



Local Plan Committee

Item
9

18 August 2014

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| Report of | Head of Commercial Services | Author | Simon Cairns ☎ 508650 |
| Title | Magdalen Street/ Brook street Sidings Site Brief | | |
| Wards affected | Castle | | |

The Local Plan Committee is asked to agree the adoption of the draft Brief as guidance to inform future developments on the site.

1. Decision(s) Required

- 1.1 To agree the draft development brief appended to this report for adoption as guidance to extend the area covered by the existing adopted Magdalen Street Brief (February 2014).

2. Reasons for Decision(s)

- 2.1 To ensure that appropriate development of this brownfield site is encouraged to help deliver the regeneration agenda for East Colchester.

3. Alternative Options

- 3.1 The alternative option would be to amend the brief prior to adoption or reject the draft brief which would leave the site without detailed guidance to inform developer's proposals and to help mitigate potential adverse environmental impacts.

4. Supporting Information

- 4.1 The site covered by this brief is a brownfield site on the south east edge of the town centre. It includes a limited direct frontage to the west side of Brook Street (the existing ECC Education Centre known as Brooklands, a locally listed former Victorian rectory set in well-treed grounds). To the south of the site is a dense residential development known as South Central accessed via George Williams Way.
- 4.2 There are considerable changes in level between the southern and western margins of the site and the heart of the site extending to meet the boundary with the active rail line. The steep slopes towards the site margins have been colonised by self sown woodland that now provides a significant visual amenity. The site is thought to be contaminated land associated with its former rail and allied industrial uses including coal storage. The site will need to be remediated to an acceptable level for safe residential use.
- 4.3 Both Brook Street and Magdalen Street fall within an Air Quality Management Area due to traffic emissions. It is crucial that the existing air quality is not prejudiced by the development as a result of increased congestion in these

busy corridors. This element would need to be addressed as part of any planning application.

4.4 The NPPF provides considerable support for the re-use of brownfield sites and the former railway sidings to the south of the rail line is subject to a specific policy (SA EC5 Area3: Magdalen Street) within the Adopted Site Allocations DPD (2010). This policy provides that to the north of Magdalen Street, housing areas will be extended and consolidated, but other small-scale uses will be permitted provided they are compatible with the overall housing proposals. New development on the south side of Magdalen Street shall continue the existing mix of commercial, industrial, service and retail uses. Proposals must not adversely affect the amenity of neighbouring housing areas. The policy refers to the more detailed guidance set out in the Magdalen Street SPD adopted in 2005. This has now been superseded by the more recent brief adopted in February of this year.

4.5 Policy UR1 (Regeneration Areas) of the adopted Core Strategy identifies East Colchester, which includes Magdalen Street, as a priority area for regeneration where new developments will be encouraged. The land to the west of the site is included in a separate development brief adopted in February 2014. This brief straddles the land to the north and south of Magdalen Street between the Magistrates Court in the west and the former Bus Depot in the east.

4.6 Policy Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan comprises the Colchester Local Plan, which consists of the Core Strategy 2008 (CS), the Site Allocations Development Plan Document 2010 and the Development Policies Development Plan Document 2010 (DP), as amended by the Focussed Review (2014). The policies considered to be of particular relevance to the consideration of development proposals on the sidings site are listed below;

Core Strategy (CS) policies

- SD1 (Sustainable Development Locations),
- UR1 (Regeneration Areas)
- UR2 (Built Design and Character)
- ENV1 (Environment)
- PR2 (People Friendly Streets)
- TA2 Walking and Cycling,

4.7 Development Policies

The Development Policies DPD also adopted in December 2010 provides detail to guide the determination of planning applications and the following policies are relevant for this site:

- Policy DP1 (Design and Amenity) - all development to be designed to a high standard, with regard to social, economic and environmental sustainability;
- Policy DP3 (Planning Obligations and the Community Infrastructure Levy) - planning obligations will be sought where appropriate, in accordance with details set out in supporting policy documents

- Policy DP12 (Dwelling Standards) – Residential development will be guided by high standards for design, construction and layout
- Policy DP16 (Private Amenity Space and Open Space Provision for New Residential Development) – sets standard for the provision of private amenity space and public open space.
- Policy DP17 (Accessibility and Access) – development should enhance accessibility to sustainable modes of transport
- Policy DP19 (Parking Standards) - sets minimum parking standards for residential development of 1 space for every 1- bed dwelling and 2 spaces for every 2-bed or more dwellings with 0.25 visitor spaces per unit (lower standards may be accessible in highly accessible locations)

4.8 Main Issues

The main issues relevant to the consideration of the draft development brief are whether the suggested design solution is appropriate. In particular, the discouragement given to the principal access being taken from Brook Street as this could impact adversely on air quality but also add to the existing congestion. A high density flatted development solution is also discouraged in favour of a balanced mixture of town houses and flats with adequate areas of public and private open space in compliance with adopted policy. The existing high density South Central development to the south of the site benefits from “borrowed amenity” in terms of the green and open outlook provided by the Sidings Site. It is considered essential that any development considers and responds appropriately to the relationship with adjacent development.

5.0 Proposals

- 5.1 The NPPF sets out policies that give support to design intervention through the planning process, confirming that “the Government attached great importance to the design of the built environment” and that “Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people” (Paragraph 56). The provision of a development brief is a key part of a strategy to deliver good design and development to enhance the lives of future residents. The proposed development brief for the Magdalen Street sidings site will give greater certainty for developers and the Council in reviewing the appropriateness of future development proposals. It is therefore proposed that the brief be adopted as a material planning consideration.

6. Strategic Plan References

- 6.1 The brief will help address Strategic Plan priorities of regenerating our borough through buildings, employment, leisure and infrastructure; promoting sustainability and reducing congestion; and providing sport and leisure for all, alongside good quality green spaces and play areas.

7. Consultation

- 7.1 Not applicable as it is only proposed to approve the note as guidance.

8. Publicity Considerations

- 8.1 The Brief if adopted would be made available on the Council's website.

9. Financial Implications

- 9.1 Appeals against refusal can expose the Council to significant expense and costs where the planning authority is seen to have acted unreasonably. The provision of a site brief will increase developer certainty and will become a material consideration in the determination of development proposals, thereby reducing risk of an appeal.

10. Equality, Diversity and Human Rights/Health and Safety and Community Safety Implications

- 10.1 None identified.

11. Risk Management Implications

- 11.1 The provision of a development brief will serve to inform planning decisions and based on policies within the Local Plan will help reduce the risk of inappropriate development being permitted.

12. Disclaimer

- 12.1 The information in this report was, as far as is known, correct at the date of publication. Colchester Borough Council cannot accept responsibility for any error or omissions.

Appendix A: Draft Magdalen Street/Brook Street Site Brief

1. INTRODUCTION

- 1.1 This Development Brief has been prepared to set out an appropriate redevelopment solution for a site described as 'The Railway Sidings/Land to the North of Magdalen Street.' This Brief outlines the parameters and aspirations for such development in order to ensure that the site's potential is maximised, whilst meeting sustainable development objectives and the Colchester Borough Council (CBC) Development Plan objectives.
- 1.2 This Brief has been prepared in consultation with Essex County Council (ECC), having regard to the adopted brief for an adjacent area on Magdalen Street. This is available on the Council's website.
- 1.3 This Brief sets out the policy framework relative to the redevelopment of the site, and identifies the site's opportunities and constraints based on the topographical survey and analysis. Against this background information, the Brief concludes with the development proposals/potential design solution and other development control matters which will be relevant in the determination of a formal application.
- 1.4 In line with the adopted Site Allocations DPD, this Brief also identifies the extent of land required for safeguarding purposes for the potential East Transit Corridor (ETC), as agreed with ECC.
- 1.5 This Brief is not intended to be prescriptive, but is to be used to guide future development at the site.

2. POLICY CONTEXT

- 2.1 Any development at the site should have regard to the National Planning Policy Framework (NPPF) and allied guidance (PPG).
- 2.2 In addition, the following policies of the local policy framework are relevant for the future development of the site, and should be noted.
- 2.3 Within the adopted Core Strategy (December 2008 and updated July 2014) policy SD1 identifies the "East Growth Area" (which includes the site) as a strategic area for new development. Policy H1 confirms that housing development will be focused in strategic areas, to meet the Borough's housing target – with 2,600 new homes to be provided in the East Growth Area up to 2021. Under policy SD2, new development will be required to provide relevant infrastructure, community facilities, and open space, as appropriate.
- 2.4 The site's specific allocation within the adopted Site Allocations DPD (October 2010) is also relevant. The site forms part of "Land to North of Magdalen Street", which is allocated for 'predominantly residential' development under policy SA EC1, for around 70 units. The site is also within "East Colchester Special Policy Area 3" (Magdalen Street) – policy SA EC5. Here, housing development will be extended and consolidated, and other small scale uses that are compatible with overall housing proposals will be permitted. In addition, the policy confirms that land will be safeguarded adjacent to the railway line, in order to provide for a future transit link (ETC) which will also include footpaths and a cycle way.

- 2.5 Policy SA EC8 refers to 'Transportation in East Colchester', and confirms that land will be safeguarded for the transit link between Colne Causeway and Recreation Road, and alongside the south of the railway from Hythe Station (Station Road) to Colchester Town. Supporting paragraph 5.80 confirms that the exact requirements of safeguarding shall be agreed as required on a site by site basis.
- 2.6 In addition to the overall strategic objectives of the Core Strategy, the following policies (as amended by the Focused review August 2013) are also relevant to consideration of this site:
- H2 – confirms that new development must make efficient use of land and relate to context;
 - H3 – developments should provide a mix of housing types to suit a range of different households;
 - H4 – seeking to secure 20% of new dwellings as affordable housing for sites of 10 or more
 - UR1 – East Colchester as a regeneration area;
 - UR2 – securing high quality design in new developments;
 - PR1 – access to private/communal areas of open space for new homes;
 - TA1 – locating new development in accessible areas;
 - TA2 – promoting walking and cycling;
 - TA3 – an East Transit Corridor providing public transport services, and
 - ER1 incorporating measures to reduce carbon emissions
- 2.7 Policy SA EC2 of the Site Allocations DPD also sets out criteria with which new development must comply if it is to be permitted: a balanced/integrated mix of uses; consideration of flood risk; contributions to be sought towards infrastructure (including river enhancement, the ETC, environmental enhancements and an urban park).
- 2.8 Within The adopted Development Control Policies DPD (October 2010 and updated July 2014) the following policies are relevant for this site:
- DP1 - all development to be designed to a high standard, with regard to social, economic and environmental sustainability;
 - DP2 – Health Impact Assessments required for all residential development in excess of 50 units;
 - DP3 - planning obligations will be sought where appropriate, in accordance with details set out in SPD;
 - DP12 - housing development to be of high standards of design, construction and layout;
 - DP16 - provision of private amenity space for all new dwellings;
 - DP17 - developments are required to seek to enhance accessibility for sustainable modes of transport;
 - DP19 - minimum parking standards for residential development of 1 space for every 1-bed dwelling and 2 spaces for every 2-bed or more dwellings with 0.25 visitor spaces per unit (lower standards may be accessible in highly accessible locations);

- DP21 – proposals will need to be supported by an ecological survey, where necessary, and conserve or enhance the bio-diversity value of the brownfield sites, and
- DP25 - applicants are encouraged to incorporate renewable energy technologies into all development where viable.

2.9 In addition to the above policies, several adopted supplementary planning guidance/documents are relevant, including:

- Affordable Housing SPG (March 2004); • External Materials Guide for New Development SPG (July 2004); • Vehicle Parking Standards SPG (August 2001) – average of 2.25 spaces per dwelling, including visitor parking, but a maximum of 1 space per dwelling acceptable in accessible locations;
- Provision of Open Space, Sport and Recreational Facilities SPG (July 2006) – as per the 10% provision set out in policy, and children’s play facilities (or contributions for such) may be required;
- Provision of Community Facilities SPD (September 2009), and
- Sustainable Construction SPD (October 2007).

3. SITE AND AREA ANALYSIS

The Site and Surroundings

3.1 The site is located approximately 200m from the eastern edge of Colchester Town Centre and lies immediately to the south of the railway line. The location of the site is shown on the location plan and aerial photographs attached at Appendix 1. The site extends to approximately 2 hectares, with its northern boundary along the railway line and its southern boundary adjacent to a relatively new housing development (on George Williams Way, off Magdalen Street). The former railway sidings make up a large part of the site, which is currently underused and overgrown. The existing railway line and part of the Development Brief site are identified for safeguarding purposes for the proposed ETC by ECC.

Movement and Accessibility

3.2 Currently the direct pedestrian access to the site is limited to the existing access off Magdalen Street, and an unused point off George Williams Way. There is a footbridge from the north of the railway line to the residential area to the south and footpaths to the site access points via Magdalen Street. There is no cycling route to/from the site. Therefore, the site presents the opportunity to improve the accessibility for pedestrians and cyclists.

3.3 The site is within walking distance from the town centre. Moreover, the site is well served by public transport – the nearest bus stop is on at Magdalen Street, approximately 200m away, from which a frequent service to Colchester Town Centre and main station is currently operated.

Existing Land Use and Activity

3.4 The site is located in an area of predominantly residential use both to the south and to the north, on the other side of the railway line. The housing development off

George Williams Way is predominantly flats, accommodated in buildings of up to 4 storeys. The appearance of the buildings is mixed buff brick and painted render. The flat blocks have pitched roofs with grey tiles. Other housing development in the area is of mixed design, with both newer and more traditional two-storey buildings of - largely - red brick construction.

- 3.5 The existing development known as South Central has little usable open space and lacks green spaces. The development area provides 'borrowed amenity' currently and any scheme should seek to provide a suitable contextual setting for the existing adjacent areas of development.
- 3.6 In terms of community facilities/services the existing Brooklands nursery forms part of the eastern end of the site. The loss of this facility may be compensated through developer contributions for community facilities to enable existing facilities in the Magdalen Street area to be updated. Such facilities include the YMCA Hall. The local shopping centre at Barracks Street also provides services to the local community. The main shopping and other facilities/services are also available in the main town centre.

Constraints/Viability

- 3.7 The levels of the site based on the topographical survey are shown on the drawing attached at Appendix 2. The significant level drop from the southern boundary – a 7m level difference - imposes a number of constraints in terms of the site's development potential and deliverability. A number of options have been considered, and the assessment indicated that the costs associated with creating a level site would not be viable.

Air Quality

- 3.8 Both Brook Street and Magdalen Street form part of an Air Quality Management Area. The creation of additional congestion on either road could lead to a worsening of air quality. It is important that any application is accompanied by a detailed air quality report to ensure that the existing situation is not worsened and if possible, that opportunities are taken to improve the existing situation.

Biodiversity

- 3.9 The site contains regenerating habitat including wetlands (towards the western corner) and it is important that a Phase 1 habitat survey is carried out to enable any protected species to be identified and appropriate mitigation measures incorporated into any scheme.

Noise and vibration

- 3.10 The close proximity of the site to the active rail line requires an appropriate design and construction response to mitigate any adverse impact.

Heritage

- 3.11 The former Brooklands building at the eastern end of the site is a locally listed building which needs to be re-used as part of any scheme. The setting of this

building also needs to be respected including the mature Holme Oak (*Quercus ilex*) that makes a positive contribution to the Brook Street streetscene.

Topography

- 3.12 The site is effectively split into two, an elevated upper level at the southern and eastern ends of the site, and a lower level that comprises the majority of the site (at grade with the rail line). The access road into the site will be restricted to a moderate gradient in order to achieve vehicular access to the lower level of the site.
- 3.13 Given the topography, any access road along the southern boundary would require a substantial retaining wall at significant cost to the developer. The retention of the regenerating woodland belt along the steep incline across the southern and eastern periphery of the site would retain this important amenity and maintain slope stability. Trees are also known to ameliorate air quality. This area could count towards the open space provision on site.
- 3.13 As such, any redevelopment for this site would require a careful design to secure a deliverable and viable scheme which addresses the constraints identified whilst ensuring that the planning objectives for the site are met.

4. DESIGN RESPONSE & DEVELOPMENT PRINCIPLES

Principle of Use

- 4.1 The principle of redevelopment of the site is well established, through both the allocation of the site within the adopted Site Allocations DPD and the Core Strategy. The site presents a number of opportunities:
- The site is 'brownfield land' and constitutes previously developed land in planning terms. It is therefore entirely appropriate for redevelopment and is sited in a sustainable and highly accessible location. The impact of contamination and the economics of remediation need to be considered.
 - The site is currently regenerating with self sown trees greening the site. Therefore, the redevelopment will need to visually enhance the appearance of the area and respect biodiversity.

Quantum of Development

- The site is in close proximity to the Town Centre. As such, suitable development to create connectivity between this part of the Town and main Town Centre is desirable. A cycle way/pedestrian access needs to be provided to allow ease of movement between Brook Street and Magdalen Street/St Botolphs.

Contributions.

- 4.2 The absolute level of contributions will be dependent upon viability appraisal. Contributions will be sought in accordance with adopted policy to deliver:
- Affordable housing: 20% of the total to reflect overall mix of types;
 - Community facilities: A contribution calculated in accordance with SPD

- Leisure and open space: Calculated in accordance with SPD;
- Highways & transportation: Funding to upgrade two bus stops in Magdalen Street residential travel packs. The provision of a cycle route from east to west (not necessarily segregated) and the retention of the 12 m buffer to the south of the rail line to allow for the future development of the East Colchester Rapid Transit corridor;
- Education: Contributions for Early Years, Primary and Secondary places within the local planning group of schools.

Uses

- 4.3 The following uses are appropriate to be accommodated on the site:
- Residential units of mixed type and tenure;
 - Supporting Infrastructure, such as access roads and open space, and
 - Potential for ancillary community uses in Brooklands at the east end of the site, such as a doctor's surgery/clinic.
- 4.4 It is considered that the site could accommodate circa 70 residential units, with associated infrastructure and uses. Parking will be provided in accordance with adopted standards and in line with the site's accessible location. Open space areas should be provided in accordance with adopted policy.

Safeguarding Land

- 4.5 The Council have confirmed that approximately 12 metres of land will be required for safeguarding relative to the ETC – measured from the nearest running railway line.
- 4.6 On this basis, only the land north of the blue line shown on the site location plan at Appendix 3 is required for safeguarding purposes, and it is considered that there are no significant impacts on the redevelopment of the site.
- 4.7 The proposed ETC will include bus links and quality walking and cycling paths, as indicated in the adopted Site Allocations DPD.

Design Principles

- 4.8 The illustrative scheme layout shown at Appendix 4 is based upon a direct response to the existing level constraints shown on the levels plan at Appendix 2 and the current property market condition. The scheme shown presents a viable option at the time of preparing the development brief taking into account the site's constraints and required contributions.
- 4.9 Due to the levels of the site, it is considered that buildings ranging from 2 to 3 storeys could be accommodated.
- 4.10 The scale and massing of the development are determined by the type of residential development proposed, albeit reference should be taken from the local domestic vernacular.

- 4.11 The levels difference across the site from the south to the north and boundaries provides a constraint but also a tranquil setting apart from the bustle of the surrounding area:
- Retention of higher quality elements of the regenerated woodland on the southern and eastern embankments could provide an instant setting to the development
 - A mix of home types could help deliver the community's aspiration for regeneration and diversity. A wholly flatted solution will not be supported.
- 4.12 It is proposed that the existing site entrance to the south from George Williams Way is utilised together with the existing access ramp approximately parallel to the south perimeter connecting each of the new blocks of two-three storeys surrounded by garden land and parking.
- 4.13 The blocks and the level difference between the site and access road leading to George Williams Way acts as a buffer between the garden space and the road, providing a secluded private space for residents.
- 4.14 Detailed design of the buildings on site will have regard to surrounding development, drawing on the character of the local area. However, the relative sense of isolation resulting from the change in level allows for the creation of a greater individuality.
- 4.15 Planning permission (ref: 08794) was granted in November 2009 for new vehicular/pedestrian junction to Brook Street to provide future access to residential development. The subsequent renewal of this consent was withdrawn as significant problems were raised in connection with the AQMA. This issue has become increasingly important as the eastern side of Brook Street has been redeveloped for new homes. It is now proposed that access to the site is taken from the south rather than the east as sought previously.
- 4.16 Car parking will be provided in accordance with the relevant CBC parking standards. Any differentiation will be justified at the application stage.
- 4.17 In terms of the access by pedestrians and cyclists, the proposed ETC will provide improved walking and cycling paths as well as a bus link. This will significantly improve the accessibility by pedestrians and cyclists. Part of the site is safeguarded for the ETC for these provisions.
- 4.18 The requirements set out in the adopted Development Policies for private amenity space and public open space should be achievable. Any deviation will need to be justified at the application stage.

5. DEVELOPMENT PROCESS

Application Process

- 5.1 The detailed proposals and the scope of the application as well as the realistic level of contributions towards social and physical infrastructure will be discussed and

agreed with CBC at the pre-application stage. Potential contributions are identified above.

- 5.2 This detailed scope will confirm the documents required for any application submission, but these will include:
Air quality Assessment; Affordable Housing Statement; Travel Plan; Biodiversity, Survey and Report, Daylight and Sunlight Assessment, Contamination survey, Health Impact Assessment, Viability Appraisal. Please refer to the local validation check list on the website: [Link to validation Local Check List](#)

Planning Obligations

- 5.3 Future developments will be required to make a financial contribution (see 4.2 above) towards the provision of additional local infrastructure facilities. The precise details will be negotiated between the future developer/applicant and the Council's planning and housing officers, taking into account the economic and site circumstances at the time of the application.

APPENDIX 1 - Aerial Photographs of the Site Not to Scale



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APPENDIX 3 – Suggested conceptual layout highlighting key issues (Not to scale)



APPENDIX 4 - Illustrative Scheme Layout for ca 70 units

