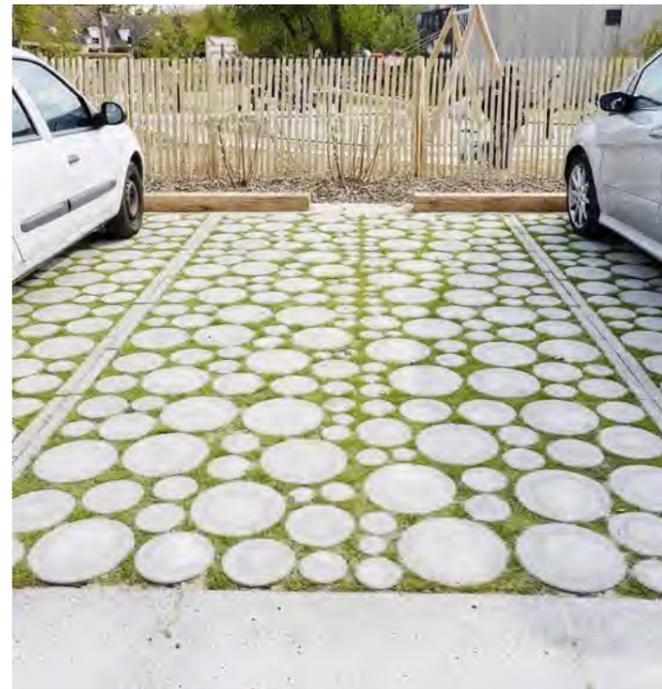
the perimeter

The perimeter landscape elements will define the public/private threshold to the development and will be particularly important to the privacy and amenity of the ground floor dwellings. The illustrative plan includes a 2.0m offset to the School Road and parking frontages for boundary screen planting. Materials will be used to help define and differentiate the residents' allocated parking spaces.

a shared garden

It is the ambition to include a small share garden space to create a sense of community. These spaces benefit from shared use and management by the residents and should be adaptable to suit changing needs.

The sketch on the following page illustrates how the building might interact with the entrance to the recreation ground and the use of a landscape perimeter treatment to create a green edge and buffer to the parking area.



4 design statement



fig 8: sketch view at Recreation Ground entrance

4 design statement



existing street scene

The proposed street scene above illustrates the building in its local context. The western side of School Road has a domestic scale with four detached houses opposite Budgens. The Budgens building, a former pub has a more imposing scale that holds the corner.

The existing community building sits in a gap between the Budgens store and the Market Field School the new Recreation Ground and Community Centre on the Charity Field's development. A building of an appropriate scale is needed in response to this setting.

Market Field's has an 80m frontage onto School Road. Its impact is reduced by being set back 25m from the street.

Conclusion: Although there is no consistent pattern or character to School Road, development will need to be sensitive to the residential scale.

fig 9: School Road street scene study

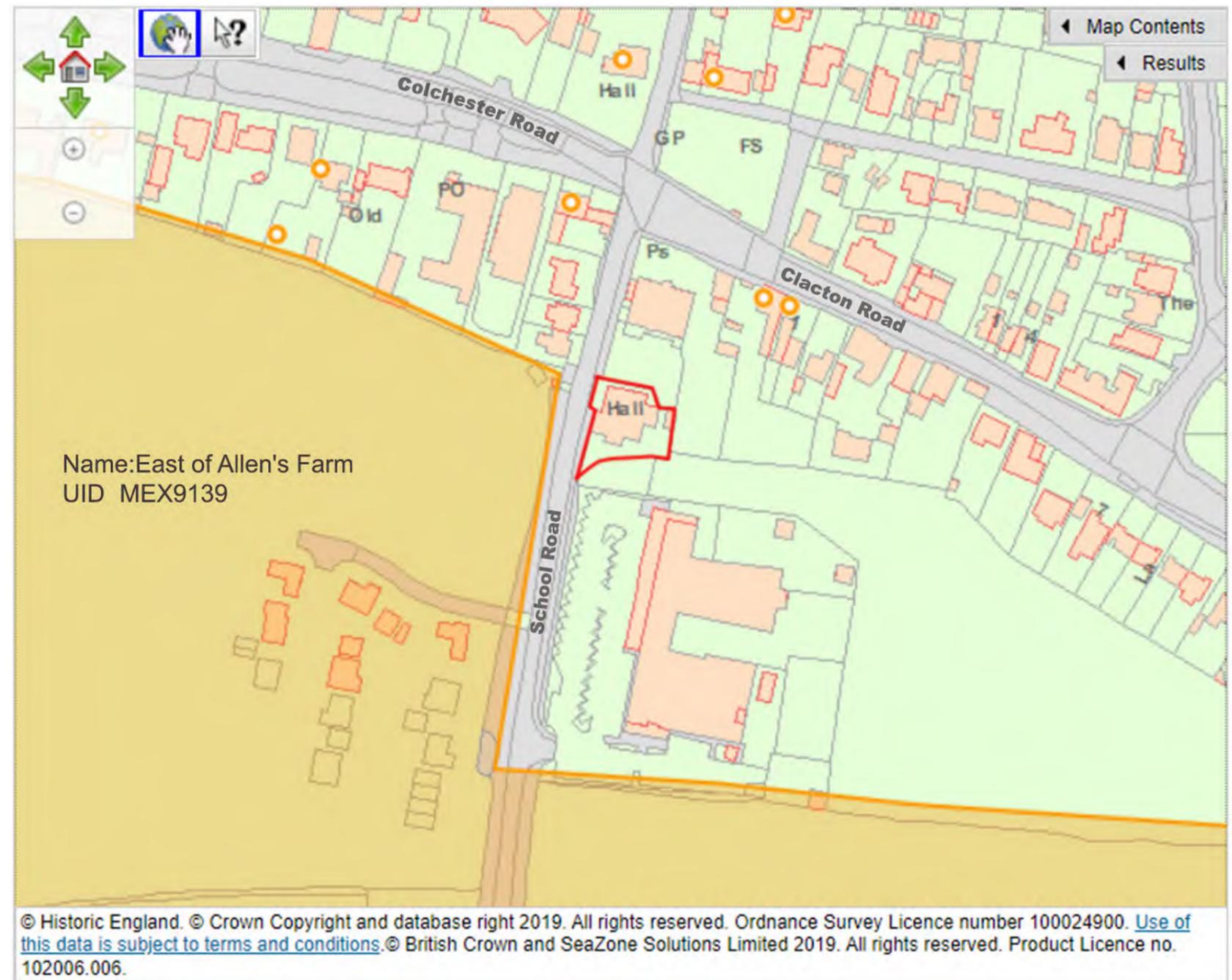
5 archaeology statement

The Essex Historic Environment Record (HER) has been reviewed and the map shows the location of findings, structures and artefacts in addition to the Listed buildings within proximity of the site.

There have been no findings recorded on the site which has been in use since the mid 19th century, first as a school and then as a village hall.

Undetermined and undated features including linear features, pits, field boundaries and enclosures have been identified to the west of School Road and to the south of the Market Field School in the orange shaded area on land referred to as East of Allen's Farm.

To the north of the site, there are a number of Listed Buildings which are addressed in the Heritage Statement in section 6.



Legend

- | | |
|---|---|
| ▲ Listed Building (NHLE) | ■ Scheduled Monument (centre point) |
| ■ EH PastScape | ■ Registered Park/Garden (centre point) |
| ○ Local HER record points | ■ Registered Battlefield (centre point) |
| ▭ Local HER record polygons | ■ Protected Wreck Site (centre point) |
| ● National Trust HBSMR | ■ World Heritage Site |
| ■ Building Preservation Notice | ■ Certificate of Immunity |
| ◆ Designation Decision Records De-listed | ★ Designation Decision Records Non-designated |
| ● Parks and Gardens (Non Statutory Data) | ■ Expired Certificate Of Immunity |
| ✚ Church Heritage Record (Non Statutory Data) | ✚ NMR Excavation Index |

fig 10: extract from the Essex Historic Environment Record

6 heritage statement

There are no Conservation Areas in Elmstead village, and the development of the site will therefore have an impact on a Conservation Area.

There are ten Grade II listed buildings in Elmstead Market with two to the north of the site as shown on the extract from the Historic England records:

1. The Old House 80m to the north-east of the site is Grade: II Listed (Entry Number: 1111471) and fronts onto Clacton Road.
2. Chase House 90m north of the site is Grade: II Listed (Entry Number: 1146729) and fronts onto Colchester Road.

The development of the site will not affect the setting of either of these Listed Buildings.

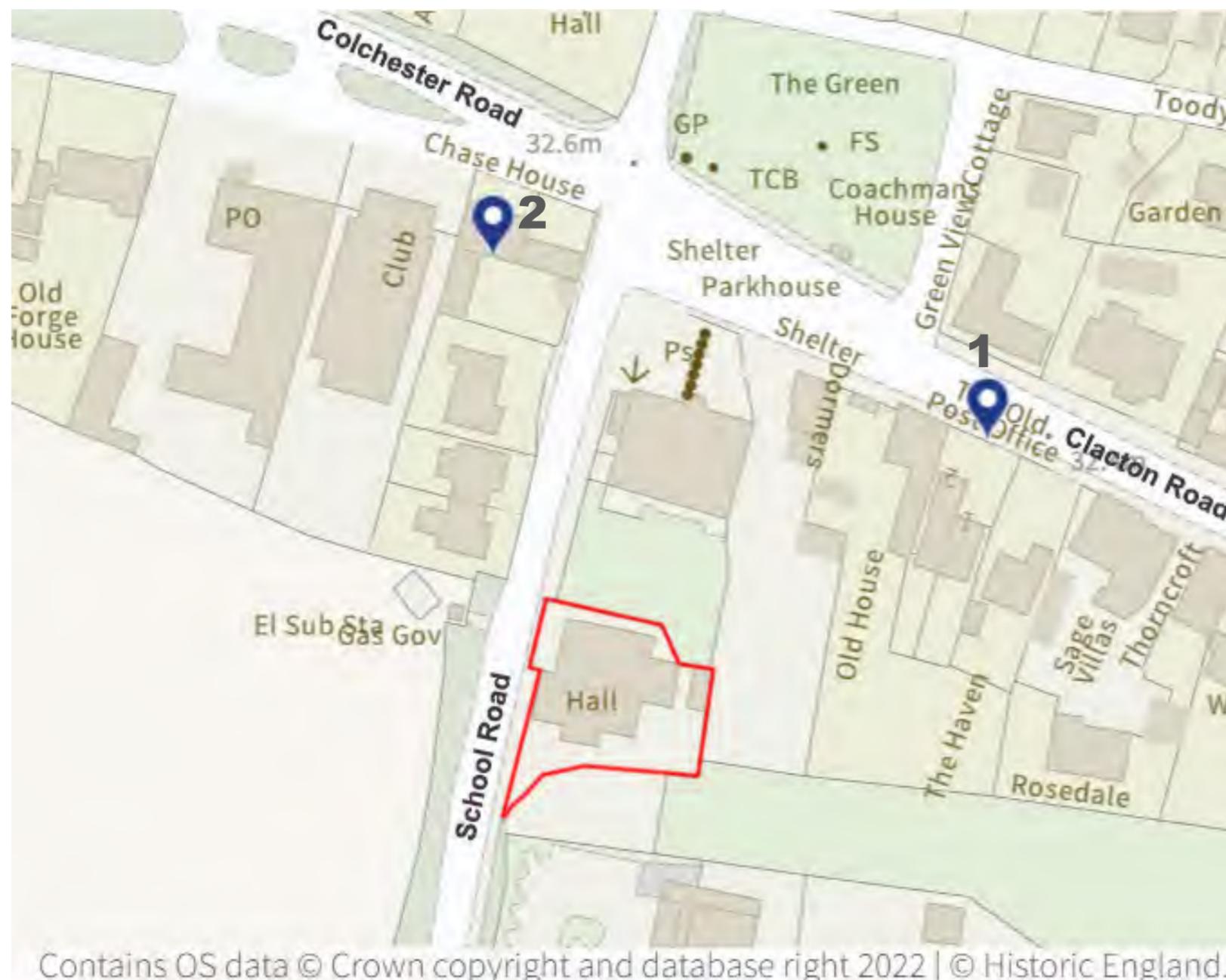


fig 11: extract from Historic England Records

7 consultation statement

The Parish Council consulted the local community in March 2021 through a 'Village Survey' circulated to every household in the Parish, designed to test the support and need for affordable housing in the Parish.

The survey achieved a good response rate and confirmed a local need for smaller affordable dwellings, identifying the need for 1-bedroom and 2-bedroom homes as 'very important' and supported the use of the former Elmstead Community Centre for an affordable housing scheme to meet this need.

A further community consultation was carried out November/December 2021 to test views on draft policy ideas for the Neighbourhood Plan before it went to Reg 14 consultation. This included *Draft Policy Idea 2* a policy proposal to allocate the former Elmstead Community Centre for redevelopment to provide a small affordable housing scheme. This policy forms the basis of the Order.

- The EHNA (December 2021) carried out for the Neighbourhood Plan confirmed the lack of Affordable Housing, both for rent and for sale, in the Parish recommending

a target mix for housing with a higher proportion of 1-bedroom and 2-bedroom dwellings.

Based on these findings a Feasibility Study (January 2022) was carried out to assess the feasibility of the site for an Affordable Housing Scheme. As part of this study adjacent landowners including Budgens and the Market Field School were consulted.

The Feasibility Study was approved by Locality and funding granted for preparing and submitting the Order.

A meeting was held with Tendring District Council to review the draft Order and recommendations for amendments were made which were incorporated before the Parish Council consulted formally with the community and statutory consultees through The Neighbourhood Development Order (NDO) Pre-Submission Consultation (Regulation 21) which took place from Monday 1st August 2022 and ran for 8 weeks to 25th September 2022, with the Order and the wider evidence base available electronically via the Parish website and in hard copy from the Elmstead Community Centre. A list of statutory consultees is published in the evidence base.

The consultation did not generated many comments and so the Parish Council prompted those contacted to consider submitting a response. No additional responses were received. See also the Elmstead Neighbourhood Plan Consultation Statement March 2023.

Following the Regulation 21 Consultation, recommendations for amendments to the Pre-Submission Order were approved by the Steering Group following a meeting with TDC to clarify its response, and the following modifications and additions were made to finalise the submission Neighbourhood Development Order:

- parking layout on illustrative plan updated to Essex County Council parking widths;
- street scene along School Road added;
- Archaeology Statement confirming the development will not have impacts on known archaeological assets added;
- Heritage Statement confirming the development will not have impacts on existing heritage assets added;
- Consultation Statement and Basic Conditions Statement added ;
- alternative layout studies added to demonstrate flexibility.

8 basic conditions statement

8.1 introduction

In accordance with Section 61E of the Town and Country Planning Act 1990 (as amended), Elmstead Parish Council – a Qualifying Body – has prepared this NDO for a development scheme on land that lies within the Elmstead Neighbourhood Plan Area (see Figure 12.) The area was designated by Tendring District Council on 30 November 2020 primarily for the purpose of making the Elmstead Neighbourhood Plan.

This section addresses each of the basic conditions required of the Regulations and explains how the submitted NDO meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Town and Country Planning Act (as amended). Those requirements state that an NDO will be considered to have met the basic conditions if:

(a)having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,

(b)having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,

(c)having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,

(d)the making of the order contributes to the achievement of sustainable development,

(e)the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),

(f) the making of the order does not breach, and is otherwise compatible with retained EU obligations, and

(g)prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

This NDO does not directly affect a Listed Building or its setting and there are no Conservation Areas in the village settlement (see section 6). Basic condition (b) and (c) is therefore considered no further.

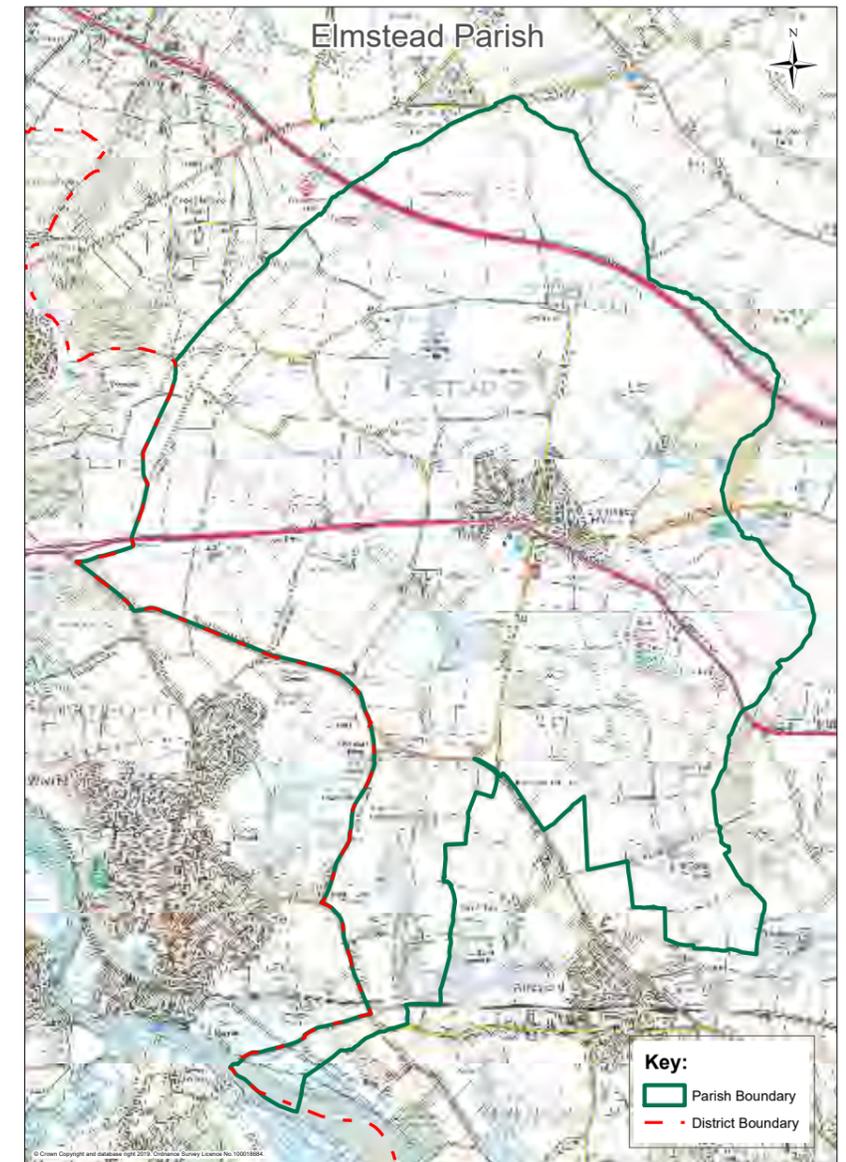


fig 12: Elmstead designated neighbourhood area boundary

In addition, Section 61J of the Town and Country Planning Act 1990 (as amended) requires that the NDO does not comprise 'excluded development'; does not grant planning permission for development that already has planning permission; and does not relate to more than one neighbourhood area. It is confirmed that the NDO complies with these requirements.

8 basic conditions statement

(a) having regard to national policy

The NDO has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) and is mindful of the Planning Practice Guidance (PPG) in respect of preparing NDOs.

The Parish Council has engaged extensively with the community over the future of this small site and has worked closely with the local planning authority to prepare the Submission version of the NDO in accordance with §52 of the NPPF. The site is currently being used as a Community Centre, however the use of the site as a Community Centre will cease as soon as a new Community Centre, being provided on land opposite the existing site, becomes operational. The ability of the local community to meet its day-to-day needs will therefore not be reduced in line with the provisions of §93 of the NPPF. Rather, the use of this surplus community use site has provided the local community with the opportunity to provide much needed smaller affordable homes to meet a local need, in line with the provisions of §62 and §78 of the NPPF.

Although the site is not a Rural Exception Site this local need for smaller and affordable homes, has been evidenced by the Elmstead Housing Needs Assessment. The Parish Council, as owners of the site, is currently negotiating for a detailed scheme to be developed with a delivery partner to meet the terms of the NDO, and therefore there remains some flexibility to determine the right blend of housing tenures to be achieved. The Feasibility Study undertaken demonstrated that there are no technical or other constraints that would prevent redevelopment of the site for a residential use and the Parish and District Council are in the process of agreeing a Draft Heads of Terms for appropriate contributions expected from development in line with §58 of the NPPF.

The site lies within an existing settlement boundary where development is encouraged by strategic policies. Future occupiers are likely to be able to meet their day to day needs through walking, as the site is located in the village centre where the majority of facilities and services are located, as well as access to the wider public transport network in accordance with §105 and §119 of the

NPPF. The site does not fall within a designated or valued landscape that engages the protection and enhancement provisions of §176 of the NPPF. However, the NDO makes provision for construction management, measures to be taken in the detailing of the landscape scheme and a scheme for foul and surface water drainage, and to protect and enhance ecological value as per the provisions of §174 of the NPPF. The NDO also makes provisions for renewable and low carbon energy infrastructure as per the NDO conditions in line with the provisions of §152 of the NPPF. The NDO also acknowledges that good design is a key aspect of sustainable development and the design statement included within the NDO provides an understanding of the evolution of the design of the scheme which has yet to be agreed as per the NDO conditions and in line with the provisions of §126 of the NPPF.

It is therefore considered that the NDO has regard to national policy, as a result the NDO meets basic condition (a).

8 basic conditions statement

(d) contributing to sustainable development

As set out in §8 and §9 of the NPPF achieving sustainable development means pursuing the three overarching objectives, economic, social and environmental objectives, in mutually supportive ways. The objectives are not criteria against which every decision should be judged but in applying the provisions of the NPPF the objectives are expected to be delivered. The provision of new smaller and affordable homes to meet a local need will lead to a positive social effect. The location of the scheme, and mitigation measures in the form of NDO conditions, will mean negative environmental effects are avoided. The economic effect of the NDO is likely to be neutral.

In demonstrating full regard to the NPPF above, it is therefore considered that the NDO contributes to the achievement of sustainable development and meets basic condition (d).

(e) general conformity with strategic policies

The NDO has been prepared to ensure general conformity with the relevant

strategic policies of the development for the District, which primarily comprises the adopted Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan and Tendring District Local Plan 2013-2033 and Beyond Section 2. There are minerals and waste local plans that apply but no policies are considered relevant in the production of the NDO.

The Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan was adopted in January 2021. Policy SP2 requires contributions from development towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS). The Parish and District Council are in the process of agreeing a Draft Heads of Terms for appropriate contributions expected from development. Policy SP3 directs new development to existing settlements in accordance with a hierarchy established by Section 2 of the relevant authority's Local Plan.

The Tendring District Local Plan 2013-2033 and Beyond Section 2 was adopted 25 January 2022. Policy SPL1 classifies Elmstead Market as a Rural Service

Centre in the settlement hierarchy and Policy SPL2 establishes a settlement boundary for Elmstead Market as a planning policy tool to direct development. The site proposed for development in the NDO falls within the settlement boundary where there is a general presumption in favour of new development. Policy HP2 seeks to avoid the loss of existing community facilities unless a replacement facility has been provided to meet the need of the local population. There is a need to relocate this type of facility to address the weaknesses of the current location and buildings. The new community building will meet the needs of the local population and losing the existing community use on the NDO site will not lead to a shortfall in provision in line with adopted Policy H2. The provision of smaller and more affordable homes proposed in the NDO will deliver a mix of dwellings to meet local needs in accordance with the overarching vision for the District and Policy LP2 on Housing Choice and Policy LP5 on Affordable Housing. A detailed scheme is yet to be agreed; however the design statement has been informed by the provisions of relevant Local Plan policies.

8 basic conditions statement

It is therefore considered that the NDO is in general conformity with the strategic policies of the adopted development plan, as a result the NDO meets basic condition (e).

(f) compatibility with retained EU obligations

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 apply the amended EU Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive) to the planning system in England (Planning Practice Guidance Paragraph: 001 Reference ID: 4-001-20170728). The proposed development of the NDO is not considered to be Schedule 1 or Schedule 2 development and does not fall within a sensitive area and therefore does not fall within the remit of the Regulations 2017. The Elmstead Neighbourhood Plan, which establishes the principle for residential use on the site of the NDO to deliver an affordable housing scheme to meet local needs, has been subject to a Strategic Environmental Assessment screening process which determined that there no

likely significant environmental effects are anticipated.

That opinion also considered that it would not be necessary to assess the effects of residential development on the NDO site on European nature sites as part of the Conservation of Habitat & Species Regulations 2017 (as amended) which implement EU Directive 92/43/ECC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). The report states:

“this HRA screening report indicates that the Elmstead Neighbourhood Plan is not predicted to have likely significant effects on any Habitats site, either alone or in combination with other plans and projects. The requirement for the Plan to undertake further assessment under the Conservation of Habitats and Regulations 2017 (as amended) is therefore screened out.”

The NDO does not include development in relation to the management of waste. On that basis, the Waste Framework Directive (2008/98/EC) is not considered to be relevant. The proposed NDO

development is also not considered to breach the requirements of the Air Quality Directive (2008/50/EC) as it comprises a small-scale development that does not negate from the framework for measurement and improvement of air quality set in the Directive.

Finally, the Parish Council has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in process of preparing the NDO and considers that it complies with the Human Rights Act. The NDO, alongside the Neighbourhood Plan, has been subject to extensive engagement with those people local to the area who could be affected by its content and their views have been taken into account in finalising the NDO.

It is therefore considered that the NDO is compatible with the relevant retained EU obligations.

(g) prescribed conditions

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribe 2 basic conditions in addition to those set out in the primary legislation.

8 basic conditions statement

Regulation 32 is in relation to the requirements of the Conservation of Habitat & Species Regulations 2017 (as amended). The competent authority, Tendring District Council, in consultation with Natural England has confirmed that residential development on the NDO site is not likely to have a significant effect upon a Habitat site (as considered in (f) above).

Regulation 33 is in relation to an NDO where the development proposed is EIA development. The development proposed in this NDO is not EIA development (as considered in (f) above).

It is therefore considered that the NDO has met the relevant requirements of the prescribed conditions.

appendix a: layout studies



During the development of the NDO a number of options were considered to test capacity and the flexibility to deliver a scheme within the parameters proposed in the description of development. The NDO needs to provide the scope for a scheme to be developed with a delivery partner after the Order is made to meet their local needs requirements, funding criteria and design standards.



These two studies show two different building forms and parking arrangements, both of which comply with the design principles and the description of development providing 6 to 9 dwellings and meeting Tendring's Parking Standards depending on the mix. We are grateful to CHP, a Colchester based housing association with existing stock in the village for their input.

fig 13: option studies

Elmstead Parish Council Neighbourhood Development Order

Submission Order under Regulation 23 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

March 2023 Submission version