

Local Plan Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Monday, 30 June 2014 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, 30 June 2014 at 18:00

Member:

Councillor Bill Frame
Councillor Martin Goss
Councillor Lyn Barton
Councillor Elizabeth Blundell
Councillor Andrew Ellis
Councillor John Jowers
Councillor Kim Naish
Councillor Gerard Oxford

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 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 not on this agenda.
- 6 **Minutes 28 April 2014** 7 - 11
- To confirm as a correct record the minutes of the meeting held on 28 April 2014
- 7 **Stanway Neighbourhood Plan Area** 12 - 19
- See report by the Head of Commercial Services
- 8 **Consultation on Draft Northern Gateway Framework** 20 - 36
- See report by the Head of Commercial Services
- 9 **Horkesley Park Appeal Decision** 37 - 41
- See report by the Head of Commercial Services
- 10 **Adoption of Local Plan Focused Review** 42 - 45
- See report by the Head of Commercial Services
- 11 **Process for Full Review of the Local Plan** 46 - 50
- See report by the Head of Commercial services
- 12 **Community Infrastructure Levy** 51 - 56
- See report by the Head of Commercial Services
- 13 **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

28 APRIL 2014

Present:- Councillor Frame (Chairman)
Councillors Barton, Blundell, Ellis, Goss, Jowers and Naish.

Also Present:- Councillor Tim Young, Councillor Paul Smith

28. Minutes

The Minutes of the meeting held on the 3 February 2014 were confirmed as a correct record.

29. Have Your Say! Speakers

Chris Parkin attended the meeting to comment on boundary treatment at Garage Site Two on Monkwick Avenue. This site had been previously discussed at the Planning Committee on the 14 November 2013. It was claimed that the construction cost figures provided by Colchester Borough Council were not accurate for boundary treatment, and did not include an estimate of total life costs. Chris Parkin then proceeded to invite all Councillors to attend a presentation and discussion on this subject. A flyer was circulated, and the intention to e-mail all councillors regarding the meeting was announced.

The statement from Chris Parkin was noted by the Chairman, Councillor Bill Frame.

Councillor Frame welcomed Councillor Carlo Guglielmi from Tendring District Council to the Local Plan Committee. Councillor Guglielmi, the Tendring District Council Portfolio Holder for Planning and Corporate Services, stated that he was attending the meeting to observe as Tendring District Council are in the processes of setting up their own Local Plan Committee.

30. Adoption of Archaeological Strategy for Colchester

Councillors Jowers (in respect of his membership of Essex County Council Cabinet with Strategic Plan responsibility) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Head of Commercial Services submitted a report asking the Committee to adopt the Archaeological Strategy as strategic planning guidance. The Strategy will highlight the national significance of Colchester's archaeological resource and promote effective stewardship for the benefit of future generations as an intrinsic facet of sustainable development.

Simon Cairns, Planning Project Manager, introduced the Archaeological Strategy for Colchester, stating that it supplements the policies within the adopted Local Plan, and exists to provide guidance for developers and interested parties about the significance of Colchester's archaeological resource. The report also includes relevant information on how Colchester Borough Council will look to manage this asset and ensure it for future generations.

He stated that the Archaeological Strategy has been designed as an online document,

containing a number of links that provide further information resources. This will form part of an overarching Heritage Strategy that will be developed in due course.

The Committee welcomed the Strategy and noted its importance for Colchester given the historical assets in the town. It was commented that some of the links provided in the online document were not providing access to the additional material, which was noted by officers and will be addressed. Queries were raised as to whether there is additional financial support from outside bodies to carry out archaeological work, and whether Essex County Council provides technical archaeological support to Colchester Borough Council. A further question was raised about whether, with Essex County Council providing highways services, the replacement of broken historical paving stones was included in this strategy.

In response Simon Cairns stated that with regard to additional works Colchester Borough Council seeks to recoup its costs when the service goes beyond the basic provision as stated in the planning application. In future the Borough Council will continue to attempt to recoup its costs by working with the developer. The Archaeological Service is run by Colchester Borough Council in-house, supplemented by English Heritage advice, which is provided free of charge.

With regard to the work with Essex County Council, particularly in respect of the replacement of old broken paving stones, this would fall under the Public Realm Strategy and relates more to wider conservation issues, rather than the Archaeological Strategy. Colchester Borough Council would have to provide the funding for the replacements, which may be available through the Public Realm Strategy or section 106 monies from developers.

RESOLVED that the Archaeological Strategy for Colchester be adopted

31. Colchester Local List

Councillors Jowers (in respect of his membership of Essex County Council Cabinet with Strategic Plan responsibility) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Head of Commercial Services submitted a report asking the Committee to agree the proposed amendments to the adopted Colchester Local List.

Beverley McClean, the Coast and Countryside Planner introduced the report, outlining that this is the second annual update to the Colchester Local List.

The Local List covers the urban area of Colchester and Wivenhoe, with 741 buildings/assets currently included, with this proposed amendment increasing the number of buildings/assets to 742.

As part of the annual update of the Local List, a press release was sent out asking local residents to put forward suggestions to either add or remove buildings/assets from the Local List. In addition the Spatial Policy team contacted Development Management to gather information on any planning applications that may have altered the historic features of any of the buildings.

In response to the distributed press release, only one request was received to add Hardings Yard in Wivenhoe to the list. Other recommendations were for the removal of three buildings, the first linked to the renovation of Williams and Griffin, the second which was damaged by fire

and the third because it was approved for demolition. A total of four properties were nominated for inclusion, which are;

- Calvary Barracks Officers' Quarters
- Nursery Cottage, Priory Street
- Guard Houses to former Goojerat Barracks, Goojerat Road
- Hardings Yard, Wivenhoe

Beverley McClean then highlighted the benefits of buildings/assets being on the Local List, as this is included in planning considerations. Recently two applications affecting buildings on the Local List were subject to appeal and on both occasions the planning inspectors dismissed the appeal in Colchester Borough Council's favour.

The Committee welcomed the amendments to the Local List, and noted the benefits for those properties that are included when planning applications are being considered. Members were pleased that Colchester has a Local List when many other towns across the country do not, allowing for those sites of importance to be recognised. It was queried whether inclusion on the Local List gave any further safety guarantees considering the recent fire damage at one of the properties.

Karen Syrett, Place Strategy Manager, stated that the Garrison building that was damaged by fire had been inspected prior to the incident and was deemed to be secure. It was reiterated that the inclusion of sites of importance on the local list is taken into account by the Planning Committee. However, there may be situations where the proposed development justifies a change to the property listed. One such example was the Williams and Griffin development proposal.

RESOLVED that the amendments to the Colchester Local List be approved.

32. Habitats Regulations Assessment – Final Monitoring Report

Councillor Ellis (in respect of owning a Bed and Breakfast located in the vicinity of one of the sites included in the report) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Naish (in respect of his membership of Angling Trust and the Fresh Water Forum) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillors Jowers (in respect of his membership of Essex County Council Cabinet with Strategic Plan responsibility) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Head of Commercial Services submitted a report asking the Committee to note the findings of the final Habitats Regulations Assessment 3 year Monitoring Report.

Beverley McClean introduced the report, which summarises the key findings from the research undertaken by the Spatial Policy Team. The report is the result of work of a series of surveys and monitoring of visitors required by Natural England, to ensure that Colchester, Tendring and Braintree Councils spatial plans do not have adverse effects on Natura 2000 sites. The project began in November 2010, and concluded in June 2013.

The report has four objectives, as stated in section 4.4 of the report, which are:

1. Establish baseline data about visitor numbers at Natura 2000 sites in Colchester Borough and Tendring District
2. Investigate visitor trends to Natura 2000 sites in Colchester Borough and Tendring District.
3. Identify whether there is a link between site condition and housing completions.
4. Identify management measures needed to mitigate and manage the impacts of increased visitor numbers.

The Final Monitoring report outlines the baseline data that has been collected; however, Beverley McClean stated that it is too early to establish any particular trends between changes in visitor numbers and housing growth. The information does however show that a number of the sites are getting busier each year, that the coastline is a significant attraction for visitors, and that local people make good use of green areas near to where they live.

Further work has been agreed with both Braintree District Council and Tendring District Council with surveys will commence in 2015, and taking place every two years until 2021. A total of £16,000 had been received from Tendring District Council and Braintree District Council for the work undertaken over the 3 year period to date.

The Committee welcomed the report and the work undertaken by Officers in compiling the information. Concern was expressed regarding whether the report had managed to achieve its objectives of identifying trends between housing developments and visitor numbers. Comments were also made regarding the focus of the report on birds, and not other animal populations in the surveyed habitats, nor the impact of pollution.

In response to the Councillors concerns, Beverley McClean stated that the intention of the report is to identify trends once there is a greater amount of data available. This current set of information is only the baseline data, and therefore trends are not yet identifiable. In addition, the report does only cover those issues that are within its remit, which do not include other animals or levels of pollution.

RESOLVED that the Habitats Regulations Assessment be noted.

33. Local Plan Duty to Cooperate Requirements

Councillors Jowers (in respect of his membership of Essex County Council Cabinet with Strategic Plan responsibility) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Head of Commercial Services submitted a report asking the Committee to note the requirements for the Council to co-operate with relevant stakeholders on strategic cross-boundary issues in the development of its Local Plan and to initiate joint work with adjacent authorities and others as needed to demonstrate compliance with this requirement.

Councillor Paul Smith attended the Local Plan Committee and as part of Have Your Say addressed the committee. He highlighted the importance of cooperating and coordinating with neighbouring authorities for those significant planning, housing and economic growth issues. He cited an example of working with Tendring District Council for a development on Ipswich Road, just across the Colchester Borough Council border, and praised Tendring District

Council for allowing him to speak at their Planning Committee. Councillor Smith put it to the committee that there should be clear rules for co-operation between the councils which benefit both areas. He urged the Committee to comply with the Duty to Co-operate as other areas that do not work together successfully can encounter problems, and to discuss the possibility of neighbouring authorities speaking at Colchester Borough Council committees

After the contribution from Councillor Smith, Karen Syrett, Place Strategy Manager, introduced the report. The Duty to Co-operate is a legal requirement, which is reinforced by the National Planning Policy Framework (NPPF). It was explained that this requirement is essential to ensure that when developing a Local Plan it is deemed 'sound' at examination.

The Council submitted comments to Tendring District Council following discussion at the previous Local Plan Committee meeting and it was noted that they had decided not to proceed with their plan partly because of concerns about the duty to co-operate.

Karen Syrett highlighted the need to ensure that co-operation across local authority boundaries is effectively undertaken to ensure that a Local Plan is not challenged. Housing provision issues are closely linked to duty to co-operate requirements, and some authorities have fallen short of the requirement to demonstrate that their housing numbers reflect the situation in surrounding authorities.

In terms of the requirements for Colchester Borough Council much of the evidence base work is already undertaken with neighbouring authorities, such as the Strategic Market Housing Assessment which will help identify future housing requirements for the wider area. A recent memorandum of understanding has been signed with other Local Authorities and the University of Essex. Implementing the Duty to Co-operate is a further opportunity to formalise this work and meet the legal requirement.

The Local Plan Duty to Cooperate requirements will continue to be developed, with regular updates provided to the Committee in due course. A report on the housing figures for the area will be due in June and also brought to the Committee.

The Committee welcomed the report, and took a pragmatic view towards co-operation with other local authorities. A query regarding the size of the gap between two local plans across borders was asked. In response, Karen Syrett stated that no guidance had been received by the government, but there were examples where Bedfordshire Council had submitted comments on plans from London.

In addition to this, members of the committee discussed the possibility that councillors from other councils be permitted to speak at Colchester Borough Council's Planning Committee, but that this must be set up correctly. The importance of housing figures and meeting the requirement was discussed, as was economic growth and environmental issues across the wider area.

RESOLVED that the implications for the Borough of the requirements contained in national legislation for local authorities to demonstrate a duty to co-operate in the development of their Local Plans be noted.

30 June 2014

Report of	Head of Commercial Services	Author	Rachel Forkin 01206 282625
Title	Stanway Neighbourhood Plan Area		
Wards affected	Stanway		

The Local Plan Committee is asked to formally designate the Stanway Neighbourhood Plan Area

1. Decision(s) Required

- 1.1 To formally designate the Stanway Neighbourhood Plan Area as set out by Section 61G of Town and Country Planning Act 1990 (inserted by the Localism Act 2011).

2. Reasons for Decision

- 2.1 The Localism Act which received Royal Assent in 2011 introduced new rights to strengthen community involvement in the planning process. To deliver this the Localism Act and National Planning Policy Framework introduced the concept of Neighbourhood Planning.
- 2.2 As required by Section 61G of Town and Country Planning Act 1990 (as inserted by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012, Stanway Parish Council has submitted a plan of the proposed plan area and the reasons why they consider this area is appropriate, to Colchester Borough Council. The Borough Council is then required by the regulations to publicise this proposed area as soon as possible. A six week period of public consultation on the proposed Stanway Neighbourhood Plan Area was undertaken between Friday 25th April and Friday 6th June 2014.
- 2.4 This report contains the results of the consultation and recommends that the Local Plan Committee formally designate the proposed plan area. This will then allow the Stanway Parish Council to progress their Neighbourhood Plan.
- 2.5 A map of the Neighbourhood Plan Area being proposed and the application letter are attached as Appendix A and B with this report.

3. Alternative Options

- 3.1 The Committee could decide to refuse to designate the proposed Neighbourhood Plan Area suggested by Stanway Parish Council. If the Committee decides to refuse to designate the area the regulations require that Colchester Borough Council publishes a statement of the reasons for making that decision. In the event of such a decision it is therefore important that the Committee set out clear reasons why the decision has been made.
- 3.2 Section 61G (5) also requires that if the Council decides to refuse the application because it considers that the specified area is not an appropriate area to be designated

as a Neighbourhood Plan Area, Colchester Borough Council must exercise their power of designation so as to secure that some or all of the specified area forms part of one or more areas designated (or to be designated) as Neighbourhood Plan Areas. The effect of this provision is therefore that if the Local Plan Committee were to decide to refuse the application then the Council would need to have alternative proposals for the boundaries of the Neighbourhood Plan Area(s) and must use its powers to designate them.

- 3.3 Such a decision would also be likely to delay the production of the Neighbourhood Plan.

4. Supporting Information

- 4.1 The philosophy behind Neighbourhood Planning is to give local communities a much greater influence over how their neighbourhoods develop and to increase engagement in the local planning decision making process.
- 4.2 The concept of Community Planning is not new in Colchester. The Borough Council has actively encouraged local groups to produce Village Design Statements and Parish Plans since 2006. While Neighbourhood Plans are in effect another type of Community Plan they differ from Village Design Statements and Parish Plans in a number of ways;
1. They are community led by either the Parish Council or a constituted Neighbourhood Forum;
 2. They are subject to formal examination and referendum; and
 3. If adopted they carry weight within the planning system as they form part of the statutory Development Plan.
- 4.3 Stanway have to date produced a Parish Plan and Design Statement (adopted by Colchester Borough Council in March 2011). Stanway Parish Council has set up a Neighbourhood Plan sub-committee which will drive forward the Neighbourhood Plan Area.
- 4.4 Section 38B of the 1990 Act (as inserted by the Localism Act 2011) states that only one Neighbourhood Plan may be made for each Neighbourhood area.

5. Proposals

- 5.1 Stanway Parish Council submitted a proposed Neighbourhood Plan Area to Colchester Borough Council which included the whole parish of Stanway. This is considered to be an appropriate area as it will enable all of the planning needs of the parish to be considered.
- 5.2 The application for a Neighbourhood Plan Area must also be made by a 'relevant body' as required by Section 61G (2) (amended). The Act states that a Parish Council can be considered to be a relevant body if the proposed area consists of or includes the whole or any part of the area of the council. In this case the proposed area includes the whole of Stanway. Stanway Parish Council is therefore classed as a 'relevant body' to make this application under Section 61G.
- 5.3 As required by Regulation 6 of the Neighbourhood Planning Regulations 2012, the Neighbourhood Plan Area was published on the Council's website. Details of the consultation were emailed to the relevant parties on the Planning Policy Team mailing list. The website included the application letter from Stanway Parish Council, a map of the proposed Neighbourhood Plan Area along with the date by which representations must be received and the email and postal addresses of where to send representations.

- 5.4 The Neighbourhood Plan Area Consultation ran for six weeks from 25th April to 6th June 2014. Seven representations were received within the consultation period and these are summarised below. No objections were made to the proposed Neighbourhood Plan Area application.

Organisation or Individual	Comment
Councillor Colin Sykes	Agree that the whole of Stanway parish is the appropriate area for the Neighbourhood Plan.
English Heritage	English Heritage has no objection to the designation. However, given the numbers of designated heritage assets within the parish, request that the Parish Council are reminded that there is a duty to consult English Heritage where their interests are considered to be affected. Welcome the chance to comment on an early draft of the Plan.
Essex County Council	County Council raises no comment on the proposed boundary and look forward to engaging constructively, actively and on an on-going basis during the preparation of the Neighbourhood Plan. ECC notes that the proposed area covers the entire Colchester Quarry Site and lists the permissions relevant to the site. It also lists the sites in the proposed area that are designated in the Essex Replacement Minerals Local Plan, and will need to be considered.
Highways Agency	Note that the junctions on the A12 shown on the plan are operating close to capacity and would strongly recommend a co-ordinated approach to development in this area to fully assess the cumulative impact of all proposed development so that appropriate mitigation can be designed and funding mechanisms set up. Look forward to working alongside Stanway Parish Council on bringing this plan together.
Marine Management Organisation	No comments to submit in relation to the consultation.
Natural England	Advice is offered which may be of use in the preparation of the Plan which includes protected landscapes, protected species, Local Wildlife Sites, and protecting the best and most versatile agricultural land. It also provides information on opportunities for enhancing the character and local distinctiveness of the surrounding natural and built environment, for example through green space provision and access to and contact with nature.
NHS England – Essex Area Team	No objection to the boundary proposed and no comments to add at this time. However would wish to review the any Neighbourhood Plans prepared for this Neighbourhood Area as they emerge.

- 5.5 Each of the representations received above have been summarised for the purposes of this report. Copies of the full representation will be made available to Stanway Parish Council.
- 5.6 The Local Plan Committee is therefore asked to formally designate the Stanway Neighbourhood Plan Area. Once the area is designated the council is required by

Regulation 7 of the Neighbourhood Planning Regulations 2012 to publish the name of the Neighbourhood Plan Area, a map which identifies the area, and the name of relevant body who applied for the designation. If the area is designated by the committee this will be carried out as soon as possible.

6. Strategic Plan References

- 6.1 The Strategic Plan Action Plan includes a commitment to regenerate the Borough through buildings, employment, leisure and infrastructure, improve opportunities for local business to thrive including retail, provide more affordable homes across the borough and enable local communities to help themselves. The production of a Neighbourhood Plan will help the Council meet these strategic objectives.

7. Consultation

- 7.1 The proposed Neighbourhood Plan Area was publicised in accordance with Regulation 6 of the Neighbourhood Planning (General) Regulations 2012 as detailed in section 5.2 and 5.3 above. Should the area be formally designated by the Local Plan Committee there is a requirement that the Council must publish details of the area as soon as possible.

8.0 Publicity Considerations

- 8.1 The Neighbourhood Plan may generate publicity for the Council as it is an initiative aimed at improving participation in the planning system.

9. Financial Implications

- 9.1 Colchester Borough Council is responsible for consultation costs and for organising both the examination and community referendum for the Neighbourhood Plan. The Department for Communities and Local Government have made grant monies available to local authorities to cover the costs of supporting Neighbourhood Planning groups. Grants from government are staged with £5,000 being made available following the designation of a Neighbourhood Plan Area. Further funds are also available at different stages of the Neighbourhood Plan process to cover the cost of staff time, resources, examination and referendum.
- 9.2 An application will be submitted to the Department for Communities and Local Government for the first part of the grant once the Neighbourhood Plan Area is approved.

10. Equality, Diversity and Human Rights implications

- 10.1 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view on the Colchester Borough Council website by following this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Strategic Policy and Regeneration > Local Development Framework.
- 10.2 There are no particular Human Rights implications.

11. Community Safety Implications

- 11.1 None.

12. Health and Safety Implications

12.1 None

13. Risk Management Implications

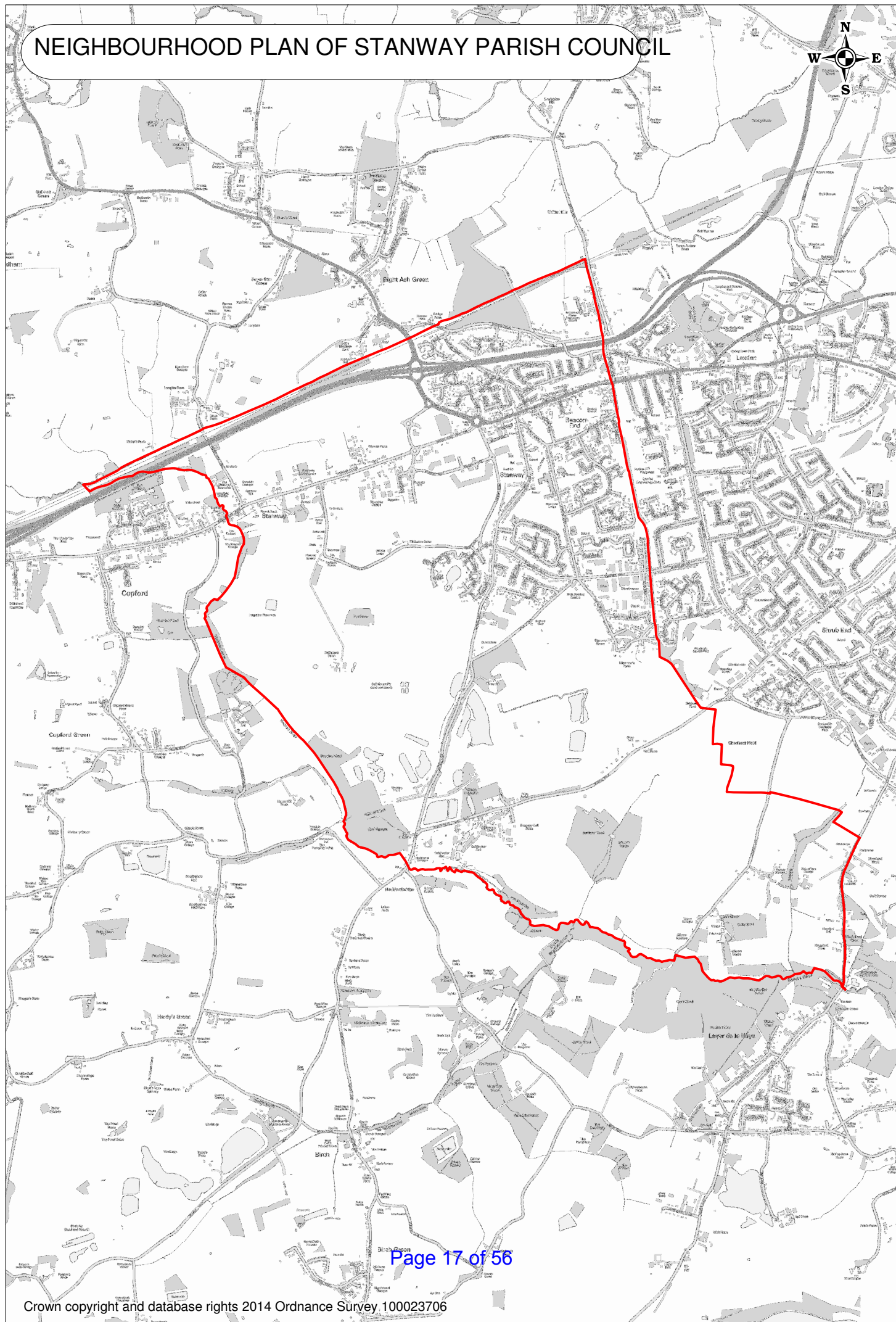
13.1 The preparation of a Neighbourhood Plan for Stanway will help ensure that the area will benefit from an up-to-date and comprehensive development plan against which applications for planning permission can be considered.

Appendices

Appendix A – Plan of proposed Neighbourhood Area

Appendix B – Letter of application from Stanway Parish Council

NEIGHBOURHOOD PLAN OF STANWAY PARISH COUNCIL



STANWAY PARISH COUNCIL

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Karen Syrett
Planning Policy Officer
Strategic Policy and Regeneration
Colchester Borough Council
33 Sheepen Road
Colchester
CO3 3WG

30th January 2014

Dear Karen

RE: Stanway Parish Council's Neighbourhood Plan

Stanway Parish Council has formed a Neighbourhood Plan Sub-Committee. The formation of this sub committee was sanctioned at Parish Council meeting held at The Victory Hall, Villa Road, Stanway CO3 0RH on Thursday 26th September 2013 (minute 170 refers).

One of the first tasks of the sub committee is to establish the Neighbourhood Area. The Neighbourhood Area was discussed at the third formal meeting of the sub committee on 19th December 2013 (minutes of this meeting are attached).

In establishing the area, note was taken of the Neighbourhood Planning (General) Regulations 2012. In particular, Part 2, Regulation 5 which states;

- 1) Where a relevant body submits an area application to the local planning authority it must include –
 - a) A map which identifies the area to which the area application relates.
 - b) A statement explaining why this area is considered appropriate to be designated as a neighbourhood area.
 - c) A statement that the organisation making the area application is a relevant body for the purpose of Section 61G of the 1990 Act..... *"a relevant body means (a) A Parish Council."*

Stanway Parish Council, being a relevant body within the meaning of the Act, wishes to submit the following for consideration and approval as the Neighbourhood Area.

- 2) The Council Ward designated by Colchester Borough Council is identified in the attached map.
- 3) The area is considered appropriate to be designated as the Neighbourhood Area because;
 - It is co-terminus with existing local government administrative boundaries.

- It is inclusive and will enable the designated neighbourhood to reach all potential areas of development.
 - Likewise, it will enable a fuller range of consultation within the designated area.
 - It permits the local authority to operate this plan together with other potential adjoining neighbourhoods and does not leave any 'gaps'.
- 4) Stanway Parish Council is a relevant body within the meaning of Section 61G (a).

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Collings', written in a cursive style.

Cllr Gillian Collings
Stanway Parish Council Chairman



Local Plan Committee

Item
8

30 June 2014

Report of	Head of Commercial Services	Author	Laura Chase ☎ 282473 Vincent Pearce ☎ 282452
Title	Consultation on Draft Northern Gateway Framework		
Wards affected	Mile End and adjoining Highwoods and Fordham and Stour		

This report concerns proposed consultation on the evolving Framework for development in the Northern Gateway area

1. Decision(s) Required

- 1.1 To approve the content of the Northern Gateway Draft Framework Document as the basis for;
- consultation with the community;
 - development of the document for adoption as a material planning consideration in the determination of any future development proposals and to inform the development of a new Local Plan for the Borough.

2. Reasons for Decision(s)

- 2.1 To ensure that development of Council-owned land is informed by sound planning principles and a transparent and effective consultation process.

3. Alternative Options

- 3.1 The Council could pursue development of the area in an ad hoc manner and seek approval for individual proposals through the planning application process, but this would not lead to a co-ordinated approach.

4. Supporting Information

- 4.1 In July 2011 Cabinet requested that masterplan guidance be developed for the Council owned land adjacent to the Community Stadium within land allocated as a Strategic Employment Zone. It was recognised that if the Council is to optimise the financial, social, cultural and economic returns from the land a clear blueprint would be necessary to deliver sustainable, high quality development. Allies and Morrisons were accordingly commissioned to carry out initial work on overall design options.
- 4.2 In September 2012 Cabinet approved the resulting vision developed by Allies and Morrison for the Northern Gateway. At the heart of the agreed Vision were the following key aspirations:-

- A new gateway for Colchester

- A cutting edge destination for sport and leisure
 - A distinctive place defined by memorable buildings and spaces
 - An exemplary approach to sustainability.
- 4.3 The initially approved vision has been developed further by the Council as landowner working with Allies and Morrison. Additional development is now proposed adjacent to the Strategic Employment Zone which is considered appropriate to ensure the overall sustainability and deliverability of the vision for the Northern Gateway, and consequently, its appropriateness for the overall spatial development of the Borough.
- 4.4 Development in these areas, however, does not fully align with the existing allocations in the adopted Local Plan. The Council as landowner is accordingly proceeding cautiously with development of proposals to ensure that if development proceeds, overall benefits clearly justify variation from adopted policy. The Council needs to demonstrate it is as rigorous in assessing its own proposals as it is in assessing proposals from any other landowner. Early and transparent consultation on the proposals is essential to ensure that the community is involved in making decisions about the future of the area. There is potential for the Myland Neighbourhood Plan currently being progressed by Myland Community Council to encompass Northern Gateway proposals. Additionally, the Framework will inform decisions on options for the wider Borough as the Council moves ahead with preparation of a new Local Plan.
- 4.5 Initial work on the Northern Gateway site focused on the land located within the North Colchester Strategic Employment Zone. The western half of the site (land between the stadium and the link road to A12 Junction 28) is included within the Community Stadium permission (O/COL/01/1622) approved in 2006 for the stadium, a hotel, health and fitness centre, A3 food and drink facilities and B1 business use. The eastern half of the site (including the Easter site) is included within a 2006 permission for employment use in Use Classes B1, B2 and B8.
- 4.6 As the process of developing ideas for the area evolved, two further areas were included into the Framework area:
- Land north of the A12 – This land lies outside the settlement boundary of Colchester and is shown as ‘white land’ on the Proposals Map. This means that it is subject to policies governing land in the open countryside, where development is strictly limited. Within that context development of a service station has occurred and there are permissions for a restaurant and the park and ride facility,
 - The Rugby Club - Colchester Rugby Club are under pressure to expand and early discussions have been held with them about relocating from their existing site (Council owned) in Mill Road to a site north of the A12. Their existing site is allocated as open space on the Proposals Map, and accordingly any proposals to redevelop any part of the site for housing or other uses would need to address Council requirements to demonstrate compliance with policies on maintaining open space or a departure from the Local Plan (similar to that undertaken at Tiptree as part of the Wilkin and Sons factory expansion).

- 4.7 The Allies and Morrison draft Framework document outlines general land use criteria and urban design principles to guide development in the 84 ha of land in the Northern Gateway area. The draft Framework document reflects the following aspirations, policies, and constraints:

Access - A new gateway for Colchester

The site's location next to a recently built junction with the A12 and the forthcoming Park and Ride means that it is highly accessible to a wide area. In particular, the site is well-connected to the Town Centre by the Northern Approaches road and will be served by the Park and Ride service. While good vehicular access to the A12 would be provided, the scheme also provides for safe and convenient crossing points across the Northern Access Road for pedestrians and cyclists. To the south, pedestrian and cycle networks would link into new networks being developed within the former Severalls Hospital development and existing links progressing through Highwoods Country Park, Leisure World, Castle Park and the Town Centre. To the north, a new pedestrian/cycle bridge is proposed over the A12 to provide sustainable access to the countryside.

Activity - Sport and leisure destination

A flexible approach would be taken to allow a range of uses. The existing Community Stadium, with its associated permissions for health and fitness facilities, provided the initial spur to enhance the sports and leisure offer of the area and to support Council objectives to improve health and activity levels of Borough residents. Work with Sport England and interested developers confirmed developer interest in the idea and has meant that the sport and leisure aspects of the proposal have increased as proposals for the area have been developed. The Council has commissioned a Sports Facilities Strategy to measure existing and potential supply and demand for a wide range of sport and recreation facilities.

Design and layout

The Allies and Morrison work takes the existing landscape as the starting point of future development. They propose creation of a generous tree lined central boulevard running east-west, with strong connections to integrate north-south connections to adjacent neighbourhoods. The movement network would be integrated within a swathe of green parkland running through the site. Three principle green areas would be delivered including Tower Lane, a new neighbourhood park, and recreational facilities north of the A12.

Sustainability

The Council as landowner would ensure delivery of the highest standards of sustainable technology and building techniques, including sustainable drainage; renewable energy; sustainable construction; digital connectivity; and extensive green infrastructure.

4.8 Detailed proposals for sites within Northern Gateway

Land adjacent to the Community Stadium

Leisure uses compatible with the stadium use will be developed in the adjacent sites.

A boulevard spine will be created across the site in a west-east direction with the Weston Homes Community Stadium at one end to provide a clear visual structure for the area.

The frontage land on either side of the new boulevard and the cluster of new buildings around the central piazza will form the heart of the new Northern Gateway. The range of proposed activities is intended to create activity throughout the day and evening and to cater for a wide range of sports and leisure activities that will complement the Town Centre offer.

Employment Land

The employment land adjacent to the NAR is proposed to be developed for a flexible range of employment uses. There remains the intention to deliver the employment jobs as originally envisaged in the employment allocation but to add to this with additional jobs in a range of leisure and recreation activities.

Rugby Club land

Redevelopment of part of the Rugby Club site for housing or other uses would enable development of new club pitches at a location north of the A12. The Masterplan recognises that the existing Rugby Club land provides a break in the dominant housing landscape and retains part of the site to form a new urban park. Additionally, the Mill Road frontage would need to retain elements of openness to preserve green links and open space in the area.

Land north of the A12 adjacent to Park and Ride site.

Sports pitches and a limited amount of associated club facilities are proposed for the area outside the Colchester settlement boundary to the north of the A12 adjoining the Park and Ride site. Critical requirements for the countryside site are:

- Minimising built development,
- Preserving the openness of the site and key landscape features,
- Providing green links to adjacent countryside
- Integration with the other sports and leisure facilities in the Northern Gateway

5. Proposals

- 5.1 It is proposed to maximise public scrutiny of proposals to develop the Northern Gateway through early publication and consultation on potential options. The Council has developed a programme of exhibitions, as detailed in the consultation section below, which are designed to provide opportunities for residents, businesses, community groups and other stakeholders to view and comment on the plans. Their feedback will then be used to inform further evolution of the framework.
- 5.2 In overall outlook, the Framework proposals are intended to reflect both sustainable planning objectives and the Council's Strategic Plan. It is important to note, however, that although Colchester Borough Council's planning services' were involved in the process, this document, as produced by the Council's appointed consultant's Allies and Morrison, will not, at this stage, be a statutory planning document. While it will be used to guide the consideration of planning applications, it cannot override the adopted planning policies of the Council, national guidance and any other material matters.
- 5.3 If proposals for the Northern Gateway proceed as planned, a planning application could be submitted before adoption of a new Local Plan, which is currently programmed for 2017. If this was to prove the case, it will be important to show that any variations from current adopted policies have been thoroughly aired and

considered, given that the proposals would be expected to represent a departure from the Development Plan. Equally, development of the new Local Plan will need to address the issues arising from development of the site and evidence of thorough consultation will be required to form part of the evidence base used for submitting Northern Gateway proposals into this process.

6. Strategic Plan References

- 6.1 The Strategic Plan has an overall intention to improve Colchester as a place to live, learn, work and visit and this proposal is seen as perhaps one of the most significant developments that will help to achieve that objective. The Action Plan includes a commitment to regenerating the borough through buildings, employment, leisure and infrastructure. Sustainable development in the North Colchester area can help achieve these objectives.

7. Consultation

- 7.1 Development of the Framework to date has involved discussion with a number of officers within Colchester Borough Council. Local Ward Members as well as Myland Community Council have been briefed regularly on progress of the framework development process.
- 7.2 The Council intends to consult on the Framework document by holding a series of workshops in July as follows (precise dates to be determined):
St. Michael's Hall, Myland – 1 evening and 1 Saturday session
Town centre (library) – 1 afternoon and 1 Saturday session
Great Horkesley Village Hall – 1 evening session
- 7.3 The events will be widely publicised using the following methods-
- Mailings to those on the Council Local Plan stakeholder list
 - Notices on the Council website
 - Press releases
 - Liaison with Myland Community Council and notification in their newsletter.

8. Publicity Considerations

- 8.1 There is likely to be continued interest in developments in the Northern Gateway area resulting in publicity for the Council.
- 8.2 The full contents of the Draft Framework as well as the processes for considering it will be available to the public via the planning consultation pages of the Council's website.

9. Financial implications

- 9.1 Consultation on the Framework will be funded by the Council in its capacity as landowner of the site with the intent that costs will be recouped through eventual development of the site.
- 9.2 Cabinet will be fully advised of the individual financial implications of each proposal as these emerge from the marketing process and subsequent promotional activities before further decisions are made.

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 on the Colchester Borough Council website by following this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Strategic Policy and Regeneration > Development Plan.
- 10.2 This project does not have any direct implications for the Council regarding the Human Rights Act

11. Community Safety Implications

- 11.1 There are no direct implications for Community Safety arising from this decision. However, it is part of the Vision for the Northern Gateway that the facilities that it will offer together with the encouragement of all residents to re-engage with participatory sport, will have a measurable improvement in crime and disorder in the future.

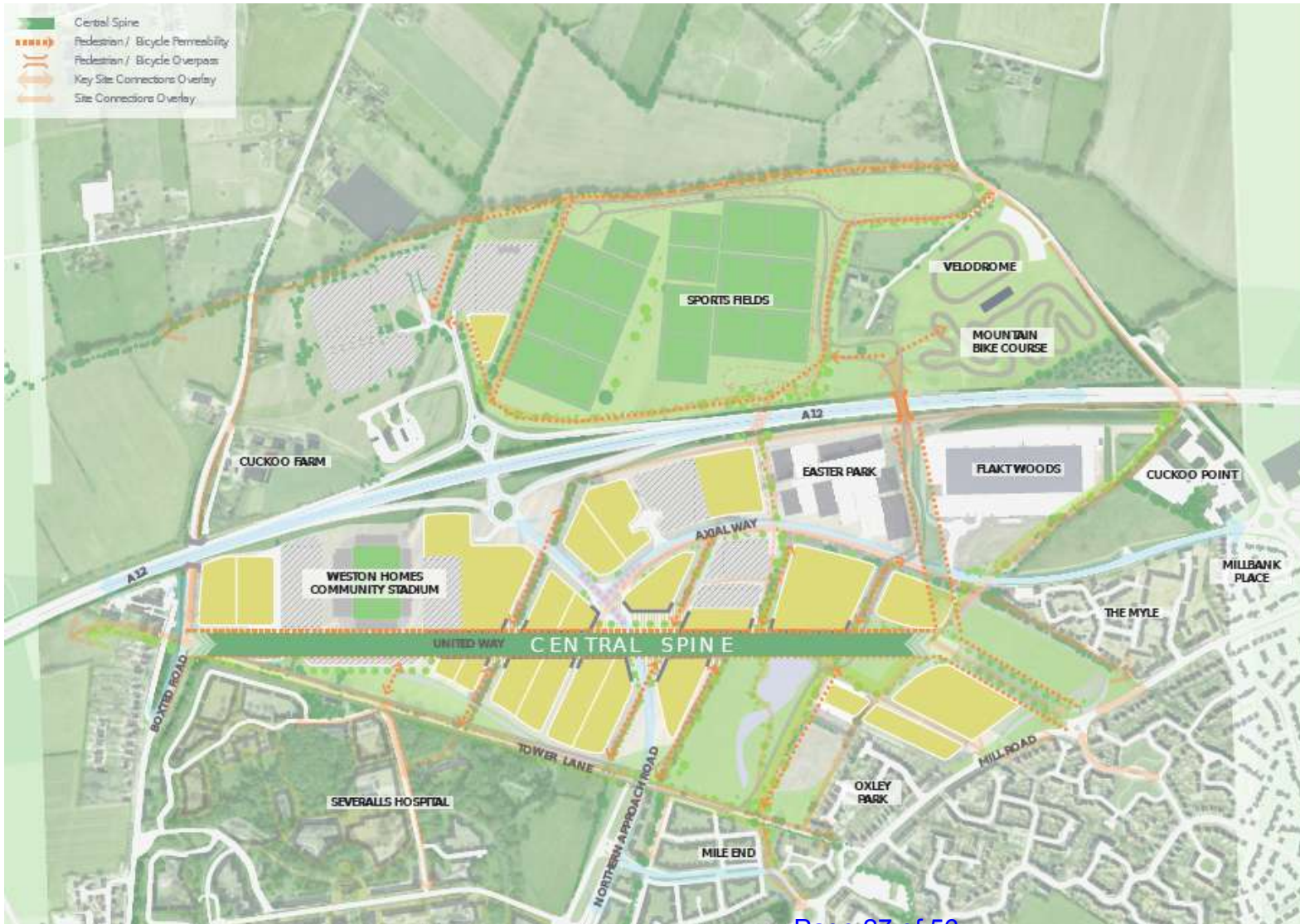
12. Health and Safety Implications

- 12.1 None identified at this stage.

13. Risk Management Implications

- 13.1 The risks associated with delays in progressing planning for the Northern Gateway and Council owned land is that this will lead to delays and confusion within the market as to the seriousness of the Council's intentions to bring forward the site. The inability to act quickly to deliver early wins in respect of a number of sites will result in lost opportunities to maximise key social, capital and revenue returns.
- 13.4 The latest version of the enhanced Masterplan includes elements that are currently outside of current adopted policies and allocations. This includes land north of the A12 and parts of what is currently Mill Road Sports Ground. Over time it may also include the proposed composition of uses. Consultation on these proposals and the overall framework for the area is considered to mitigate this issue as it will allow the Council to incorporate consultation feedback into its Local Plan Review process and would also inform the consideration of any planning applications submitted in advance of the adoption of a new Local Plan.





A new urban structure

Development within the Gateway will change the character of the land south of the A12

- creation of a generous tree lined boulevard
- areas where buildings dominate
- new buildings, uses, spaces and activity
- new public realm and street
- urban street furniture
- activity into the evening

Northern
GATEWAY



A Sense of Place

Giving the Northern Gateway a strong identity of its own

- the Council's vision for the area means the Central space (pink) along the line of the boulevard will play a key place-making role. This will be an activity hub with larger scale buildings and formal spaces
- uses will cater for a range of users and activities at different times of the day and into the evening
- it is important that destination attractions are linked by attractive, well used, pedestrian friendly routes. These will draw visitors through the development generating activity and energy
- important to establish coherent townscape character and quality in this location
- focus for public uses and public transport

**Northern
GATEWAY**



Movement network complemented by a generous swathe of green parkland running through site

- strong emphasis on creating a sense of space and openness
- a major new urban park for communities to enjoy
- chances for informal leisure and impromptu recreational events
- bringing the countryside into the heart of the area
- new lakeside walk
- massive new planting program and chances for innovative landscaping schemes
- nature areas





Working with the landscape

Existing landscape infrastructure as the starting point of future development

- sensitively incorporating historic hedgerows into developments
- inviting greater use of Tower Lane
- extending green links across north Colchester and into the countryside to the north
- accommodating forms of development that fit well in the landscape north of the A12
- taking the opportunity to create new landscape
- understanding key views
- increasing biodiversity

Northern
GATEWAY



Key connections

Identify the principal desire lines as a basis for the movement framework

- provide a new pedestrian-cycle bridge over the A12 to connect communities in north Colchester safely with the countryside and planned leisure facilities north of the A12
- connect neighbourhoods
- connect attractions
- provide safe and easy access between homes, new leisure opportunities, new jobs and shops
- connect North Colchester to the Town Centre via an attractive natural pedestrian cycle network that links to Highwoods Country Park and Castle Park
- connect to the soon to be redeveloped Severalls Hospital site and Northern Growth Area Urban Extension

Northern
GATEWAY



Landscape proposals

Additional planting and other works to reinforce landscape structure

- three principal green areas -
 - Tower Lane
 - new neighbourhood park
 - recreational facilities to north of A12
- land contouring to create a lake
- integration of historic hedgerows into new planting schemes
- extensive new tree planting
- meadowland
- new habitat creation





Masterplan framework

- series of viable development plots
- flexible approach, capable of accommodating different uses
- well structured arrangement of space with long key frontages marked along the boulevard
- connected and usable open spaces with a leisure thread running through entire site
- development of connected leisure dominated areas, employment / commercial areas and residential areas
- strong linear built form running west-east around the boulevard with active ground floor frontages
- a clear development hub within the centre of the site clustered around the meeting point of the boulevard and NAR





Pedestrian & cycle connections

Making the area easy to enjoy and move around without a car

- strategic north-south routes from Severalls and town centre via Tower Lane
- wide, safe and clearly demarcated boulevard pedestrian crossing point over NAR
- new pedestrian-cycle bridge across A12
- generous footpaths set within attractive spaces
- parkland walk
- 5km off-street cycle loop for leisure and training

Northern
GATEWAY



Northern GATEWAY

Planning Policies

Current planning policies affecting
Northern Gateway Proposals

National Policies

- National Planning Policy Framework
- presumption in favour of sustainable development.

Local Policies:

Colchester adopted local policies provide more
detail on what that means for the Borough

- Policy SD1: Sustainable Development Locations - Growth to be located at the most accessible and sustainable locations.
- Policy SD2: Delivering Facilities and Infrastructure - Facilities and infrastructure should be provided to sustainable communities. New facilities and infrastructure must be designed so that they are accessible and compatible with the character and needs of the local community.

- Policy CE1: Centres and Employment Classification and Hierarchy - The Council will promote employment generating development through the regeneration and intensification of previously developed land and through the allocation of land necessary to support employment growth at sustainable locations. The Council will promote and maintain a Centres and Employment Hierarchy to coordinate the use and scale of developments with the accessibility and role of the various mixed use Centres and Employment Zones in Colchester.
- Policy H1: Housing Delivery - The Council will plan, monitor and manage delivery of at least 19,000 new homes in Colchester Borough between 2001 and 2023. These will be focussed on the urban areas of Colchester.
- Policy UR2: Built Design and Character - The Council will promote and secure high quality and inclusive design in all developments to make places better for both residents and visitors.
- Policy PR1: Open Space - The Council aims to provide a network of open spaces, sports facilities and recreational opportunities that meet local community needs and facilitate active lifestyles by providing leisure spaces within walking distance of people's home, school and work. The Council will protect and enhance the existing network of green links, open spaces and sports facilities, and secure additional areas where deficiencies are identified.



Local Development Framework
Core Strategy
Adopted December 2008



Colchester Borough Council

www.colchester.gov.uk



Local Plan Committee

Item
9

30 June 2014

Report of	Head of Commercial Services	Author	Karen Syrett ☎ 506477
Title	Horkesley Park Appeal Decision		
Wards affected	Fordham and Stour directly but the whole borough through implications		

The Local Plan Committee is asked to note the policy implications arising from the Horkesley Park appeal decision.

1. Decision(s) Required

- 1.1 To note the key policy issues arising out of both the Planning Inspector's Report and the Secretary of State's decision letter in respect of the proposed Stour Valley Visitor Centre at Horkesley Park.

2. Reasons for Decision(s)

- 2.1 To ensure members are kept up to date with national policy and how it is interpreted at the local level in Colchester.

3. Alternative Options

- 3.1 There is no alternative option; the report is for information only.

4. Supporting Information

- 4.1 In March 2013 the Council's Planning Committee refused permission for a proposed development known as The Stour Valley Visitor Centre at Horkesley Park. It was proposed on land containing redundant glasshouses and other buildings, previously used for agricultural purposes, three dwellings (known as Hillside, Chantry Lodge and The Chantry) and parkland, woodland and farmland. The application site covered an area of 47.4 hectares (117 acres) in total.
- 4.2 The site does not fall within any designated Settlement Boundary. The nearest settlements to the application site are Great Horkesley (0.8km) to the south; Little Horkesley (0.5 km) to the west and Nayland (within Babergh District) which is 1.5 km to the north. Approximately 75% of the site (to the west and north) is located within the Dedham Vale Area of Outstanding Natural Beauty (AONB).
- 4.3 The applicants appealed the Council's decision and on 4 April 2013 the appeal was recovered for the Secretary of State's determination in pursuance of Section 79 and Paragraph 3 of Schedule 6 to the Town and Country Planning Act 1990 because the appeal involved proposals giving rise to substantial regional or national controversy.
- 4.4 A public inquiry was held in October 2013 and on the 16 April 2014 The Secretary of State (SoS) advised that he agreed with the Inspector's recommendation that the

appeal should be dismissed and planning permission refused. This report is presented for the committee's consideration because the planning Committee did not support the officer recommendation on this application, and the officer recommendation did not accord with the Planning Policy submission. As such this is an opportunity to summarise the planning lessons learnt and to re-state that our policies are regarded as broadly up to date.

4.5 **Policy Considerations**

In deciding the appeal, the Secretary of State had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

4.6 He also had regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard be paid to the desirability of preserving listed buildings and their settings and any features of special architectural or historic interest they possess.

4.7 In this case the development plan comprises the Colchester Local Plan, which consists of the Core Strategy 2008 (CS), the Site Allocations Development Plan Document 2010 and the Development Policies Development Plan Document 2010 (DP). The policies considered to be of particular relevance to the appeal were those listed below;

Core Strategy (CS) policies

- SD1 (Sustainable Development Locations),
- CE1 (Centres and Employment Classification and Hierarchy),
- ENV1 (Environment),
- TA1 (Accessibility and Changing Travel Behaviour) and
- TA4 (Roads and Traffic);

Development Policy (DP) policies

- DP1 (Design and Amenity),
- DP9 (Employment Uses in the Countryside),
- DP10 (Tourism, Leisure and Culture),
- DP14 (Historic Environment Assets),
- DP17 (Accessibility and Access),
- DP19 (Parking Standards) and
- DP22 (Dedham Vale AONB).

4.8 The Inspector and SoS concluded that the Council's Local Plan is not critically out of date, taken overall it is consistent with the NPPF and the weight afforded to the Plan is unaffected.

4.9 **Main Issues**

The main considerations in the appeal were split into three broad headings:

1. whether the site can be considered to be in a sustainable location, with particular regard to accessibility;
2. the impact of the proposal on the character and appearance of its rural surroundings, and in particular on the purpose, landscape character and scenic beauty of the Dedham Vale AONB; and

3. whether there are any other material planning considerations which might support or undermine the proposal when assessed against the adopted planning framework for the area.

4.10 Is the site in an accessible and sustainable location?

The Council's calculation of visitor numbers (150,000 per annum rather than 316,250) and the modes of transport used were considered to be more realistic assessments than that of the appellants. It was concluded that the centre would be car dependent and poorly served by public transport, walking and cycling. This combined with its remote location would lead to an unsustainable pattern of development which would conflict with national and local policies which seek to promote sustainable transport choices and reduce transport emissions (Core Strategy policies SD1, CE1 and TA1 and Development Policy DP17).

- 4.11 No alternative site was identified and the Inspector was not convinced that the appellants had looked for a more suitable site which undermined their claim that there could be no other more accessible and sustainable site for a countryside rural tourism visitor centre. The only justification for the location was land ownership and clearly this was not sufficient evidence.

4.12 The impact of the proposal on the character and appearance of its rural surroundings, and in particular on the purpose, landscape character and scenic beauty of the Dedham Vale AONB

Although it was acknowledged that the proposal would be major development in the countryside, both the SoS and the Inspector disappointingly did not consider it to be major development in the AONB. Certain aspects of the NPPF were not therefore applied but local Development Policy DP22 was relevant.

- 4.13 They further commented that the site is occupied by agricultural buildings and does not fall within the definition of previously developed land, but as the land has been built on the Inspector did not accept that it should be treated as greenfield land.

- 4.14 The replacement of the nursery buildings was seen by them to be desirable and would improve views into and from the AONB. However, the combined impact of the parking enclosure, the change of use of the land, the addition of the Chinese garden and the loss of tranquillity, while not dramatic, would adversely affect the special landscape character and qualities of the AONB itself. The Chinese garden on its own would detract from the special character of the AONB. The proposal would conflict with CS policy ENV1 and Development Policy DP22.

- 4.15 The proposal would have seen the existing structures replaced by a group of buildings which according to the Inspector were 'low-key, high quality..., appropriate to their context, and overall of less site coverage, less built volume and lower height. An exemplary design would represent a significant improvement in terms of the visual quality and character of the area.'

- 4.16 Additional vehicles and pedestrians on local roads and footpaths would to some extent threaten the tranquillity and quiet enjoyment of the AONB.

4.17 Other Material Considerations

Job creation and economic growth were seen as clear benefits despite the Council arguments that the job numbers were unlikely to materialise.

4.18 Viability and deliverability were not considered to be material considerations. Alternative use of the site (if the scheme proved unviable) would require further planning applications which the council would determine on its merits at the time. The arguments about delivery centred on whether the key attractors i.e. the art gallery and Chinese garden, would be delivered and to an appropriate standard to attract visitors in the numbers proposed. Conditions were suggested in the Planning Committee report and taken forward at the appeal that required submission of details prior to development commencing. The Inspector concluded that the use of these conditions would enable the Council to satisfy itself that the attractions would be provided in an acceptable form and therefore objections on viability and deliverability grounds could not be sustained. The use of such conditions was considered to overcome the Council's objections and therefore the ground should not have been sustained at appeal.

4.19 The Church and The Chantry are considered to have distinct group value and their settings are significant heritage assets. The Chinese garden would be entirely out of place and would harm the Chantry, whilst there are insufficient details to say if conversion to an art gallery would be harmful.

4.20 **Conclusions**

The Inspector summed up as follows;

"Overall I conclude that, having in mind the NPPF's definition of sustainable development in its paragraph 7, while job creation and economic growth are powerful factors in favour of the proposal, and would go some way towards offsetting the harm it would cause, on balance the extent of the harm caused by the locational unsustainability of the site, the impact on the AONB and the effect on an important heritage asset together would be such that it would clearly outweigh the benefits of the proposal. It would not therefore represent sustainable development and I do not consider that the suggested conditions could overcome the harm I have identified. "

5. **Proposals**

5.1 Members are asked to note the following key messages from the decision;

1. The Council's Local Plan is not critically out of date, taken overall it is consistent with the NPPF and the weight afforded to the Plan is unaffected.
2. The Council was justified in using location and accessibility as reasons for refusal, even though this involved appointing transport consultants because the Highways Authorities did not object to the proposal (they considered the capacity of the road network rather than the sustainability of the proposal)
3. The proposal was considered to be major development but not within the AONB
4. Although the site is not classed as previously developed (brownfield) neither should it be treated as greenfield. A Legal opinion is being sought on this matter and the findings will be reported verbally at committee.
5. Additional vehicles and pedestrians on local roads and footpaths would to some extent threaten the tranquillity and quiet enjoyment of the AONB.
6. Job creation and economic growth are important material considerations
7. Viability and deliverability were not considered to be material considerations.
8. The fear of what might happen to a site if a proposed use fails is not a reason for refusal as the Council would have the opportunity to consider any future proposals.

9. Full details should be required as part of any application and should not be dealt with by way of condition.

6. Strategic Plan References

- 6.1 The Strategic Plan Action Plan includes a commitment to being cleaner and greener; listening and responding and promoting sustainability and reducing congestion.

7. Consultation

- 7.1 Not applicable

8. Publicity Considerations

- 8.1 The press have taken an active interest in the proposed development of this site and no doubt will continue to do so as the new owners decide how to proceed.

9. Financial Implications

- 9.1 The public inquiry was a significant cost for the Council of approximately £100,000.

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

- 10.1 None identified.

11. Risk Management Implications

- 11.1 Ensuring members are fully briefed on planning decisions and the status of the Local Plan will help reduce the risk of inappropriate development being permitted.

12. Disclaimer

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



Local Plan Committee

30 June 2014

Item
10

Report of	Head of Commercial Services	Author	Sarah Pullin ☎ 508639
Title	Adoption of the Local Plan Focused Review		
Wards affected	All		

The Local Plan Committee is asked to recommend that Full Council adopts the Local Plan Focused Review, incorporating the Planning Inspector's Main Modifications

1. Decision(s) Required

- 1.1 To recommend to Full Council that it adopts the Focused Review of the Local Plan, incorporating the Planning Inspector's Main Modifications. Once adopted, the Focused Review will become part of Colchester Borough Council's Local Development Plan, replacing some of the policies in the existing Core Strategy and Development Policies DPD.
- 1.2 For the Committee to delegate authority to the Place Strategy Manager to make minor revisions to the document prior to publication.

2. Reasons for Decision(s)

- 2.1 To ensure the Council's planning policies provide a robust basis for decisions on future planning applications in the Borough.

3. Alternative Options

- 3.1 The alternative would be to recommend to Full Council that it does not adopt the Local Plan Focused Review. The Council would then, however, miss the opportunity to bring selected policies into conformity with national policy.

4. Supporting Information

- 4.1 At its 28 January 2013 meeting, the Local Plan Committee agreed, in principle, to undertake a focused review of its planning policies to update them to comply with the National Planning Policy Framework (NPPF). Paragraph 12 of the NPPF states that 'it is highly desirable that local planning authorities should have an up-to-date plan in place.'
- 4.2 Colchester's strategy for maintaining an up-to-date plan entails a two-stage approach. The Focused Review is the first stage of the process; involving a limited review of policies which could be readily amended without the need to prepare extensive new evidence. The second stage is the Full Review, or new Local Plan, which will include amendments to the spatial strategy; housing and employment targets; and site allocations. Evidence base work is now underway for the Full Review, and it is anticipated that Issues and Options consultation will take place in early 2015, with adoption programmed for 2017.

- 4.3 The policies amended by the Focused Review will replace the previous versions of these policies contained within the adopted Core Strategy 2008 and the Development Policies Document (2010). All other policies will remain unchanged and have not been tested as part of the Focused Review examination process. All the policies contained within the Core Strategy, Site Allocations DPD, Development Policies DPD and Local Plan Focused Review will be replaced through the Full Review process, with a new, comprehensive, Local Plan.
- 4.4 On 11 March 2013, the Local Plan Committee approved an Issues and Options consultation for the Local Plan Focused Review process. On 29 July 2013 the Committee agreed the content of the Submission Draft Focused Review of the Local Plan and to the publication and consultation of the document and supporting documents. The Committee also agreed to the submission of the document to the Secretary of State for examination, following the close of consultation.
- 4.5 The Local Plan Focused Review was submitted to the Planning Inspectorate for examination, on behalf of the Secretary of State, on 31 October 2013. Planning Inspector Simon Emerson was appointed to undertake the examination. Following submission, the Council carried out a further pre-hearing consultation at the request of the Planning Inspector, and the consultation responses were sent to the Inspector for his consideration. The examination hearing sessions took place on 8 January 2014 and were followed by a further round of post-hearings consultation. The post-hearing consultation responses were forwarded to the Planning Inspector for his consideration.
- 4.6 On 8 May 2014, the Council received the Planning Inspector's report. The Inspector found the Local Plan Focused Review to be sound, subject to a Schedule of Main Modifications attached to the Inspector's report.
- 4.7 The main change to the Focused Review document, brought about by the Schedule of Main Modifications, is the removal of all the employment and centres/retail policies from the Focused Review. The result of this is that these policies will not be replaced by policies in the Focused Review. The existing employment and centres policies are unchanged, and remain as they exist in the Core Strategy and Development Policies DPD. The Council will continue to use its adopted Centres and Employment policies in the determination of planning applications.
- 4.8 The main changes that the Focused Review (as modified) will bring to the Council's Local Development Plan can be summarised as follows:

Sustainable development –the Government's model policy has been added to the policy. This picks up the NPPF's presumption in favour of sustainable development (Core Strategy Policy SD1)

Changes to the system of planning obligations and introduction of the Community Infrastructure Levy – the text has been modified to reflect latest guidance on planning contributions to both on-site and strategic infrastructure improvements (Core Strategy Policies SD2, SD3 and Development Policy DP3)

Affordable housing –the policy on affordable housing will be modified to comply with the NPPF's requirements to pay careful attention to viability and costs in plan-making and decision-taking. Viability also relates to the changing economic circumstances since the policy was adopted in 2008 (Core Strategy Policy H4)

Housing density and mix - tables on density and housing mix are proposed for deletion since they do not adequately reflect particular site constraints and requirements and accordingly may not fully accord with the greater flexibility provided in the NPPF (Core Strategy Policies H2 and H3).

Neighbourhood Planning – policies now include references where appropriate to the new system of Neighbourhood Plans (Core Strategy Policy ENV2)

Rural exception sites – policies have been modified to allow for a limited degree of market housing on rural exception sites to enable the delivery of affordable housing (Core Strategy Policy H4 and ENV2)

Rural workers' housing—a new Core Strategy Policy on rural workers housing has been included to provide guidance that is no longer provided nationally (Core Strategy Policy H6)

Equestrian uses -The changes to the rural policies noted above are considered to address the issues previously covered in the detailed policy on equestrian uses (DP24) so the policy is proposed for deletion.

Minor changes - a number of references to Planning Policy Statements and other documents that have since been revoked and/or replaced have been removed or updated.

4.9 The Focused Review of the Local Plan is underpinned by a Sustainability Appraisal (SA) which tested the environmental, social and economic performance of the Focused Review policies against a set of sustainability objectives. A Habitats Regulations Assessment (HRA) screening opinion was also prepared to assess the likely significant effects of the Focused Review policies on European Sites. The SA Scoping Report and the HRA Screening Opinion were made available for consultation alongside the Focused Review document.

4.10 Following adoption of the Local Plan Focused Review, notice will be given of its adoption and the document will be published on the Council's website, incorporating the Inspector's Main Modifications, along with supporting documents. Revised versions of the Core Strategy and Development Policies DPD will be produced and published, incorporating the changes resulting from the adoption of the Focused Review. This will clarify and help to simplify Colchester's planning policy position for all those involved in the planning process.

5. Proposals

5.1 It is proposed that the Focused Review of the Local Plan be adopted to form part of the Council's Adopted Local Plan. Following adoption, revised versions of the Core Strategy and Development Policies DPD will be published, incorporating the changes brought into effect by adoption of the Local Plan Focused Review.

6. Strategic Plan References

6.1 The Strategic Plan Action Plan includes a commitment to regenerating the Borough through buildings, employment, leisure and infrastructure. There are also commitments to attract investment and provide more affordable homes. The

Focused Review of the Local Plan will contribute towards achieving these objectives.

7. Consultation

- 7.1 Consultation on the Focused Review was carried out in line with the Council's Statement of Community Involvement and The Town and Country Planning (Local Planning) (England) Regulations 2012, and the consultation process was documented in a Statement of Consultation submitted along with the Focused Review document. No further consultation is required as part of the Focused Review process. On adoption, the document will be made available, and stakeholders will be notified, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

8. Publicity Considerations

- 8.1 Press releases have been issued at every significant milestone in the Local Plan Focused Review process. News of the adoption of the Local Plan will also be issued for publication and will be published on the Council's website.

9. Financial Implications

- 9.1 The Focused Review has been undertaken within a budget allocated for its production, including updating of evidence documents, consultation and examination.

10. Equality, Diversity and Human Rights implications

- 10.1 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view on the Colchester Borough Council website by following this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Equality and Diversity > Equality Impact Assessments > Commercial Services > Local Development Framework.
- 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 Focused Review of the Local Plan will help ensure that the Council's planning policies are robust and up-to-date and help to reduce the risk of inappropriate development being permitted.

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.



Local Plan Committee

Item
11

30 June 2014

Report of	Head of Commercial Services	Author	Laura Chase ☎ 282473
Title	Process for Full Review of the Local Plan		
Wards affected	All		

The Local Plan Committee is asked to note the overall process for development of a new Local Plan, to agree as an initial stage to the generation of options for future growth and to agree to a 'call for sites'

1. Decision(s) Required

- 1.1 To note the process for developing a new Local Plan for the Borough to guide growth to 2032.
- 1.2 To agree to generate options for future growth for inclusion in an initial Issues and Options consultation document.
- 1.3 To agree consultation takes place inviting individuals and organisations to suggest sites within the Borough that they think would be suitable for future development.
- 1.4 To note that a training session has been arranged with the Planning Advisory Service (PAS) on 9th September. All members of the Committee and Cabinet are invited to attend.

2. Reasons for Decision(s)

- 2.1 To ensure the Council's planning policies are updated to provide a robust basis for guiding future growth in the Borough. National planning policy states that 'it is highly desirable that local planning authorities should have an up-to-date plan in place' (para. 12, National Planning Policy Framework)

3. Alternative Options

- 3.1 The Council could delay work on revision of its Local Plan, but failure to generate realistic options to accommodate forecast demand for new development sites would not be in accordance with national policy and would leave the Council vulnerable to 'development by appeal' in less sustainable locations.

4. Supporting Information

- 4.1 The Council is carrying out a two-stage review of its Local Plan to update it and bring it into compliance with the National Planning Policy Framework. The short Focused Review first stage is now nearing completion and the limited changes to selected policies are scheduled to be adopted by Full Council in July (see separate report on this agenda). The Spatial Policy team is now devoting itself to the much more substantive process of developing a new Local Plan, including updating all

policies and allocations. The team is developing a detailed project plan, with the assistance of the Planning Advisory Service, to guide development of a new Local Plan from initial options through to adoption.

- 4.2 The adopted Local Development Scheme provides the overall milestones for this process and notes the various member approval, consultation and publication stages that lead up to examination and adoption of the plan in 2016/17. An Issues and Options consultation is proposed for early 2015.
- 4.3 At this early stage, the team is developing the overall framework for the plan. This includes generating broad issues and options to kick-start the initial Sustainability Appraisal and subsequent Issues and Options consultation. The broad options will be based on national planning policy guidance; Council priorities as set forth in the Strategic Plan; existing local policies; and the current evidence base.
- 4.4 The local plan development system provides for an iterative process for developing options which includes several rounds of public consultation along with a Sustainability Appraisal process to test the environmental, social and economic performance of the options against a set of sustainability objectives. To initiate this process, the Council will issue a Scoping Report to stakeholders for consultation in July. A Habitats Regulations Assessment (HRA) screening opinion will also be prepared to assess the likely significant effects of the Focused Review policies on European Sites. The results of these appraisals will be made available for each stage of consultation alongside proposed policies and supporting evidence base documents.
- 4.5 The Council has a comprehensive evidence base which supports its existing Local Plan documents, but these documents will now need to be reviewed and updated as necessary to provide a robust basis for a new plan. A key change in the plan development process post-NPPF is the new requirement to generate a local Objectively Assessed Need (OAN) for housing and employment land since these targets are no longer set regionally. As part of developing this OAN figure, Colchester has published a joint Strategic Housing Market Assessment (SHMA) in partnership with Braintree, Brentwood, Chelmsford and Maldon Councils.
- 4.6 The current adopted Local Plan is based on a target set through the now abolished Regional Plan of an average of 830 dwellings per year. The SHMA figures indicate that the new target will need to rise to accommodate rising population pressures. The housing need identified in the SHMA then needs to be translated into firm targets and allocations in the Local Plan. The National Planning Policy Framework requires councils to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area.
- 4.7 The most important findings of the SHMA are as follows -
 - 1,065 new homes will be needed each year for the next five years.
 - 1,225 new homes will be needed each year for the next 20 years.
 - These figures are based on a stock flow analysis in the SHMA which looks at stock turnover, size of properties, availability and migration.
 - Based on the need for 1,065 homes, there is an annual shortfall of 721 market homes and 344 affordable homes.

- 4.8 It is important to note that the above housing need figures are “unconstrained” which means that the Council is not expected to simply translate housing need figures into actual housing targets that need to be met without considering relevant constraints on development such as capacity and viability. Planning inspectors have made it clear that if there is deviation from the full housing need figure, this must be strongly evidenced and justified.
- 4.9 The Council must consider how it addresses the findings of the SHMA including how it translates these findings into a robust housing target. The effects of a housing target much higher than what has historically been built in the Borough will need to be considered (the previous RSS housing target for Colchester was 830 units per year and the Council has met this target over an extended period). One effect of an increased housing target will be the allocation and release of more land for housing which may, for example, necessitate working with neighbouring authorities to ensure that housing targets are met and additional burdens placed upon existing infrastructure sufficiently mitigated.
- 4.10 The Council will also need to produce an updated Employment Study to inform the Issues and Options consultation, particularly since the last Employment Study was completed in 2007 prior to the recession.
- 4.11 Given the historic and continuing high levels of demand and delivery in Colchester, finding sufficient sites to meet the OAN for housing and employment sites will be a challenge that will need to include consideration of large new schemes with the critical mass required to create sustainable new communities that can fund new infrastructure and provide a full range of mixed uses.
- 4.12 The Issues and Options consultation material will need to make it clear that all reasonable options are genuinely up for consideration at the initial stages of plan development. Equally, however, the policy and practical factors noted above mean that the number of reasonable options is constrained.
- 4.13 For the first round of Issues and Options consultation, the Council will need to present sufficient material on contextual issues to allow consideration to begin on the most plausible range of choices that could produce sufficient sites to meet Objectively Assessed Need for new sites. The range is expected to span different principles for delivering growth including both ‘Garden City’ greenfield options as well as urban extension options. Additionally, the potential role of rural growth within these options will need to be explored.
- 4.14 To help inform the development of the Plan it is proposed to undertake a ‘Call for Sites.’ This is an early opportunity for individuals and organisations to suggest sites within the Borough for development. The site suggestions received will be used to inform the preparation of the Local Plan. It is important to note however that the call for sites exercise will not in itself determine whether a site should be allocated for development, given the need for sites to be in compliance with overall policies in order to be allocated. Details of specific sites and their potential capacity will begin to be generated following consultation at the Issues and Options stage.

5. Proposals

- 5.1 It is proposed that the Council progress development of a new Local Plan by developing options for future development to inform an Issues and Options consultation.
- 5.2 The first consultation is intended to be undertaken over the summer and will invite people to put forward sites they think should be considered by the Council for future development.
- 5.3 As work progresses update reports will be produced for the Committee and the Issues and Options Document is expected to be published for approval at the meeting scheduled for 16th December.

6. Strategic Plan References

- 6.1 The Strategic Plan Action Plan includes a commitment to regenerating the Borough through buildings, employment, leisure and infrastructure. There are also commitments to attract investment and provide more affordable homes. The Full Review of the Local Plan will contribute towards achieving these objectives.

7. Consultation

- 7.1 Consultation on the Local Plan will be carried out in line with the Council's Statement of Community Involvement and The Town and Country Planning (Local Planning) (England) Regulations 2012. Because of the significant strategic nature of the Local Plan Review process, the Council will ensure a comprehensive and accessible consultation programme that reaches a wide range of stakeholders.

8. Publicity Considerations

- 8.1 Press releases will be issued at every significant milestone in the Local Plan process. The consultation is likely to generate publicity for the Council, particularly around some of the sites/land which cross borders with Tendring and Braintree.

9. Financial Implications

- 9.1 The Local Plan Review will be undertaken within a budget allocated for its production, including updating of evidence documents, consultation and examination.

10. Equality, Diversity and Human Rights implications

- 10.1 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view on the Colchester Borough Council website by following this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Equality and Diversity > Equality Impact Assessments > Commercial Services > Local Development Framework.
- 10.2 There are no particular Human Rights implications.

11. Community Safety Implications

- 11.1 Development of a new Local Plan will address the community safety implications of creating sustainable communities.

12. Health and Safety Implications

- 12.1 Development of a new Local Plan will address the health and well being implications of creating sustainable communities.

13. Risk Management Implications

- 13.1 The Focused Review of the Local Plan will help ensure that the Council's planning policies are robust and up-to-date and help to reduce the risk of inappropriate development being permitted.

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.



Local Plan Committee

30 June 2014

Item
12

Report of	Head of Commercial Services	Author	Karen Syrett ☎ 506477
Title	Community Infrastructure Levy		
Wards affected	All		

The Local Plan Committee is asked to approve further work on the Community Infrastructure Levy (CIL).

1. Decision(s) Required

- 1.1 The Committee is asked to resume work on developing a charging schedule by undertaking the following work;
1. updating the viability work to reflect updated sales costs (and other changes)
 2. updating the infrastructure evidence base and producing a draft 123 list
 3. reviewing governance and implementation arrangements to ensure they are fit for purpose.

2. Reasons for Decision(s)

- 2.1 The Community Infrastructure Levy is an important source of future infrastructure funding. The Governments intention to scale back the use of S106 Agreements makes it important to progress the Levy. Once CIL is adopted or in April 2015 the use of tariffs and standard charges will be severely restricted and securing funding for big items of infrastructure could become increasingly difficult.

3. Alternative Options

- 3.1 The committee could delay work on the Charging Schedule or decide not to proceed with the Community Infrastructure Levy.

4. Supporting Information

- 4.1 The Community Infrastructure Levy is a relatively new levy that local authorities can choose to charge on new developments in their area. The levy is intended to provide infrastructure to support the development of an area rather than to make individual planning applications acceptable in planning terms.
- 4.2 Local authorities are required to spend the levy's revenue on the infrastructure needed to support the development of their area and they will decide what infrastructure is needed ie roads, community facilities and open space. The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development. The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.

- 4.3 The idea is that the system is very simple in that it applies to most new buildings and charges are based on the size and type of the new development.
- 4.4 In Colchester, work commenced on CIL in 2011 and the first public consultation took place in August and September on the Preliminary Charging Schedule and the evidence base to support it. A meeting was also held between the CIL consultants and two local development companies and a property agent. A total of 25 responses were received to the consultation.
- 4.5 All the responses received were analysed and a revised Charging Schedule and evidence base were published in November 2011 with submission expected at the end of the year or early 2012. However, in light of the responses received to that consultation, members of the Local Development Framework Committee at the time, asked for a workshop with developers and the consultants who had undertaken the viability work. Following the workshop it was agreed that further work would be undertaken looking at viability and the rates proposed in the charging schedule. This was completed and changes were proposed as a result of the updated evidence.
- 4.6 The residential charge was revisited in light of the viability work and this resulted in two charges;
1. £100 per square metre for new residential development in the 'rural' parts of the borough which includes Myland and Stanway.
 2. £80 per square metre in the remaining 'urban' part of the borough.
- 4.7 The comparison retail charge was also changed and split according to location as follows;
1. In the Town Centre new comparison retail development will not be liable for CIL.
 2. Outside the town centre a charge of £90 per square metre will apply.
- 4.9 The proposed levy for convenience retailing (food stores) remained unchanged at £240 per square metre.
- 4.10 These charges were due to be consulted on early in 2013 but nationally a key issue came to light which suggested we should not proceed as planned. Mid Devon District Council's proposed CIL charge for residential development was rejected by an examiner because it did not reflect the council's target for the provision of affordable housing set out in its development plan. Shortly afterwards, Exeter were asked to revisit their proposed CIL because it would compromise affordable housing delivery.
- 4.11 The Council recognised that it could not continue to aspire/expect to achieve 35% affordable housing and also implement CIL (which as a statutory charge would be paid prior to agreeing any affordable housing.) Examination of a CIL charge which undermined adopted Council policy would have been risky and could have resulted in aborted costs. An alternative option to set CIL at a lower rate to enable delivery of 35% affordable housing would have resulted in such a low levy it would not have been worth proceeding. The existing arrangements for negotiating and collecting S106 contributions were working well enough and it seemed prudent to continue with that approach in the short term.

- 4.12 Over the past year the Government have confirmed their commitment to CIL and published further regulations. More local authorities have progressed their own Charging schedules, including Chelmsford who implemented their levy earlier this month. Their charges have been set as follows;
- Residential (including sheltered or specialist housing) - £125 per sq m.
 - Retail – Convenience (food)] - £150 per sq m.
 - Retail – All other retail (non-food) and Use Classes A2-A5 and sui generis uses akin to non-food retail - £87 per sq m.
 - All other uses (including Use Classes B, C1, C2, and D and any other sui generis uses - £0 per sq m.
- 4.13 In January this year Savills and the Home Builders Federation (HBF) published a report on CIL with the objective of achieving more consistency in the CIL rate setting process, with particular regard to viability. To take a view on the viability of policies across the country, they developed a model for the viability of large greenfield sites in different strength markets. The output is a benchmark amount available to pay CIL, Section 106 infrastructure funding and the cost of local policies, taking account of affordable housing policy. It gives a starting point for review of policy viability, before examination of local specifics.
- 4.14 Table 1 shows the benchmark amount per plot, as an average across all tenures. This varies significantly, according to sales value and affordable housing policy, with little or no level of CIL being viable in lower value markets, where sales values are at £175 per sq.ft. In these markets, developers and local authorities need to work together to find ways of bringing sites forward, using policy flexibility and whatever public investment in infrastructure that can be made available.

TABLE 1
Amount available for CIL and S.106 (£ per plot, all tenures)

Affordable Housing %	Sales value per sq.ft.								
	350	325	300	275	250	225	200	175	150
0%	45,800	39,400	33,000	26,600	20,200	13,800	7,400	1,000	0
10%	38,300	32,700	27,100	21,500	15,900	10,200	4,600	0	0
20%	30,900	26,000	21,200	16,400	11,500	6,700	1,800	0	0
30%	23,400	19,400	15,300	11,300	7,200	3,100	0	0	0
40%	16,000	12,700	9,500	6,200	2,900	0	0	0	0
50%	8,600	6,100	3,600	1,100	0	0	0	0	0

Source: Savills Research

- 4.15 Sales values in Colchester vary considerably across the borough as might be expected. The evidence collected in 2012 does not reflect the current housing market which has seen rises averaging 4.6% or £10,814 per property over the past year. Information on Zoopla shows that average sales values by postcode vary between £200 and £277 per square foot. Only flats in CO4 achieve a sales value of less than £200 (being £199 per square foot) and a more detailed search by road has not identified any that low. There is usually a sales premium on new build properties, for which CIL would be payable.
- 4.16 The table demonstrates that reducing the affordable housing policy from 35% to 20% on qualifying sites, has a significant impact on the amount available for CIL

and s106. Small sites (those under 10 units in the urban parts of the borough and under 5 in the rural area) are not required to provide affordable housing. Using the simple table produced by Savills and average generic sales values in Colchester suggests the following amounts are available for CIL and S106;

•	Sales value £200 sq ft	Sales value £250 sq ft
Small site no AH	£7,400	£20,200
Large site 20% AH	£1,800	£11,500

- 4.17 One of the concerns that has been raised both locally and nationally is a fear that S106 will continue to be used by local authorities who are also charging CIL and that this could lead to double counting. The Government have made it clear that this should not occur and it is proposed that the Council produces guidance to clarify those instances where S106 will be utilised i.e. affordable housing and smaller scale on site infrastructure such as road and pedestrian connections, play space etc. The table below shows the amount available for CIL assuming £3000 per plot for S106;

Amount available for CIL – assuming £3,000 S.106 per plot (all tenures)

Affordable Housing %	Sales value per sq.ft.								
	350	325	300	275	250	225	200	175	150
0%	420	360	300	230	170	110	40	0	0
10%	390	330	270	200	140	80	20	0	0
20%	350	280	230	170	110	50	0	0	0
30%	290	230	170	120	60	0	0	0	0
40%	210	160	110	50	0	0	0	0	0
50%	110	60	10	0	0	0	0	0	0

£ per sq.m. of market housing

- 4.18 The table demonstrates how different rates of CIL could be used depending on value areas and if affordable housing is expected on a scheme. It highlights the importance of understanding market areas. Relevant sections for Colchester are extracted below;

Savills suggested CIL levels for two sales value scenario's;

	Sales value £200 sq ft	Sales value £250 sq ft
Small site no AH	£40 per sq m	£170 per sq m
Large site 20% AH	£0 CIL	£110 per sq m

The Charging Schedule must be examined by an independent person appointed by the Charging Authority.

The procedures are similar to those of a development plan document and any person requesting to be heard by the examiner must be heard in public. The independent examiner will

- 4.19 If S106 expectations were higher, i.e. £15,000 per plot, only those sites where no affordable housing was provided and with sales values in excess of £250 per sq m could a small charge be levied (between £10 - £50 per sq m.)
- 4.20 To proceed with CIL it will be necessary to update the evidence base to ensure it reflects up to date information. It is proposed that this is undertaken and reported back to committee prior to consultation before submission.
- 4.21 When the Council adopts and implements CIL it is also necessary to publish what is known as the 123 List. This lists all the infrastructure to be funded through CIL. CIL money can only be put towards items on this list and S106 contributions cannot be used towards anything on the list (there can be no doubling up.) The 123 list can be changed by the Council at anytime without the need for examination or any publicity. However to provide some certainty and in line with recent regulation changes, it is being recommended that the list is produced to inform the examination. Previous draft governance arrangements have suggested the List should be reviewed twice a year but would only be amended more than once in exceptional circumstances.
- 4.22 The Government require the Council to allocate a meaningful proportion of levy revenues raised in each area back to that neighbourhood. The Department for Communities and Local Government (DCLG) has previously announced that town and parish councils that draw up neighbourhood plans will receive 25 per cent of the planning levy charged on new developments in their area. Neighbourhoods without a neighbourhood plan but where CIL is being charged will receive a 15 per cent share of the revenue from development in their area, but this will be capped at £100 per council tax dwelling. This will ensure that where a neighbourhood bears the brunt of a new development, it receives sufficient money to help it manage those impacts.

5. Proposals

- 5.1 The Governments intention to scale back the use of S106 Agreements makes it important to progress the Levy. Once CIL is adopted or in April 2015 the use of tariffs and standard charges will be severely restricted and securing funding for big items of infrastructure could become increasingly difficult.
- 5.2 It is recommended that the Council resume work on developing a charging schedule by undertaking the following work;
4. updating the viability work to reflect updated sales costs (and other changes)
 5. updating the infrastructure evidence base and producing a draft 123 list
 6. reviewing governance and implementation arrangements to ensure they are fit for purpose

6. Strategic Plan References

- 6.1 The Strategic Plan Action Plan includes a commitment to regenerating the Borough through buildings, employment, leisure and infrastructure. CIL can help achieve these objectives.

7. Consultation

7.1 No consultation is proposed at this stage.

8. Publicity Considerations

8.1 There is no publicity expected at this stage.

9. Financial Implications

9.1 Finding for updating the evidence base is included within existing budgets.

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

10.1 None identified.

11. Risk Management Implications

11.1 A review of the evidence base will reduce the risk of CIL being found unsound.

12. Disclaimer

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