

Local Plan Committee Meeting

**Council Chamber, Town Hall, High Street,
Colchester, CO1 1PJ**

Monday, 27 March 2017 at 18:00

The Local Plan Committee deals with the Council's responsibilities relating to the Local Plan

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COLCHESTER BOROUGH COUNCIL
Local Plan Committee
Monday, 27 March 2017 at 18:00

Member:

Councillor Martin Goss
Councillor Nick Barlow
Councillor Nigel Chapman
Councillor Nick Cope
Councillor Andrew Ellis
Councillor Adam Fox
Councillor John Jowers
Councillor Sue Lissimore
Councillor Gerard Oxford
Councillor Martyn Warnes

Chairman
Deputy Chairman

Substitutes:

All members of the Council who are not Cabinet members or members of this Panel.

AGENDA - Part A
(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

1 Welcome and Announcements

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:
 - action in the event of an emergency;
 - mobile phones switched to silent;
 - the audio-recording of meetings;
 - location of toilets;
 - introduction of members of the meeting.

2 Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

3 Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent, to give reasons for the urgency and to indicate where in the order of business the item will

be considered.

4 Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

5 Have Your Say!

a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter relating to the terms of reference of the Committee/Panel not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter relating to the terms of reference of the Committee/Panel not on this agenda.

6	Minutes of 7 February 2017	7 - 22
7	Coastal Protection Belt Review See report by the Head of Commercial Services.	23 - 36
8	Protected Lanes See report by the Head of Commercial Services.	37 - 72
9	Colchester Local List See report by the Head of Commercial Services.	73 - 82
10	White Paper - Fixing Our Broken Housing Market See report by the Head of Commercial Services.	83 - 108
11	Exclusion of the Public (not Scrutiny or Executive) In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).	

Part B

(not open to the public including the press)

Local Plan Committee

Tuesday, 07 February 2017

Attendees: Councillor Nick Barlow, Councillor Nigel Chapman, Councillor Nick Cope, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Martin Goss, Councillor John Jowers, Councillor Sue Lissimore, Councillor Gerard Oxford, Councillor Martyn Warnes

Substitutes:

96 Have Your Say!

Sir Bob Russell addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained that he regretted the views expressed by representatives from the Campaign Against Urban Sprawl in Essex (CAUSE) in support of the proposed Garden Community in East Colchester. He had attended a further meeting at Tendring District Council and welcomed the approach that was being adopted by that Council. He referred to this Committee's previous consideration of representations made in relation to the protection of Salary Brook when the principle of the formation of a buffer had been accepted and repeated his request for the boundaries of the Country Park to be determined now, prior to development taking place. He couldn't see the point of any delay in determining the boundaries which would enable the other elements of the development to be accommodated around it. He again referred to the previous successful work to protect the Southern Slopes which had precipitated the creation of High Woods Country Park and considered this to be an appropriate model to emulate in respect of Salary Brook.

John Akker addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained that he was representing the Stop 350 Group from Mersea Island which now comprised over 1,000 members. He did not consider that the Local Plan had addressed the substantial in-fill development which had occurred in West Mersea and, whilst welcoming the reduction to 200 proposed units at the sites identified in the Proposed Options exercise, he was of the view that the 100 or so in-fill housing units constructed on Mersea Island should be counted towards this 200 total number. In addition, the number of caravans currently occupied on the Island should also be counted in the Local Plan. He also referred to the proposals for Middlewick Ranges and was of the view that there would be significant consequences in relation to the road network and communications in that part of south Colchester. He was concerned that the developments proposed for the Borough needed to be properly planned.

The Chairman confirmed that in-fill development was considered in Local Plan terms to be 'windfall' development and, as such, was outside the consideration of the Local Plan. The Place Strategy Manager confirmed this status for in-fill development but indicated her interest in the submission of further information about the in-fill sites referred to.

Rosie Pearson, on behalf of Campaign Against Urban Sprawl in Essex (CAUSE), addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She thanked the officers for the full and detailed response which had been sent to CAUSE, following its detailed submission to the Preferred Options consultation. She explained that the Group continued to have concerns particularly in relation to economic capacity and she referred to the assessment of the Garden Communities Project undertaken by Lord Kerslake who had identified that the Project was a complex one with associated difficulties in relation to the successful delivery of the required infrastructure upgrades. There were also potential problems associated with land supply and deliverability. She questioned the suitability of Marks Tey as a location for one of the Garden Community Projects and the impact the expected growth would have on the community. She considered the proposal for East Colchester to be more appropriate given its better transport links and urged the Committee to drop the proposals for West Colchester.

James Marchant addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained that he was representing Colchester East Action Group which had been campaigning for a green buffer for three years. He had attended a workshop where various layouts for the development had been discussed. He asked the Committee to clarify which body would determine the layout for the development and the proposed Country Park and when the decision would be made.

The Place Strategy Manager confirmed that the Local Plan would be the appropriate decision making body and she anticipated that the decision would be made in May 2017.

Paul Knappett addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was representing residents from the land to the south of the proposed development in Dawes Lane West Mersea. He welcomed the reduction in the anticipated number of units from 350 to 200 but was concerned as to why there was still considered to be a need for two sites in West Mersea. In view of the lesser of houses, he was of the view that these could be accommodated at the Brierley Paddock site which would mean Dawes Lane no longer needed to be included. He referred to the view of the Environment Agency that Dawes Lane was subject to surface water flooding and, as such, the site needed to be considered sequentially, meaning that other sites would come forward earlier. He was of the view that the impact on the Coastal Belt and the landscape generally would be significant and he further commented that access to the Dawes lane site was very poor, being a Class 4 road. Nevertheless, he welcomed the inclusion of a geophysical assessment of the site, given its potential archaeological interest.

Manda O'Connell addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She spoke in support of the green wedge proposals in relation to Salary Brook and sought the Committee's approval of a 1.5km demarcation for the Country Park in order to ensure the reduction of urban sprawl in the area.

The Place Strategy Manager confirmed that there would be another consultation exercise to inform the Masterplan concept in order to provide a framework to build on the evidence base. She acknowledged the need to define a boundary for the Country Park but confirmed that this could only be determined based on evidence. She further explained that another Workshop in March would provide an opportunity to influence this issue.

Councillor Barber attended and, with the consent of the Chairman, addressed the Committee. He welcomed that report on the Garden Communities Project by Lord Kerslake and assumed the Committee would be working to respond to the conclusions he had formed. He considered the Kerslake report had provided a much clearer narrative for the proposals for East Colchester and had indicated a need for more detail to be available as to the planned developments. Concerns had been raised regarding the deliverability of the proposals for West Colchester, in terms of financial modelling and prematurity due to the lack of detail on the re-routing of the A120, lack of highway infrastructure and the employment proposals. As such, he was of the view that the West Colchester proposal should be removed from the Local Plan. He also referred to a speculative development application in relation to Bakers lane in Colchester and whether this would be included in the Preferred Sites exercise.

The Chairman confirmed that the conclusions from the Lord Kerslake assessment would be fed into the Local Plan process, the approval of which was ultimately at the discretion of a Planning Inspector and his view as to whether the Council's evidence base to support the contents of the Plan were sufficiently robust. He explained that the Bakers Lane site was not currently included in the Proposed Options document and he was not aware of any plans for its subsequent inclusion. Any formal planning application would be determined in accordance with current planning policies, including the site's current land use status.

The Place Strategy Manager explained that the strategic narrative for the whole Garden Communities Project had yet to be prepared. However, work to provide additional information on employment issues was being undertaken. She also confirmed that a transport assessment would be undertaken in order to address the requirements identified by the Highway Authority in relation to the Garden Communities Project.

97 Minutes of 7 November 2016

The minutes of the meeting held on 7 November were confirmed as a correct record,

subject to the reference to Councillor Liddy in minute no. 89 being amended to read Councillor Lilley.

98 Minutes of 19 December 2016

The minutes of the meeting held on 19 December were confirmed as a correct record.

99 Local Development Scheme

Councillor Jowers (in respect of his Membership of Essex County Council's Development and Regulation Committee declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Lissimore (in respect of her membership of Essex County Council's Development and Regulation Committee, her responsibility as Essex County Council's Deputy Cabinet member for Lifelong Learning and her Vice-Chairmanship of Visit Essex) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Chris Hill addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained that he had lived in the Greenstead ward for 34 years and he wished to speak in support of the protection of Salary Brook. A petition, signed by 732 people had been produced and it had been part of a recent Masterplan Workshop which demonstrated the popular support for the protection of the land by significant members of the community. He sought clarification on the revised timescales associated with the Local Plan and how far this would impact on the proposals for Salary Brook.

The Committee considered a report by the Head of Commercial Services giving details of changes to the Local Development Scheme (LDS).

Karen Syrett, Place Strategy Manager presented the report and responded to Councillors questions. She explained that the LDS was an essential tool used to keep the Local Plan up to date and provide details of consultation periods, public examinations and expected dates of adoption and publication for each document. The Council had previously reviewed the LDS in August 2016 for work up to 2019 but the scheme now needed to be updated to adjust the timings of the Local Plan and the Community Infrastructure Levy preparation stages to reflect the latest timetable for joint work with neighbouring authorities on the Local Plan. The new timetable reflected the findings of the Kerslake report and retained the same adoption date of September 2018 for the full plan, but provided for a longer period leading up to the submission of the plan with a shorter timeframe for the examination process, reflecting the Planning Inspectorate's current rate of delivery on plan examinations.

The LDS set out which documents would be prepared and in what time frame, as summarised below:

Local Plan Review;

- Member approval of Submission Draft – May 2017
- Submission Draft consultation - June/July 2017
- Submission – October 2017
- Examination of Part 1 - December 2017
- Examination Part 2 – April 2018
- Adoption of Part 1 (if possible) – April 2018
- Adoption of full plan – September 2018

Community Infrastructure Levy Charging Schedule and Planning Obligations DPD, to be prepared in tandem with the Local Plan (Part 2)

Joint Development Plan Documents for Garden Communities;

- Preferred Options consultation – Oct/Nov 2017
- Submission version consultation – June/July 2018
- Submission – October 2018
- Examination – December 2018
- Adoption March 2019

Neighbourhood Planning;

- Boxted – Neighbourhood Plan adopted December 2016
- Myland – Neighbourhood Plan adopted December 2016
- West Bergholt – Plan Area adopted in July 2013
- Wivenhoe – Plan Area adopted in July 2013
- Stanway – Plan Area adopted in June 2014
- Tiptree – Plan Area adopted in February 2015
- Eight Ash Green – Plan Area adopted in June 2015
- Marks Tey – Plan Area adopted in September 2015
- West Mersea – Plan Area adopted in November 2016

Supplementary Planning Documents – un-adoption of two documents (subject to approval by Committee)

Evidence base documents and updates which will be necessary to support the Local Plan Review

Changes to the text of the LDS to reflect the range of documents outlined above.

Supplementary Planning Documents (SPD) were no longer required to be included in the LDS however the Planning Obligations SPD had been included to demonstrate the links between all the documents which contribute to the Colchester Local Plan. Future additional SPDs as well as further guidance notes and development brief documents may be produced by the Spatial Policy Team without formal modification of the LDS because of their non-statutory status.

In response to the comments made by Mr Hill, the Place Strategy Manager confirmed that the revisions in the LDS would mean that the formal process for determination of the

Salary Brook proposals would be returning to the Committee for consideration and a further consultation exercise would be undertaken, in all likelihood in the summer of 2017.

Members of the Committee acknowledged the need for the timetable associated with the Local Plan to be adjusted as a consequence of the joint working with Braintree and Tendring Councils and reflecting the Kerslake report recommendations. Reference was also made to potential need for the timetable to be adjusted further in the light of circumstances.

RESOLVED that the changes to the Local Development Scheme be approved.

100 Un-adoption of Out of Date Supplementary Planning Documents

The Committee considered a report by the Head of Commercial Services providing details of the Extending Your House? and Planning Out Crime Supplementary Planning Documents (SPDs) which were now out of date.

Chris Downes, Planning Policy Officer, presented the report and responded to Councillors' questions. Chris explained that the Extending Your House? SPD was a planning guide for applicants with little or no planning experience which described the principles of domestic development which might make proposals acceptable to the Council in planning terms. Changes within the planning system since the guide was first published had increased the types of development that could be carried out without planning permission and, as such, parts of the guide had become out-of-date. In addition the Essex Design Guide, a comprehensive guidance document covering all areas of development design and used throughout the county to inform planning proposals was now freely available on the internet. The Planning Out Crime SPD promoted good urban design to reduce the scope for criminal activity in new development including through the well-accepted principles of passive surveillance and good maintenance of public spaces. Many of the references contained in the document were out of date whilst the principles of design in the document had been absorbed into later guidance documents such as the Essex Design Guide and the relationship between crime and good urban design was recognised in existing national policy. Updated planning guidance will be produced in conjunction with the emerging Local Plan, ensuring applicants are signposted to relevant local planning policies where necessary.

Members of the Committee acknowledged the usefulness of the guidance in the past and the advice that the documents were now considered to have exceeded their usefulness. The intention to keep members of the public fully and accurately informed on an ongoing basis was welcomed.

RESOLVED that, to ensure consistency with national policy and regional guidance and to provide clarity for applicants by removing the conflict currently contained between

existing guidance, the Extending Your House? and Planning Out Crime Supplementary Planning Documents be un-adopted.

101 Retail and Town Centre Study

The Committee considered a report by the Head of Commercial Services giving details of the Retail and Town Centre Study which was intended to be added to the Council's Local Plan Evidence Base and used to inform the Submission version of the Local Plan.

Karen Syrett, Place Strategy Manager presented the report and, together with Laura Chase, Planning Policy Manager, responded to Councillors questions. Karen explained that, in order to provide the evidence base for new Local Plan policies and allocations in this area, the Council had commissioned Cushman and Wakefield (CW) to prepare a new and up-to-date Retail and Town Centre Study. The Study would replace the Retail Update 2013 prepared by Nathaniel Lichfield and Partners and would also guide planning policies and decisions on planning applications.

The Study made a number of key policy and allocation recommendations in relation to Retail Hierarchy, Capacity Forecasts, Future Town Centre Development Needs and Primary Shopping Area and Primary and Secondary Retail Frontages.

The report recommended that the Council adopt a three-tier hierarchy of centres with Colchester Town Centre at the top of the hierarchy given that it is the principal shopping destination in the Borough supported by an extensive range of related town centre uses. It was considered relatively healthy at present, although the Study research and analysis identified some weaknesses and areas for improvement to ensure its vitality and viability over the plan period. The Urban District Centre category had been removed in the Preferred Options version of the plan, but the Study recommended that Tollgate, Turner Rise, Peartree Road and Highwoods should all be considered for reclassification as district centres in the new Local Plan. The Rural District Centres would also be retained as district centres and this would ensure that the Borough has a network and hierarchy of centres, as required by the National Planning Policy Framework, capable of serving their respective areas of the Borough. It will further help to ensure that the Council, as local planning authority, can effectively plan for these centres and formulate an appropriate policy response through the new Local Plan. The Study also recommended further consideration be given as to whether Greenstead should serve as a District or Local Centre. The Preferred Options version of the plan identified two Proposed District Centres as part of the Garden Communities in East Colchester and West Colchester respectively. These would be retained in the Submission version of the plan. The Study did not undertake a full review of the Borough's local centres but considered that they performed an important role in terms of providing small scale retail and service uses to meet the basic needs of local communities.

The Study provided retail capacity forecasts for new convenience and comparison goods floorspace as well as considering future leisure requirements. For convenience goods (ie supermarkets) it was concluded that there could be capacity for one new medium-sized foodstore by 2028. The preferable location for this would be in or on the edge of Colchester Town Centre in accordance with the sequential approach, and where a lack of main foodstore provision had been identified. For comparison goods (i.e. clothing, furniture etc) the Study considered two scenarios, one a continuation of existing shopping patterns (i.e. market shares) and the other assuming Colchester Town Centre increased its market share as a result of committed and planned development.

Cushman and Wakefield had identified and assessed four sites in and on the edge of Colchester Town Centre as suitable for and capable of accommodating the full extent of future town centre floorspace needs to 2033. Vineyard Gate represented the most significant opportunity to offer larger format shop units, which would be suitable for modern, high quality retailers seeking to locate or relocate within the town centre. In turn, this would help with the objective of enhancing the town centre's attractiveness to consumers and clawing back expenditure from competing shopping destinations. There was considered to be substantial potential to improve Priory Walk's public realm and retail offer, either through extensive reconfiguration and refurbishment, or by redevelopment which meant it could potentially accommodate some of the forecast capacity for comparison goods retail floorspace in the Town Centre. Mixed use redevelopment of the St Botolph's site, with a focus on leisure uses was considered to have the potential to significantly and positively transform this important part of the town centre. The qualitative assessment of Colchester Town Centre had identified a need for a focused critical mass of food and drink uses, and in the consultant's view, the St Botolph's site represented the most suitable opportunity for such development. The area of land on the northwest edge of Colchester Town Centre, to the north of Colchester Retail Park (Middleborough/North Station Road) was considered to be an appropriate location for further office development supported by residential. Based on the assumption that amenity/infrastructure enhancements would be required and that the developable area would not exceed 40% in order to allow for access, car parking and amenity, the site was considered to have the physical capacity to accommodate two-thirds commercial uses with the remainder dedicated to residential uses and other ancillary provision.

The Study illustrated the Primary Shopping Area and Primary and Secondary Retail Frontages and provided the Council with clear direction on the approach to safeguarding retail uses in key areas. Within the primary areas, which included the key areas of Lion Walk, Culver Square and Fenwicks, it was recommended that the Council should take a restrictive approach to non-retail uses, with a policy seeking to maintain up to 70% A1 retail uses. Within the secondary frontages the Council was recommended to afford greater flexibility for changes of use within Classes A1-A15 in order to maximise the number of occupied units and sustain a more diverse composition of uses.

Councillor T. Young attended and, with the consent of the Chairman, addressed the Committee. He welcomed the Study on the basis that it was comprehensive, intelligent and well researched and, in particular he supported the identification of a retail hierarchy. He was also pleased to see that Greenstead ward had been identified in the Study. He considered the town centre's independent shops needed to be protected as they provided so much character to the town centre. He was encouraged that the number of empty units was now below those recorded in many other town centres. He emphasised the success of Fenwick's and welcomed the considerable investment the company had made in the town. He hoped this would lead to rival shops seeking to match Fenwick's aspirations. He agreed that the primacy of the town centre in the retail hierarchy was really important and highlighted recent developments such as the Creative Business Centre with high-speed broadband and the forthcoming arrivals of the Primark store and the Curzon cinema. He considered the town centre was making real progress and, on behalf of the Cabinet, welcomed and congratulated the consultants on a thorough piece of work.

Members of the Committee discussed the report at length and generally welcomed the thorough and comprehensive report compiled by Cushman and Wakefield, together with its recommendation for a retail hierarchy, providing for a 'town centre first' approach, to be adopted. In particular, comments were made, as follows:

- The implications of the outcome of the appeal in relation to Tollgate Village and the implications of any future revisions to be made, depending on the Inspector's decision;
- Various comparisons were drawn between the perceived vibrancy of Colchester in relation to towns such as Chelmsford, Ipswich, Norwich and Bury St Edmunds;
- Awareness of a list of preferred retailers who were seeking to move to or expand in Colchester – whether the list continued to exist and, if so, how many retailers were included in it;
- The existence of a free town centre circular bus service in Ipswich and whether there was potential to provide something similar in Colchester;
- Support for Dedham as a District Centre and its desire to make provision for an additional visitors car parking facility;
- The importance of ensuring employment opportunities existed near to and in the town centre as this provided a welcome source of foot fall to shops, restaurants and cafes at lunchtimes and other times of the day;
- Support for Highwoods to be included as an Urban District Centre but to bear in mind that the facilities extended beyond just a supermarket, post office and dry cleaners;
- The importance of the independent sector of shops in Colchester which provided a distinctive character which many other 'clone-like' town centres lacked and the importance of protecting this sector, potentially through incentives within the Business Rate regime, and the need to acknowledge that the existence of major retailers was not necessarily an essential factor to achieve a vibrant town centre;
- The ability of office space to be converted to residential use under permitted development rights and the need to acknowledge that much current office space did not

provide sufficiently contemporary office space;

- In terms of attracting people into the town centre, the importance of the cultural offer in Colchester in terms of the Mercury Theatre, First Site and the Castle as well as the fact that the town centre was bounded by residential areas on at least three sides;
- The benefit of including information about Bury St Edmunds and Norwich to the report in order to extend the detail within the evidence base;
- The opportunity to improve Colchester's retail reputation through the implementation of the Vineyard Gate development;
- The importance of maintaining Colchester as a visitor destination as well as a shopping destination and noting the recent significant improvement in the hotel accommodation in Colchester;
- The benefit to Colchester of the existence of a second town centre located rail station and the need for it to be given greater prominence, potentially with the introduction of a rapid transport system to link it with North Station and the town centre;
- The potential to look again at the proposed District Centre designation in relation to the Monkwick area where there were three neighbourhood shopping areas which could potentially be grouped rather than just viewed as individual shopping parades.

The Chairman stated his view on the relative popularity of neighbouring town centres from his experience working previously in Ipswich and currently in Chelmsford. He considered Ipswich residents were concerned about the impact of out of town retail on the town centre, given that the number of empty units in the town centre had increased whilst in Chelmsford, the new Bond Street retail area had opened with John Lewis but a number of units had not been occupied. He considered car parking charges to be similar in all three towns, whilst the number of park and ride facilities in Ipswich had recently decreased from three to two and he was aware of a number of Ipswich residents who travelled to Colchester to shop.

RESOLVED that –

- (i) The findings of the Retail and Town Centre Study be noted and used to inform policies and allocations in the emerging Local Plan;
- (ii) Consideration be given to including additional information to the Study relating to Bury St Edmunds and Norwich in order to further enhance the evidence base;
- (iii) That the approach to the Retail and Town Centre chapter to be included in the emerging Local Plan be as set out below:
 - A three-tier hierarchy of centres for Colchester Borough as follows:
 1. Town Centre - Colchester's historic Town Centre
 2. District Centres - Highwoods, Peartree Road, Tiptree, Tollgate, Turner Rise, West Mersea and Wivenhoe
 3. Local Centres - Specific sites to be identified in Adopted Proposal Maps;

- Colchester Town Centre is the principal shopping destination in the Borough supported by an extensive range of non-retail facilities such as day-to-day services and leisure, cultural and community uses;
- Policies will set out the role and function of each centre in the hierarchy;
- Policies on such centres will include the development management tests set out in paragraphs 24 (sequential test) and 26 (impact tests) of the National Planning Policy Framework;
- Policies will make it clear that within District Centres new retail and leisure proposals will only be supported where:
 - (a) The proposal is of a type and scale appropriate to the role and function of the particular centre and would not threaten the primacy of Colchester Town Centre at the apex of the retail hierarchy,
 - (b) Proposals to vary/remove conditions, including change the types of goods sold and the size of units, would not alter the centre's role as a district centre,
 - (c) The proposal would not have a significant adverse impact on the vitality and viability of Colchester Town Centre and/or any other centre,
 - (d) The proposal would not have a significant adverse impact on public or private investment in Colchester Town Centre and/or any other centre,
 - (e) Proposals will need to meet accessibility and design criteria;
- Although the Council will seek the enhancement of district centres through non-retail uses (including services and community facilities): support for such uses will only be forthcoming where the concentration of such uses would not prejudice the viability of the centre's main retail function;
- Development, including extensions to existing facilities, for main town centre uses outside of the district centres will only be permitted if, following a sequential assessment, it can be demonstrated that the development could not be accommodated more centrally having demonstrated flexibility in the format and scale of the proposal;
- The Primary Shopping Area, Primary Shopping Frontage and Secondary Shopping Frontage for Colchester Town Centre be as illustrated in Appendix G to the Retail and Town Centre Study;
- A Primary Shopping Area for the district centres will also be identified in the Local Plan.
- In defining primary and secondary frontages and thus a Primary Shopping Area, it is prudent to take into account the following principles:
 - composition of uses;

- key anchors/ attractors;
 - vacancies;
 - pedestrian footfall; and
 - levels of accessibility/ connectivity.
- Within the primary frontages the Council will take a more restrictive approach to further changes of use to non-retail / service uses. The policy will seek to maintain up to 70% A1 retail use. However, it is considered that A3 (food and drink) uses would be preferable to long term vacancies, if after extended marketing A1 retail use cannot be secured;
 - Within the secondary frontages the Council will afford greater flexibility for changes of use within Classes A1-A5, in order to maximise the number of occupied units and sustain a more diverse composition of uses. The Policy will seek to maintain 50% A1 retail use within the secondary frontages;
 - The following sites will be identified in the Local Plan as potential development opportunities to accommodate future comparison retail space and other town centre uses:
 - Vineyard Gate,
 - Priory Walk,
 - St Botolph's (principally leisure and mixed use) and
 - Town Centre North West (predominantly office and residential based mixed use scheme);
 - Policies will set out the detail for each site;
 - In accordance with the National Planning Policy Framework, when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, an impact assessment will be required if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold will be 2,500 sq m);
 - Further work will be undertaken to determine what local thresholds should be set for impact testing, when planning applications for retail development are submitted to make sure they are appropriate for Colchester.

102 Coastal Protection Belt Review

Peter Hill, on behalf of the Wivenhoe Neighbourhood Plan Group, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained his concerns regarding the proposed removal of the Coastal Protection Belt (CPB) designation of the area of land at Bowes Lane, behind Millfields School, Wivenhoe and the potential for it to be vulnerable to speculative development proposals

as a consequence. He explained that the land afforded important views along the river and its estuary whilst, by the same token, the river afforded important views of the land. Accordingly it had been designated within the Colne Protection Belt but he considered its designation as part of the CPB should be continued. He was of the view that a change in CPB designation would undermine the Colne Protection Belt policy and may leave the land vulnerable to exploitation by a developer in the future. He further questioned why the designation needed to be changed and asked the Committee to support the land's continued CPB designation.

Councillor Liddy attended and, with the consent of the Chairman, addressed the Committee. He supported the views expressed by Mr Hill and the proposal for the CPB designation of the land at Bowes Lane to be continued, given the important amenity value of the views. He sought clarification on the reasoning behind the proposed change in designation as he felt there was insufficient information contained in the review document to justify this conclusion. He considered the criteria used to define the areas of land to be included in the CPB were somewhat vague although he was of the view that the Coastal Character definition could be satisfactorily applied to the land at Bowes Lane. He was also concerned about the vulnerability of the land to predatory development should the current protection be removed.

The Committee considered a report by the Head of Commercial Services giving details of the changes as a result of the review of the Coastal Protection Belt policy and map which would form part of the evidence base for the emerging Local Plan for Colchester.

Karen Syrett, Place Strategy Manager presented the report and, together with Beverley McClean, Coast and Countryside Planner, responded to Councillors questions. Karen explained that the Coastal Protection Belt had been originally defined in 1984 by Essex County Council in the Essex Coast Protection Subject Plan and included as policy in subsequent County Structure Plans for Essex until their abolition. A Coastal Protection Belt policy was also included in successive Local Plans for Colchester from 1984 onwards and it was still a valid policy in the current Local Plan for the Borough. The Subject Plan recognised the rural and undeveloped character of the Essex coastline as a unique, finite and irreplaceable resource in its own right. A coastal protection policy was also set out, the main objective of which was to protect the coast outside built-up coastal areas from development that would adversely affect the open and rural character or wildlife within the area known as 'The Coastal Protection Belt' (CPB).

The inland extent of the CPB was delineated using the tidal influence of the river estuaries as the inland cut off point. The boundary was also delineated using permanent physical features on the ground i.e. roads, field boundaries and Public Rights of Way as these were readily identifiable and defensible features. The criteria below were also used to determine what land to include within the CPB policy:

- Areas of open, undeveloped and rural character with coastal/estuary views
- Areas of high landscape value

- Areas of designated nature conservation value

A review of Colchester's CPB had been commissioned because the supporting documents underpinning the current CPB designation were no longer valid and to ensure that a CPB policy based on up to date evidence could be included in the new Local Plan for the Borough. The approach used to re-define the extent of the CPB built on the principles and criteria used in the original Essex Coast Subject Plan whilst also being informed by various legislative and policy changes.

The criteria and factors used to define which land to include and which to exclude from the CPB had also been reviewed, as follows, with greatest weight being given to criterion A in line with the main objective to protect the open, undeveloped and rural character of the coast:

- A. Coastal Character – inclusion of open, undeveloped and rural areas (terrestrial and inter-tidal) that had a distinctive coastal/estuarine character and sense of place as defined by the Colchester Borough Landscape Character Assessment, in line with National Planning Policy Framework (NPPF) objectives to protect the open, undeveloped and rural character of the coast;
- B. Coastal Designations – inclusion of designated sites of nature conservation value associated with coastal habitats such as saltings, marshes and mudflats; and designated sites of cultural heritage value associated with the Borough's coastal/maritime history, in line with NPPF objectives to protect natural and historic environment designated assets in coastal areas;
- C. Coastal Change Areas – inclusion of coastal areas that are likely to experience significant physical changes as a result of permanent or temporary inundation, in line with NPPF objectives for management of coastal change.

Whilst the main policy objective to protect open, undeveloped areas of the coast remained unchanged, the difference was the extent of the land designated as falling within the CPB. As such four new areas of land were proposed for addition and four areas were proposed for deletion. The Review had been split into five zones as set out below;

Zone 1, covering the Mersea Flats on the seaward side of Mersea Island, with the CPB amended to include a coastal Scheduled Ancient Monument in compliance with criteria B, whilst the sea area below low water mark was to be deleted as it did not meet any of the revised criteria;

Zone 2, covering the Blackwater Estuary where no amendments were proposed;

Zone 3, where three linear areas were added along the western boundary of the existing CPB, located around Abberton, Peldon and to the north - west of Great and Little Wigborough and lying within the Northern Coastal Farmland Landscape Character Area;

Zone 4, covering land around Wivenhoe and Rowhedge in the vicinity of the Upper Colne Estuary, with an area of coastal grazing marsh land and designated Local Site and a previously excluded part of the Drained Estuarine Marsh Landscape Character Area to be added, whilst an area of land to the south of Rowhedge, land to the north west of Wivenhoe and another plot to the south east of Wivenhoe were to be deleted;

Zone 5, covering the lower Colne Estuary where no amendments were proposed.

Members of the Committee acknowledged the concerns expressed by speakers and questioned the basis for the proposed removal of land at Wivenhoe which provided rare estuary views which were highly valued by residents and had benefited from the protection afforded by CPB designation previously. It was, however, also noted that other policies existed which would protect such areas of land from speculative development considerations. Concerns were also expressed, although to a lesser extent, regarding proposed changes affecting land at Rowhedge.


The Place Strategy Manager acknowledged the concerns expressed about the proposed removal of land from the CPB and, whilst not being of the view that the proposal would entirely remove protection measures available, she agreed that the evidence base supporting the proposals within the review document presented to the Committee needed to be explained in more detail.

The Coast and Countryside Planner explained that the land the subject of proposed removal from the CPB had not met the Coastal Character criteria which had been used to define those areas meriting inclusion. She went on to explain that the Council was working with the Wivenhoe Neighbourhood Plan Group to identify an alternative approach for protecting the land to the south east of Wivenhoe to avoid inconsistencies between the Coastal Protection policies in the Local Plan and the Wivenhoe Neighbourhood Plan.

RESOLVED that –

- (i) The Coastal Protection Belt Review, including the four proposed additions but excluding the three proposed deletions in Zone 4, be approved and used to inform the designation of a new Coastal Protection Belt and revised policy wording in the Submission draft of the Local Plan;
- (ii) The three proposed deletions in Zone 4 be the subject of further consideration and determination by the Committee at a future meeting with the benefit of additional information to amplify the evidence base in support of the proposals contained in the Review.

27 March 2017

Report of	Head of Commercial Services	Author	Beverley McClean  282480
Title	Coastal Protection Belt Review		
Wards affected	Marks Tey and Layer, Mersea and Pyefleet, Old Heath and Hythe and Wivenhoe Wards		

The Local Plan Committee is asked to agree proposed deletions to Colchester's Coastal Protection Belt following review

1. Decision(s) Required

- 1.1 The Local Plan Committee is asked to agree the proposed deletions to the Colchester Coastal Protection Belt (CPB) policy and map. The Local Plan Committee approved proposed additions to the revised Coastal Protection Belt on 7 February 2017 but more information was requested to justify the deletion of 4 land parcels from the revised Coastal Protection Belt.
- 1.2 The Coastal Protection Belt once agreed will form part of the evidence base for the emerging Local Plan for Colchester.

2. Reasons for Decision(s)

- 2.1 To ensure that the evidence base for the Local Plan provides a robust basis to support decisions on future planning applications affecting coastal wards of the Borough.

3. Alternative Options

- 3.1 The alternative would be rely on the current Coastal Protection Belt policy and map as evidence for the emerging Local Plan. The current policy was based on the Essex County Council 1984 Subject Plan and Structure Plan both of which are now obsolete as planning documents. Planning decisions based on these documents or the current Coastal Protection Belt policy and maps would not be made on the most up to date evidence and could be challenged.

4. Supporting Information

The existing Coastal Protection Belt was originally defined in 1984 by Essex County Council in the Essex Coast Protection Subject Plan and included as policy in subsequent County Structure Plans for Essex until their abolition. A Coastal Protection Belt policy was also included in successive Local Plans for Colchester

from 1984 onwards. It is still a valid policy in the current Local Plan for the Borough.

- 4.1 The Subject Plan recognised the rural and undeveloped character of the Essex coastline as a unique, finite and irreplaceable resource in its own right. In recognition, the Subject Plan set out a coastal protection policy, the main objective of which was to protect the coast outside built-up coastal areas from development that would adversely affect the open and rural character or wildlife within the area known as 'The Coastal Protection Belt'.
- 4.2 The original Coastal Protection Belt was defined using the following principles. The inland extent of the Coastal Protection Belt was delineated using the tidal influence of the river estuaries as the inland cut off point. The boundary was also delineated using permanent physical features on the ground i.e. roads, field boundaries and Public Rights of Way as these were readily identifiable and defensible features. The criteria below were also used to determine what land to include within the current Coastal Protection Belt policy:
- **Areas of open, undeveloped and rural character with coastal/estuary views** – the areas excluded included urban coastline, larger towns/villages and industrial areas (with the exception of small villages and areas of development that retain their open quality such as minerals extraction sites).
 - **Areas of high landscape value** – as defined by a landscape quality appraisal undertaken in 1976-78 that formed the basis for Special Landscape Areas in the Essex County Structure Plan.
 - **Areas of designated nature conservation value** – Sites of Special Scientific Interest and Nature Conservancy Zones associated with coastal habitats such as saltings, marshes and mudflats.
- 4.3 The supporting documents underpinning the current Coastal Protection Belt designation are no longer valid. A review of Colchester's Coastal Protection Belt was commissioned to ensure that a Coastal Protection Belt policy based on up to date evidence could be included in the new Local Plan for the Borough.
- 4.4 The approach used to re-define the extent of the Coastal Protection Belt builds on the principles and criteria used in the original Essex Coast Subject Plan referred to above. It was also informed by legislative change (the 2006 European Landscape Convention), policy changes in the National Planning Policy Framework in relation to the protection and management of coastal areas in England and the need to manage climate change and to reflect updates to the Borough's Landscape Character Assessment.
- 4.5 The criteria and factors used to define which land to include and which to exclude from the Coastal Protection Belt were also reviewed. Three revised criteria were defined as part of the Coastal Protection Belt review and these are set out below:

- Criteria A - Coastal Character – inclusion of open, undeveloped and rural areas (terrestrial and inter-tidal) that have a distinctive coastal/estuarine character and sense of place as defined by the Colchester Borough Landscape Character Assessment. Note the revised criteria A does not include coastal views. This criterion is in line with NPPF objectives to protect the open, undeveloped and rural character of the coast (not views).

Only 3 Landscape Character Areas/Types defined in the Landscape Character Assessment Report 2006, meet the above objectives of revised criteria A. These are:

- (i) Landscape Area Type C - Estuarine Marsh/Mudflats. Land falling within this Landscape Area Type typically includes a mosaic of open saltmarshes, mudflats, narrow winding creeks and channels, adjacent to the River Colne, with and intertidal landscape constantly washed by the sea, separated from a backdrop of drained coastal marshes and open coastal farmland by prominent sea walls. It includes marsh and mudflats around West Mersea, The Strood, Salcott and Fingringhoe.
- (ii) Landscape Area Type D - Drained Estuarine Marsh. Land falling within this Landscape Area Type typically includes areas of former saltmarsh which have been drained and enclosed by a sea wall. They are managed either by arable cultivation or by coastal grazing. The area includes scattered patches of low-lying scrub and the land is criss-crossed by drainage ditches which create an intimate yet large-scale landscape pattern. It includes drained estuarine marshes around Mersea, Colne and Pyfleet.
- (iii) Landscape Area Type E Coastal Farmland. Land within this Landscape Character Type is typically flat, low-lying predominantly arable farmland comprising a mix of small, medium and large arable fields with hedged field boundaries with a network of drainage ditches traversing the island,. There is typically no woodland cover, however several mature trees present in hedgerow field boundaries. Around Langenhoe, the coastal farmland character is more rolling and there are more patches of woodlands in this area. It includes coastal farmland on Mersea, Little & Great Wigborough and Langanhoe

4.6 It is important to note that the Landscape Character Assessment is a well-established piece of evidence which has been used to inform both the Local Plan and planning decisions over a long period. It would not now be appropriate to suggest it is not fit for purpose.

- Criteria B - Coastal Designations – inclusion of designated sites of nature conservation value associated with coastal habitats such as saltings, marshes and mudflats; and designated sites of cultural heritage value associated with the Borough's coastal/maritime history. This criterion is

in line with NPPF objectives to protect natural and historic environment designated assets in coastal areas.

- Criteria C - Coastal Change Areas – inclusion of coastal areas that are likely to experience significant physical changes as a result of permanent or temporary inundation. This criterion is in line with NPPF objectives for management of coastal change.

- 4.7 In determining whether to include areas in the CPB or not, the area should wholly or predominantly meet criterion A; and also meet criteria B and/or C. In this way, greatest weight is given to criterion A in line with the main objective to protect the open, undeveloped and rural character of the coast.
- 4.8 Built up areas that were not predominantly rural, undeveloped and open were excluded from the review, while Colchester Borough administrative boundaries and permanent identifiable and defensible physical features on the ground roads, field boundaries and the low-water mark in inter-tidal areas were also used to define the extent of the revised Coastal Protection Belt.
- 4.9 As a result of the review a new Coastal Protection Belt designation was proposed. The key changes to the Coastal Protection Belt were presented and discussed at Local Plan Committee on 7 February 2017. Four new areas of land were proposed for addition to the Coastal Protection Belt and 4 areas were proposed for deletion. The proposed additions to the Coastal Protection Belt were agreed but Members sought further justification about why 4 areas were being proposed for deletion in the revised Coastal Protection Belt. The 4 areas of land proposed for deletion are briefly summarised in section 5 of this report below and shown on the accompanying map.

5. Proposals

- 5.1 The main policy objective of the Coastal protection Belt to protect open undeveloped areas of the coast remains unchanged following the review. The change in criteria detailed above resulted in some small changes to the boundary of the Coastal Protection Belt. The areas proposed for deletion are set out below;

Zone 1 – The sea area below low water mark around Mersea Flats was proposed for deletion from this zone.

Zone 4 – includes land around Wivenhoe and Rowhedge in the vicinity of the Upper Colne Estuary. An area of land to the north west of Wivenhoe and another plot of land to the south east of Wivenhoe plus an area of land to the south/south east of Rowhedge, are proposed for deletion from the Coastal Protection Belt.

- 5.2 Table 1 below sets out the justification for deleting the off shore and land parcels in Zones 1 & 4 when considered against the revised Coastal Protection Belt selection criteria A, B and C discussed in section 4.5 of the report.

Table 1 Revised Coastal Protection Belt – deletion justifications table

Zone Number	Proposed change	
1	Deletion of sea area below low-water mark	<p>The off shore sea area proposed for deletion from the Coastal Protection Belt does not fall within Landscape Character Type C, D, and E (which have a defined estuarine/coastal character) as described in Criteria A of the Coastal Protection Belt and it is not within a coastal change area likely to experience significant physical change as a result of inundation.</p> <p>The offshore area therefore has been proposed for deletion from the revised Coastal Protection Belt designation as it does not satisfy criteria A or C in the revised Coastal Protection Belt document.</p>
4	Deletion of land at Bowes Road Wivenhoe	<p>The land at Bowes Road, Wivenhoe proposed for deletion from the revised Coastal Protection Belt falls within Landscape Character Type B Farmland Plateau (B8 Wivenhoe Farmland Plateau and Landscape Character Type A Colne River Valley (A5 Colne River Valley Slopes) as defined by the Landscape Character Assessment. Landscape Character Type B8 is characterised as being predominantly arable farmland on a plateau position consisting of medium and large fields with gappy field boundaries, interspersed with small irregular patches of woodland, with a well-connected network of lanes and footpaths traversing the area. It includes the historic Wivenhoe Park. Landscape Character Type A5 Colne River Valley Slopes is characterised by the relatively steep v-shaped valley slopes with attractive and open views across and along the river corridor. Small to medium-sized arable fields directly align the river whilst a mosaic of large regular arable fields cover the upper parts of the slopes. Only a very small area of land under review falls within A5. Neither Landscape Character Types B8 nor A5 have an estuarine or coastal character. The land at Bowes Road therefore falls outside the Landscape Character Types C, D and E (which have a defined</p>

		<p>estuarine/coastal character) as described in Criteria A in the Coastal Protection Belt Review.</p> <p>The land is not designated for any coastal ecological interest or maritime heritage interest (Criteria B) and it does not fall within a coastal change area likely to experience significant physical change as a result of inundation (Criteria C).</p> <p>The area of land at Bowes Road Wivenhoe therefore has not been included in the revised Coastal Protection Belt designation as it does not satisfy criterion A, B or C in the revised Coastal Protection Belt document.</p>
4	Deletion of land to the north west of Wivenhoe	<p>The land to the north west of Wivenhoe proposed for deletion from the revised Coastal Protection Belt falls predominantly with Landscape Character Type B Farmland Plateau (B8 Wivenhoe Farmland Plateau) as defined by the Landscape Character Assessment. Landscape Character Type B8 is characterised as being predominantly arable farmland on a plateau position consisting of medium and large fields with gappy field boundaries, interspersed with small irregular patches of woodland, with a well-connected network of lanes and footpaths traversing the area. It includes the historic Wivenhoe Park.</p> <p>Landscape Character Type B8 does not have an estuarine or coastal character.</p> <p>The land the north west of Wivenhoe falls outside the Landscape Character Types C, D and E (which have a defined estuarine/coastal character) as described in Criteria A in the revised the Coastal Protection Belt document.</p> <p>The land is not designated for any coastal ecological interest or maritime heritage</p>

		<p>interest and it does not fall within a coastal change area likely to experience significant physical change as a result of inundation.</p> <p>The land to the north west of Wivenhoe therefore has been proposed for deletion from the revised Coastal Protection Belt designation as it does not satisfy criteria A, B or C in the revised Coastal Protection Belt document.</p>
4	Deletion of land to the south/south east of Rowhedge	<p>The land to the south/south east of Rowhedge proposed for deletion from the revised Coastal Protection Belt falls within Landscape Character Area A River Valley (A3 Roman River Valley) and Landscape Character Area B Farmland Plateau, (B3 which includes the Southern Colchester Farmland Plateau as defined in the Landscape Character Assessment. Landscape Character Type A3 is characterised by the narrow, meandering floodplain of the Roman River, which becomes slightly broader at its confluence with the River Colne. It includes several marshy areas adjacent to the river, supporting riparian/ wetland vegetation, with single mature deciduous trees which form dominant landscape features on the edge of marshy areas adjacent to Ferry Road at the confluence of the Roman and Colne Rivers. Rowhedge Warehouses are a dominant landmark on the edge of the floodplain within this Landscape Character area. Landscape Character Type B3 is characterised typically a sloping farmland plateau, comprising a mixture of small, medium and large predominantly arable fields) bordered by Colchester settlement fringes to the north and the wooded Roman River Valley to the south.</p> <p>It contains several large patches of woodland that extend from the northern slopes of the Roman River valley, onto the plateau. It also contains several small</p>

		<p>lakes and ponds, associated with within disused sand and gravel works within this Landscape Character Type.</p> <p>Neither Landscape Character Types A3 nor B3 have an estuarine or coastal character.</p> <p>The land falls outside the Landscape Character Types C, D and E (which have a defined estuarine/coastal character) as described in Criteria A in the revised the Coastal Protection Belt document.</p> <p>The land is not designated for any coastal ecological interest or maritime heritage interest and it does not fall within a coastal change area likely to experience significant physical change as a result of inundation. The area to the south/south east of Rowhedge therefore has been proposed for deletion from the revised Coastal Protection Belt designation as it does not satisfy criterion A, B or C in the revised Coastal Protection Belt document.</p>
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- 5.3 The proposed deletions (and approved) additions to the revised Coastal Protection Belt within zones 1, 3 and 4 are shown diagrammatically in Figure 2 in Appendix 1 to this report. A new Coastal Protection Belt policy drafted as part of the review has also been included in the emerging Local Plan.
- 5.4 The fact that these 4 areas will no longer be within the Coastal Protection Belt does not alter the fact that they are greenfield sites outside of any area designated for development. They will still be afforded protection from inappropriate development. It may be that some areas are protected by other designations such as the Colne Protection Belt being proposed in the Wivenhoe Neighbourhood Plan.
- 5.5 It is proposed that the Coastal Protection Belt Review is used to inform the designation of a new Coastal Protection Belt and revised policy wording in the Submission draft of the Local Plan.

6. Strategic Plan References

- 6.1 The Strategic Plan Action Plan includes a commitment to promote Colchester's heritage and wide ranging tourism attractions to enhance our reputation as a destination and to cultivate Colchester's green spaces and opportunities for

health, wellbeing and the enjoyment of all.. The Coastal Protection Belt policy will help deliver these objectives.

7. Consultation

- 7.1 The revised Coastal Protection Belt Policy and map have not been issued for public consultation. The Coastal Protection Belt Policy review paper is a technical document that forms part of the Local Plan evidence base. The Coastal Protection Belt Review paper and map are publically available on the Council's website under the new evidence base webpage.

8. Publicity Considerations

- 8.1 The Coastal Protection Belt Review is not expected to generate publicity.

9. Financial Implications

- 9.1 None

10. Equality, Diversity and Human Rights implications

- 10.1 An Equality Impact Assessment has been prepared for the Local Plan and is available to view by clicking on [this link](#) or go to the Colchester Borough Council website www.colchester.gov.uk and follow the pathway from the homepage: Your Council > How the Council works > Equality and Diversity > Equality Impact Assessments > Commercial Services > Planning Policy > Local Plan.

- 10.2 There are no particular Human Rights implications.

11. Community Safety and Health and Safety Implications

- 11.1 None identified.

12. Risk Management Implications

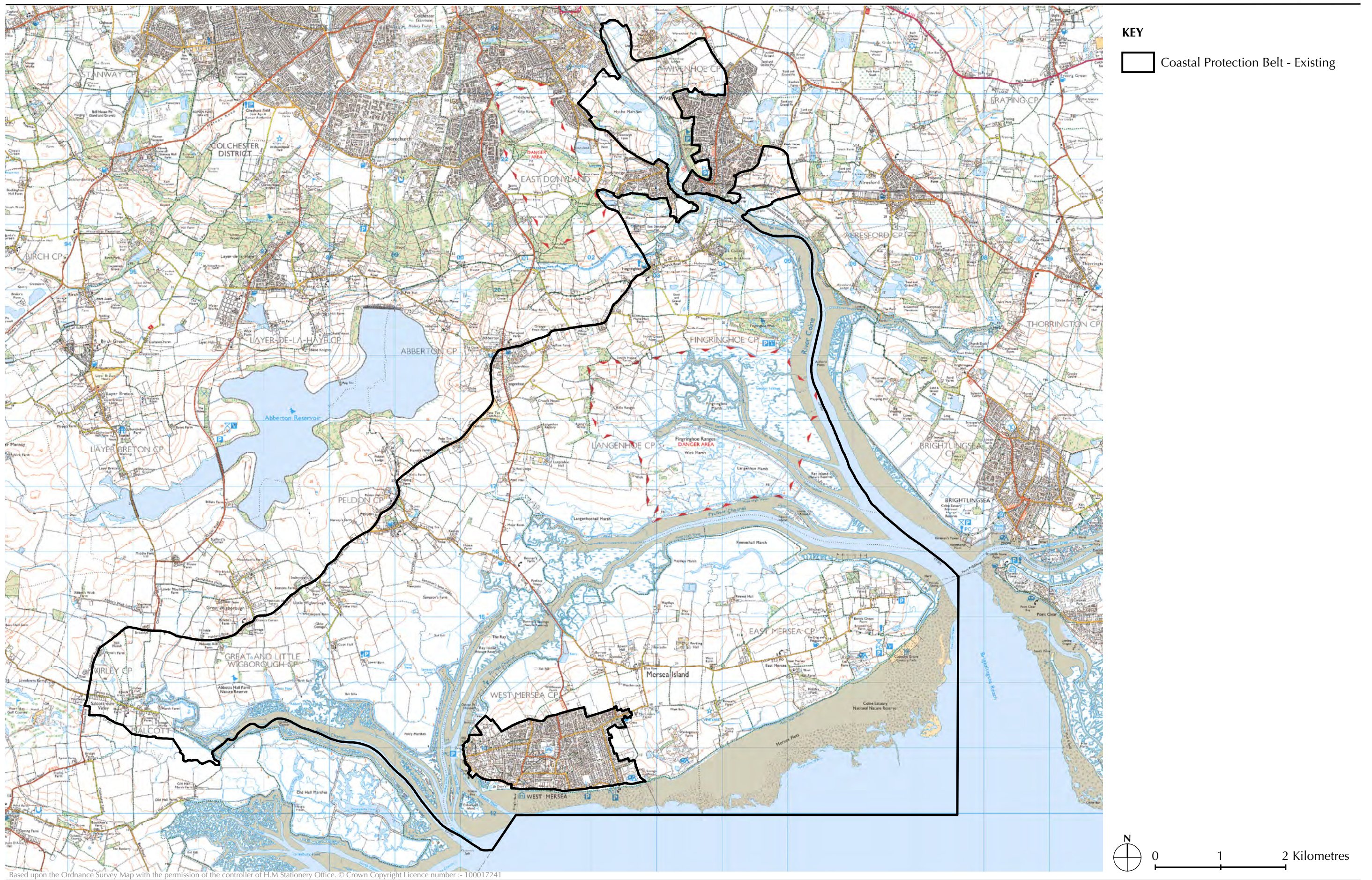
- 12.1 The updated Coastal Protection Belt Policy will help ensure that the Council's planning policies are robust and based on up-to-date evidence that will prevent inappropriate development being permitted along the Borough's coast.

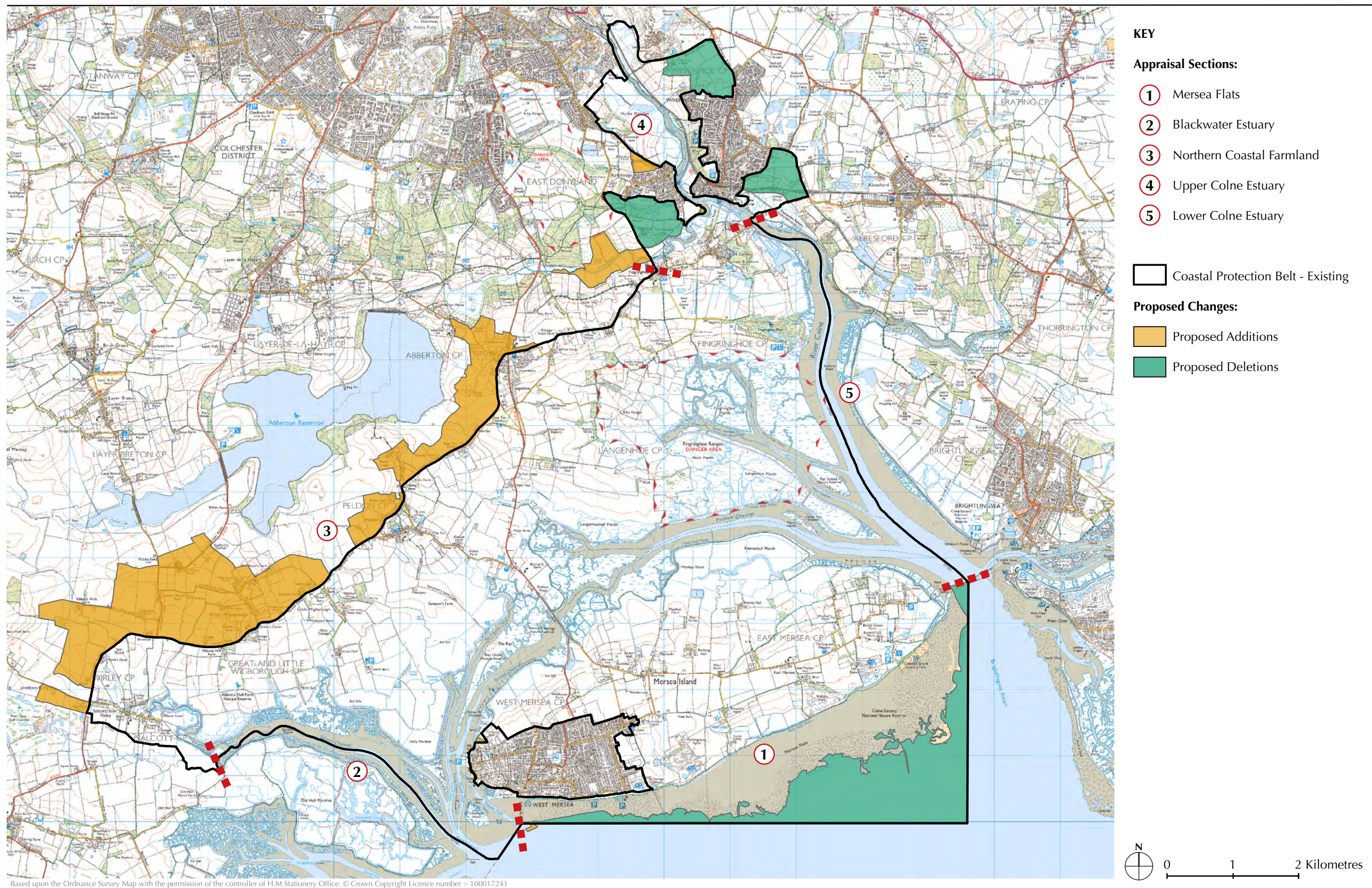
13. Disclaimer

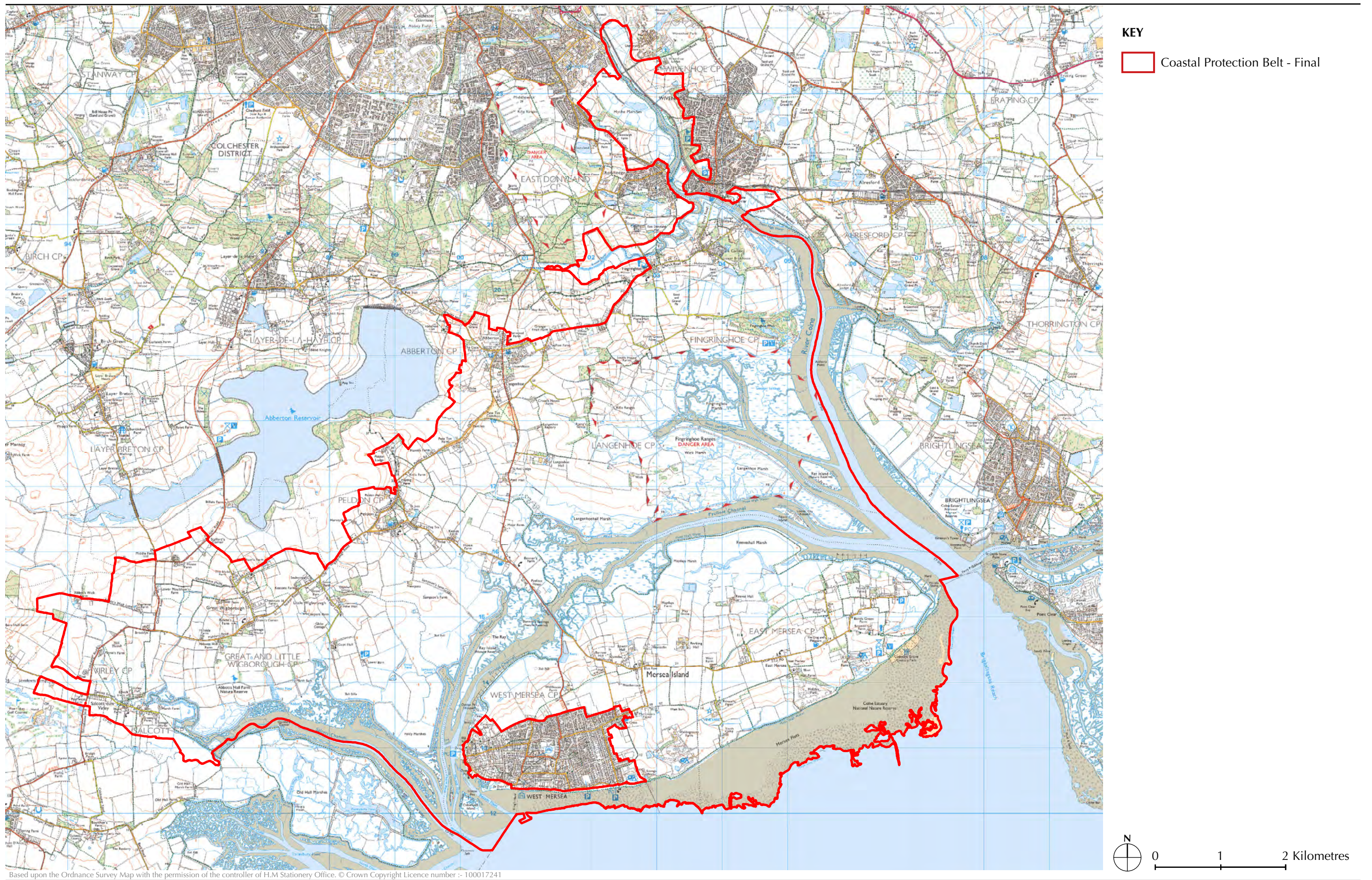
- 13.1 The information in this report was, as far as is known, correct at the date of publication. Colchester Borough Council cannot accept responsibility for any error or omissions.


Supporting Papers

Coastal Protection Belt Review Paper
Coastal Protection Belt Review Maps







Report of	Head of Commercial Services	Author	Beverley McClean 
Title	Protected Lanes		282480
Wards affected	Marks Tey and Layer, Mersea and Pyefleet, Old Heath and Hythe and Wivenhoe Wards		

The Local Plan Committee is asked to note the content of Colchester Borough Protected Lanes Assessment document and revisions to the Protected Lane network in the Borough.

1. Decision(s) Required

- 1.1 The Local Plan Committee is asked to note the content Colchester Borough Protected Lanes Assessment document and revisions to the Protected Lane network in the Borough. The revised Colchester Borough Protected Lanes Assessment report will form part of the evidence base for the emerging Local Plan for Colchester.

2. Reasons for Decision(s)

- 2.1 To ensure that the evidence base for the Local Plan provides a robust basis to support decisions on future planning applications affecting coastal wards of the Borough.

3. Alternative Options

- 3.1 The alternative would be rely on the current Protected Lane information which is not underpinned by objective robust evidence. The original Protected Lanes Network was designated by Essex County Council approximately 25 years ago. And the original criteria used for designation is no longer available. ECC developed new criteria which was used to review and identify a revised Protected Lanes network across Essex including in Colchester. Planning decisions based on the original Protected Lane information would not be made on the most up to date evidence and could be challenged.

4. Supporting Information

- 4.1 The original Protected Lanes Policy was originally developed in the late 1980's/early 1990'S by Essex County Council. Colchester Borough Council incorporated policies to protect the Borough's network of Protected Lanes in previous Local Plans. A number of historic lanes are currently protected through Development Management Policy DM21, however the evidence on which the lanes are designated is obsolete as it is no longer available. Chelmsford Borough

Council (now City) commissioned the County Council's Historic Environment team to develop and test new robust and defensible criteria to enable Protected Lanes to be designated in the Local Development Framework for Chelmsford.

- 4.2 The approach worked well and the Historic Environment team used the new criteria to review all the Protected Lanes across Essex including in Colchester. A draft review of the Protected Lanes network in Colchester was completed in December 2015 however the draft report was only issued recently to Colchester Borough Council.
- 4.3 The overall aim of the original Protected Lanes initiative was to protect the integrity of historic lanes across the County of Essex from inappropriate development and urbanisation. The objectives of the project have not changed.
- 4.4 As part of the review a desk top assessment and field assessments were carried out. New criteria were also drawn up and a new scoring system developed to designate a revised list of Protected Lanes in Colchester. The new criteria are set out below:
 - (i) Diversity – consideration of lane form, carriageway surface, verges, banks and ditches, associated vegetation and biodiversity
 - (ii) Historic Integrity – extent of erosion, extent of improvements
 - (iii) Archaeological potential of the lane to contain important archaeological remains
 - (iv) Aesthetic Value - notable views.
- 4.5 The scoring system used in the assessment is set out on pages 18 -19 of the Protected Lanes document.
- 4.6 After completion of the assessment and scoring, the final stage of the project involved applying a threshold score to each historic lane to identify which lanes were suitable for designation as a Protected Lane. The threshold for the Chelmsford study had been set at 14 therefore for consistency the same threshold was also adopted for the Colchester/Essex wide Protected Lanes assessments.
- 4.7 The threshold score was determined by the following method:
 - Stage 1 – The lane must score a minimum of 2 for integrity. Lanes failing to score 2 for integrity were not taken to the next stage.
 - Stage 2 – The combined score for integrity and diversity must be 5 or more. Lanes failing to score 5 for combined integrity and diversity scores were not taken forward to the next stage of the assessment.
 - Stage 3 – The sub total for integrity and diversity (5 or more) from Stage 2, when combined with the scores for group value,

archaeological association, archaeological potential, aesthetic value and biodiversity value must be 14 or more.

- 4.8 The threshold score of 14 was achieved by adding the minimum score of 5 points from Stage 2 to a score of 9 which is equal to the combined total of the second highest scores attainable for each of the remaining criteria i.e. Group Value score of 2, Archaeological Association score of 1, Archaeological Potential score of 2, Aesthetic Value score of 2 and Biodiversity score of 2. Lanes scoring the maximum score of 10 during Stage 2, from a combination of the maximum integrity and diversity scores, had to also score the second highest score on at least one of the remaining criteria to qualify to qualify for designation as a Protected Lane.

5. Proposals

- 5.1 There are currently 31 Protected Lanes designated across Colchester Borough. Following assessment against the new criteria and scoring, a total of 24 lanes scored above the threshold and have been deemed suitable for designation as Protected Lanes. 7 of the existing Protected Lanes failed to meet the threshold score and do not qualify for Protected Lane status. The lanes proposed for designation as Protected Lanes and those that are no longer being proposed for designation are listed on pages 26 and 27 of the Colchester Borough Protected Lane Assessment report. The list has been attached as an appendix to this report.
- 5.2 The Historic Environment policy in the emerging Local Plan will be amended to identify the need to protect the Protected Lanes in the Borough as part of the wider historic environment against inappropriate development that would lead to urbanisation and adversely affect the overall integrity of the Protected Lanes.

6. Strategic Plan References

- 6.1 The Strategic Plan Action Plan 2015-2018 includes a commitment to promote Colchester's heritage and wide ranging tourism attractions to enhance our reputation as a destination and to make more of Colchester's great heritage and culture so that people can enjoy them. The will help deliver these objectives.

7. Consultation

- 7.1 The revised Colchester Protected Lanes document has not been issued for public consultation. The revised report is a technical document that will form part of the Local Plan evidence base once approved. The Colchester Protected Lanes document will be publically available on the Council's website under the new evidence base webpage. The Protected Lanes once approved will also be mapped on c-maps and as a constraints layer on CIVICA.

8. Publicity Considerations

- 8.1 The Colchester Protected Lanes Assessment is not expected to generate publicity.

9. Financial Implications

9.1 None

10. Equality, Diversity and Human Rights implications

10.1 An Equality Impact Assessment has been prepared for the Local Plan and is available to view by clicking on [this link](#) or go to the Colchester Borough Council website www.colchester.gov.uk and follow the pathway from the homepage: Your Council > How the Council works > Equality and Diversity > Equality Impact Assessments > Commercial Services > Planning Policy > Local Plan.

10.2 There are no particular Human Rights implications.

11. Community Safety Implications

11.1 None identified.

12. Health and Safety Implications

12.1 None identified.

13. Risk Management Implications

13.1 The updated Protected Lanes Assessment will help ensure that the Council's planning policies are based on up-to-date and robust evidence. This will help prevent inappropriate development being permitted along the Borough's more historic and sensitive rural lanes.

14. Disclaimer

14.1 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.

Supporting Papers

Colchester Draft Protected Lanes Assessment Report 2015

Appendix 1 Scores for all Assessed Lanes December 2015 (The rows shaded grey failed the criteria)

	Location	Nsg_name1	Nsg_name 2	Diversity	Integrity	Potential	Aesthetic	Biodiversity	Group value	Archaeol association	Total	Stage 2 total
COLLANE1	Wormingford Bridge	Mill Hill		2	2	1	1	2	2	0	0	4
COLLANE2	Fingringhoe	Furneaux Lane		1	1	1	1	1	1	0	0	0
COLLANE3	Wormingford	Church Road		4	4	2	3	3	1	1	18	8
COLLANE4	Wormingford	Church Road		4	4	2	2	2	1	0	15	8
COLLANE5	Little Horkesley	Fishponds Hill		3	4	2	2	3	1	0	15	7
COLLANE6	Fordham	Penlan Hall Lane		4	4	2	3	2	2	0	17	8
COLLANE7	Little Horkesley	Workhouse Road		3	4	2	2	2	2	1	16	7
COLLANE8	Church End	Fossetts Lane		4	4	2	3	2	2	2	19	8
COLLANE9	Church End	Fossetts Lane		3	4	2	2	2	2	0	15	7
COLLANE10	Green Acres	Foxes Lane	Daisy Green	4	2	2	2	3	2	2	17	6
COLLANE11	Copford Hall	Aldercar Road		4	6	2	2	4	1	1	20	10
COLLANE12	Easthorpe	Porters Green Road		2	4	1	1	1	1	1	11	6
COLLANE13	Birch Green	Garlands Road		3	2	2	3	2	2	1	15	5
COLLANE14	Great Tey	East Gores Road		3	4	2	2	2	3	1	17	7
COLLANE15	Chappel	Oak Road		4	4	2	3	2	1	1	17	8
COLLANE16	Laver-de-la-Haye	Birch Park		3	2	1	1	1	1	1	10	5
COLLANE17	Langham	Coles Oak Lane		2	2	1	1	4	1	0	0	4
COLLANE18	Langham	Water Lane		3	4	1	2	2	1	4	17	7

COLLANE19	Langham	Low Lift Cottage Road		3	6	1	2	1	1	4	18	9
COLLANE20	Boxted	Cage Lane		3	2	2	2	4	2	2	17	5
	Location	Nsg_name1	Nsg_name 2	Diversity	Integrity	Potential	Aesthetic	Biodiversity	Group value	Archaeol association	Total	Stage 2 total
COLLANE21	Fingringhoe	Upper Hay Lane		4	6	2	2	2	2	0	18	10
COLLANE22	Mount Bures	Peartree Hill	Bells Hill, Dowling Road	4	2	2	3	2	3	1	17	6
COLLANE23	Fordham	Creeping Hall Road		2	4	2	2	2	1	1	14	6
COLLANE24	Little Horkesley	Holts Road	Crabtree Lane	4	6	2	2	2	2	2	20	10
COLLANE25	Copford	Hall Road		2	2	1	1	4	1	0	0	4
COLLANE26	Heckfordbridge	Birch Park		4	4	3	3	4	4	2	24	8
COLLANE27	Wakes Colne	Brookfield Road		2	4	2	1	2	2	0	13	6
COLLANE28	Fingringhoe	South Green Road		4	4	2	3	4	2	2	21	8
COLLANE29	Great Tey	Burnthouse Road		2	4	3	2	2	2	1	16	6
COLLANE30	Janke's Green	Boarded Barn Road		4	4	3	2	2	2	0	17	8
COLLANE31	Mount Bures	Janke's Green Road	Fordham Road	3	4	2	2	2	2	1	16	7

COLCHESTER BOROUGH PROTECTED LANES ASSESSMENTS

December 2015



Colchester Borough Protected Lanes Assessment

December 2015

DRAFT

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1 Introduction

Essex County Council's Place Services Team were commissioned by Essex Highways to undertake an assessment of the Counties existing Protected Lanes using the new Protected Lanes criteria developed by the County Council (ECC 2009) for Chelmsford Borough Council.

The work was undertaken in two stages, comprising an initial stage of desk-based assessment followed by field survey. The field survey stage was undertaken in September 2015. Following the assessment, the scores for each Protected Lane were checked against the threshold for determining Protected Lane status. This report summarises the methodology and results of the project.

2 Background

2.1 Historic Lanes in Essex

The greater part of the road network in the Essex countryside derives from at least as far back as the medieval period. Much of it undoubtedly existed in Saxon times and it is likely that many roads and lanes were formed long before that. These lanes are part of what was once an immense mileage of minor roads and track-ways connecting villages, hamlets and scattered farms and cottages. Many were used for agricultural purposes, linking settlements to arable fields, grazing on pasture, heaths and greens; and other resources such as woodland and coastal marsh. Generally these roads were not deliberately designed and constructed; written records of the establishment of roads during the medieval period are rare (Rackham, 1986, 264). Instead they would have started life as track-ways without a bearing surface, although often with defined boundaries including hedgerows, ditches and banks.

The width of ancient roads depended then, as now, on the traffic using them but historic lanes tend to be very variable in width, often within a short distance. Before metalling the roads became rutted in wet weather and the traffic would move over less rutted areas to the sides. Principal roads between towns tended to be wide for this reason. Wide verges and linear roadside greens were also grazed by cattle, sheep and geese being driven through the countryside to market. Roadsides often had ponds associated with them for watering livestock, although it is clear from The Court Rolls that these frequently began life as extraction pits for clay and gravel

(Emmison, 1991, 287). Many lanes had ditches along one or both sides of the lane to demarcate the highway and to assist drainage. These boundaries are frequently even more sinuous than the road itself. On the clay lands, the roads inevitably became water courses during heavy rain; the water would pour off the fields and wash away the muddy surface. They were also eroded through continuous use; over the centuries lanes on hillsides tended to become sunken. Lanes with marked differences in the level between two sides of a lane are also apparent on sloping ground, caused by lynchet formation – the gradual shift of soil down-slope caused by ploughing over hundreds of years. When roads became properly metalled in the 19th century and 20th centuries they became in a sense fossilized; the carriageways were fixed as metalled strips and the verges were formed from the marginal land between the carriageway and the highway boundary (Hunter, 1999).

Today, historic lanes are an important feature in our landscape: they continue to have an articulating role, providing insights into past communities and their activities through direct experience of a lanes historic fabric; contain the archaeological potential to yield evidence about these past human activities and to provide insights into the development of a landscape and the relationship of features within it over time; have considerable ecological value as habitats for plants and animals, serving as corridors for movement and dispersal for some species and acting as vital connections between other habitats; and allow people to enrich their daily lives by accessing cherished historic landmarks and landscapes, encouraging recreation within the countryside, thereby promoting well-being.

2.2 Protected Lanes Policy in Essex

The policy to preserve Essex historic lanes has been in operation for over a quarter of a century and is summarized in a document prepared by Essex County Council (ECC, 1998). However when Local Authorities decided to re-assess their existing Protected Lanes as part of the evidence base for the Local Development Frameworks, precise information on the criteria used to assess historic lanes for Protected Lane status and the original survey guidelines for making this assessment were found to be no longer available. Essex County Council's Historic Environment Specialists were commissioned by Chelmsford Borough Council to develop robust and defensible criteria for its Local Development Framework, Core Strategy and Development Control Policies (Policy DC 15) on Protected Lanes (CBC, 2008, 75) and then to apply these criteria to Protected Lanes in the Borough (ECC, 2009). The

criteria used for Chelmsford was found to work well and therefore has been used to assess those lanes in Uttlesford and Braintree. The Historic Environment Consultants have now been commissioned to extend this to the remainder of the Protected Lanes across the County.

2.3 Protected Lanes Policy in Colchester Borough Council

Colchester Borough Council in defining their Core Strategy and Development Control Policies wanted to retain their Protected Historic Lane Policy from their present Local Plan (Policy CO7) which identified a total of 31 lanes, however, there was a lack of supporting information for this policy and the Lanes had not been assessed for a period of at least 25 years.

3 Reason for the project

Development Policies can have significant effects and so it is important that the criteria for decision making and the evidence base on which decisions are made is comprehensive, robust and defensible. Consistency and transparency of judgment is crucial to public acceptability and fairness of the process. Detailed criteria for Protected Lane status and a methodical articulation of how a lane does or does not meet such criteria, which clearly illustrates the rationale behind a lanes selection, will make a major contribution to achieving that acceptability.

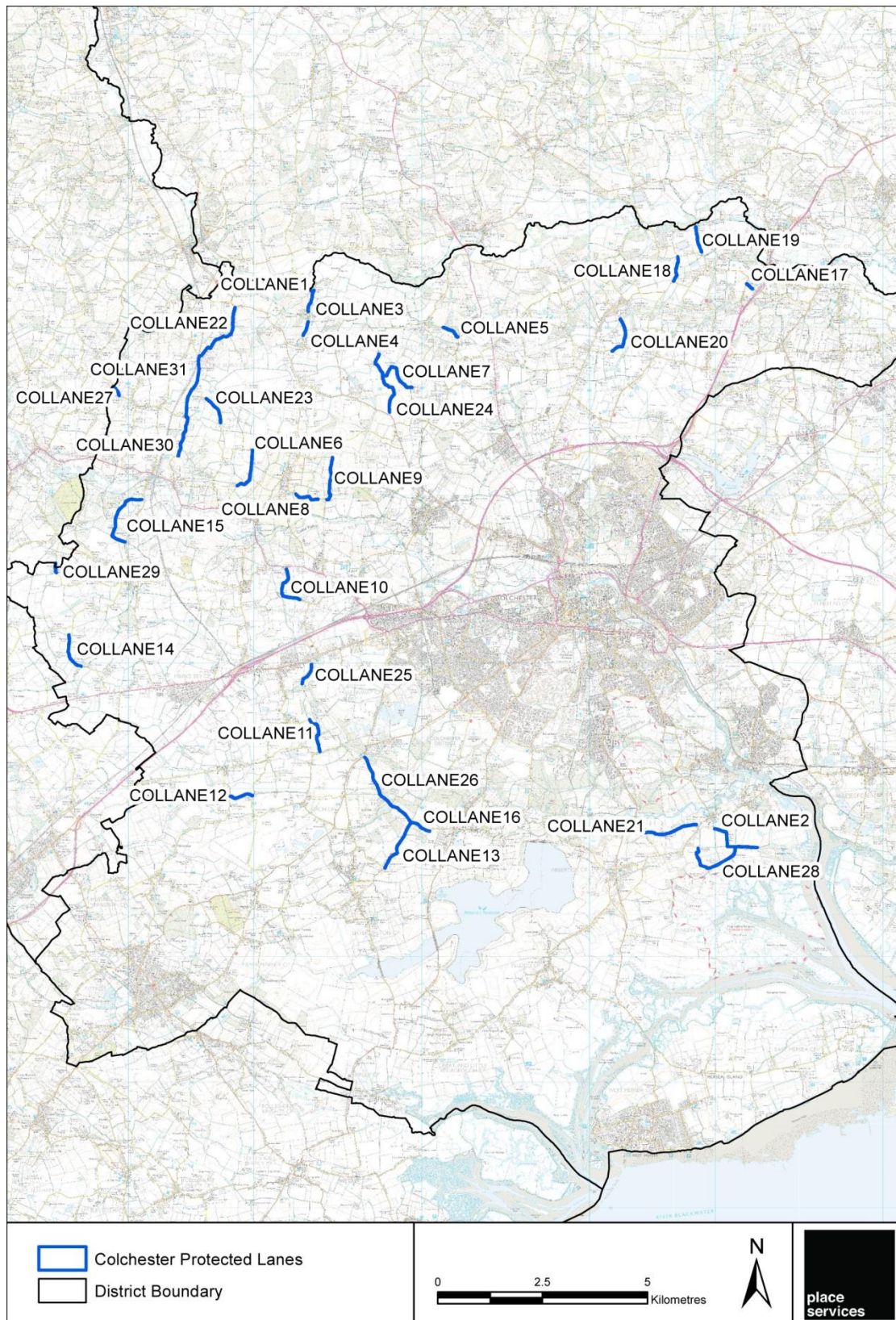


Figure 1 - Location of the protected lanes at the start of the survey

4 Protected Lanes Assessment Procedure Criteria and Scoring System

The following section describes the processes undertaken in the assessment of each of the protected lane within the Borough. This comprised both office based and on site assessment with all of the lanes visited. Figure 1 shows the location of all of the protected lanes.

4.1 Units of Assessment

Each Protected Lane was originally identified by Parish name. As part of the project each lane was assigned a unique number (using COLLane 1 etc). A desk based assessment using Google Earth and Google Earth Streetview, Essex Historic Environment Record (EHER), and GIS data relevant to the criteria was undertaken. Examples of the GIS data used includes ancient Woodland, Special Verges, County Wildlife Sites, heritage assets including designated sites, and SSSI's. The use of Google Earth Streetview allowed a detailed assessment to be made along the length of the lane as part of the desk based assessment.

As part of this initial assessment the lane names were identified by the National Street Gazetteer. Where more than one lane of the original protected lanes was identified with the same National Street Gazetteer name these were merged to form a single unit unless the separate lengths were of significant difference. In some cases the lane had two street names but was a single lane, in which case both names were added to the recording sheet.

For the purposes of the field assessment, further details were added to the sheets undertaken for the desk based phase of assessment. These forms were completed in digital format being based on individual **units of assessment**. For a lane which was largely intact along the whole of its historic length (as identified on the first edition OS map), a single **unit of assessment** was identified and only one form completed. However, there were cases where extensive alterations had occurred along a historic lane, or where a lane had been broken by a new road which meant that these lengths of lane automatically fell out of the criteria and as such either the lane was broken into separate units or were reduced in length. So for each named lane, one or more assessment forms had to be completed.

From the original 31 lanes protected by the present Local Plan the above work reduced this number to 24; these are listed in Appendix 1.

4.2 Field Assessment

Each historic lane was assessed in good weather conditions by a team of two historic environment specialists. Digital assessment sheets were updated as each lane was inspected.

4.2.1 Photographic Record

Most units of assessment had a colour digital image taken of it and the photo stored on the unit assessment folder within the computer project. Photographs were taken which illustrated the range of forms that a lane took and its historic features e.g. banks, ditches, veteran pollards, hedges etc. Also specific photos were taken of areas of damage or significant alterations to the lanes.

4.2.2 Data Fields:

For each unit of assessment, the following data fields were completed:

- *Name* – name of historic lane
- *Unit* – the number of the unit of assessment
- *Highway / Byway Classification* – Class III, Unclassified or Byway Open to all Traffic (BOAT)
- *NGRs* – X and Y numbers for each end of the units of assessment. These were generated from the GIS after completion of the assessment. To allow this, the assessment maps (one for each historic lane) were marked at the beginning and end points of each unit of assessment during the field visit and the map annotated with the number of the unit.

4.2.3 Diversity

Description of form and features – this was a description of the historic lane for the length of the unit of assessment. The description included information on the following where possible:

- Form(s) that the lane took e.g. sunken, flat, raised, or lynchet (positive lynchet on uphill side and/or negative lynchet on down hill side).



Figure 2 - Change in form of lane from wide lane with grass verges to thin lane within woodland (COLLane 5)

- Carriageway surface(s) e.g. tarmac, stone, dirt, road planings etc.
- Verges – width, flat, sloping etc.



Figure 3 – Verges and banks on undulating lane at Aldacar Road (COLLane11)

- Banks and ditches including approximate dimensions and profiles
- If sunken – depth of sunken lane and amount of variation etc

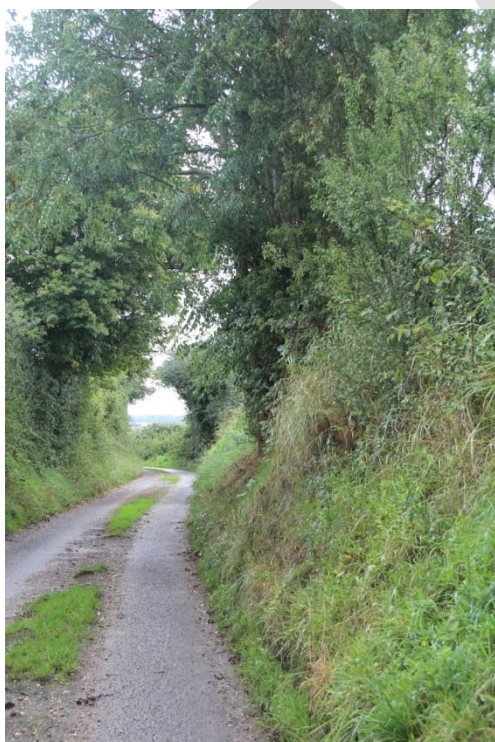


Figure 4 - Sunken lane at Oak Road (COLLane 35)

- Associated vegetation e.g. hedgerows (with an indication of species mix i.e. largely single species, large variety of woody species etc, veteran trees (including pollards, coppice stools), mature trees, grass / flowering plants on verges and banks.



Figure 5 – Changing vegetation along the length of the lane(COLLane 29)

4.2.4 Historic Integrity

Description of erosion damage – this was a description of erosion damage to the structure of the lane from vehicular traffic along the length of the unit of assessment. The description included information on damage to banks, verges and surfaces.



Figure 6 - Shows area of disturbance from traffic and agriculture up to the edge of the lane (COLLane 10)

Description of improvements – this was a description of any significant improvements that had been made to a lane along the length of the unit of assessment. The description included information on the type and extent of traffic calming measures and other ‘improvements’ such as widening, kerbing etc.



Figure 7 – Coles Oak Lane showing improvements of kerb stones (COLLane 17)

4.2.5 Archaeological Potential

Archaeological potential of the lane and its associated features such as the ditches, banks and greens etc. These features can all contain important archaeological remains that relate to the development and human interaction with the landscape.



Figure 8 - Greens at South Green Road forming part of the important historic farmstead associated to this lane (COLLane 28)

4.2.6 Aesthetic Value

Views – notable views, which are particularly scenic, unusual or which include contemporary historic features of note e.g. a parish church, listed building, farm complex or landscape that are framed by the lane and/or its associated vegetation were identified.



Figure 9 – Penlan Hall lane with view of Lane curving down the slope with Chappel church in the background (COLLane 6)

4.3 Protected Lane Scoring System

The criteria and associated scoring system that were developed during the project and used to evaluate existing Protected Lanes in Colchester Borough through a combination of desk based and field assessment are set out below:

PROTECTED LANES SCORING SYSTEM			
Criterion	Type of assessment	Description	Score
Historic Integrity	Field assessment	Significant improvements or damage evident; erosion of historic fabric affecting significant length of the lane (excluding significant hedgerow loss)	1
		Moderate improvements or loss to historic fabric of the lane (excluding significant hedgerow loss)	2
		Limited or discrete erosion/damage to the historic fabric of the lane and/or significant hedgerow loss	4
		No improvements to the lane and well preserved historic fabric	6
Diversity	Field assessment	The lane has limited diversity of features, form, alignment, depth and width	1
		The lane has a moderate range of features but limited form, alignment, depth and width or vice versa	2
		The lane has a moderate range of features and form, alignment, depth and width	3
		The lane has a wide range of features, form, alignment, depth and width	4

Group Value (Association)	Desk-based assessment	The lane has limited association with historic landscape features and other heritage assets of broadly the same date	1
		The lane has direct association with one or more historic settlements or other significant heritage assets of broadly the same date	2
		The lane has association with a moderate range of contemporary historic landscape features and other heritage assets	3
		The lane has a strong association with numerous and/or designated historic landscape features/other heritage assets of broadly the same date	4
Archaeological Association	Desk-based assessment	The lane has no known association with a non-contemporary archaeological feature	0
		The lane has a single association with a non-contemporary archaeological feature	1
		The lane has limited association with non-contemporary archaeological features	2
		The lane has a strong association with non-contemporary archaeological features	3
Archaeological Potential	Field assessment	The lane has limited potential for archaeological evidence	1
		The lane includes components which have the potential to contain archaeological evidence	2
		The lane contains a wide range of components with potential to contain archaeological evidence	3
Biodiversity	Field and desk based	The lane has limited biodiversity assets e.g. grass verge or bank, single species	1

	assessment	hedge e.g. garden hedge or has suffered significant hedgerow loss	
		The lane has significant lengths of intermittent hedge (with or without occasional mature trees) and verge surviving and single non-designated assets e.g. pond, or lane or is adjacent/connected to designated asset e.g. Ancient Wood, SSSI	2
		Non-designated assets including continuous mixed species hedgerows, mature trees (including TPOs), grass verge with flowering plants, ponds etc.	3
		Designated assets e.g. LOWS, Special Verge, veteran pollards, Ancient Species Rich hedgerow(s) associated with the lane or its component parts	4
Aesthetic Value	Field assessment	The lane has limited variety of aesthetic features, or forms/alignment and no significant views	1
		The lane has a variety of aesthetic features or forms/alignment and / or a significant view	2
		The lane has a wide variety of aesthetic features or forms/alignment and / or more than one significant views	3

5 Application of the threshold for Protected Lane Status

After completion of the assessment and scoring of the Protected Lanes in the District (Appendix 1), the final step in determining whether assessed lanes should be designated as Protected Lanes was to apply a threshold score (of 14 which was established in the original project within Chelmsford Borough) to each of the historic lanes to identify lanes that were deemed worthy of Protected Lane status.

The threshold score was determined by the following method:

- *Stage 1 – The lane must score a minimum of 2 for integrity.*

If a lane fails to score 2 for integrity it is not taken forward to the next stage.

- *Stage 2 – The combined score for integrity and diversity must be 5 or more.*

If a lane fails to score 5 for its combined integrity and diversity scores it is not taken forward to the next stage.

- *Stage 3 – The sub total for integrity and diversity (5 or more) from Stage 2, when combined with the scores for group value, archaeological association, archaeological potential, aesthetic value and biodiversity value must be 14 or more.*

The threshold score of 14 was arrived at by adding the minimum score of 5 points from Stage 2 to a score of 9 which is equal to the combined total of the second highest scores attainable for each of the remaining criteria i.e. Group Value score of 2, Archaeological Association score of 1, Archaeological Potential score of 2, Aesthetic Value score of 2 and Biodiversity score of 2. A lane which scores the maximum score of 10 during Stage 2, from a combination of the maximum integrity and diversity scores, must score the second highest score on at least one of the remaining criteria to qualify.

Applying the threshold score to the assessed lanes resulted in a final tally of 24 Protected Lanes in Colchester Borough that were deemed worthy of Protected Lane status under the Policy in the future Site Allocations and Development document (Table 1 and Figure 1).

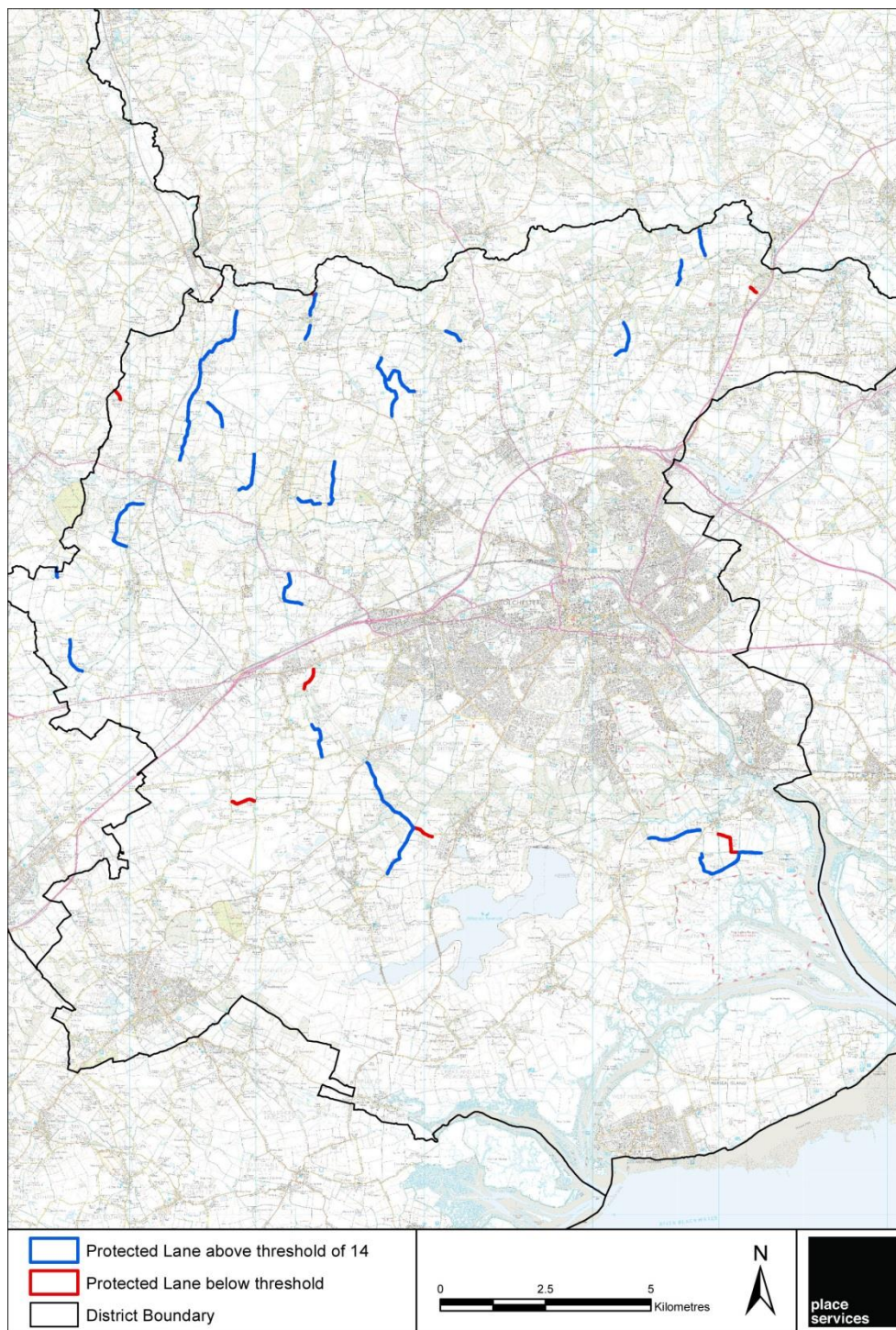


Figure 11 – Lanes which meet the criteria and score above 14 blue and those below in red

Table 1 Scores for the Protected Lanes that exceed the threshold

LANE_ID	LOCATION	National Street Gazetteer Name (NSG)	NSG_NAME2	Diversity	Integrity	Potential	Aesthetic	Biodiversity	Group value	Arch association	Total
COLLANE3	Wormingford	Church Road		4	4	2	3	3	1	1	18
COLLANE4	Wormingford	Church Road		4	4	2	2	2	1	0	15
COLLANE5	Little Horkesley	Fishponds Hill		3	4	2	2	3	1	0	15
COLLANE6	Fordham	Penlan Hall Lane		4	4	2	3	2	2	0	17
COLLANE7	Little Horkesley	Workhouse Road		3	4	2	2	2	2	1	16
COLLANE8	Church End	Fossetts Lane		4	4	2	3	2	2	2	19
COLLANE9	Church End	Fossetts Lane		3	4	2	2	2	2	0	15
COLLANE10	Green Acres	Foxes Lane	Daisy Green	4	2	2	2	3	2	2	17
COLLANE11	Copford Hall	Aldercar Road		4	6	2	2	4	1	1	20
COLLANE13	Birch Green	Garlands Road		3	2	2	3	2	2	1	15
COLLANE14	Great Tey	East Gores Road		3	4	2	2	2	3	1	17
COLLANE15	Chappel	Oak Road		4	4	2	3	2	1	1	17
COLLANE18	Langham	Water Lane		3	4	1	2	2	1	4	17
COLLANE19	Langham	Low Lift Cottage Road		3	6	1	2	1	1	4	18
COLLANE20	Boxted	Cage Lane		3	2	2	2	4	2	2	17
COLLANE21	Fingrinhoe	Upper Hay Lane		4	6	2	2	2	2	0	18
COLLANE22	Mount Bures	Peartree Hill	Bells Hill, Dowling Road	4	2	2	3	2	3	1	17
COLLANE23	Fordham	Creeping Hall Road		2	4	2	2	2	1	1	14

LANE_ID	LOCATION	National Street Gazetteer Name (NSG)	NSG_NAME2	Diversity	Integrity	Potential	Aesthetic	Biodiversity	Group value	Arch association	Total
COLLANE24	Little Horkesley	Holts Road	Crabtree Lane	4	6	2	2	2	2	2	20
COLLANE26	Heckfordbridge	Birch Park		4	4	3	3	4	4	2	24
COLLANE28	Fingrinhoe	South Green Road		4	4	2	3	4	2	2	21
COLLANE29	Great Tey	Burnthouse Road		2	4	3	2	2	2	1	16
COLLANE30	Janke's Green	Boarded Barn Road		4	4	3	2	2	2	0	17
COLLANE31	Mount Bures	Jankes Green Road	Fordham Road	3	4	2	2	2	2	1	16

6 Conclusions

The project has applied robust and defensible criteria consistently and methodically to existing Protected Lanes in Colchester Borough in order to determine lanes that are worthy of Protected Lanes status under the new Colchester Borough Council's Local Plan.

Of the 31 lanes assessed 5 failed to meet the new revised criteria.

Within Colchester the reasons the lanes failed to meet the appropriate score were very varied. Lane 25 had suffered considerably from erosion to the verges and the creation of a sewage farm along part of its length. There was also considerable damage caused through parking for access to walks in the local woodland. Two of the lanes, 1 and 17 were too short to have a wide enough diversity to meet the initial requirements. Lane 17 had been cut by the construction of the A12 which reduced the surviving length of the lane considerably. In the case of Lane 2 this has been totally destroyed by the construction of the quarry and now lies somewhat lower in the landscape than it would have been in the 1970's. Lane 12 although passing the first stage had no associated attributes, such as archaeological, historical or biodiversity assets.

Protected Lane status may not in itself be enough to secure the long term future of these important historic landscape features. Consideration should therefore be given to exploring options and partnerships for influencing user behaviour and applying intelligent and positive measures of highway management that will serve to encourage local journeys to be made on bicycle or foot, and for recreation, and reduce the impact of vehicles on the historic fabric of lanes, whilst maintaining their local character (e.g. CPRE, 2003).

7 References

Chelmsford Borough Council	2008	'Our Planning Strategy for the Future: Core Strategy and Development Control Policies'
CPRE	1996	'Lost Lanes: An investigation into the impact of rising traffic levels on England's country lanes'
CPRE	2003	CPRE's guide to Quiet Lanes
Department of Transport	2006	'The Quiet Lanes and Home zones (England) Regulations'
Essex County Council	1998	'Protected Lanes'
Essex County Council	2009	'Protected Lanes Study for Chelmsford Borough Council: Summary Report'
Emmison, F G	1991	'Elizabethan Life: Home, Work and Land'
Hunter, J	1999	'The Essex Landscape'
Rackham, O	1986	'The History of the Countryside'

	Location	Nsg_name1	Nsg name 2	Diversity	Integrity	Potential	Aesthetic	Biodiversity	Group value	Archaeol association	Total	Stage 2 total
COLLANE1	Wormingford Bridge	Mill Hill		2	2	1	1	2	2	0	0	4
COLLANE2	Fringrinhoe	Furneaux Lane		1	1	1	1	1	1	0	0	0
COLLANE3	Wormingford	Church Road		4	4	2	3	3	1	1	18	8
COLLANE4	Wormingford	Church Road		4	4	2	2	2	1	0	15	8
COLLANE5	Little Horkesley	Fishponds Hill		3	4	2	2	3	1	0	15	7
COLLANE6	Fordham	Penlan Hall Lane		4	4	2	3	2	2	0	17	8
COLLANE7	Little Horkesley	Workhouse Road		3	4	2	2	2	2	1	16	7
COLLANE8	Church End	Fossetts Lane		4	4	2	3	2	2	2	19	8
COLLANE9	Church End	Fossetts Lane		3	4	2	2	2	2	0	15	7
COLLANE10	Green Acres	Foxes Lane	Daisy Green	4	2	2	2	3	2	2	17	6
COLLANE11	Copford Hall	Aldercar Road		4	6	2	2	4	1	1	20	10
COLLANE12	Easthorpe	Porters Green Road		2	4	1	1	1	1	1	11	6
COLLANE13	Birch Green	Garlands Road		3	2	2	3	2	2	1	15	5
COLLANE14	Great Tey	East Gores Road		3	4	2	2	2	3	1	17	7
COLLANE15	Chappel	Oak Road		4	4	2	3	2	1	1	17	8
COLLANE16	Layer-de-la-Haye	Birch Park		3	2	1	1	1	1	1	10	5
COLLANE17	Langham	Coles Oak Lane		2	2	1	1	4	1	0	0	4
COLLANE18	Langham	Water Lane		3	4	1	2	2	1	4	17	7
COLLANE19	Langham	Low Lift Cottage Road		3	6	1	2	1	1	4	18	9
COLLANE20	Boxted	Cage Lane		3	2	2	2	4	2	2	17	5

	Location	Nsg_name1	Nsg name 2	Diversity	Integrity	Potential	Aesthetic	Biodiversity	Group value	Archaeol association	Total	Stage 2 total
COLLANE21	Fingrinhoe	Upper Hay Lane		4	6	2	2	2	2	0	18	10
COLLANE22	Mount Bures	Peartree Hill	Bells Hill, Dowling Road	4	2	2	3	2	3	1	17	6
COLLANE23	Fordham	Creeping Hall Road		2	4	2	2	2	1	1	14	6
COLLANE24	Little Horkesley	Holts Road	Crabtree Lane	4	6	2	2	2	2	2	20	10
COLLANE25	Copford	Hall Road		2	2	1	1	4	1	0	0	4
COLLANE26	Heckfordbridge	Birch Park		4	4	3	3	4	4	2	24	8
COLLANE27	Wakes Colne	Brookfield Road		2	4	2	1	2	2	0	13	6
COLLANE28	Fingrinhoe	South Green Road		4	4	2	3	4	2	2	21	8
COLLANE29	Great Tey	Burnthouse Road		2	4	3	2	2	2	1	16	6
COLLANE30	Janke's Green	Boarded Barn Road		4	4	3	2	2	2	0	17	8
COLLANE31	Mount Bures	Jankes Green Road	Fordham Road	3	4	2	2	2	2	1	16	7

Appendix 1 Scores for all Assessed Lanes December 2015 (Those in red rows failed the criteria)

DRAFT

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Published (January 2016)

27 March 2017

Report of	Head of Commercial Services	Author	Beverley McClean 01206 282480
Title	Colchester Local List		
Wards affected	Urban Colchester wards, Wivenhoe, and Rural North Ward		

The Local Plan Committee is asked to agree the proposed amendments to the adopted Colchester Local List

1. Decision(s) Required

- 1.1 The Committee is asked to agree the proposed amendments to the adopted Colchester Local List.

2. Reasons for Decision

- 2.1 The Local List for Colchester includes buildings, architectural features and historic assets that, while not of national significance, are considered to be locally significant for their architectural or historic value. It is not a static list and will change over time in response to planning decisions or as a result of new buildings being proposed for inclusion on it. When the Local List for Colchester was approved by the Local Development Framework Committee in December 2011, it was agreed that it would be reviewed annually.
- 2.2 Procedures for amending Colchester's Local List were agreed at the Local Plan Committee on 28 January 2013. The Local List which covers urban Colchester, Langham and Wivenhoe is now due for its 5th annual review. A number of amendments have been put forward which the Local Plan Committee is being asked to review and agree the suggested changes.

3. Alternative Options

- 3.1 The alternative option is to not to review the Local List. Without a regular review, the information on the Local List would become out of date and inaccurate. The inclusion of a heritage asset on the Local List is a material consideration when determining planning applications affecting them. The lack of a properly maintained Local List would reduce the Council's ability to make informed decisions when assessing development proposals affecting buildings or historic assets that are architecturally or historically significant in the Borough. This in turn would make the conservation of these buildings and assets more difficult.

4. Supporting Information

- 4.1 National Planning Policy Framework (paragraph 129) states that Local Authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of available evidence and any necessary expertise. This includes buildings or assets that are locally listed.

- 4.2 A Local List is essentially a list of heritage assets that although not suitable for designation as Listed Buildings are considered historically or architecturally important at a local level. The List can include a range of historic assets including individual buildings or whole streetscapes. It can also include individual features on buildings such as railings, lamp posts or post boxes as well as locally valued archaeological features i.e. crop marks. The important factor is that the assets included on the Local List are of historic interest locally and/or make a significant contribution to the character and setting of the area in which they are located and are valued by the local community. Inclusion on a Local List is a material consideration when planning applications affecting such buildings or features are being considered. Similarly, Planning Inspectors will have due regard for buildings or assets on a Local List as part of appeals as in the case of the Bovis Homes challenge on part of the Calvary Barrack site.
- 4.3 Colchester Borough Council set out their intention to prepare and adopt a Local List in Development Policy DP14 (Historic Environment Assets). The first List for Colchester was adopted by the Local Development Framework (LDF) Committee in December 2011.
- 4.4 A survey of the built historic assets in and around urban Colchester resulted in 665 buildings/features being identified for inclusion on the draft Local List. A further 76 assets were added to the Local List following approval of buildings and assets in Wivenhoe in March 2012. All references to the Colchester Local List include the Wivenhoe information and now also an asset in Langham. In 2016 there were 758 buildings/assets on the Colchester Local List. If the current changes are approved, the total number of buildings and assets will increase to 765.
- 4.5 The original Colchester Local List information is stored on the Colchester's Historic Buildings Forum website (www.colchesterhistoricbuildingsforum.org.uk) and on the Council's C-MAP system.
<https://stratus.pbondemand.eu/connect/colchesterborough/?mapcfg=planningservices>
The approved changes will be added to the existing Local List information on Colchester Borough Council's C-MAP system and to the Civica database.

5. Proposals

5.1 2017 Review

In January 2017, a press release was issued inviting members of the public and local groups to nominate buildings or historic/architectural features for consideration for either inclusion or removal from Colchester's Local List. The Spatial Policy team also consulted colleagues in Development Management to gather information about any planning applications that had resulted in the loss of or alteration of buildings or historic/architectural features on the Local List.

- 5.2 In response to the press release and internal consultation a total of 15 changes have been proposed to the Local List. 8 of the proposed additions are not considered suitable for inclusion on the Local List and these are set out in Table 2 below along with a justification supporting this recommendation.
- 5.3 The buildings/assets which are considered suitable for inclusion on the Local List are detailed in Table 1 below along with reasons to support their inclusion.

Table 1 Buildings/assets recommended for inclusion on the Colchester Local List.

Building	Information	Recommended Action
<p>Methodist Chapel Chapel Lane Boxted</p>	<p>The building lies alongside one of the old tracks across Boxted heath (now a public footpath), having been built before the enclosure of the heath and the construction of Boxted Straight Road.</p> <p>The Chapel was opened on January 3rd 1831 and is the oldest Wesleyan Methodist chapel building in the Borough of Colchester.</p> <p>The cost of building was £350 in addition to the £6 paid for the plot of land, purchased from Mr. Jonathan Nevard, a local thatcher. Land for a burial ground was purchased later.</p> <p>The Chapel was erected by the Boxted Society of Methodists in response to the demand for a permanent place of worship. A substantial group of non-conformists had been meeting in a barn for services close to the site of the Chapel.</p> <p>All costs were met by donations from the Society members. The builder's name is not recorded.</p> <p>The main building measures 52' x 40' and is in the late Georgian style, constructed in red brick with a grey slate, low hipped roof, which overhangs the walls. There are two tall Roman arched windows with Georgian bars, on each side of the main building (East and west facing). These are of particular interest, being original and made from iron – an innovative and very modern feature of the period. Two smaller windows of the same style are on the north side above the vestry. The vestry itself has two plain Georgian windows facing west. This room was the original Wesleyan schoolroom and was built as part of the chapel.</p> <p>The front (South facing) entrance porch has a Gothic arched front double door with a small west facing Gothic window on the ground floor and a small south facing Gothic window on the first floor landing. The change in architectural style from the main building is due to the entrance porch being a later addition to the chapel, having been added along with the gallery inside to allow room for a staircase and landing.</p> <p>Inside the main building, rows of wooden pews face the altar area at the north end. These are not original, but are still of</p>	<p>Add to the Local List.</p> <p>The Methodist Chapel is a really good example of an early C19 chapel with intact interior.</p>

	<p>interest, as they were taken from the old Culver Street Methodist Church in Colchester, which was demolished for the Lion Walk development.</p> <p>The organ is situated centrally, covering a blocked doorway which was the original entrance from the vestry to the original central pulpit. A small panel shows a piece of the original interior wall decoration, discovered during work carried out in the 1980's. The present wooden pulpit is located in the north west corner, in front of the present doorway from the vestry.</p> <p>The gallery covers approximately a third of the south end of the building, has a wooden front rail / front wall and is supported by two cast iron pillars. Access is gained by the aforementioned wooden staircase in the entrance porch. The gallery crosses the windows at the south end and is visible through the windows from the outside clearly indicating that it was a later addition.</p> <p>Outside, at the north end, is the original burial ground containing many members of the founding families of the chapel. There are some original cast iron grave ornaments.</p> <p>This chapel building is almost completely original and is a fine example of the architectural style of the early 19th Century. It stands as a landmark within the village of Boxted and the Borough of Colchester.</p>	
<p>White Lodge, 113/113a Mersea Road, Colchester</p>	<p>Typical late Georgian style brick built, rendered dwelling.</p> <p>The building is complete with no inappropriate alterations/extensions. It is one of the few properties of this date and size in this part of Colchester. Until the surrounding land was sold for housing, it would have occupied a prominent site.</p> <p>It makes a contribution to the area in which it stands. Local rarity.</p> <p>The building is now divided into 2 properties (113a and North End), with the driveway from the main road still retained.</p> <p>The original land appears (see period maps) to include not only the present numbers 109, 111, 115, 117 and 119 Mersea Road, and 148-154 Bourne Road, mainly built in the 1960s but also the site of St George's Infants School in Barrington Road. Together they form a rectangular</p>	<p>Good example of an early reasonably unaltered C19 Regency style rectory. It does not fall within the Conservation Area therefore it is recommended for inclusion on the Colchester Local List</p>

	<p>block on the corner of Mersea Road and Bourne Road.</p> <p>The property has been in continuous residential use and was St Giles' Rectory for many years</p> <p>The site is shown as empty on the Chapman & Andre map of 1767. In later maps at the Essex Records Office it is shown as Rectory or St Giles Rectory.</p>	
134 Kendall Road - street sign	Rare brick street sign on end gable of 134 Kendell Road.	Add to the Local List. The sign is rare and distinctive. Although it is located within a Conservation Area and therefore protected, the sign is one of only 2 brick street names in New Town.
2 pair of terrace estate workers cottages, Crepping Hall Road, Wakes Colne.	The terraced workers housing were built by the Courtauld Family (Dr. Richard Minton Courtauld). They are built in the Arts and Crafts style inspired by the Surrey Cottage vernacular. The short terraces are well composed and reflect the picturesque national interwar housing trends that owed much to the Lutyens school of architects such as Oswald Milne	Add to the Local List. The terraced workers cottages are a good example of 1930's interwar housing with a strong connection to the Courtauld family.
North and south Lodges, Turner Village, Turner Road	<p>1930's detached buildings facing the entrance to Turner Village. Turner village is historically important in north Colchester/Mile End. The lodges are striking in their appearance and functionality.</p> <p>Turner village formed was built as part of the Essex Hospital (The Royal Eastern Counties Institution) which closed in 1985. Work commenced on Turner village in 1932. It was built in the Neo Georgian style and the design was intended to reflect the forward thinking approach of those involved in the project at the time.</p> <p>Turner Village was built at a cost of £146,359. It was officially opened by the Duke of Kent in 1935 and officially closed in April 2001.</p>	Add to Local List. The lodges are culturally and historically important in Colchester/Mile End with historic links back to the Turner family and Essex Hall Hospital.
Crescent of villas, Turner Village Turner Road	Former 2 storey ward blocks for patients of Turner Village hospital. The crescent originally comprised 8 villas however 1 has been unsympathetically replaced.	Add to the Local List. The lodges are culturally and historically important in Colchester/Mile End

	<p>The crescent of villas were built as part of the larger Turner village which is historically/culturally important in north Colchester/Mile End. Turner village formed was built as part of the Essex Hospital (The Royal Eastern Counties Institution) which closed in 1985. Work commenced on Turner village in 1932. The Crescent was built in the Neo Georgian style and the design was intended to reflect the forward thinking approach of those involved in the project at the time.</p> <p>Turner Village was built at a cost of £146,359. It was officially opened by the Duke of Kent in 1935 and officially closed in April 2001.</p>	with historic links back to the Turner family and Essex Hall Hospital.
Marshland to the west Spindrift Way, Wivenhoe	<p>A request has been submitted to include the whole area of marshland to the west of Spindrift Way in Wivenhoe. This land was omitted from the original Wivenhoe Local List designation. Ferry Marsh area was proposed for addition to the Wivenhoe Local List in 2012 due to its historic links back to the river ferry and because of its contribution to the landscape setting of Wivenhoe. Not all of Ferry Marsh was designated however and this was an error. The current request to include all of Ferry Marsh seeks to address this.</p>	Add to Local List to amend previous error and to ensure that the whole of Ferry Marsh is included on the Wivenhoe Local List.

Table 2 Buildings/assets not recommended for inclusion on the Colchester Local List.

Building/asset	Information	Action
4 Gladstone Road	Red brick villa in the Queen Anne style. Individually pleasing 1900 period housing with most architectural details intact. Not all of the windows are original. The building has been proposed for inclusion on the Local List for consistency as neighbouring properties of a similar style and architectural quality are on the Local List.	Do not add to the Local List. The property is located within a Conservation Area which affords the building statutory protection. Adding the property onto the Local List will not provide any additional protection to the dwelling (see paragraph 5.4)
38 Gladstone Road	Red brick villa in the Queen Anne style. Individually pleasing 1900 period housing with most architectural details intact. Not all of the windows are original. The building has been proposed for inclusion on the Local List for consistency as neighbouring properties of a similar style and architectural quality are on the Local List.	Do not add to the Local List. The property is located within a Conservation Area which affords the building statutory protection. Adding the property onto the Local List will not provide any additional protection to the dwelling (see paragraph 5.4)
62 Winnock Road, New Town	White brick faced villa basically later C19 and with some original windows. Important corner house in New Town. Corner properties had an important role to play, breaking up the terraces.	Do not add to the Local List. The property is located within a Conservation Area which affords the building statutory protection. Adding the property onto the Local List will not provide any additional protection to the dwelling (see paragraph 5.4)
64 Winnock Road, New Town	White brick faced villa basically later C19 and some with original windows. Important corner house in New Town which had an important role to play, breaking up the terraces	Do not add to the Local List. The property is located within a Conservation Area which affords the building statutory protection. Adding

		the property onto the Local List will not provide any additional protection to the dwelling (see paragraph 5.4)
Sunningdale (Pond cottage) Creeping Hall Road, Wakes Colne	Sunningdale (Pond Cottage) built by the Courtauld Family (Dr. Richard Minton Courtauld. It is a pleasant interwar cottage (built 1924) and is a typical example after the works of Baillie Scott.	Do not add to the Local List. Insufficient information has been provided to support its inclusion on the Local List. More information will be sought.
Foreman's House, Crepping Hall Road, Wakes Colne	A detached house built by the Courtauld Family (Dr. Richard Minton Courtauld) (1878-1956).	Do not add to the Local List. Whilst there is a cultural link back to the Courtauld Family this building is not considered to have any outstanding features of architectural or historic merit.
1 James Street, New Town	White brick faced villa basically later C19 and some with original windows. Important corner house in New Town which had an important role to play, breaking up the terraces	Do not add to the Local List. The property is located within a Conservation Area which affords the building statutory protection. Adding the property onto the Local List will not provide any additional protection to the dwelling (see paragraph 5.4)
School associated with Methodist Chapel, Boxted	The school building is located on the west side of Chapel Lane. It was built in 1907 at a cost of £261.13s.6p as a new Wesleyan schoolroom and until the early 1950's the village infant's school. This building has been altered internally over the years but retains many original features. It is still in use as the church hall and rehearsal room for Boxted Methodist Silver Band. To the west of the schoolroom is the present burial ground, in use since the 1920's.	Do not add to the Local List. The building is significantly later than the chapel and has been significantly altered.

- 5.4 For the reasons stated, it is recommended that the buildings listed in Table 2 are not added to the Colchester Local List. The committee is asked to agree in principle the removal of all buildings from the Local List that are also located within a Conservation Area. Inclusion on the Local List adds no additional protection for the building /assets which are already afforded statutory protection through the Conservation Area designation. A full list will be presented to Local Plan Committee as part of the 2018 review.
- 5.5 The Colchester Company Tram Shed, Military Road was also put forward for inclusion on the Local List however it is already on the List therefore no further action is needed.
- 5.6 The Committee is asked to review and agree the proposed changes which would result in the addition of 7 new buildings/assets to Colchester's Local List. The approved changes will be added to the existing Local List information on Colchester Borough Council's C-MAP system and Civica database. The Local List will next be reviewed in March 2018.

6. Strategic Plan References

- 6.1 The Local List provides evidence to help the Council deliver its strategic priorities to make more of Colchester's great heritage and culture so that people can enjoy them and to promote Colchester's heritage and wide ranging tourism attractions to enhance our reputation as a destination and make Colchester confident about its own abilities, to compete with the best of the towns in the region to generate a sense of pride.

7. Consultation

- 7.1 All those who proposed additions or deletions to and from the Colchester Local List will be notified of the decision of the committee.

8.0 Publicity Considerations and Financial Implications

- 8.1 None

9. Equality, Diversity and Human Rights implications

- 9.1 An Equality Impact Assessment has been prepared for the Local Plan and is available to view by clicking on [this link](#) or go to the Colchester Borough Council website www.colchester.gov.uk and follow the pathway from the homepage: Your Council > How the Council works > Equality and Diversity > Equality Impact Assessments > Commercial Services > Planning Policy > Local Plan.

- 9.2 There are no particular Human Rights implications.

10. Community Safety and Health and Safety Implications

- 10.1 None.

11. Risk Management Implications

- 11.1 Reviewing the Local List will help ensure that planning decisions are based on the most current built heritage data available for the Borough. This will help ensure that locally important or distinctive buildings and historic assets are better protected for the future.

Local Plan Committee

Item
10

27 March 2017

Report of	Head of Commercial Services	Author	Karen Syrett 01206 506477
Title	Fixing our Broken Housing Market		
Wards affected	All		

The Local Plan Committee is asked to discuss the Housing White Paper – Fixing our Broken Housing Market, along with other documents published on 7th February to inform the Council's response

1. Decision(s) Required

- 1.1 To discuss the Housing White Paper – Fixing our Broken Housing Market, along with other documents published on 7th February, to inform the Council's response.

2. Reasons for Decision(s)

- 2.1 The Council has the opportunity to influence emerging Government Policy.

3. Alternative Options

- 3.1 The Committee could decide not to respond to the consultation.

4. Supporting Information

- 4.1 The Government believes that the "housing market in this country is broken, and the cause is very simple: for too long, we haven't built enough homes. Since the 1970s, there have been on average 160,000 new homes each year in England. The consensus is that we need from 225,000 to 275,000 or more homes per year to keep up with population growth and start to tackle years of under-supply."
- 4.2 In February the Government published a White Paper (Fixing the Broken Housing Market) and other documents aimed at addressing this issue. They identify three major problems to building enough new homes;
- The fact that 40% of local authorities do not have an adopted local plan that meets projected growth
 - Development takes too long to get off the ground
 - The very structure of the housing market makes it harder to increase supply.
- 4.3 The White Paper sets out their solutions to the problems which are summarised below.

4.4 Housing Delivery Test

While many key elements of the Housing White Paper are still under development, one significant policy change will affect local planning authorities before the end of this year. From November, a housing delivery test will require local planning authorities to see the homes in their Local Plan delivered, not just planned for.

4.5 Where authorities have an up-to-date plan, the new test will measure their housing delivery against local plan housing targets, the white paper states. But for authorities with plans that are more than five years old, delivery will be measured against latest household projections until a new standardised methodology for assessing housing need is introduced in April 2018.

4.6 From November 2017, if delivery of housing falls below 95% of the authority's annual housing requirement, the LA should publish an action plan; if delivery of housing falls below 85%, LAs would also add a 20% buffer to their five-year land supply (if not already done so). The action plan will set "out its understanding of the key reasons for the situation and the actions that it and other parties need to take to get home-building back on track", the white paper says. The detail of such action plans is unknown.

4.7 The white paper also says that tougher sanctions will be introduced under the test from the end of next year;

- From November 2018, if delivery falls below 25% of housing requirement, the presumption in favour of development would apply automatically
- From November 2019, if delivery falls below 45% the presumption would apply.
- From November 2020, if delivery falls below 65% the presumption would apply.

4.8 Making assessments under the test against household projections means that the performance of some authorities without up-to-date plans may be measured against targets that are less stretching than they would be if they had a plan in place.

4.9 For Colchester the Local Plan target is 920 dwellings a year whereas household projections = 800 dwellings a year (based on 2014 household projections 2018 – 2033) 12,000 households are projected to be required in the 15 year period. However, it's not that simple because the lower target doesn't take account of affordable needs. There are also issues with the household projections because just before the White Paper CLG handed them to ONS – who launched a consultation into their method. So these may well change.

4.10 Density

The government's Housing White Paper proposes increasing development density, representing a significant change in policy direction. Six years ago, former secretary of state Eric Pickles culled a raft of policy and guidance designed to encourage denser development, most notably PPG3 guidance on housing, which had set a general minimum development density of 30 homes per hectare.

- 4.11 Supporters of higher development density say that it not only allows more homes to be delivered on less land, but it also, if designed well, can result in "walkable" neighbourhoods that can sustain public transport and local shops. Since the cancelling of PPG3 the average development density appears to have fallen from 43 dwellings per hectare in 2011 to 30 in 2015-16, though a change in methodology means the figures are not exactly comparable, with developers moving back to building homes rather than flats.
- 4.12 The document proposes amending the National Planning Policy Framework (NPPF) to make it clear that both plans and individual applications should make efficient use of land, look to push higher densities around transport hubs, deliver densities in keeping with local character and allow flexibility in applying other policies that might lower densities. It also suggests introducing "indicative" density standards for different types of location, and amending planning guidance to support greater density, particularly by proposing a new approach to deal with daylight considerations. It proposes a less prescriptive approach than PPG3 did.
- 4.13 The government will not define in policy the "commuter hubs" around which density will be particularly encouraged, leaving it to local authorities to decide, and developers to make their case for more density in other areas.
- 4.14 Local Plans
The white paper also reveals that the government will consult "at the earliest opportunity this year" on options for introducing a standardised approach to assessing housing requirements, one of the key recommendations of last spring's Local Plans Expert Group (LPEG) report. The results will be fed into forthcoming revisions of the National Planning Policy Framework. This will hopefully add clarity and certainty to the process. The methodology will incorporate;
- A new approach in place by April 2018
 - Expected to be consistent across all planning authorities
 - Will provide baseline for housing land supply numbers and housing delivery test (covered above)
 - Will expect clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people
- 4.15 There will be a requirement for Local Plans to be reviewed every five years. Local Plans must cover the Local Planning Authorities' area but can also cover a wider area. This is expected to open the way for more joint local plans.
- 4.16 Small sites: at least 10% of the sites allocated for residential development in local plans should be sites of half a hectare or less; in addition to 10% of homes in Local Plans will be on 'windfall' sites for small builders.
- 4.17 Housing land supply will be produced and fixed once per year by district councils and agreed with developers (both large and small).

- 4.18 Other measures to support the delivery test include;
- Builders will be required to provide more data on their completions and build out rates.
 - DCLG to increase the transparency and quality of data it publishes on delivery against plan targets
 - Require large housebuilders to publish aggregate information on build out rates (subject to consultation).

4.19 Planning permissions

There are various measures explored in the paper relating to planning permission. These are summarised below;

- The length of time developers can hold a planning permission before it expires will go down from three to two years (following consultation)
- The white paper reveals that local authorities will be able to increase fees by 20 per cent from July 2017 if they "commit to invest the additional fee income in their planning department". A further 20% can be added for authorities 'delivering the homes people need' – likely to mean seeing housing number in their local plan built out
- There are plans to consult on introducing a fee for making a planning appeal
- Local planning authorities (subject to consultation) will take into account the delivery record of developers when deciding whether to grant them a planning consent.
- Greater weight should be attached to the value of using suitable brownfield land within settlements for homes.
- The test of planning obligations will be strictly adhered to and pre-commencement conditions can only be used if they are agreed with developers in advance.
- Local authorities will need to work with Natural England to test district wide the best habitats for Great Crested Newts, so developers don't need to.

4.20 Starter Homes

Ministers have dropped plans to impose a legal duty on councils to ensure provision of at least 20 per cent Starter Homes on all reasonably sized development sites. The white paper says ministers have "listened to concerns" that a mandatory 20 per cent requirement would "impact on other affordable homes". The DCLG's analysis of consultation responses, released with the white paper, reveals that 78 per cent of respondents preferred the requirement to be set at local level, while two-thirds of councils would rather set their own site size thresholds.

- 4.21 Instead, the government is proposing to amend the National Planning Policy Framework to introduce a "clear policy expectation" that councils seek to ensure that at least ten per cent of all homes on schemes of ten or more units or 0.5 hectares upwards are affordable home ownership products. "It will be for local areas to work with developers to agree an appropriate level of delivery of Starter Homes, alongside other affordable home ownership and rented tenures," the white paper explains.

4.22 Annual Housing Supply

The white paper says that the government will give local authorities the opportunity to have their housing land supplies agreed on an annual basis, and fixed for a one-year period.

4.23 Community Infrastructure Levy

A government-commissioned review published alongside the white paper recommends that the Community Infrastructure Levy should be replaced with a "hybrid system" of a low level tariff for all developments and section 106 for larger developments. The Review Panel found that CIL was failing to bring in anything close to what it should and have recommended the abolition of CIL and its replacement with a hybrid system where by all development (with no exceptions) contributes towards a Local Infrastructure Tariff (LIT). This is to be set intentionally low through a formula to be developed by national government. Larger developments would then also be subject to S.106, where some slight amendments and clarifications are requested including the removal of the pooling limit. The white paper however says that the government "will examine the options for reforming the system of developer contributions including ensuring direct benefit for communities" and will respond to the CIL review and "make an announcement at Autumn Budget 2017."

4.24 Compulsory Purchase and Measures to boost build out rates

The white paper says that the government intends to encourage "more active use of compulsory purchase powers to promote development on stalled sites for housing" as part of a raft of measures to ensure that planning permissions are built out. It added that the government is "interested in views on whether an applicant's track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development."

4.25 Permitted Development

The government is to consult on a new agricultural to residential permitted development right and will amend planning guidance regarding farmshops, polytunnels and on-farm reservoirs to "better support" such development, documents published alongside the white paper reveal.

4.26 Other Measures

- The Homes and Communities Agency to become Homes England and to help with simplified compulsory purchase orders.
- Internal space standards to be reviewed (expected to make them smaller)
- Consult on improving the transparency of land options.
- Legislate to allow locally accountable New Town Development Corporations.
- New guidance, following consultation to encouraging LAs to use compulsory purchase powers to support the build out of stalled sites.
- Changes to the way Government supports training in the construction industry.
- Use Accelerated Construction Fund and Home Builders' Fund to create opportunities for using modern methods of construction.

Accelerated Construction Fund also used for partnering with SME firms as partners and contractors

4.27 Funding

Details were published of various funding schemes to support housebuilding;

- Launch a new £45m Land Release Fund
- £25m of new funding to help authorities to plan for new homes and infrastructure
- Target £2.3bn Housing Infrastructure Fund at the areas of greatest housing need and open it to bids in 2017, with money available over the next four years.
- £1.2bn Starter Home Land Fund to support preparation of brownfield sites

4.28 Home Ownership and Renting

In April 2017, the Government will introduce the Lifetime ISA. This will support younger adults to save flexibly for the long term. They are also considering the future of the Help To Buy scheme beyond 2021.

4.29 Starter Homes will be required to be bought with a mortgage to stop cash buyers and there will also be a 15 year repayment period for a starter home.

4.30 One of the proposed amendments to the NPPF is the introduction of a clear policy expectation that housing sites will deliver a minimum of 10% affordable home ownership units. Whilst a national minimum standard provides certainty and will ensure delivery, home ownership products are not generally considered to be 'affordable' to those in housing need in Colchester.

4.31 The government intends to amend planning policy to make it easier for developers of purpose-built developments for the rental market to offer affordable private rented homes instead of other forms of affordable housing, the white paper reveals.

4.32 Other measures include proposals to consult early this year, ahead of bringing forward legislation as soon as Parliamentary time allows, to ban letting agent fees to tenants. They also want to ensure that family-friendly tenancies of three or more years are available for those tenants that want them.

4.33 Appendix 1 contains a detailed structure to the document.

5. Proposals

5.1 The Local Plan Committee is asked to discuss the content of the Housing White Paper, the changes to the National Planning Policy Framework, and the Build to Rent consultation document. Comments will be used to inform the Portfolio Holder report(s) which will agree the response to be sent to DCLG.

5.2 Many of the changes involve amendments to the National Planning Policy Framework. The Government intends to publish a revised Framework later this year, which will consolidate the outcome from the previous and current consultations. It will also incorporate changes to reflect changes made to national policy through Written Ministerial Statements since March 2012. A list of key amendments to the NPPF which are expected in the summer are included as Appendix 2.

5.3 The questions and initial officer thinking is attached as Appendix 3.

6. Strategic Plan References

6.1 Effective strategic planning supports the Strategic Plan Action Plan which includes a commitment to make Colchester a vibrant, prosperous, thriving and welcoming place.

7. Consultation and Publicity

7.1 Consultation is being undertaken by the Department of Communities and Local Government and will run until the 2nd May 2017. There are 38 questions. In addition the Government is also consulting on 'Planning and Affordable Housing for Build to Rent'. There are 26 questions in this document and the consultation closes on the 1st May.

7.2 The Councils response is not expected to attract significant publicity.

8. Financial Implications

8.1 None.

9. Equality, Diversity and Human Rights Implications

9.1 An Equality Impact Assessment has been prepared for the Local Plan and is available to view by clicking on [this link](#) or go to the Colchester Borough Council website www.colchester.gov.uk and follow the pathway from the homepage: Your Council > How the Council works > Equality and Diversity > Equality Impact Assessments > Commercial Services > Planning Policy > Local Plan.

9.2 There are no particular Human Rights implications.

10. Community Safety Implications

10.1 None

11. Health and Safety Implications

11.1 None

12. Risk Management Implications

12.1 None.

13. Disclaimer

- 13.1 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 omission.

Appendix 1

Detailed structure of the document

Four steps:

1. Planning for the right homes in the right places
 - a. Need for up-to-date and ambitious plans
 - b. Simplify plan making
 - c. Honest assessment of need for new homes
 - d. Transparency of land ownership
 - e. Maximising land availability
 - i. Brownfield
 - ii. Surplus public sector land
 - f. Strong protection for Green Belt
 - g. Giving communities a stronger voice
 - h. Better use of land
 - i. Higher densities
2. Building homes faster
 - a. Greater certainty where new homes planned for
 - i. Reduce scope for changing way available land assessed
 - b. Boosting local capacity and capability to deliver
 - i. Increase speed and quality of planning cases
 - ii. Deterring unnecessary appeals
 - c. Targeting infrastructure
 - i. £2.3bn housing infrastructure fund
 - d. Timely connection to utilities
 - e. Quicker build out
 - i. Planning conditions (3 years to 2 years from permission)
 - ii. Strategic licensing of protected species
 - iii. New way of developers contributing to infrastructure
 - f. Hold developers to account for delivery
 - i. Transparent data
 - g. Hold local authorities to account
 - i. Housing delivery test
3. Diversifying the market
 - a. Help SME builders to grow
 - i. Home Building Fund
 - b. Support custom-build

- i. Access to land and finance
 - c. Bring in new contractors
 - i. Accelerated Construction Programme
 - d. Encourage institutional investors
 - i. More homes for rent
 - ii. Family friendly tenancies
 - e. Support Housing Associations and Local Authorities to build more
 - f. Role of public sector
 - i. More building by councils
 - ii. Change the HCA
 - g. Productivity and innovation
 - i. Modern methods of construction
- 4. Helping people now
 - a. Support to buy own home
 - i. Help to Buy
 - ii. Starter Homes
 - b. Affordable Homes Programme
 - c. Making renting fairer for tenants
 - d. Transparency for leaseholders
 - e. Improve neighbourhoods
 - i. Empty homes
 - ii. Areas affected by second homes
 - f. Housing that meets future needs
 - g. Sustainable and workable approach to funding supported housing
 - h. More to prevent homelessness

Appendix 2 – Revisions to the NPPF

- adopting a standardised approach to assessing housing requirements
- requiring local authorities to prepare Statements of Common Ground on working together to address housing requirements
- allowing Spatial Development Strategies to allocate strategic sites for housing
- allowing the Secretary of State to direct a group of authorities to produce a joint plan
- amending the test for a 'sound plan' to one of producing 'an' appropriate strategy rather than 'the most' appropriate strategy
- requiring local authorities to address the housing requirements of groups with particular needs such as the elderly
- attaching great weight to the re-use of suitable brownfield sites for housing
- expecting local and neighbourhood plans to define design expectations for new homes
- confirming the potential to build higher-density housing around train stations and other public transport nodes
- giving much stronger support for 'rural exception' sites
- giving local authorities the opportunity to agree housing land supply on an annual basis

- encouraging local authorities to consider how likely a site is to be developed when deciding whether to grant planning permission
- encouraging local authorities to shorten the timescales for implementing planning permission
- requiring local authorities to plan for rented property where there is need
- defining when it is appropriate for local authorities to amend Green Belt boundaries
- encouraging a more proactive approach to bringing forward new settlements in their plans
- amending the definition of affordable housing, including provision for Starter Homes, and ensuring that a minimum of 10% of all homes on a site are affordable
- clarifying the status of endorsed recommendations of the National Infrastructure Commission.

Appendix 3 – Consultation on Housing White Paper

Planning Policies

Question 1

Do you agree with the proposals to:

- a) Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?
- b) Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?
- c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?

CBC response –

- a) *The word 'allocations' could be added to the existing text which states that "This should include strategic policies **and allocations** to deliver:*

- *the homes and jobs needed in the area...'*

It is equally important to have allocations to meet other strategic requirements.

b) *Agree*

c) *Agree – although a proportionate evidence base has been a requirement for some time, it is not clear what this means in reality. The costs of producing and updating an extensive evidence base are prohibitive and certainly act as a disincentive to producing a new plan or undertaking a partial review.*

Question 2

What changes do you think would support more proportionate consultation and examination procedures for different types of plan and to ensure that different levels of plans work together?

CBC response – where there is a higher level plan in place such as a spatial development plan, the consultation requirements for local plans and neighbourhood plans could be reduced.

Neighbourhood Plans should be allowed to proceed in advance of a Local Plan even where "in combination" effects might need to be addressed, where the neighbourhood plan on its own will not have any significant effects.

Question 3

Do you agree with the proposals to:

- a) amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?

- b) from early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?

CBC response –

a) The Council agrees that policies should be in place for all groups of people, including those with special needs. The evidence to support this should be included in the proposed standardised approach to assessing housing requirements. Failure to do so will add to the evidence base requirements and contradict the aspiration referred to above for a proportionate evidence base.

b) The Council welcomes a standardised approach to assessing housing requirements. This will help deliver consistent outcomes and provide certainty for all. It may also reduce the number of appeals which cause delay and take up valuable resources. The Council also welcomes the acknowledgement that 'In specific circumstances where authorities are collaborating on ambitious proposals for new homes, the Secretary of State would be able to give additional time before this new baseline applies.'

There is a concern that the April 2018 date for the standardised approach is not sensible unless it reasonably aligns with the next round of household projections. The 2014 projections were published in July 2016 which would mean the April 2018 set would have a shelf life of only 3 months.

Question 4

Do you agree with the proposals to amend the presumption in favour of sustainable development so that:

- a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?;
- b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?;
- c) the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?
- d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?

CBC response –

a) b) and d) The Council agrees with the amendments

c) *Some flexibility should be retained for unforeseen circumstances and for consistency in relation to those LA's are collaborating on ambitious or large scale new developments where prematurity would be a strong reason for not implementing the presumption (see para. A.22 of Fixing the Broken Housing Market)*

Land

Question 5

Do you agree that regulations should be amended so that all local planning authorities are able to dispose of land with the benefit of planning consent which they have granted to themselves?

CBC response – The Council agrees that regulations should be amended so there is consistency and all local planning authorities, including those in two tier areas, are able to dispose of land with planning consent.

Question 6

How could land pooling make a more effective contribution to assembling land, and what additional powers or capacity would allow local authorities to play a more active role in land assembly (such as where 'ransom strips' delay or prevent development)?

CBC response - The land pooling is an interesting point and whilst in principle it sounds like a good idea to move forward development it might not take account of individual site profits that a landowner might want to achieve from their bit of land. In terms of barriers, the value issue might prevent landowners from getting involved especially if the idea is to sell plots off cheaply with planning.

Notwithstanding the above, the relaxation of the General Disposal Consent in any way is bound to have a positive effect on the ability to bring forward sites, particularly those which have other barriers to development. It means the Local Authority can work more closely with landowners in a transparent way to ensure plots in local areas are brought forward

Question 7

Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard?

CBC response - Agreed

Housing

Question 8

Do you agree with the proposals to amend the National Planning Policy Framework to:

- a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?;
- b) encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?;
- c) give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?;
- d) make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?;
- e) expect local planning authorities to work with developers to encourage the sub-division of large sites?; and
- f) encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?

CBC response;

- a) The NPPF should highlight the opportunities that neighbourhood plans have for allocating sites of all sizes – not just small sites*
- b) Most Councils already encourage villages to thrive – where is the evidence that this is not the case?*
- c) Colchester Borough council agrees with the existing approach in the NPPF regarding Rural Exception Sites. The Council has a local policy which reflects this and delivered two schemes based on this approach. There are however instances of Local Plans being found sound where this approach has not been adopted; there is a need for consistency.*

The policy could go further though and allow for the inclusion of local needs housing as part of larger site allocations. Local communities are more accepting of development where they see it can deliver homes for local people and of a type that is required locally.

- d) *The Council strongly disagrees that 10% of all sites allocated should be small sites of 10 units or less (on top of windfalls). Providing that a LPA can demonstrate that it has identified sufficient sites and that it is delivering new homes to meet local needs there should not be a restriction on the size of site. This could act as a barrier to new housing development and be completely at odds with the underlying intentions of the paper, to deliver more houses. Small and medium sized developers tend to be very successful at securing permission on small sites through identifying them themselves rather than relying on allocations in local plans. Allocations immediately puts prices up which can be out of reach of many small and medium developers.*
- e) *As above, where Councils are allocating and delivering new homes, they should not intervene in the market. This proposal could undermine the delivery of new housing as developers hold their sites back.*
- f) *The use of Local Development Orders and area-wide design codes requires extra resources, which may not be available within LA's.*

Question 9

How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages?

CBC response – the Council welcomes the support given to new Garden Communities. New legislation and a focus on the provision of infrastructure to support these communities will help to deliver large scale house building in a number of locations.

It is however difficult to identify how procedures could be streamlined when dealing with such large scale developments. Any rationalisation is likely to be detrimental to community engagement and could undermine the vision for an area through a lack of policy or detail.

The use of locally led Development Corporations would solve many of the problems identified in the White Paper, from securing affordability and diversifying the housing market, to securing land value capture and the long-term stewardship of assets on behalf of the community.

In order to achieve these outcomes, the new legislation must contain ambitious place-making objectives, including the requirement to deliver long-term stewardship. There will also be a need for a wider package of support, including expertise and the re-direction of existing and new funding streams in order to create confidence.

Questions 10 & 11 relate to the Green Belt

CBC Response – no comment

Question 12

Do you agree with the proposals to amend the National Planning Policy Framework to:

- a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?;
- b) make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?;
- c) emphasise the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided?;
- d) makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?; and
- e) recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process?

CBC response –

- a) If such a requirement is introduced there will need to be a standard methodology established. Councils are presently charged with meeting an OAN figure at a borough level and this requires a comprehensive approach. Depending on timing of the Neighbourhood Plan in relation to the Local Plan, it is currently difficult to provide one community with a housing requirement figure in isolation. Only when a full land assessment at a borough level has been completed can suitable sites be identified in the most sustainable locations.*
- b) – e) These questions are concerned with design and Council agrees with the intent of the related proposals.*

Question 13

Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:

- a) make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?;

- b) address the particular scope for higher-density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?;
- c) ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs?;
- d) take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?

CBC response –

We support the efficient use of land in sustainable urban locations but would caveat this with the need to protect the character of historic urban areas paying special regard to the skyline and other issues listed at C) above. We support the adoption of a flexible approach to the application of policy and guidance subject to the caveats listed at part C).

Question 14

In what types of location would indicative minimum density standards be helpful, and what should those standards be?

CBC response – Minimum density standards are applicable in central urban locations or within 350 m of a transport hub. The standard should be responsive to location and connectivity.

Question 15

What are your views on the potential for delivering additional homes through more intensive use of existing public sector sites, or in urban locations more generally, and how this can best be supported through planning (using tools such as policy, local development orders, and permitted development rights)?

CBC response – There is clearly potential to deliver additional homes through public sector sites although the intensity of use will be dependent upon the contextual circumstances of each case. The policy framework can clearly provide certainty and site specific guidance through site allocation policies. The use of local development orders could only be justified in the case of very substantial sites and we do not have any of these left in Colchester as we have already brought these forward successfully to deliver a substantial number of new homes (Colchester Garrison and Severalls Hospital site).

Question 16

Do you agree that:

- a) where local planning authorities wish to agree their housing land supply for a one-year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?;

- b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?
- c) if so, should the Inspectorate's consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure?

CBC response –

- (a) A one-year period for the agreement of a housing land supply is supported, however a buffer figure of 10% might be too blunt a tool to accurately reflect local circumstances including previous delivery rates.*
- (b) The principle is supported if it could be achieved through a light touch but defensible process.*
- (c) A light touch process would need to focus on methodology rather than the precise assessment of supply.*

Question 17

In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:

- a) a requirement for the neighbourhood plan to meet its share of local housing need?;
- b) that it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area?
- c) should it remain a requirement to have site allocations in the plan or should the protection apply as long as housing supply policies will meet their share of local housing need?

CBC response –

- (a) Yes. The proposed amendment is supported as it means that housing proposals in made Neighbourhood Plans can continue to be considered valid even where a LPA cannot demonstrate a full 5 year supply. In these cases Neighbourhood Plans bringing forward housing can contribute towards the wider borough housing need therefore this protection is welcome*
- (b) The proposed approach is supported generally as it should provide greater protection for Neighbourhood Plan groups bringing forward housing proposals. If an LPA cannot demonstrate more than a 2 year supply, there may be wider issues to be addressed within that LPA. In such instances the contribution that the Neighbourhood Plan housing proposals could make towards wider authority area housing targets is likely to be small. The proposal that Neighbourhood Plans housing policies should not be considered out of date where an LPA can demonstrate at least a 3 year supply is supported as it gives Neighbourhood Plan a chance to deliver*

what it set out to deliver, Neighbourhood Plan groups' efforts are not wasted and the housing proposal in the Neighbourhood Plan could actually contribute to wider authority housing supply numbers

(c) The requirement to have site allocations in a Neighbourhood Plan should remain a requirement for clarity for all involved in the planning process.

Applications and Appeals

Question 18

What are your views on the merits of introducing a fee for making a planning appeal? We would welcome views on:

- a) how the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals;
- b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and
- c) whether there could be lower fees for less complex cases.

CBC response – Given the substantial costs associated with delivering the appeals service it seems reasonable that a proportionate fee is levied and this could prevent vexatious appeals. It is possible that the costs process could then allow costs including fees to be recovered where either party has acted unreasonably as opposed to when an appeal is successful as this could discourage the effective operation of planning in the wider public interest. A fee structure should surely relate to the complexity and time associated with the determination of appeals.

Question 19

Do you agree with the proposal to amend national policy so that local planning authorities are expected to have planning policies setting out how high quality digital infrastructure will be delivered in their area, and accessible from a range of providers?

CBC response – yes; unless there is a national policy it is hard to secure.

Question 20

Do you agree with the proposals to amend national policy so that:

- a) the status of endorsed recommendations of the National Infrastructure Commission is made clear?; and
- b) authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?

CBC response - yes

Question 21

Do you agree that:

- a) the planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing?
- b) that developers should be required to provide local authorities with basic information (in terms of actual and projected build out) on progress in delivering the permitted number of homes, after planning permission has been granted?
- c) the basic information (above) should be published as part of Authority Monitoring Reports?
- d) that large housebuilders should be required to provide aggregate information on build out rates?

CBC response – Yes. All the information suggested should be made available so local authorities can plan, monitor and manage house building more accurately and effectively.

Question 22

Do you agree that the realistic prospect that housing will be built on a site should be taken into account in the determination of planning applications for housing on sites where there is evidence of non-implementation of earlier permissions for housing development?

CBC response – No – it is not obvious what the benefits of this proposal are. It will not help deliver housing and could delay it for example even if a scheme isn't implemented immediately if it has permission it can be commenced quickly at a later date. It could also add another layer of appeals where an applicant disputes the evidence of non-implementation. This takes LPA's time and resources away from their core business.

Question 23

We would welcome views on whether an applicant's track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development.

CBC response – No – again it is not clear what the benefits of this proposal are. It will not help deliver housing.

Question 24

If this proposal were taken forward, do you agree that the track record of an applicant should only be taken into account when considering proposals for large scale sites, so as not to deter new entrants to the market?

CBC response – as above.

Question 25

What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers.

CBC response – the Council would welcome a shorter timescale for implementation. It would increase certainty for local residents and for the Council when monitoring delivery and updating housing land supply data.

The scale of development normally undertaken by small and medium developers should ensure that the consequences of a shorter period are similar to a large housebuilder on a bigger and/or complex site.

Question 26

Do you agree with the proposals to amend legislation to simplify and speed up the process of serving a completion notice by removing the requirement for the Secretary of State to confirm a completion notice before it can take effect?

CBC response – agreed. It should however be noted that it is very rare in Colchester for development to commence but not complete so use of simplified legislation is not considered to be a significant measure to speed up delivery. Other circumstances such as the local and national housing market will have more of an influence and simply having to reapply for planning permission at a time when homes are more saleable will not encourage developers to proceed at a certain time.

Question 27

What are your views on whether we should allow local authorities to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun? What impact do you think this will have on lenders' willingness to lend to developers?

CBC response – no comment.

Housing delivery

Question 28

Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:

- a) The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan?
- b) The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter?
- c) Net annual housing additions should be used to measure housing delivery?

- d) Delivery will be assessed over a rolling three year period, starting with 2014/15 – 2016/17?

CBC response - To have a housing delivery test layered on top of the 5 year housing land supply (5 YHLS) test seems to work against the principles of a plan-led system. A test linked to the promotion of the plan-led system in terms of encouraging Councils to allocate more land than they need to allow for plan-led flexibility makes sense but the details of this test do not. The 5YHLS test works against the plan led system by punishing under delivery with unplanned sites.

There should be a longer lead in period for any test and account should be taken of those LA's who were proactive and adopted local plans ahead of the NPPF and those that have carried out focussed reviews post 2012.

Question 29

Do you agree that the consequences for under-delivery should be:

- a) From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority's annual housing requirement?;
- b) From November 2017, a 20% buffer on top of the requirement to maintain a five year housing land supply where delivery falls below 85%?;
- c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?;
- d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?; and
- e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?

CBC response – A staggered introduction of any test is appropriate but a start date of November 2017 is too soon. Councils may not be prepared for such a measure. LA's can grant planning permission but do not have all the powers required to enforce delivery.

Question 30

What support would be most helpful to local planning authorities in increasing housing delivery in their areas?

CBC response – having sufficient resources to enable plans to be put in place and decisions made in a timely manner. A consistent approach to appeal decisions in line with the plan led system so resources can be targeted on appropriate schemes and not diverted by speculative applications.

Affordable Housing

Question 31

Do you agree with our proposals to:

- a) amend national policy to revise the definition of affordable housing as set out in Box 4?;
- b) introduce an income cap for starter homes?;
- c) incorporate a definition of affordable private rent housing?;
- d) allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?

CBC response –

- a) We agree with the proposals to revise the definition of affordable housing as set out in Box 4. However, we would welcome further clarity as to how affordable private rent differs from affordable or intermediate rent which are also defined here.*
- b) We welcome the introduction of a cap for starter homes as this will work to ensure that they meet the housing need of those genuinely unable to purchase on the open market. It also ensures consistency with other subsidised ownership products.*
- c) We agree with the proposal to incorporate the definition of affordable private rented housing so long as strength is given to the eligibility criteria set out in the definition. We welcome the protection offered to ensure that the affordable private rented housing remains so in perpetuity (or for an alternative to be provided).*
- d) Agreed, but April 2018 deadline might not allow sufficient time.*

Question 32

Do you agree that:

- a) national planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products?
- b) that this policy should only apply to developments of over 10 units or 0.5ha?

CBC response – Whilst the Council supports a national requirement to provide a minimum of 10% of all homes on individual sites as affordable home ownership housing, it does not agree that the tenure should be restricted to home ownership products. In many parts of the country, including Colchester, home ownership products do not address the housing requirements of those people most in need. The level of affordable home ownership products on a site should be for local authorities to determine according to local housing need.

A threshold lower than 10 units should be allowed in rural areas.

Question 33

Should any particular types of residential development be excluded from this policy?

CBC response - no

Sustainable Development

Question 34

Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219 of the National Planning Policy Framework, together constitute the Government's view of what sustainable development means for the planning system in England?

CBC response - yes - this seems like a sensible way forward. Clarification on what constitutes sustainable development in the context of the NPPF/planning policy would be welcome. From recent appeal decisions it is evident that different planning inspectors have interpreted the meaning of sustainable development inconsistently. Clarifying the definition would help iron out /reduce such inconsistencies in the future and assist planners when preparing Local Plans or determining planning applications.

Question 35

Do you agree with the proposals to amend national policy to:

- a) Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?

CBC response - It would be useful to have clarification about the range of climate change factors that need to be considered as part of plan making process. Not all areas will experience climate change in the same way therefore clarifying the full list of climate factors that will need to be addressed at the UK level would be helpful.

- b) Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?

CBC response - Now that the Code for Sustainable Homes is no longer valid, then it is really important that planning policies highlight the need for development to deliver measures that help build more resilient communities and infrastructure needed to mitigate and adapt to climate change. Strong planning policies will be the best hook to ensure that some of these measures get delivered through planning.

Flood risk

Question 36

Do you agree with these proposals to clarify flood risk policy in the National Planning Policy Framework?

CBC response - All the changes proposed are sensible and add greater protection for people and property. Development should not proceed where the Exceptions Test cannot be met. Allowing development in highest flood risk

areas means that people and property may not be safe. There are also insurance implications to be taken into account.

The changes proposed in relation to minor developments and change of use seem logical. A change of use on a site susceptible to flooding, from a less vulnerable use to a more vulnerable use (housing) could increase risk to people and property from flooding which is not desirable.

Noise and Nuisance

Question 37

Do you agree with the proposal to amend national policy to emphasise that planning policies and decisions should take account of existing businesses when locating new development nearby and, where necessary, to mitigate the impact of noise and other potential nuisances arising from existing development?

CBC response – each application should be considered on its merits. There is an increasing need to co-locate business and homes in sustainable communities and whilst making best use of brownfield land. It is important that businesses do not suffer as a result of new homes being built but there is other (environmental) legislation that is better suited to address this.

Wind Energy

Question 38

Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the National Planning Policy Framework, no transition period should be included?

CBC response - no comment

