

Local Plan Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Monday, 06 February 2023 at 18:00**

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

Information for Members of the Public

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<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

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Access

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COLCHESTER CITY COUNCIL
Local Plan Committee
Monday, 06 February 2023 at 18:00

The Local Plan Committee Members are:

Councillor Martin Goss	Chairman
Councillor Kayleigh Rippingale	Deputy Chairman
Councillor Lewis Barber	
Councillor Michelle Burrows	
Councillor Richard Kirkby-Taylor	
Councillor Jocelyn Law	
Councillor Sam McLean	
Councillor Patricia Moore	
Councillor Paul Smith	
Councillor William Sunnucks	

The Local Plan Committee Substitute Members are:

Other than the Local Plan Committee members, all members of the Council who are not members of the Planning Committee.

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

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

Live Broadcast

Please follow this link to watch the meeting live on YouTube:

[\(107\) ColchesterCBC - YouTube](#)

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, livestreaming of the meeting. Councillors who are members of the committee will introduce themselves.

2 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

3 **Urgent Items**

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

4 **Declarations of Interest**

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other registerable interest or non-registerable interest.

5 **Minutes of Previous Meeting**

The Councillors will be invited to confirm that the minutes of the meeting held on 12 December 2022 are a correct record.

2022-12-12 CBC Local Plan Committee Minutes

7 - 12

6 **Have Your Say! (Hybrid Council meetings)**

Members of the public may make representations to the meeting. This can be made either in person at the meeting or by joining the meeting remotely and addressing the Council via Zoom. Each representation may be no longer than three minutes. Members of the public wishing to address the Council remotely may register their wish to address the meeting by e-mailing democratic.services@colchester.gov.uk by 12.00 noon on the working day before the meeting date. In addition a written copy of the representation will need to be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself.



There is no requirement to pre register for those attending the meeting in person.

7 **Amendments to Colchester Conservation Area No 4: North Station Road and Environs Designation, Character Statement & Management Proposals**

13 - 158

The Committee are invited to approve to proceed with public consultation starting in February 2023 on a small extension to the designated area of the Colchester Conservation Area No 4: North Station and Environs to include a further 6 terraces houses in Causton Road.

8	Affordable Housing Supplementary Planning Document	159 - 188
	The Committee are invited to adopt the Affordable Housing Supplementary Planning Document and revoke the existing SPD.	
9	Local Development Scheme (LDS)	189 - 222
	The Committee are invited to approve the changes to the Local Development Scheme.	
10	Consultation on the revisions to the National Planning Policy Framework	223 - 242
	The Committee are invited to provide comments on the consultation proposals on revisions to the National Planning Policy Framework which will feed into a response from the Council by the deadline of 2 March 2023.	
11	Statement of Community Involvement 2023	243 - 276
	The Committee are invited to approve the changes made to the Statement of Community Involvement to reflect the specific requirements arising from national policy guidance and legislation changes and to publish the statement on the Council's website.	
12	Biodiversity Supplementary Planning Document	277 - 318
	The Committee will consider a report inviting the Committee to approve the publication of the draft Biodiversity Supplementary Planning Document for public consultation in accordance with the Planning Regulations and Statement of Community Involvement.	
13	Local Plan Committee Background Information Version 2 July 2022	319 - 324
14	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

12 December 2022

<i>Present: -</i>	Councillors Goss (Chair), Barber, Law, Kirkby-Taylor, McLean, Moore, Rippingale, Scordis, Smith, Sunnucks
<i>Substitute Member: -</i>	
<i>Also in Attendance: -</i>	

254. Minutes

The Minutes of the meeting held on the 3 October 2022 were confirmed as a correct record.

255. Have Your Say!

Sir Bob Russell addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The speaker outlined that there was no representative on the Committee for the south of urban Colchester, Berechurch and Old Heath and the Hythe and hoped that there would be a continuing dialogue about Middlewick after the decision in 2022 to include the site in the Local Plan. The speaker detailed that they had hoped that, as with Highwoods, elected Members would save the day. It was noted that as the government had dropped its top down housing targets and that as Colchester was one of the fastest growing areas in the Country that Councillors from Berechurch, Old Heath and the Council collectively to see how they could retrieve the situation. They explained that the inclusion of Middlewick in the Local Plan should never have happened and as the land was owned by the government who had changed their approach to protecting green open spaces this was the opportunity for the Council to make a stand and noted that Highwoods country park would not have happened if Officers had had the final say on Middlewick's ecological aspects which trumped anything else in the City. The speaker concluded by outlining how the Council should take back control and continue the fight in the south of Colchester to save Middlewick.

The Chair responded to the speaker and confirmed that there was currently a vacancy on the Committee to be filled and that the composition of the Committee was the decision of the parties on the Council but welcomed contributions from any other Member of the Council who wished to attend and address the Committee. With regards to the points raised around Middlewick it was noted that Middlewick was still at the beginning of the process following the adoption of the Local Plan and that the Masterplan for the site would need significant consultation.

The Lead Officer for Planning and Place Strategy responded to the points and questions from the Have Your Say Speaker as follows. The Committee heard that the government had not dropped the top down method in its approach but further consultation was due to take place and confirmed that there was a still a target of building 300,000 homes a year. It was noted that the methodology would be the starting point for the consultation but it was anticipated that there would be limits on deviating from the target figures. With regards to

Middlewick the Lead Officer confirmed that the Portfolio Holder for Planning and Infrastructure (Cllr Andrea Luxford-Vaughan) had asked officers to investigate what could be done at Middlewick with regard to ecological matters and confirmed that meetings had been undertaken with Natural England to commission work on the site.

Members discussed the representation noting that the Local Plan Committee and the Council voted to adopt the Local Plan as a whole and not an individual site, that transport was a significant issue in the City and the surrounding area, and that a request was made for an agenda item to discuss the implications of the changes to planning would effect the Council's Local Plan especially when there was emphasis on communities that had been oversupplied with housing in the past.

The Lead Officer for Planning and Place Strategy confirmed that the letter from the Secretary of State for Levelling Up, Housing and Communities outlined that there would be a consultation would be launched by Christmas and that this would be brought to the next Committee meeting if the consultation had not closed. If the deadline for submissions of the consultation closed before the Local Plan Committee met again then a response would be sent from the Portfolio Holder for Planning and Infrastructure.

Sir Bob Russell responded to the points raised pursuant to the provisions of Meetings General Procedure Rule 5 (1). The Committee heard that that the discussion and work undertaken on Middlewick was appreciated and noted that the issues surrounding the site would not go away asking that the Committee write to the local MP to ask whether Middlewick could be removed from the Local Plan or sale from the Ministry of Defence so that the site would not be built upon.

256. Authority Monitoring Report 2021-2022

Laura Goulding, Planning Policy Officer presented the report to the Committee outlining that the report contained data from April 2021 through to March 2022 which included data from April 2021 – March 2022. It was noted that there was no requirement to publish the Authority Monitoring Data however there were statutory duties to monitor performance. Teams across the Council submitted data for the report and therefore provided a statistical portrait of Colchester. It was detailed that the Authority Monitoring Report (AMR) measures the progress of the adopted Local Plan which was Section 1 Local and have included an update that was outside of this period when Section 2 was adopted.

The Committee heard that the key findings from the report were:

- That the first phase of the population data from the 2021 Census was published and showed an 11.3 % increase in population from 173,100 in 2011 to 192,700 in 2021.
- Tendring Colchester Border Garden Community development plan document was consulted on for 6 weeks from the 14 March 2022.
- West Mersea and Marks Tey Neighbourhood Plans were adopted in March 2022.
- Other Neighbourhood Plans had progressed outside of the Monitoring Period including Tipree, Cockford, and Copford and Easthorpe.
- The total number of planning applications received was 1982 which was an increase on the previous years total of 1535. It was noted that this did not include discharge of conditions or pre-application enquiries.
- 1034 dwellings were built between April 2021- July 24 2022 which was an increase on the previous years total of 741 and above the objectively assessed need for the Council of 920 dwellings.

- 117 Affordable homes were delivered during the monitoring period which included 45 new build affordable housing units consisting of 29 affordable rent, 6 social rent and 10 shared ownership.
- 72 affordable homes have been developed through the Council's acquisition programme.
- The Council has taken on an additional area of 5638 metres squared of open space during the monitoring period from two sites, Barton Boulevard and Northfields.
- The Council was successful in a bid to Defra for £243,700 to carry out Phase 2 of the CAREless pollution programme.
- The introduction of two electric car clubs and two e-bike, e-cargo bike hubs.

In response to questions from the Committee the Lead Officer for Planning and Place Strategy outlined that the recently announced closure of Rollerworld would not be contained within the report before the Committee as it would be shown in the 2022-2023 AMR and that depending on what happened to the building would decide whether it was classed as a loss of community facilities.

The Committee discussed the number of homes that had been built in Colchester being higher than other authorities in the County and how this raised concerns over the infrastructure that was in place for the new dwellings and the people inhabiting them. An item raised in discussion was the number of windfall sites and that these small developments could be made without upsetting communities. A concern was raised by the Committee that the Council was receiving a large amount of applications for permitted development rights and that this was causing issues in terms of resources. It was noted in the report that the Council currently had 11% affordable housing from the new developments and questions were raised over how many applications had been properly appraised and whether funding had been cut for the infrastructure deficit report.

The Lead Officer for Planning and Place Strategy responded to the points made that Chelmsford City Council were building more houses but they had a lot of catching up to do when compared to Colchester and that the previously described windfall developments were very helpful for the authority and should be celebrated. With regard to applications received from the authority it was explained that the Council did not encourage applications that it did not need to decide upon and that the lower amount of affordable housing was disappointing but there was a lapse for when the 30% affordable housing policy would be reflected in the AMR as the policy had only been agreed in the past year. It was clarified that the guidance on how the policy sought affordable homes on developments that were 10 houses or more in urban areas and 5 or more in rural areas. The Lead Officer confirmed that the funding for the infrastructure deficit report was no longer forthcoming but the initial work could be undertaken by officers.

The Committee continued to debate the report and discussed social housing and the concerns regarding windfall sites not providing any contribution towards this. Members discussed the influence of rising house prices as well as the building rates of other authorities in Essex as well as a question of why Chelmsford City Council collected the RAM's payments.

The Lead Officer for Planning and Place Strategy detailed that the Chelmsford City Council had volunteered to be the governing body for the RAM's payments and that the first homes as opposed to affordable housing were an option which would allow people to get on the property ladder. A Member of the Committee responded that First Homes did not have to be sold to residents who were currently living in the City and that local eligibility criteria could be associated with their sale.

Concern was raised by the Committee on the number of empty homes and whether there was anything that could be done to bring them back into use. It was noted by the Lead Officer that many of these voids were short term and only 125 of the houses were owned by Colchester Borough Homes (CBH). The report also provided the information that 62 of the properties had been empty for five or more years. Further to this it was noted that CBH properties had to be returned to use within 30 days unless there was substantial works that needed to be carried out.

The Chair advised the Committee that voids had always been around the reported number and that the Council could not force the owners of the property to bring the houses back into use.

The Lead Officer for Planning and Place Strategy responded to a question regarding the use of employment land and the changing patterns of working. It was confirmed that the land and premises use associated with employment would be revised and would be included in the next review of the Local Plan.

The debate concluded with Members of the Committee discussing infrastructure and how the lack of it was causing serious travel and commuting issues and whether the Council could be pushing harder for contributions for S106 agreements on items such as roads and healthcare provision.

The Lead Officer for Planning and Place Strategy responded that much of the infrastructure was outside of the Council's control such as highways and healthcare and plans for improvements would be welcomed but the Council could only collect the funding as requested from the NHS and other consultees. The Chair responded that there was huge pressure in the NHS that was not directly related to the Council's Section 106 Agreements.

RESOLVED (UNANIMOUSLY) that the Local Plan Committee Approved publication of the 2021-2022 Authority Monitoring Report 2021-2022 on the Council's website.

257. Infrastructure Funding Statement

The Lead Officer for Planning and Place Strategy presented the Infrastructure Funding Statement to the Committee and explained that the annual statement on allowance for Section 106 funds showing the amount that was held by the authority and the amount that was collected between April 2021- March 2022. It was noted that examples of funding were contained within the report and that on a first glance the headline numbers within the report could be misleading on how much money the Council had at its disposal. It was noted that a lot of the money was allocated towards projects and asked the Committee to note that in recent years there had been precise definitions of where the moneys could be spent. The Lead Officer explained that some agreed Section 106 Agreements required that money be dispensed in phases. It was noted that in recent years there had been a change in the law to require that the Local Planning Authority must have the agreement of the applicant before conditioning works being completed prior to commencement. The Lead Planning Officer concluded by confirming that some of the funds contained within the report were for planned maintenance work in the future and that a lot more of the money is committed to specific areas than the headline within the Colchester Gazette had alluded to.

The Chair outlined that Colchester used to be a leading authority providing guidance to other Councils on how this data was captured. The Lead Officer for Planning and Place Strategy advised the Committee that this had been in a database capacity and that the officer who

had organised this had subsequently left the Council and had started their own business in this area.

The Committee raised concerns regarding the use of infrastructure funds by the NHS with the example being given of Bryony Paddocks in Abberton where funding destined for local use was transferred to Mersea. It was further noted that there were ongoing issues whereby there was a disagreement on any proposed increase in surgery size. Concerns were also raised regarding the collection of RAM's payments and how this money was being used as its collection had been previously challenged. Further to this it was queried what resources had been put in place to mitigate potential damage to the coastline and if any staff had been recruited.

The Lead Officer for Planning and Place Strategy responded to the points raised and detailed that each planning application was assessed on its own merits and many required Section 106 Agreements with specific funding allocations which were informed on the basis of the consultee responses and that the Council was guided by others in terms of healthcare provision from the NHS and that RAM's payments had also been challenged by Officers but there was a requirement for each new dwelling built and that this was being provided through Birdaware. It was noted that they had appointed an overall manager and two wardens were currently working on the County's coast.

Members of the Committee debated the role of the Section 106 obligations and the sign off process and that some headlines had been misleading but it would be useful in future reports to include allocations of funds. Members discussed how 65% of funds go into the community fund and that this could be used for projects such as regenerating playgrounds, grant funding and that sometimes funds from different developments would be combined for larger projects.

The Lead Officer for Planning and Place Strategy advised the Committee that the process was being reviewed and that the Council would be asking for further information from Parish Councils to understand what the requirements were in each community and how these could be provided for through future planning applications and their associated Section 106 Agreements.

An example was given of funds being diverted from a scheme in Abberton to West Mersea and that any monies including those for the NHS would be held for a specific amount of time as detailed within the Section 106 Agreement. It was noted that each Agreement was bespoke and the timeframes for the holding of funds would differ depending on each individual agreement. Members discussed how Councillors could be more active on the issues of the Agreements and how further training was needed for Councillors so that they were aware of possible issues that could arise as well as external funding that was available.

The Lead Officer for Planning and Place Strategy advised the Committee that a training session had been organised for February 2023 to inform Members on Section 106 Agreements and that Councillor training would be added to the review of the whole area.

The Debate concluded with Members of the Committee discussing the role of the review, how the Section 106 Agreements could be more flexible and whether a Community Infrastructure Levy would be a better way for the Council to provide infrastructure.

The Chair advised that should Members of the Committee wish to raise issues around the introduction of a Community Infrastructure Levy then these could be raised with the Cabinet or at Full Council.

The Report was noted by the Committee.

Local Plan Committee

Item
7

6 February 2023

Report of	Eirini Dimerouki/Simon Cairns	☎ 5346 & 8650
Title	Amendments to Colchester Conservation Area No 4 : North Station Road and Environs Designation, Character Statement & Management Proposals	
Wards affected	Castle	

1. Executive Summary

- 1.1 The Committee previously approved public consultation on the Draft Conservation Area Character Appraisal and Management Proposals on 19 March 2018 followed by adoption of an extended area on the 8 April 2019. This report now seeks Local Plan Committee approval to proceed with;
- Consultation on a proposed small extension to the designated Colchester Conservation Area No 4: North Station and Environs as shown in Appendix I;
 - public consultation on a revised character statement and management proposals which provides more detailed analysis of the special qualities of the area and revised management proposals including a proposed article 4 direction.
 - Agree to instigate the Statutory process for the making of an article 4 direction, as proposed. This removes permitted development rights to carry out development without seeking permission from the City Council.
- 1.2 The report addresses the main changes proposed to the supporting documentation for the area designation including the scope of the proposed article 4 directions which includes both residential and commercial properties.

2. Recommended Decision

- 2.1 The Local Plan Committee is asked to agree to proceed with public consultation, commencing during February 2023, concerning a small proposed extension to the designated area of the Colchester Conservation Area No 4: North Station and Environs to include a further 6 terraced houses in Causton Road.

- 2.2 To agree to consultation upon the revised supporting documentation and in particular, a revised character statement and management proposals and
- 2.3 To agree to carry out the statutory process for the making of an article 4 direction as proposed and described in paragraph 5.9 below.
- 2.4 Responses received to the consultation will then be reported back for future consideration together with any suggested revisions to the supporting statement and management proposals, including the draft article 4 direction

3. Reason for Recommended Decision

- 3.1 Revisions to the designated area and the supporting statement for Conservation Area No.4 will enable more effective protection of its special character and appearance since its statutory designation and allied guidance will become a material consideration for the determination of planning applications and development management decisions. Section 69(2) of the PI (LB & CA) Act 1990 requires that *"it shall be the duty of a lpa from time to time to review the past exercise of any functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly."* The actions now proposed implement this statutory duty.

4. Alternative Options

- 4.1 The Committee could decide not to proceed with the small extension to the designated Conservation Area, the proposed revisions to the supporting statement and management proposals (including the proposed article 4 directions). However, such a decision would not take opportunities to secure the most effective preservation and enhancement of the special qualities of the Conservation Area.
- 4.2 Alternatively, the Committee could agree to adopt different boundaries for the designation or alternative changes to the text of the supporting statement and detailed management proposals.

5. Background Information

- 5.1 A six-week formal public consultation is proposed to commence in February 2023. This will include the proposed extension to the designated area (to include a further 6 terraced houses in Causton Road) as shown in Appendix I, and seek views on the Revised Draft Conservation Area Character Appraisal and Management Proposals, Appendix II to this report. The proposed changes to the management proposals have been drawn up to reflect the opinions expressed by the North Station Road Residents Group concerning the perceived threats to the special qualities of the area. This consultation would essentially repeat the channels used in previous rounds of consultation in 2018 and 2019 (see below).
- 5.2 The Committee previously resolved to extend the designated conservation area boundary to include parts of Belle Vue Road and North Station Road which were considered to be of special interest. A Character Appraisal that covered these areas and also included Digby House and the riverside open space immediately to the east, was prepared in response and this was then subject to re-consultation as an addendum to the Draft Conservation Area Character Appraisal and Management Proposals.
- 5.3 As before it is proposed that the public will be notified and given the opportunity to participate in the consultation exercise in two ways:
- A.) via the Council's Planning Consultation webpage, which will provide information on the consultation process, a link to view and download the "Consultation Draft of the Conservation Area Appraisal and Management Proposals" document (including the "Belle Vue Road, Northern end of North Station Road and Digby House and adjacent Riverside Addendum") and a link to download a Response Form. The Form, includes groups of questions, inviting the participants to express their support or opposition to the designation, state their views on the principle of restricting permitted development rights, suggest alterations to the proposed boundary and add any comments on the Revised Consultation Draft of the Conservation Area Appraisal and Management Proposals.
- B.) the owners or occupiers of the properties within the limits of the proposed Conservation Area will be notified with letters sent by post at the start of the consultation period (early 2023). Previously One thousand one hundred eighty nine (1189) letters were sent to individual addresses., The consultation letter will inform the recipients of the implications on new planning restrictions and responsibilities for home owners due to the proposed designation and invite them to participate in the consultation process. Additionally, it will explain the implications of the prospect of an Article 4 Direction to withdraw permitted development rights for certain categories of works to dwellings.

The Consultation Draft of the Revised Conservation Area Appraisal and Management Proposals document will be available to view in the Colchester

Town Library and on request from the Council offices, either the Town Hall or Rowan House depending on the timing / opening of the latter.

- 5.4 Consultation responses can be sent to the Council by email or by post.
- 5.5 In 2019 the re-consultation responses received indicated that the public did not call for any revisions or amendments to the “Consultation Draft of the Conservation Area Appraisal and Management Proposals” document and the “Belle Vue Road, Northern end of North Station Road and Digby House and adjacent Riverside Addendum” and the designation of the proposed Conservation Area proceeded based on these documents.
- 5.6 Since that time, changes to the use Classes Order (2015 as amended) and the General Permitted Development Order (GPDO) in September 2020 created a new class E including retail, financial and professional services, offices, food and beverage that provides much greater flexibility for permitted changes between these uses that would formerly have required the submission of a planning application. Part 3 of the GPDO includes provisions for a potential change of use from these Class E uses to residential Class C3 (subject to conditions and a process of prior approval) under Class MA. The proposed article 4 direction seeks to withdraw this permitted change of use from commercial properties along North Station Road and to require the submission of a planning application for determination by the City Council.
- 5.7 The importance of North Station Road as a key route and gateway linking North Station to the City centre is well established and the active commercial frontage uses are an important part of the character and appearance of this important corridor and gateway leading to the City centre. The proposed article 4 direction would not prevent such changes per se, but would instead allow detailed consideration to be given on a case by case basis to the potential impact and planning merits of the proposed change of use.
- 5.8 The existing conservation area includes areas of mainly terraced housing adjacent to the mainly commercial principal North Station Road Street frontage. These cohesive streets of simple terraced brick houses are united by their uniformity but easily eroded by piecemeal changes including: replacement of slate roofing by concrete tiles, removal of chimney stacks and frontage boundary walling, rendering and painting of brick elevations and removal of terracotta detailing, the addition of porches, together with the replacement of timber sash windows and doors by plastic substitutes (sometimes involving the alteration of openings). The proposed article 4 direction is intended to remove the permitted development rights for such alterations to public elevations of dwellings thereby requiring the submission of a planning application to execute these works. A fee is required for the submission of such applications.
- 5.9 A statutory process must be followed for the successful making of an article 4 direction. The procedures for making an article 4 direction are set out in [schedule 3 of the General Permitted Development Order](#). Historic England guidance is available at: [Restricting Permitted Development: Article 4](#)

[Directions and Heritage – Planning Law Overview | Historic England](#). National Planning Practice Guidance (Paragraph: 038 Reference ID: 13-038-20210820) states that “The National Planning Policy Framework advises that all article 4 directions should be applied in a measured and targeted way. They should be based on robust evidence and apply to the smallest geographical area possible.

- 5.10 Where an article 4 direction relates to a change from non-residential use to residential use, it should be limited to situations where an article 4 direction is necessary to avoid wholly unacceptable adverse impacts. In other cases, article 4 directions should be limited to situations where it is necessary to protect local amenity or the well-being of the area. The potential harm that the article 4 direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to:
- a wide area (e.g. those covering a large proportion of or the entire area of a local planning authority),
 - an area extending beyond the essential core of a primary shopping area.
- 5.11 The Secretary of State retains the power to change the scope and area to which an article 4 may apply. In this instance, the proposed article 4 directions are considered to comply with the Government’s advice above.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link:-
<http://www.colchester.gov.uk/article/12745/Policy-and-Corporate>
- 6.2 The slight changes proposed to the designation of the Conservation Area No.4 and associated supporting documentation will not have adverse impact on equality, diversity and human rights as the property owners will be notified and offered the opportunity to participate in the consultation process. Their opinions will be carefully considered and reported back for consideration by the committee.
- ## **7. Strategic Plan References**
- 7.1 The Council’s Strategic Plan 2018-2021 includes “*Opportunity*-Promoting and improving Colchester and its environment.” as one of its key objectives. The designation of Colchester Conservation Area No 4: North Station and Environs will contribute to this theme that seeks to “Promote and enhance Colchester borough’s heritage and visitor attractions to increase visitor numbers and to support job creation.
- ## **8. Consultation**
- 8.1 The requisite public consultation is planned in early 2023 to maximise the potential for public engagement.

9. Publicity Considerations

- 9.1 It is a statutory duty to consult on the proposed revisions to the designation of the No.4 Conservation Area which has publicity considerations for the Council. The proposed changes demonstrate a commitment to the environmental quality of the area, the well-being of residents and regeneration of the area. Consequently, the initiative may be well-received for demonstrating the Council's proactive approach to heritage protection and enhancement of the historic environment.

10. Financial implications

- 10.1 The designation of the proposed Conservation Area does not entail any financial implications for the Council. However, the imposition of article 4 directions as proposed will require the submission of planning applications with a requirement for an associated fee.
- 10.2 The proposed article 4 directions have an associated low risk of liability to pay compensation. The NPPG states at Paragraph: 042 Reference ID: 13-042-20140306

"Is compensation payable where permitted development rights have been withdrawn?"

If a local planning authority makes an article 4 direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently:

- refuses planning permission for development which would otherwise have been permitted development; or
- grants planning permission subject to more limiting conditions than the General Permitted Development Order

- 10.3 The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights."

11. Community Safety Implications

- 11.1 The designation of the proposed Conservation Area does not involve any community safety implications for the Council.

12. Health and Safety Implications

- 12.1 No Health and Safety implications are associated to the designation of the proposed Conservation Area.

13. Risk Management Implications

- 13.1 No Risk Management implications are associated to the designation of the proposed Conservation Area.

14. Environmental and Sustainability Implications

- 14.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National

Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

- 14.2 The proposed changes and management of the North Station Conservation Area contributes positively to the environmental objectives.

Appendices

Appendix I: **Proposed Amended Conservation Area Boundary**

Appendix II: Adoption Draft Conservation Area Statement and Management Proposals.

Appendix I: **Proposed Amended Conservation Area Boundary**



**Appendix II Consultation Draft Conservation Area Appraisal & Management
Proposals (February 2023)**



Colchester Conservation Area 4: North Station Road and Environs Character Appraisal and Management Proposals

Consultation Draft

January 2023



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Executive Summary

The report begins with a general introduction which explains the context for the preparation of this study and its purpose, followed by an overview of the statutory and policy framework for the designation, management, and protection of Conservation Areas, a account of the Conservation Area's designation and a note on the methodology for the preparation of the study.

Part One of the study comprises that Character Appraisal which is set out in five Chapters. The first Chapter provides an overview of the Conservation Area with some key information that assist its identification in its wider context. A longer section reviews its history and development which is fundamental for the analysis that follows. Chapter 2 includes the Character Analysis that examines the key components which define the appearance, character and quality of the Conservation Area.

For the purposes of the study, the Conservation Area is subdivided in five Character Areas whose selection reflects the pattern of the area's development and differences in character and appearance. Chapter 3 explores the topics of the previous chapter in detail for each Character area. The detailed review feeds into the summary

of each area's strengths and the identification of the main challenges and opportunities for the area. Chapter 5 that uses the information from the previous sections to assess the special interest of the Conservation Area, summarise its significance and appraise its condition.

Part Two presents the Managements Proposals that were informed by the analysis in Part One. These are measures to conserve the special qualities of the area.

Summary of Special Interest

Colchester Conservation Area 4: North Station Road derives its special interest from its diverse character which illustrates its rich history. North Station Road that forms its backbone was historically the main access road into Colchester from the north. Evidence of occupation to the north of the Colne dates back to the Late Roman Era. In the following centuries, the southern end of the study area was one of the main areas of extramural expansion, comprising dwellings and industrial uses associated with the river. The arrival of the railway in 1843 triggered further expansion to the north and on new roads laid either side of North Station Road. The area was greatly affected by the construction of highways infrastructure and pressure for new development in the 20th Century.

The pattern of its development is evidenced in the eclectic mix of its building stock which comprises examples dating from the Fifteenth to the late 20th Century. The mix of commercial and residential uses and their distribution within the study area illustrate further its history and result in discernible character areas with different ambience and appearance. Various historic uses (hotels and pubs), institutional and communal buildings and

infrastructure (North Primary School, former Railway Mission, former Open Air Swimming Pool) provide evidence for socioeconomic history of Colchester in the 19th Century and the role of the study area in this development. Finally, the area has great potential for regeneration that can better reveal and enhance its special interest.

1.0.Introduction

1.1. Background and Purpose

Conservation Areas were introduced by the Civic Amenities Act 1967 when it was recognised that whole areas could merit special protection, in the same manner that individual buildings were protected by listing. This legislative framework was further enhanced by the Local Government 1972 and Town and Country Amenities Act 1974.

In 1990 Listed Buildings and Conservation Areas became for the first time the subject of a separate Act under the Planning (Listed Buildings and Conservation Areas) Act 1990. The Act defines Conservation Areas as “areas of special architectural or historic interest, the character of which it is desirable to preserve or enhance.” (Section 69) and provides the statutory framework for their designation and management.

Section 69(1) sets out that Local Planning Authorities shall determine areas which it is desirable to preserve and enhance and designate them as Conservation Areas. According to Section 69(2), Local Planning Authorities are required to review their past activities in their area, including existing Conservation Areas, and to

designate more Conservation Areas. Section 71(1), (2) and (3) place a duty upon Local Planning Authorities to formulate and publish proposals for the preservation and enhancement of Conservation Areas and consult the public in the area in question, taking account of views expressed. Section 72(1) prescribes that, in the exercise by Local Planning Authorities of planning functions within the Conservation Area ‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.

The established practice for the designation and management of a Conservation Area is based on a two-stage approach that includes:

- a. Conservation Area Character Appraisal which includes an analysis of the area, to define its special interest that merits its designation, as well as describe and evaluate the contribution made by the different features of its character and appearance.
- b. Conservation Area Management Proposals which use the conclusions of the Character Appraisal to set out policies and practical steps that enable the Local Planning Authority and the

local community to protect and to enhance the special interest of the Conservation Area.

Normally, these documents are prepared once a new area is identified for potential designation, to demonstrate that the area meets the criteria and inform future decision-making.

To conform with their statutory duty to review their past activity regarding Conservation Areas, Local Planning Authorities must revisit, update and expand on these documents on a regular basis or when special circumstances arise. This review should confirm or redefine the special interest that warranted the Conservation Area's designation, identify the requirement for potential boundary revisions and inform a revision of the Management Proposals.

North Station Road and Environs Conservation Area (Colchester Conservation Area 4) was designated as a Conservation Area in April 2019. A Consultation Draft Character Appraisal and Management Proposals was prepared prior to the designation, supplemented by an Addendum that covered an additional area that were included in the proposed boundary. The designation of

the Conservation Area was approved on the basis of these documents that were formally adopted in the process.

Section 1 of Colchester Local Plan 2017-2033 was formally adopted on the 1 February 2021, followed by Section 2, adopted on 4 July 2022. Section 2 Includes Local Plan Policy NC2: North Station Special Policy Area whose objective is the regeneration of the area through the enhancement of the public realm, the improvement of its connectivity to the surrounding areas and the balanced mix of uses. The effective protection and management of the Conservation Area can play a key role in the delivery of these objectives.

The adopted Management Proposals prescribed the review of the Conservation Area reports every five years after the formal designation. The process was expedited in response to the adoption of the Local Plan and the launch of a wider set of projects and initiatives that promote growth and urban regeneration for the city of Colchester. Moreover, the experience from the management of the Conservation Area in these first years after its designation provided the Council valuable insights into the pressures and

opportunities for the area which warrant a review of the Management Proposals.

The aim of the present report is to:

- merge, incorporate and expand on the reports that informed the designation of the Conservation Area in 2019, to present a comprehensive analysis of the study area which was previously examined in two stages.
- review the adopted boundary and propose an amendment where it is regarded pertinent.
- re-assess the condition of the study area on the basis of a new survey and re-examine its strengths, challenges and opportunities.
- confirm its special interest that justifies its designation;
- update and expand on the Management Proposals, including the recommendation for an Article 4 Direction.

1.2. Statutory and Policy Framework

1.2.1. Legislation

The Planning (Listed Buildings and Conservation Areas) Acts 1990 provides the statutory framework for the designation and protection of Conservation Areas.

Other legislation that prescribes additional controls includes:

- The Town and Country Planning Act 1990: sets out the requirement to obtain planning permission for the demolition of unlisted buildings (that meet certain criteria) in Conservation Areas (Section 196D).
- The Town and Country Planning (General Permitted Development) (England) Order 2015 which restricts certain permitted development rights (works that can be carried out without Planning Permission) .
- The Town and Country Planning (Control of Advertisements) Regulations 2007 restricts certain categories of advertisement which have 'deemed consent' restricted within Conservation Areas.

More information on these planning controls can be found in Appendix I.

1.2.2. National Policies and Guidance

Further context is provided by the National Planning Policy Framework (2021), Section 16, Conserving and Enhancing the Historic Environment Par. 189 -208 and the Planning Policy Practice Guidance Par. 001 -021.

1.2.3. Local Policies

- Section 2 of Colchester Local Plan 2017-2033, i Policy NC2: North Station Special Policy Area and;
- DM16: Historic Environment;
- Colchester North Station Master- plan SPD [July 2009];
- Fixing The Link [2017].

1.2.4. Article 4 Direction

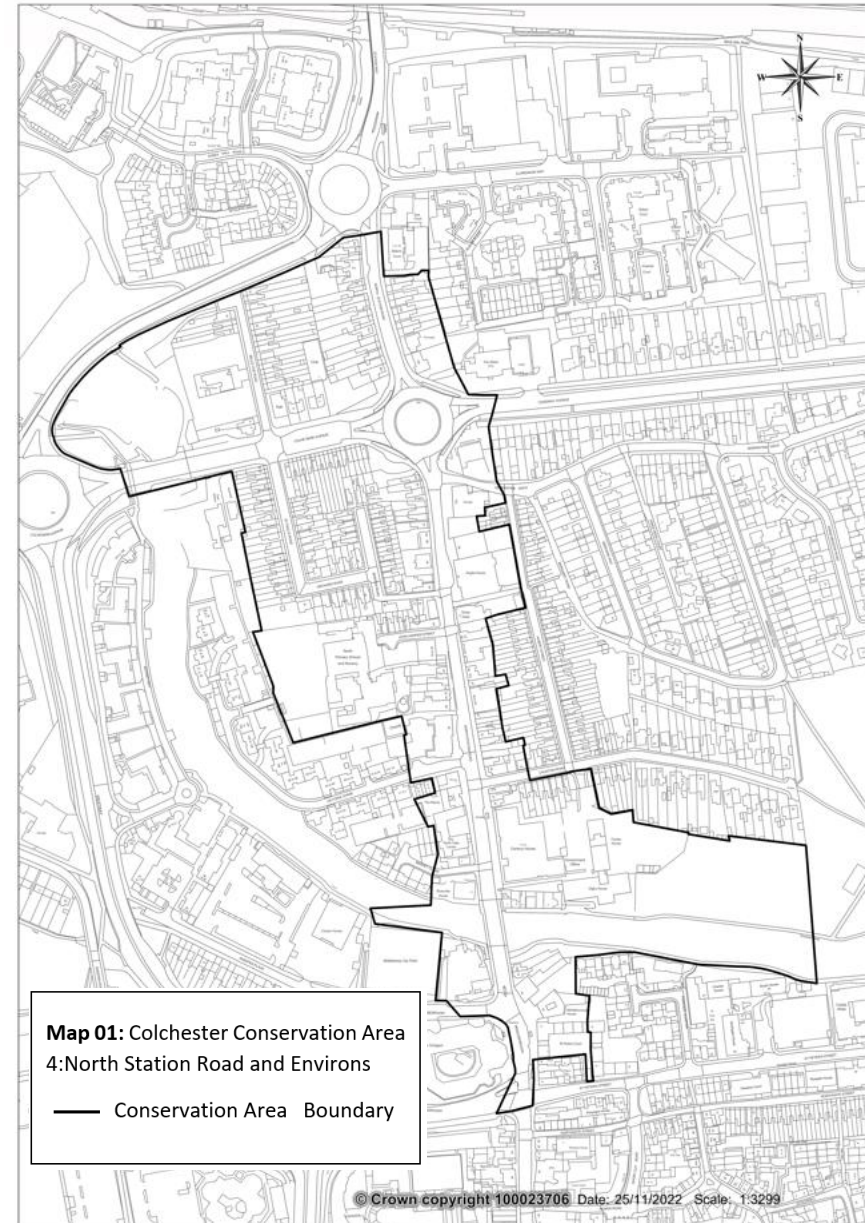
As discussed in Section 1.2.1, certain permitted development rights are restricted within Conservation Areas. Other rights can be removed by a mechanism known as an " Article 4 Direction". An Article 4 Direction is specifically tailored to protect key features that contribute positively to the Conservation Area's special

interest. The use of the Direction is not intended to prevent the execution of the works covered by its provisions. It generates the requirement for a planning application prior to the execution of these works (which normally would not require permission) so their details can be considered in the context of an application and assessed for their potential impact on the character of the Conservation Area. When a Local Planning Authority decides that an Article 4 Direction should be made, then it must consult the public and take into account the views of residents and property owners prior to deciding whether to pursue the Direction.

1.3 History of Designation

In 2018, a Conservation Area Character Appraisal and Management Proposals was prepared in support of the proposal to designate the Conservation Area under the title of the “Colchester Conservation Area No 4: North Station and Environs”. Colchester Borough Council’s Local Plan Committee approved a public consultation on the Consultation Draft of the report on March 2018. The Committee also suggested the extension of the proposed Conservation Area boundary, to include Belle Vue Road, the northern end of North Station Road (between The Albert Roundabout and The Essex Hall Road Roundabout), Digby House and the Riverside Walk immediately to its east. A Character Appraisal that covered these areas was drafted and became available for the public consultation exercise as an Addendum to the main report (“Belle Vue Road, Northern end of North Station Road and Digby House and adjacent Riverside Addendum”).

The six-week formal public consultation commenced on 30 April 2018 and was completed on 10 June 2018. The results of the public consultation exercise did not call for any amendments and the designation of the Conservation Area was approved on the basis of the draft Consultation Reports by the Local Plan Committee on 8 April 2019 with the boundary shown on Map 01.



1.4_Methodology

The reports that informed the designation of the Conservation Area were finalised in February 2018, following research and surveys carried out in December 2017 / January 2018. The present report was drafted in November 2022, using research and data collected in September / October 2022.

The study was carried out in accordance with the methodology that is set out in Historic England's guidance "Conservation Area Appraisal, Designation and Management: Historic England Advice Note 1 (Second Edition, 2019)".

Additional relevant Historic England guidance documents that were useful for the study include:

- Understanding Place: Historic Area Assessments (2019);
- The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition, 2017);
- Local Heritage Listing: Identifying and Conserving Local Heritage: Historic England Advice Note 7 (Second Edition, 2021).

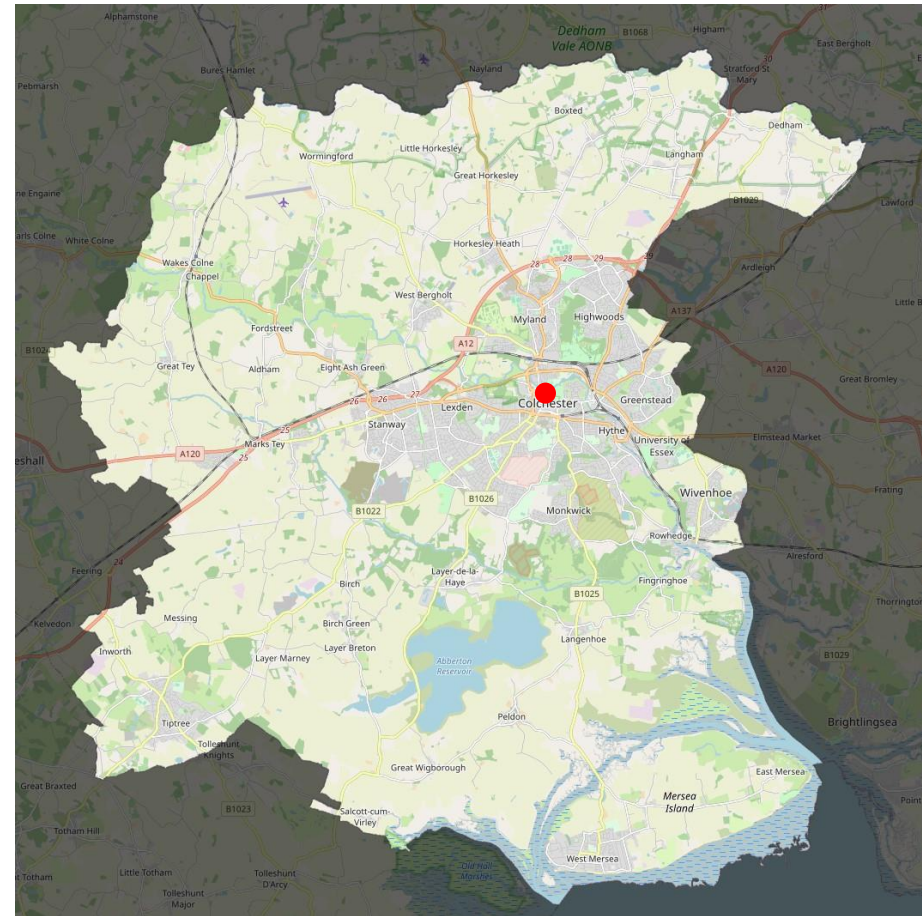
Part One: Character Appraisal

2.0.Overview

2.1. Location and Setting

North Station Road and Environs Conservation Area is an urban conservation area to the north of Colchester city centre (Map 02). Set in north-east Essex, Colchester is built on the river Colne and to the south of the A12 trunk road which links the city to London and Chelmsford to the south-west and Suffolk to the north.

North Station and Environs Conservation Area is a linear Conservation Area that covers an area of **X hectares** between the historic town centre and Colchester's main Railway Station (North Station) (Fig.01). To the south, its boundary meets the northern boundary of Colchester Conservation Area No.1 (Town Centre). The stretch of North Station Road between Middleborough and Essex Hall Roundabout forms the "spine" of the Conservation Area, intersecting with the river Colne and the northern bypass (Colne Bank Avenue and the Albert Roundabout). The easternmost end of the Conservation Area meets Castle Park, while the western end encloses the former Open Air Swimming Pool on the Colne and terminates before the Colne Avenue Roundabout.



Map.02: The location of the Conservation Area in the Borough marked by the red dot (Map data © OpenStreetMap).



Fig. 1: Aerial view of the Conservation Area in its context(©Google Maps)**Boundary to be added.**

The Conservation Area is situated within modern Colchester that has developed around the historic walled town. North Station Road has been historically the main northern road corridor into Colchester. Until the first half of the 19th Century, development within the study area was limited to its southern end. The arrival of the railway in 1843 and the opening of North Station triggered the expansion to the north end of the road and on new streets laid behind the street frontage. The construction of the northern bypass (Cymbeline Way, Colne Bank Avenue, Cowdray Avenue and St Andrew's Avenue) in 1933 was another notable change which prompted further growth to the east, outside the boundary of the Conservation Area. After World War II, the city expanded beyond the railway line towards Mile End and Braiswick but not in the land between Cymbeline Avenue and the railway line known as Cymbeline Meadows.

The Conservation Area is set immediately to the north Colchester's historic city centre. Castle Park extends to the southeast. To the east, the study area is bound by post-war residential development either side of Cowdray Avenue with retail parks further to the north and north-east. Two post-war residential estates are located

between its northern boundary and North Station The A134 creates a boundary with Cymbeline Meadows to the northwest. The river encloses the Conservation Area to the west and south-west with modern residential development that lines its banks.

2.2.Geology and Topography

The surface geology of the zone comprises primarily Alluvial Deposit with small areas of London Clay at the north and south end. The Colchester Borough Landscape Character Assessment (2005) notes that the Borough's rivers and their valleys lie on alluvium composed of clay, silt, sand and gravel which are products of subsequent post-Anglian fluvial erosion by the rivers and the diversion of the river Thames from through the Mid-Essex Depression and Colchester to its present location,

For most of its part, the boundary of the Conservation Area follows North Station Road running in a north-south direction. The river Colne traverses the southern end of the study area in the east-west direction. Historically the area along the banks of the river further up and down-stream was, and remains, flood plain.

The Conservation Area extends over a broadly flat land which rises towards North Station and Mile End (beyond its northern boundary) and North Hill (outside the southern boundary). These changes in the topography are mainly appreciated from certain viewpoints that afford open views towards these areas .

Within the Conservation Area, the only notable changes of level result from the combination of the natural landscape and man-made infrastructure. At North Bridge, there is a level change between the pavement and the Riverside Walk which enhances the sense of departure from the busy road towards the tranquil environment of the river path. At the opposite end of the Conservation Area, the sunken level of the former Open Air Swimming Pool on the bank of the Colne creates a sense of enclosure and seclusion from the adjacent busy roads .

2.3 History and Development

2.3.1. Early History

North Street, later renamed North Station Road, has been historically the main northern access road to Colchester. The road led northwest through Mile End to Nayland and by the Middle Ages continued to Sudbury (Suff.) and Bury St. Edmunds.

North Bridge, first recorded in 1189, stood on the site of a Roman bridge or ford. Masons were to build a new bridge, perhaps North or East bridge, in 1394, but the medieval North and East Bridge were later said to have been made of timber. While minor bridges were maintained and repaired by inhabitants of the parishes in which they lay, North and East Bridge, together with Hythe bridge, were in the care of the Borough. Repairs to North Bridge were recorded in 1580, 1631 and 1737. Eventually part of the Bridge collapsed in 1775 and was rebuilt in brick by 1781.

By c. 1500, the town had grown with extramural expansion in ribbon developments along the major roads, notably East Hill and East Street, Middleborough and North Street, and Magdalen Street, and in more compact suburbs outside South gate and Head gate.

Although there are records of houses outside North gate c. 1242, and beyond North bridge by the 1270s, as well as various records of building activity and property sales from the 16th, 17th and 18th century, the evidence from historic maps suggests that the development at North Street was limited to Middleborough and the area immediately to the north of the Bridge until the late 18th century.

Whilst John Speed's 1610 map records densely developed frontages on East Street and Magdalene ("Maudlyne") street, the map stops shortly to the north of North Bridge, marking a cluster of building between North Gate and the bridge (Fig.04). The Map of the Siege of Colchester also shows the group close to North Gate and a cluster of buildings to the north of the bridge (Fig.05).

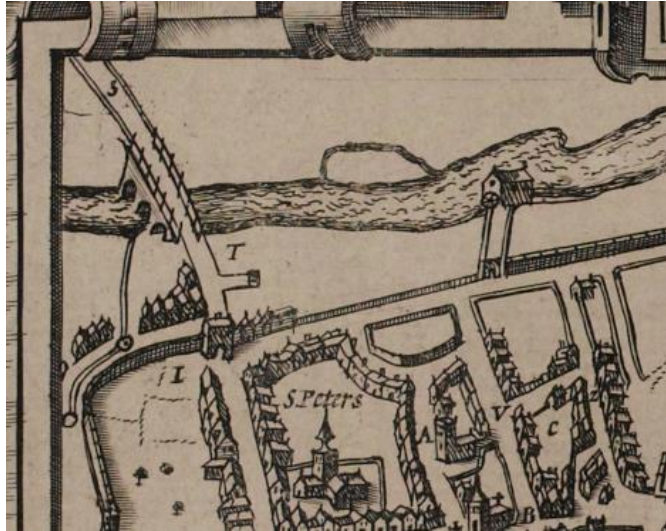


Fig. 2: Extract from John Speed's Map (1610), showing the north west corner of the walled town, North Gate, Middleborough and North Bridge (©.....).



Fig. 3: Extract from the Siege of Colchester Map (1648), showing the north west corner of the walled town and the area between North gate and Mile End Church (©.....).

Chapman and André's 1777 maps show development either side of Middleborough and a number of properties spread along North the southern end of North Street (Fig.06,07); some of these buildings survive and can be identified on North Station Road today, while excavations have revealed the location of demolished 17th century houses at the site of 3, 7 and 9 North Station Road. The 1777 map also marks two buildings on the thoroughfare that became Snake Lane (now Serpentine Walk) which are shown in 19th century maps but were lost when the northern bypass was opened in 1933.

Additional historic information for the area relates to the presence of various industries took place between North Gate and the River Colne. At least seven pottery kilns, probably late Twelfth or early Thirteenth century, stood behind the street frontage at Middleborough, immediately outside North gate. Fullers, dyers, and tanners, whose activities require the use of flowing water, worked along the Colne between North bridge and Middle mill to the East. Tanneries were recorded in the mid -fourteenth Century and the activity continued well into the 18th century when breweries were also active.

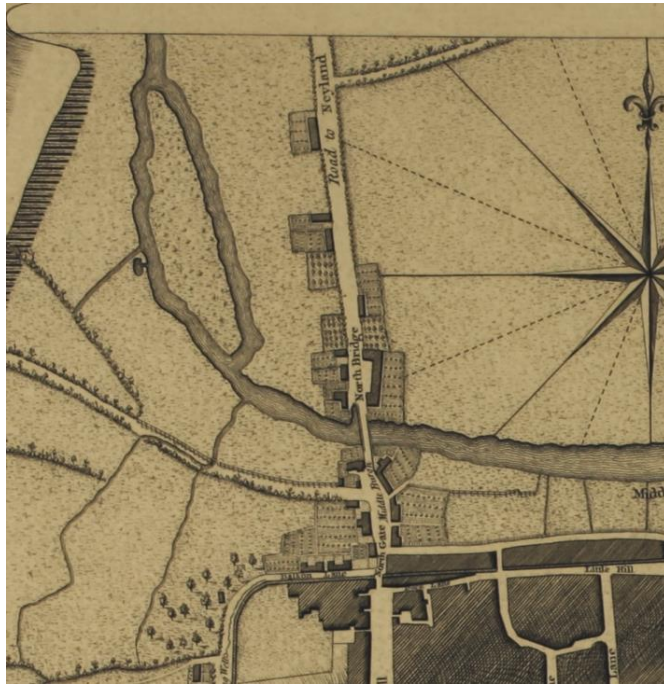


Fig. 4: Extract from Clapman and André's map (Plate IV, 1777),
(©.....).



Fig. 5: Extract from Clapman and André's map (Plate IX, 1777) (©.....).

2.3.2. First half of the 19th Century (1800-1845)

In 1843 the Eastern Counties Railway extended its line from London to Colchester and the first railway station (Colchester North) was built at the northern end of North Street where the road splits towards Mile End and West Bergholt. The Railway Hotel, of white brick in Italianate style, was built immediately south of the station in the same year but did not prove a profitable undertaking and was converted into a hospital for the mentally handicapped, mainly children at first, in 1850. Initially known as “Essex Hall Asylum (For Idiots)” subsequently became the “Eastern Counties Asylum for Idiots, Imbeciles and the Feeble-minded” and then the “Royal Eastern Counties Institution for Mental Defectives” until 1985 when it was closed and demolished.

In 1820, one of the western arches of North Bridge and the east wing and side were repaired, and the east side was widened. The bridge was taken down in 1843 and replaced with a cast iron bridge of three arches built by the town council in anticipation of the increased traffic because of the new railway station.

The land within the boundary of the Conservation Area fell within three parishes. A stretch of land that included the east frontage of

North Street up to Serpentine Walk and the west frontage approximately adjacent to Victoria Chase belonged to the Parish of St Peter’s at North Hill. The rest of the street northwards was divided between the Parish of St Michael Mile End to the east and Lexden Parish to the west.

The tithe maps of the three parishes show new buildings that had been added between the pre-19th century properties on North Street (Fig.08, 09). The east front appears more consolidated but there were still gaps on the west frontage. The buildings did not extend behind the street frontage; The northern-most building on the street was the Albert Inn on the junction with Serpentine Walk (demolished when Colne Bank Avenue was opened and rebuilt to the north of the road). Beyond that point, the land was rural with a number of isolated cottages, two farms – Poplar Hall and Merce’s Farm to the east of North Street and a brick field further to the north, later bisected by the railway line.

Additional cartographic evidence comes from Cole and Roper’s 1805 Town Plan and Monson’s 1848 map which record buildings on both sides of North Street in the vicinity of the Bridge but not further to the north.

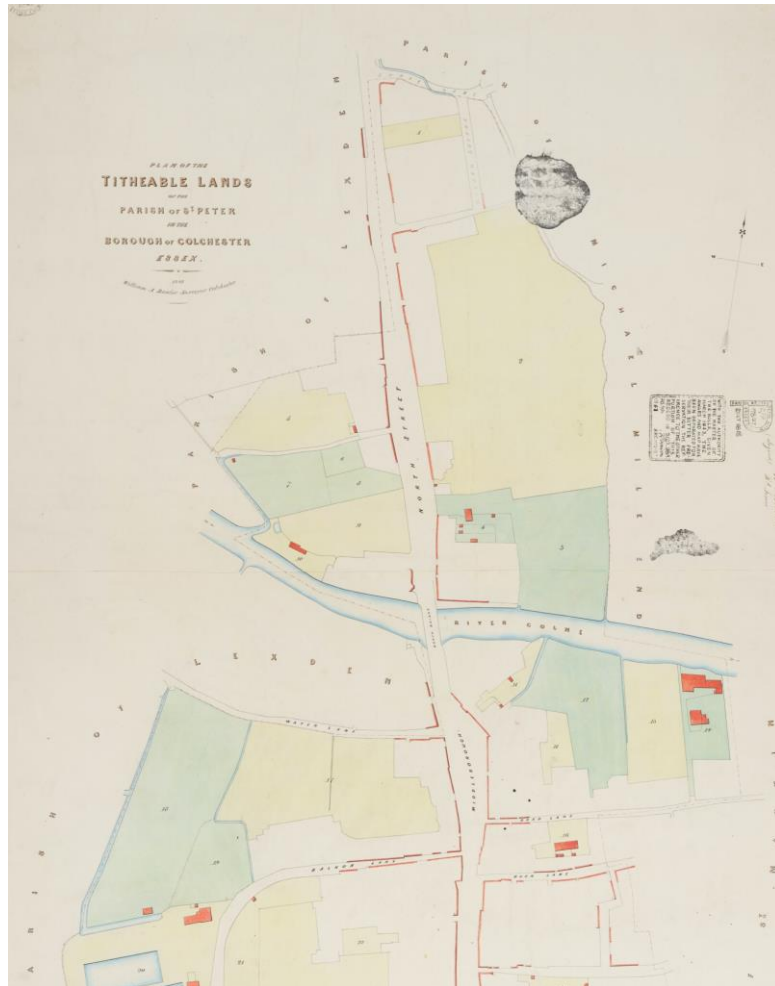


Fig. 6: Extract from the Tithe Map of the Parish of St Peter, North Hill (1849) (©.....).



Fig. 7: Extract from the Tithe Map of Lexden Hill (1839) (©.....).

2.3.4. Third quarter of the 19th Century (1845-1876)

Two new railway stations were opened in Colchester in this period; Hythe Station in 1847, to serve the port, and a small central station at St. Botolph's (now Colchester Town) on the Wivenhoe -Hythe line in 1866. However, North Station remained the main railway station and was expanded with refreshment facilities, a new telegraph office, and extra sidings in 1854. In 1865, it was rebuilt, and then extensively remodelled and rebuilt in 1894. By 1848, a private horse-drawn omnibus ran between North Station and the Cups and Red Lion hotels.

By the early 19th century, the Saturday livestock market held in High Street had become an obstruction and a nuisance. When the attempt to move it at Balkerne Hill in 1819 failed, the town council set up a cattle market removal committee in 1857 which experimented with holding the market in the castle bailey and examined other possible sites. In 1861 a public inquiry recommended a site at the bottom of North Hill, and the market moved there in 1862. The new market at Middleborough had permanent pens for animals and an octagonal settling house or office to which a small clock turret was added in 1898. The cattle

market remained in that location until 1975 when it was moved to a new site in Severalls Lane.

The relocation of the Cattle Market added another significant activity in the area, enhancing thus the importance of North Station Road as the key road that linked Colchester to the North Station and the countryside to the Cattle Market and the town centre. This significance was reflected in the residential growth within the study area. By the time the 6-inch Ordnance Survey Map was prepared in 1876 (Fig.08), the street frontage was further built up, although there were still some undeveloped plots on the west front. Development on the street expanded beyond the junction with Serpentine Walk but was limited to the west front. To the east, a nursery was opened by the family of Isaac Bunting, a successful nurseryman who had founded a flower nursery in Lexden Road in 1819.

New streets had been constructed off and behind North Street. In 1845 new streets on Golden Acre field, on the east side of the road were laid out for houses, including Albert Road (now Causton Road), Albert Street and also New Street (off Serpentine Walk, subsequently joined up with, and part of Albert Street). Golden Place Terrace was built on the east side of New Street and Fenton

Place Terrace was erected on the east front of Albert Street. The OS Map shows three detached buildings on Albert Road.

To the west of North Street, Princess Street (today John Harper Street) was opened. T. Morland and C. Wilkinson who had laid the plots in Castle and Roman Road in the 1850s, laid out a small estate west just south of the Eastern Counties' asylum in the 1860s, consisting of Belle Vue, Colne Bank, and Essex Hall Road.

The church of St Paul's was built between 1869 and 1879 on the west side of Belle Vue Road. The church was the chapel to the nearby Essex Hall asylum; the graveyard was used for the burials of the hospital's residents but ceased to be used some time before 1900. The church was demolished in 1998 when it was deemed unsafe due to damage from subsidence towards the riverbank.

A day school for 150 infants was built in 1875 by subscription and grant in Belle Vue Road (on the junction with Colne Bank Road), to serve the growing population in the area. The school received annual government grants from 1880, when it was attended by 31 children but numbers more than doubled to reach 193 by December 1891. In 1894, when North Street Board school opened, numbers dropped, the school began to decline until it was closed in

1901; the building was demolished when Colne Bank Avenue was opened in 1930.



Fig. 8: Extract from the 6-Inch Ordnance Survey Map (Essex Sheet XXVII, Surveyed: 1875 to 1876, Published: 1881)(©Crown Copyright, reproduced with the permission of the National Library of Scotland).

2.3.5. Final Quarter of the 19th Century (1876-1900)

By the turn of the century, North Street had become North Station Road. In 1892, a school board of 11 members was formed at the request of the Borough Council, consisting at first of 6 Churchmen, 2 nonconformists, and 3 representatives of the Co-operative society and the trades council. The first school opened by the board was North Street school at the west end of Princess Street in 1894 for 872 mixed and infant children. Princess street was renamed after John Harper who was the first headmaster of the school and remained in this position until his retirement in 1922. The main school building is listed at Grade II but has been extended with consecutive additions, outbuildings and sports facilities.

At that time, the Council gradually widened its range of municipal activities with the provision of public open spaces, including an open-air public bathing place on River Colne in 1883, the Old Heath Recreation Ground in 1885, and the Castle Park in 1892. The Public Bathing Place was initially located within the grounds of Lower Castle Park but in 1883, it was re-located to privately owned land leased to the Council close to the boundary of the study area, approximately in the location where Colne Bank Avenue Intersects with the river Colne today. Initially the facilities were located on the

east bank and accessed through a thoroughfare opposite Colne Bank Road but were later extended in 1887 and 1896 with a footbridge over to the west bank of the river.

The development on North Station Road did not extend further than the areas shown in the previous OS Map, but some undeveloped plots were built up, mainly a section to the north of Princess Street. The street frontages on Albert Row Causton Road) were consolidated and the west side of Albert Street was built up as well.

The 6-inch and 25- inch 1896 Ordnance Maps (Fig.11) record the continuing expansion to the west of North Station Road when Morten Road, Orchard Road and St Paul's Road were laid to the south of Colne Bank Road; the maps also record additional development on Belle Vue Road and the south front of Colne Bank Road.

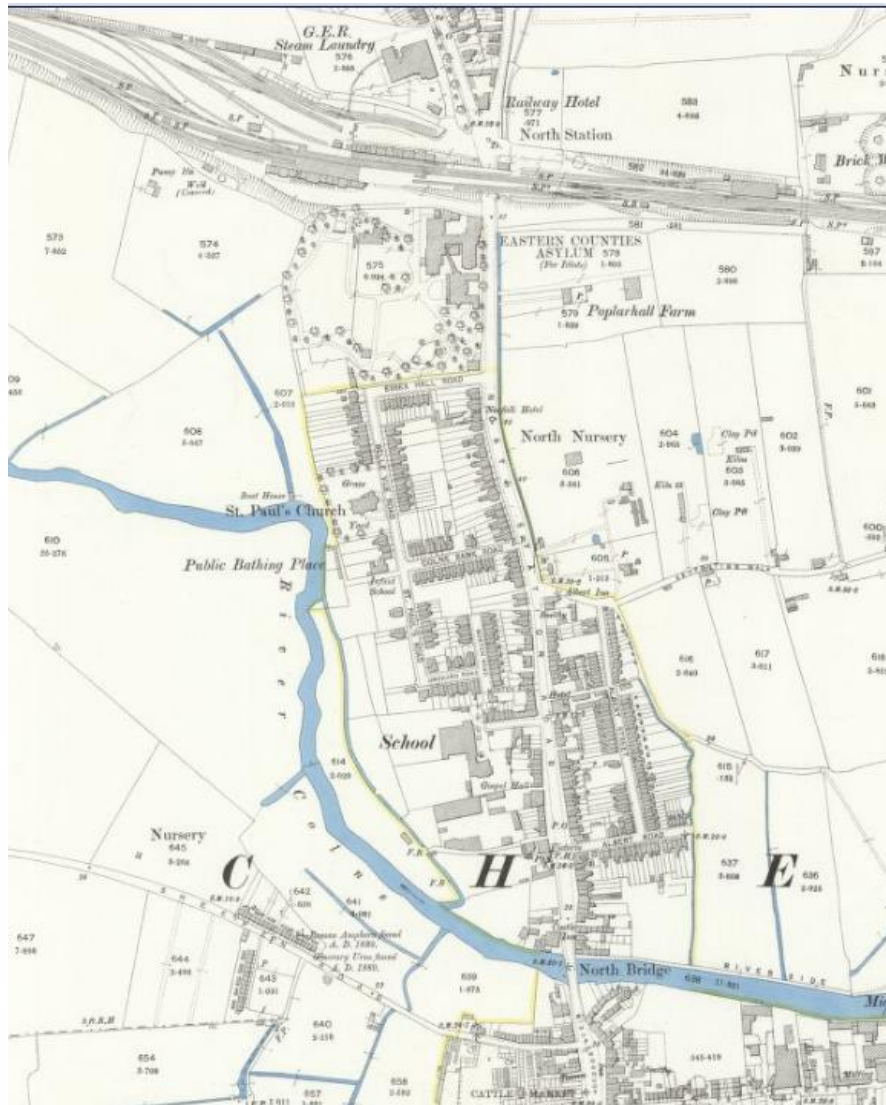


Fig. 9: Extract from the 25-Inch Ordnance Survey Map (Essex Sheet XXVII.8, Revised: 1896, Published: 1897), (©Crown Copyright, reproduced with the permission of the National Library of Scotland).

2.3.4. The early 20th Century (1900-1920)

The horse drawn omni-bus service that linked North Station to the town centre was superseded by trams in that period. Preparations for steam trams were made in 1882 and the track was laid from the Station to Middleborough, but the scheme was abandoned for lack of funds. The Council bought the remaining materials, removed the track and in 1901, with its own electricity supply available, obtained an Act to provide its own trams. A municipal electric tramway system was opened in 1904 with a fleet of 16 trams from the depot in Magdalen Street operating on double tracks from Colchester North railway station to High Street, and from there to Lexden, the Hythe, and East Street. North Bridge was widened by 17 ft. 6 in. (5.3 m.) on the east side to accommodate the line. The trams ran at a loss, except during the First World War, but were maintained as a public service until 1929.

A Railway Mission Hall, seating 250, was built in North Station Road, to accommodate meetings previously held in an old carpenter's shop no. 1 Colne Bank Road and in rented rooms. The hall was erected in the only undeveloped plot on the west side of the road between the river and the thoroughfare that became Victoria Chase.

The 1920 Ordnance Survey Map (Fig.12) records fewer changes in the study area in comparison to the previous decades. The west side of St Paul's Road was built up and development appears for the first time on the east front of North Station Road north to the junction with Serpentine Walk, in the form of four pairs of semi-detached houses that survive today and a larger building that has been replaced by a modern office block.



Fig. 10: Extract from the 25-Inch Ordnance Survey Map (Essex Sheets n XXVIII.15 and n XXXVII.3 , Revised: 1921, Published: 1923), (©Crown Copyright, reproduced with the permission of the National Library of Scotland).

2.3.7. The interwar years (1920-1938)

In 1933, the construction of Colne Bank Avenue which forms part of the Colchester Northern Bypass (Cymbeline Avenue - Colne Bank Avenue- Cowdray Avenue) represented a major alteration which transformed the character of the area within and around the Conservation Area boundary.

Within the study area, a new bridge over the river Colne 50 ft. in width was built of reinforced concrete. The opening of the new avenue essentially consisted of widening Colne Bank Road. The Victorian properties on the north side were lost in the process and were replaced by new buildings on the relocated north frontage, including a Church Hall for St Paul's Church on the junction with Belle Vue Road and two pairs of semi-detached houses. The new avenue intersected with North Station Road and continued eastwards running parallel to Serpentine Walk (as Cowdray Avenue).

As the construction of the bypass interfered with the Public Bathing Place, the facilities were moved to the north of the river bend and consisted of an open-air public pool (lido) set under the new bridge. The lido, complete with changing facilities and a café, was a popular public leisure space until its closure in 1978.

The construction of Colne Bank Avenue is the main change recorded in the 1938 Ordnance Survey Map (Fig.13). Development on North Station Road and the surrounding secondary streets had been consolidated by then and there are few additions since 1920s OS Map. The 1938 map suggests that the block on the east front of North Station Road between Globe Inn and Serpentine Walk was cleared off for redevelopment. The demolished buildings included Albert Inn that was recorded in the 1840s tithe maps and the subsequent OS Maps. The map also marks the new residential expansion to the east of the Conservation Area, triggered by the new bypass. New roads were laid off Serpentine Walk (Margaret Street, Mercers Way) and buildings are shown under construction one either side of the new Cowdray Avenue. Albert Street (now Causton Road) was also extended eastwards but this new section falls outside the boundary of the study area.



Fig. 11: Extract from the 6-Inch Ordnance Survey Map (Essex Sheets nXXVIII and , nXXXVII. Revised: 1938, Published: ca 1946),(©Crown Copyright, reproduced with the permission of the National Library of Scotland).

2.3.8. Post -1938 to the date

Further highways interventions affected the Conservation Area in the second half of the 20th century. The Albert Roundabout on the junction of North Station Road and Colne Bank Avenue was opened in 1972. The roundabout was initially constructed with tyres to allow buses to cross the junction directly through the centre of the roundabout, an experiment that soon ceased. At present, it is much wider and landscaped, while a Memorial Wall that commemorates the fallen of the First World War was opened to its south-west in 1997.

The next major highway intervention that affected the area was the construction of an inner relief road (A134). Its southern section was opened in 1973, and the western section over Balcerne Hill to the northern bypass was built in 1976-81, cutting through existing road patterns and neighbourhood areas.

Within the study area, its construction resulted in the loss of Essex Hall Road and the demolition of some properties on Belle Vue Road. The road joined Colne Bank Avenue close to the former Open Air Swimming Pool, enclosing its site from the north and west.

Another major change was the relocation of the Cattle Market from Middlesbrough to Severalls Lane in 1975. The development of the vacant site triggered additional changes in the area with the demolition of timber framed buildings and their replacement by commercial development. Similar changes happened to the north of the river, where modern office blocks and other commercial premises were erected in demolition sites.

Other notable changes in the area include the closure of the Open-air public pool (lido) set under Colne Bank Bridge in 1978 and The lido, complete with changing facilities and a café, was a popular public leisure space until its closure in 1978.



Fig. 12: Extract from planning Historical Plotting Sheets (Plan TL9925NW and TL9926SW (Surveyed : 1951, Revised: 1964), (©Crown Copyright, Colchester City Council).

2.4 Archaeology

No significant archaeological remains are present along North Station Road that date prior to the Roman period. However, the area clearly became an intensively occupied part of the Roman town along a main road leading out of the North Gate, with two apparent phases of masonry buildings.

Archaeological investigations at 26 North Station Road in 1965 and 1976 revealed the remains of a substantial masonry courtyard house of Roman date (Colchester Historic Environment Record no. 1260), the foundations of which consisted of trenches 1m deep filled with Septaria (mudstone) and mortar. Enough excavation took place to partially reconstruct the plan of the building, with a range of two rooms and a cross passage flanked by passages or narrow ranges of rooms on either side. The floor of the western passage appeared to be of red tessellation. Perhaps related is a mosaic pavement discovered by workmen in 1880 while digging foundations at the back of the Victoria Inn (CHER no. 1052). This appeared to be substantial, but ran under the roadway and some buildings, and therefore its full extent could not be ascertained.

An archaeological evaluation and subsequent watching brief in 2001/2002 immediately to the south of the Victoria Inn discovered another large high status Roman house, with an unusual sunken feature containing large quantities of painted wall plaster surrounded by robbed out walls, and adjacent to a mosaic pavement (CHER no. 5428). Two further mosaic floors and a herringbone floor were revealed during the later watching brief.

This was replaced by at least one larger building which was believed to have had a public function due to the massive width of its foundations (CHER no. 2946). This has tessellated floors and was believed to date to the late 3rd century.

The second major archaeological investigation along North Station Road revealed a similar pattern. The remains of a high-status Roman townhouse were discovered at the Globe Hotel during trial trenching in 2003 (CHER no. 3026). Demolition debris showed evidence that this structure had a heating system, tiled roof and painted walls. As at the Victoria Inn the townhouse was replaced by a later building, believed to be a large, high status public structure

(CHER no. 3027). As with the townhouse, this had a heating system, a tiled roof and painted walls, but the width and depth of one of the foundation trenches suggested that it was for an exterior wall of a Roman public building of at least two storeys. Pottery recovered from the site indicated use during the 2nd and 3rd centuries, and demolition in the 3rd or 4th century.

The foundations of a further masonry building of Roman date were revealed at the Old Poultry Market site in 1998, in roughly the same alignment as the Victoria Inn structures (CHER no. 4957).

No archaeological evidence exists for the occupation of this area between the Roman and medieval periods. 25-27 North Station Road is an extant 15th century open hall house. A 16th century house at 45-47 North Station Road was recorded by the Royal Commission on the Historic Monuments of England in 1922. A range of seven tenements at 12-24 North Station Road (CHER no. 142), also demolished since the 1922 survey, may have also been 16th century in date. The former 3 North Station Road (CHER no. 137), no longer extant, was a house and shop of 17th century origin, which is also true of the former 7 & 9 North Station Road (CHER no. 138). Part of a brick building was found during evaluation at the Old

Poultry Market in 1998, with two intact brick floors (CHER no. 2440). Dating of the bricks indicated the structure was 17th century or earlier in date.

2.5. Designation and Boundary

2.5.1_The Present Boundary

The existing boundary is primarily drawn around the properties that line the east and west frontages of North Station Road (Map.04).

The Conservation Areas includes North Bridge and extends to the south, to include the section of Middleborough between the Bridge and the north boundary of Colchester Conservation Area 1. The section was added in recognition of its historic association to North Station Road as the main areas of extramural expansion to the north of the historic walled town from the medieval times until the early Victorian era.

The boundary also encloses the two residential areas that date from the Victorian expansion behind the North Station Road frontage, St Paul's Road, Orchard Road and Morten Road to the south of Colne Bank Avenue and Belle Vue to the north

Two significant open spaces were included at the opposite ends of the Conservation Area. To the east of North Bridge, the Riverside Walk on the north bank of the Colne links the study area to Castle Park. To the north of Colne Bank Avenue, the site of a former



communal facility, the Open-Air Swimming Pool, has become a natural habitat that serves as a transitional zone towards Cymbeline Meadows. The boundary was drawn round the south front of Causton Road (up to no 8), a residential street to the east of North Station Rd. Previously known as Albert Road, its development started around the same time when Belle Vue Road was laid. However, the boundary did not extend to include Albert Street which dates from the same phase of development. The extent of alterations to the terraces that front the street has affected significantly their character to the point of compromising their legibility as typical development of their era.

2.5.1_Proposed boundary amendment

The present report proposes the amendment of the boundary on Causton Road, to include the terrace of nos. 12 to 18 Causton Road. By virtue of its date, style and quality, these properties form a group with the buildings on Causton Road within the existing boundary despite the disruption from the access to the site of the Riverside Office Complex that interrupts the continuity of the street

The present report proposes the amendment of the boundary on Causton Road, to include the terrace of nos. 12 to 18 Causton Road. By virtue of its date, style and quality, these properties form a

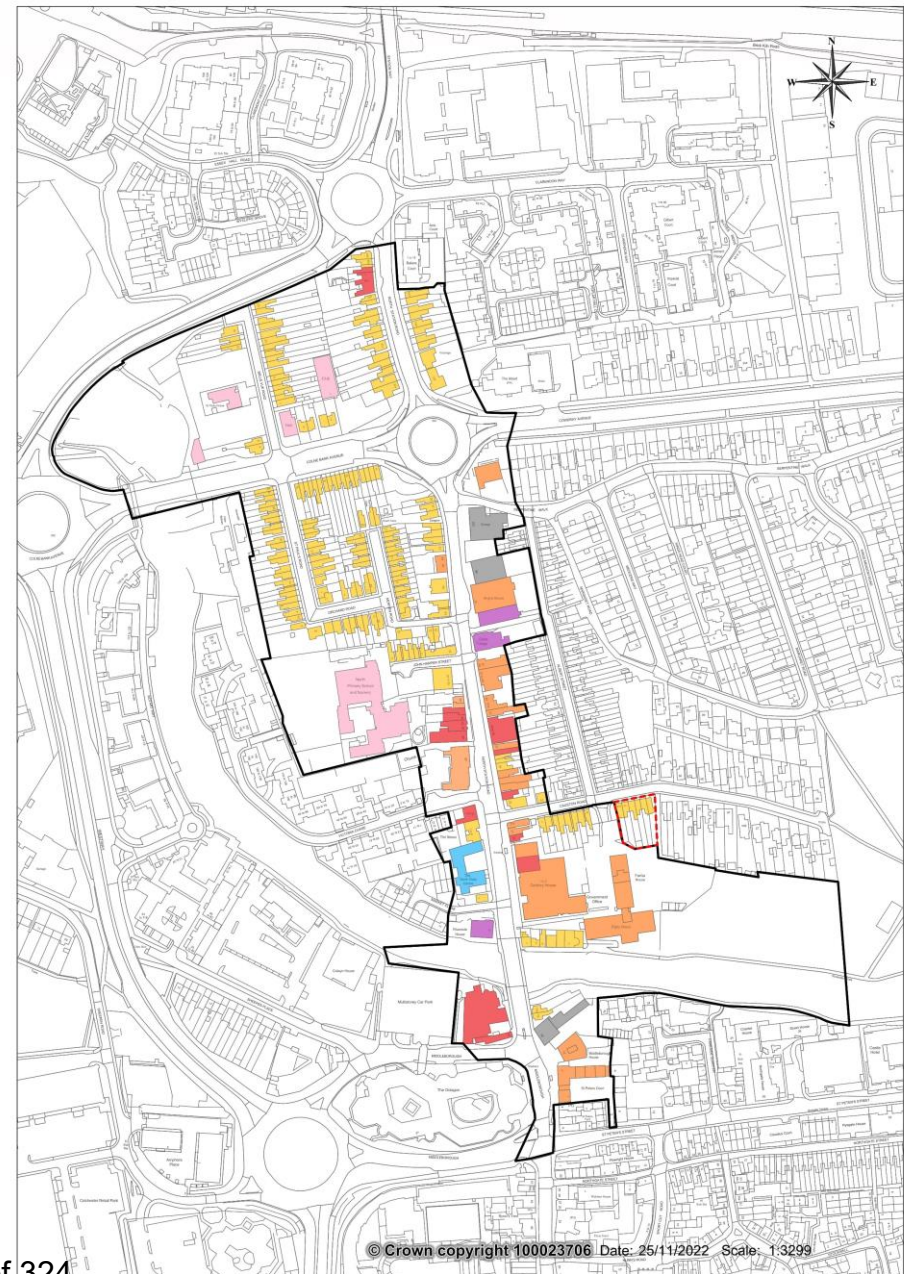
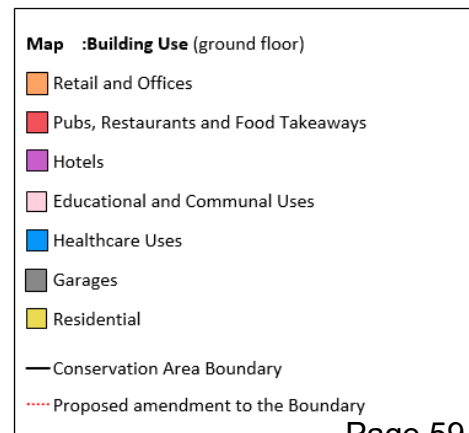
group with the buildings on Causton Road within the existing boundary despite the disruption from the access to the site of the Riverside Office Complex that interrupts the continuity of the street frontage (Fig.14).



Fig. 13: View of Causton Road (south front) , with the terrace of nos. 12 to 18 in the foreground

2.6. Land Use and Economy

The Conservation Area is a mixed-use area. The distribution of residential and commercial uses reflects its historic development (Map.04). The majority of the commercial activities are found in the southern half of North Station Road, the oldest section of the street. Its role as the main access road into Colchester is reflected in the concentration of historic hotel uses. Globe Hotel and the Riverside Hotel (former Castle Inn) continue in the same use. The former Riverside Hotel at 20-21 Middleborough, Victoria Inn and the Norfolk Hotel (the only commercial premises north to the Albert Roundabout) have been converted into pubs or restaurants. Another historic hotel, the Albert Inn on the corner with Serpentine Walk, was demolished when Colne Bank Avenue was opened but a more recent hotel use is found in the 20th century Anglia House to the north of the historic Globe Hotel.



The street frontage from North Bridge to John Harper Street comprises modest commercial units on ground floor level which accommodate a variety of retail, restaurants and food takeaways and other services (hair salons, tattoo parlours etc.). Although some chains can be found as well, the fact that the majority of businesses are independent attributes a diverse character to the area, further enhanced by their rich ethnic background. Whilst some of them have an established presence, others have a rather transient character which accounts for frequent changes to the use and appearance of some units. The upper floors are auxiliary to the ground floor use or accommodate residential use.

A number of office blocks were erected in the second half of the 20th Century in various demolition sites, the majority of them with commercial units at the ground floor. However, the office use has subsided leaving a vacuum that needs to be managed in a manner that preserves a balanced mix of uses in the area.

A few sites in close proximity to busy road junctions accommodate garages. The former Railway Mission is used as a healthcare facility and North Primary School remains the main institutional use in the study area.

Residential use is predominant in the remaining part of the Conservation Area which corresponds to the Victorian expansion after the opening of the North Station. The commercial uses are incidental and limited at the former Norfolk Hotel and nos. 66-68 North Station Road. There is also a small cluster of communal/ educational uses around Belle Vue Road, consisting of the Belle Vue Social Club, a Performing Arts School at the former Church Hall of St Paul's Church, a care home at the bungalow that replaced the Church and a canoe club at the former Open Air Swimming Pool.

Character Analysis

3.1. Townscape Character

The centrepiece of the Conservation Area is North Station Road, a wide street that retains its historic role of a principal access corridor into the historic city centre. The pattern of its development is reflected on its diverse character and appearance.

For the stretch from North Bridge to the Albert Roundabout, this pattern consisted of 19th century development between earlier timber framed buildings and their subsequent replacement by 20th century commercial blocks. The result is an eclectic mix of buildings of varying age, scale, form, materials and design.

The concentration of commercial uses in that section is another defining aspect that differentiates it from the stretch to the north of the Albert Roundabout (Fig.15). At the northern end of the road, the almost exclusive residential use and the lack of commercial activity result in a different ambience. Although the width of the street and the open views towards the city centre (looking southwards) or North Station Bridge (looking northwards) are a constant reminder that the street is a main artery which serves an important link between the North Station and the city centre, the bustling activity of the southern half gives way to a more muted atmosphere (Fig.16).



Fig. 15:North Station Road. Views of the southern half of the street (east front).



Fig. 14: North Station Road. Views of the northern half of the street (east front).

Still, there is diversity to be found in the character of the frontages of this section which were developed with an interval of forty years. The west front that dates from the first phase of the Victorian expansion displays some variety in the design of the individual buildings, together with the aspiration to transfer here the scale and character of the three-storey buildings seen to the south of the Roundabout (Fig.17)

In contrast, the east side is characterised by stylistic coherence and uniform scale by virtue of the early 20th Century terrace that occupies most of its length (Fig.18).

The architectural variety and busy character of North Station Road contrast the quieter environment of the narrow Victorian residential side streets. These are characterised by the use of more coherent architectural language, consistent scale and sense of enclosure (Fig.18).



Fig. 16: North Station Road. West front to the north of the Albert Roundabout, developed in the third quarter of the 19th century.



Fig. 17:North Station Road. East front to the north of the Albert Roundabout, developed between 1895-1935.



Fig. 18: St Paul's Road. View from the east end looking westwards.



Fig. 19: Riverside Walk. The path towards Castle Park with river Colne to the right.

Such vivid contrast in the townscape character can be experienced elsewhere in the study area, more notably on its southern end. The intense character of Middleborough that is dominated by over-scaled modern development close to the boundary of the Conservation Area, heavy traffic and cluttered public realm makes way for the tranquil and picturesque setting of the North Bridge and the nearby Riverside Walk (Fig.19).

The latter is an important green/ blue space which offers a repose amid the busy urban environment and links the study area to a greater green infrastructure, Castle Park to the east. At the north-

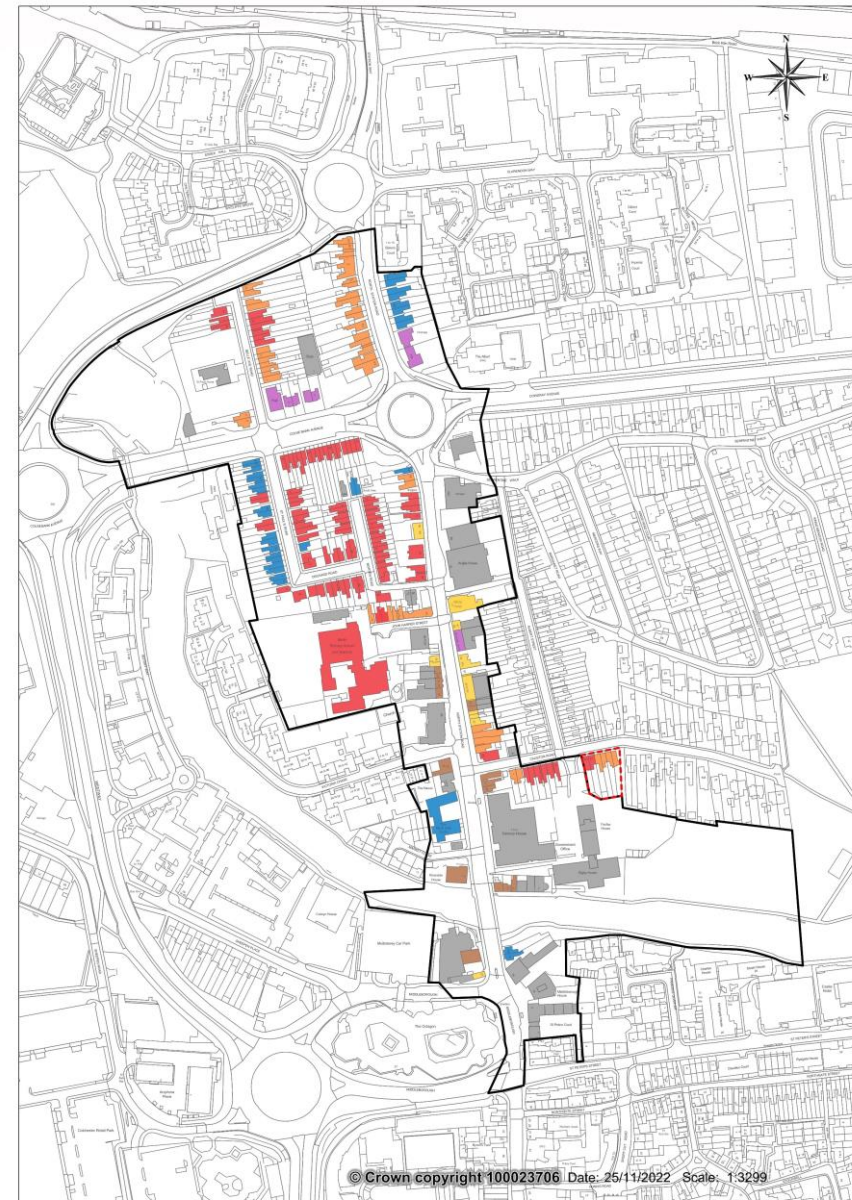
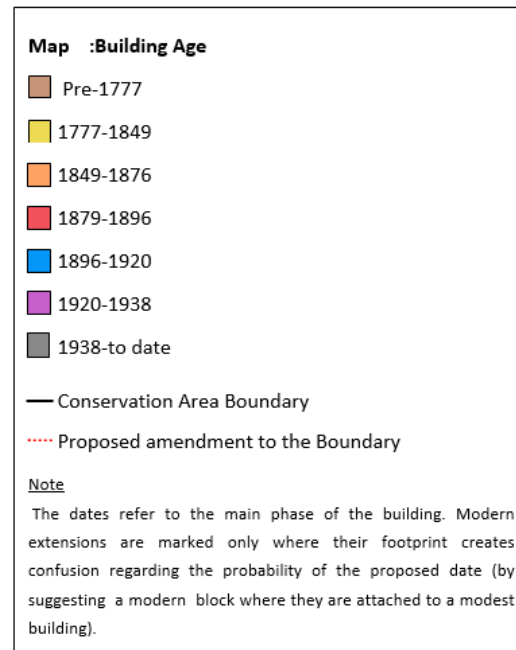
west end of the Conservation Area, the site of the former Open Area Swimming Pool on the Colne makes a similar contribution to the townscape character as a green oasis between two busy main road arteries that serves the transition from the urban environment into the rural hinterland beyond the A134.

Finally, the other significant element that define the townscape character of the study area is the highways infrastructure. Besides the disruption of the urban fabric from their construction, they have a lasting effect in the urban landscape and the way it is experienced today. The northern bypass wedged its way between

the two Victorian estates at Bellevue Road and St Paul's/ Orchard/Morten Road; the former was further truncated by the construction of the A134 inner relief road. The Albert Roundabout exacerbated the impact; its construction and consequent enlargement required the loss of more properties and disrupted the continuity of North Station Road, setting a barrier between the north and south half that amplifies, and to a certain degree accounts for, the contrast in their land use and character.

3.2. Architecture

As discussed in the previous section, a key characteristic of the Conservation Area is the offer of diverse mix of buildings that span various eras and illustrate its history and development. The Map of approximate building age (Map.05) records their distribution and provides a snapshot of the area's development from the late 18th century onwards.



The earliest surviving buildings are timber framed and many are now refaced in brick. These are perhaps best illustrated by the picturesquely located Riverside Hotel (Fig.20) with other more anonymous examples on the eastern street frontage. The Carolean architecture of the Victoria Inn with its distinctive hipped roof, large axial stack and heavy dentil eaves cornice is a formal and refined feature of the area (Fig.21). The Globe Hotel presents a later Georgian-styled formal commercial façade in Suffolk White bricks with large multipaned sashes and a shallow slate roof. This actually dates from the dawn of the Victorian era (1843)(Fig.22).



Fig. 20: The Riverside Hotel, North Bridge.



Fig. 21: The Globe Hotel, North Station Road.



Fig. 22: The Victoria Inn, North Station Road.

The North Primary School is an exceptional example of a later Victorian Board School with eclectic freestyle elevations in a Queen Anne derived style with elevations faced in red brick with terracotta aprons below the windows and panels of moulded terracotta tiling inset into the peaks of the gables. The whole composing a lively roofscape featuring a terminating faceted turret (Fig.23).



Fig. 23: North Primary School, John Harper Road.

The richest contribution to the defining character of the area is undoubtedly derived from the mid and later Victorian commercial and residential buildings that form most of the surviving frontages and residential hinterland. These buildings are conventional and mostly quite subdued architecturally. They use conventional mainstream materials with red facing brick work, contrasting masonry sills and lintels and large paned sash windows. These are mostly found in runs of short terraces with occasional more substantial semi-detached and rarely detached villas forming smaller higher status groups towards the northern end of the area. The turn of the century artisan homes in Morton Road (ca 1890) are distinguished by the applied use of moulded terracotta tiling employing motifs of the fashionable Aesthetic Movement (especially Sunflowers).

3.3. Green/Blue Spaces

The river Colne characterises two of the principal access points into the Conservation Area at Colne Bank and North Colchester Bridge and as such is the principal green/blue landscape feature influencing, and with the power to influence, the soft landscape structure and layout of these parts of the Area.

The river constitutes the underlying and constant historic landscape feature that underpins the dominant green/blue landscape structure of the Conservation Area and its environs, helping connect it with the ecologically rich and rural Cymbeline Meadows floodplains to the west and, to the south, the riverside walks that follow the River Colne's continuous corridor as it meanders its way through the City of Colchester. Beyond the riparian character of the river Colne, the late Victorian development turns its back on the river, with only the earlier grade II C17 Riverside Hotel and listed and unlisted properties along Riverside Walk facing onto and forming part of the rivers setting.

Although the Victorian development architecturally turns its back on the River Colne, the Belle Vue Road Graveyard and North

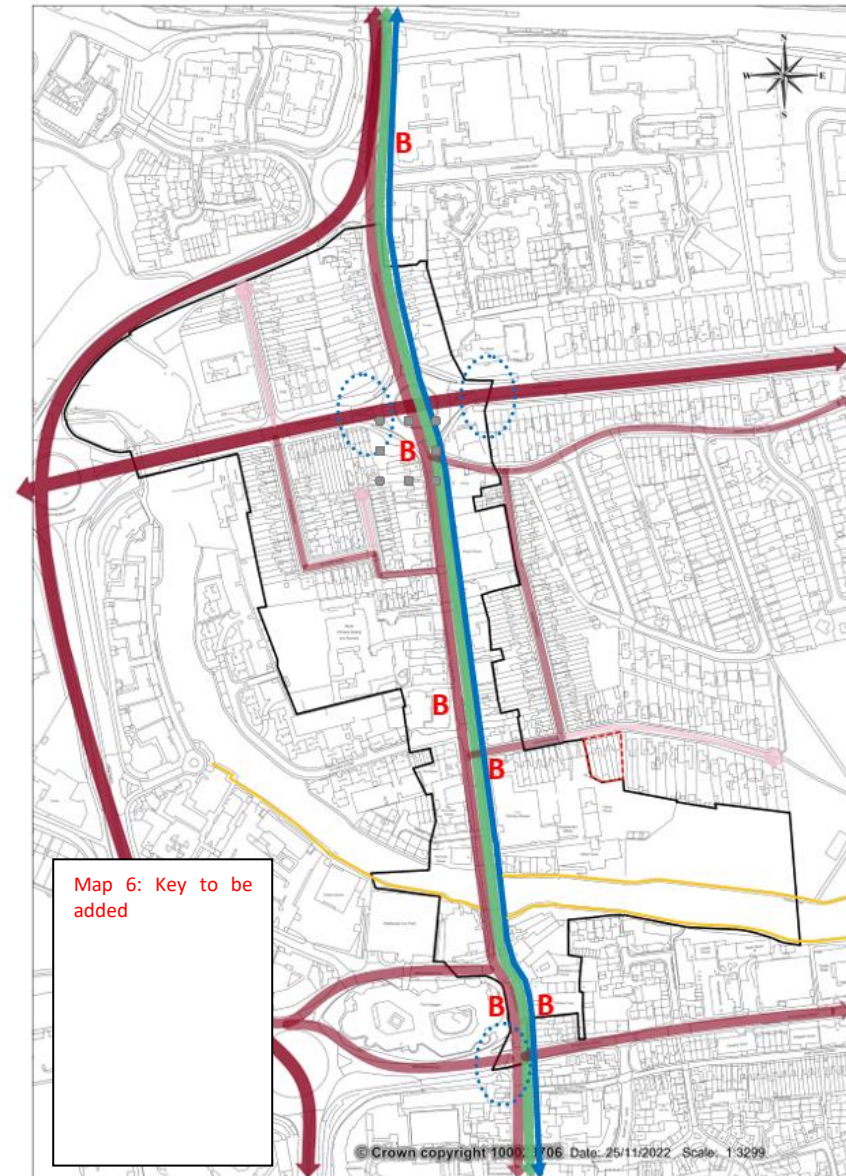
Primary School play area extend down and out toward the river, affording, historically at least, an informal interconnection between the river, with its rural connections, and the tight formality of the Area's Victorian townscape.

3.4.Traffic and Movement

The study area comprises a road network branching from main arteries (Colne Bank Avenue, A134), principal roads (North Station Road, Middleborough), secondary residential streets (St Paul's Road, Orchard Road) and three streets that terminate as cul-de-sacs (Belle Vue Road, Morten Road and Causton road outside the study area). This hierarchy of streets results in sub-areas of different character, from areas dominated by heavy traffic, street clutter and highway engineering to quiet, secluded residential streets.

North Station Road is on the route of various bus services that connect the city centre to North Station, the villages to the north of the Borough and Sudbury.

It is also the main pedestrian link between the city centre and North Station. However, the highway infrastructure within the study area hinders pedestrian traffic. The Albert Roundabout disrupts the pedestrian flow on North Station Road while Colne Bank Avenue forms a barrier between Bellevue and the residential area of St Paul/Orchard and Morten Road to the south. The unattractive environment of the Roundabout and Colne Bank Avenue deters visitors from exploring the area to the west of the roundabout.



The site of the former Open Air Swimming Pool and the Riverside Walk, the two key green areas within the study area, are not connected. With an improved pedestrian route between them as part of a wider public realm enhancement scheme, the Conservation Area could serve as a link between Castle Park and Cymbeline Meadows.

3.5. Views and Building Heights

3.5.1. Views and Focal Points

There are a number of views within the study area that contribute significantly in the way that the area is experienced and appreciated. At the same time, there are views into and across the Conservation Area that illustrate its present and historic relationship with its setting, including the rural landscape and urban townscape of the surrounding areas.

As discussed in the previous section, the Conservation Area comprises a grid of roads that vary significantly in size and significance. They range from main arteries to quiet residential streets and cul-de-sacs. By virtue of their geometry and location, these streets enable the appreciation of different types of views. Some of these views are dynamic and unfold as the visitor moves, others are fixed and experienced from a specific viewpoint. Examples of both types can be experienced on North Station Road; but there are other locations within the study area that offer significant views.







The present section does not attempt to identify each and every view into and across the Conservation Area. Instead, it seeks to

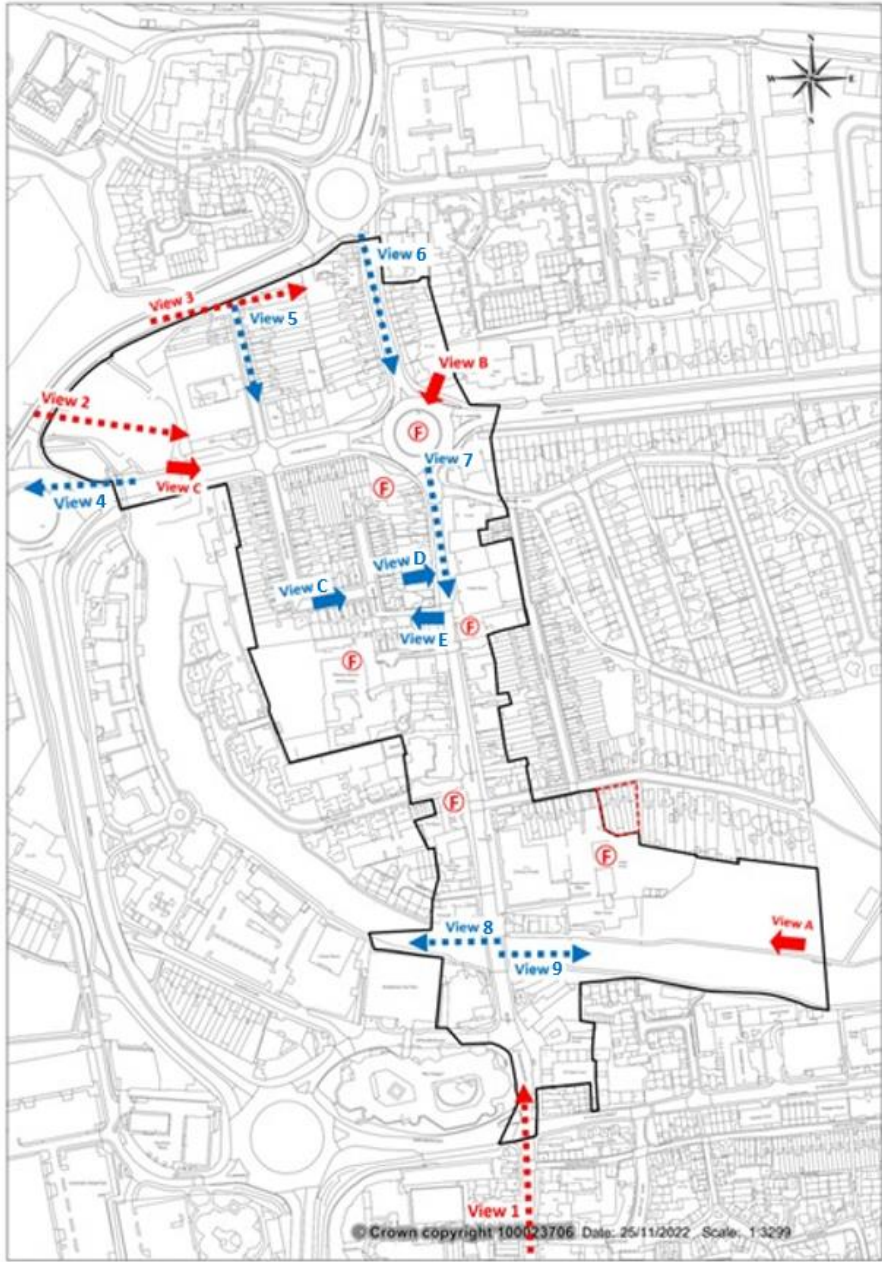
categorise them in key types and illustrate this classification with some representative examples.

The main types of views within and towards the Conservation Area include:

- a. Long distance views of the Conservation Area from the surrounding Areas;
- b. Long Distance Views from the Conservation towards the areas that form its immediate and wider setting.
- c. Long Distance views within the Conservation Area, usually towards a focal point.
- d. Local Views within the Conservation Area.

Map : Key Views

	View 1	Long Distance View towards the Conservation Area
	View 2	Long Distance View from the Conservation Area
	View A	Long Distance View within the Conservation Area
	View D	Local View within the Conservation Area
		Conservation Area Boundary
		Proposed amendment to the Boundary



View 1

Dynamic view of the Conservation Area from North Hill. Although this impression would have been different prior to the removal of the North gate, today the uninterrupted view of North Station Road illustrates its role as the main access road into the historic walled town from the north.



Fig. 24: View of the Conservation Area from North Hill.

View 2

Fixed View down into the River Colne's former Outdoor Swimming Pool (The Lido), from Station Wy (A134) that, being largely intact, offers a historically relevant view of this important connecting feature linking and interconnecting the rural landscape and urban townscape.



Fig. 25: View of the former Open Air Swimming Pool form the north-west.

View 3

Dynamic views of the Conservation Area, unfolding along the elevated south sidewalk of Station Way (A134). They mainly reveal the unattractive rear views of the buildings that front onto Belle Vue Road and North Station Road but also afford glimpses of good fronts on the east side of Belle Vue. (Parked cars and the railings of the car park that interfere with these views would benefit from some local landscaping that would improve the north end of Belle Vue Road.)



Fig. 26: View of the Conservation Area from Station Wy (A134).

View 4

Dynamic views from the west end of Colne Bank Avenue out of the Conservation Area across Cymbeline Meadows and down the Avenue of Remembrance, that help visually connect the Area with the rural landscape of the River Colne's riparian floodplain.



Fig. 27: View from the Conservation Area towards Cymbeline Meadows and the Avenue of Remembrance.

View 5

Fixed view from the north end of Belle Vue Road looking southwards. The Jumbo Water Tower is the focal point that helps to place the Victorian estate in relationship to the historic city centre, while the graveyard to the acts as a discreet connection with the rural hinterland to the west. The protected tree in the foreground is a significant feature of the street scene. St Paul's Road is viewed in continuity to Belle Vue Road, but the link is only visual; Colne Bank Avenue disrupts their physical connection.



Fig. 28: View form the north end of Belle Vue Road towards the city centre.

View 6

Dynamic view from the north end of North Station Road towards the city centre. The tower of the Town Hall is the focal point, although its prominence is challenged by the Telephone Exchange building. This is the first sighting of a key Colchester landmark on the route from North Station that helps visitors to navigate their way towards the city centre.



Fig. 29: View from the north end of North Station road towards the city centre.

View 7

Dynamic view towards the city centre, now directed towards North Hill where St Peter's tower is the focal point to the south, and the Jumbo Water Tower to the south-west. The view illustrates the historic link of the Conservation Area to the city centre, the role of North Station Road as the key road into Colchester from the north and the form of early suburban expansion and its relationship to the walled city. As the viewer moves south, the views of North Bridge unfold, bisected by the distinct riparian character of the River Colne with its riverside trees, this demonstrating the subtle dominance and softening influence of the River Colne over this historic crossing point.

View 8

Fixed view from North Bridge looking eastwards which illustrates the role of Riverside Walk that links the Conservation Area to Castle Park. The views of the park at the backdrop are framed by the belt of mature trees on the south bank and the Riverside Cottages to the north. The modern dwellings to the south of the cottages and Digby House detract from the view but the main offender is the six-storey volume of Fairfax House, topped with telecommunication poles that exacerbates its adverse visual impact.



Fig. 30: View from the south of the Albert Roundabout towards the city centre.



Fig. 31: View from North Bridge towards Castle Park to the East.

View 9

Fixed view from North Bridge, looking westwards. The volume of the Multistorey Car Park intrudes in the picturesque views of the river but the protected trees on the south bank soften the impression.



Fig. 32: View from North Bridge looking westwards.

View A

Dynamic view towards North Bridge that unfolds along the Riverside Walk. The tranquil and picturesque setting of the Colne is marred by the views of Digby and Fairfax House, the latter being the most intrusive element by virtue of its height and bulk that can be better appreciated as the viewer approaches the site.



Fig. 33: View from the Riverside walk towards North Bridge to the West.

View B

Fixed view from the north-east of the Albert Roundabout towards the south-west. The roundabout affords open views from various viewpoints in different directions from the junction. In this view, the Memorial Wall serves a focal point, but the view serves to illustrate the busy character of the roundabout with



Fig. 34: View from the north-east of the Albert Roundabout towards the Memorial Wall.

View C

Fixed view from the west end of Orchard Road towards Morten Road. The properties either side of the street frame the views of the locally listed terrace at 1-17 Morten Road. There is a sense of enclosure and a tranquil backwater in contrast to the North Station Road corridor.



Fig. 35: View from the west end of Orchard Row towards Morten Road.

View D

Fixed view from the west end of Morten Road towards North Station Road. This view illustrates the transition from the quiet residential streets to the busy environment of North Station Road.



Fig. 36: View form the west end of Morten Road towards North Station Road.

View E

Fixed view from the east end of John Harper Street that frame the listed North Primary School. Seatrade House has a volume that detracts from the views of the North Primary School that is seen from the east end of John Harper Street.

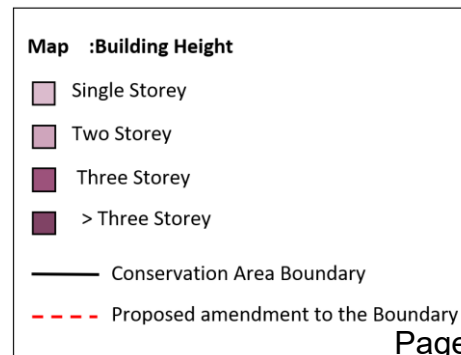


Fig. 37: View from the east end of harper Street towards North Primary School.

3.5.2. Heights

The study area comprises mainly two storey buildings. There is a number of three storey buildings, mainly found on the southern half of the Conservation Area. These are mainly the 20th century commercial buildings but there are some 19th century examples as well, including the Victoria Inn, Globe Hotel, no 41-43 and no 59-61 North Street. Some buildings dating from the first phase of the Victorian expansion to the north end of the road are of similar scale, including no 108-110, 112-114 and 124-126 whose height adds some variety on the west front after the Albert Roundabout.

The only example above three storeys is the six storey Fairfax House of the Riverside Office Complex. Its visual impact is somewhat mitigated by its location that is set back from the surrounding streets; still, it is visible from various vantage points and intrudes into some key views, as discussed in the previous section.



Character Areas

4.0_Character Areas

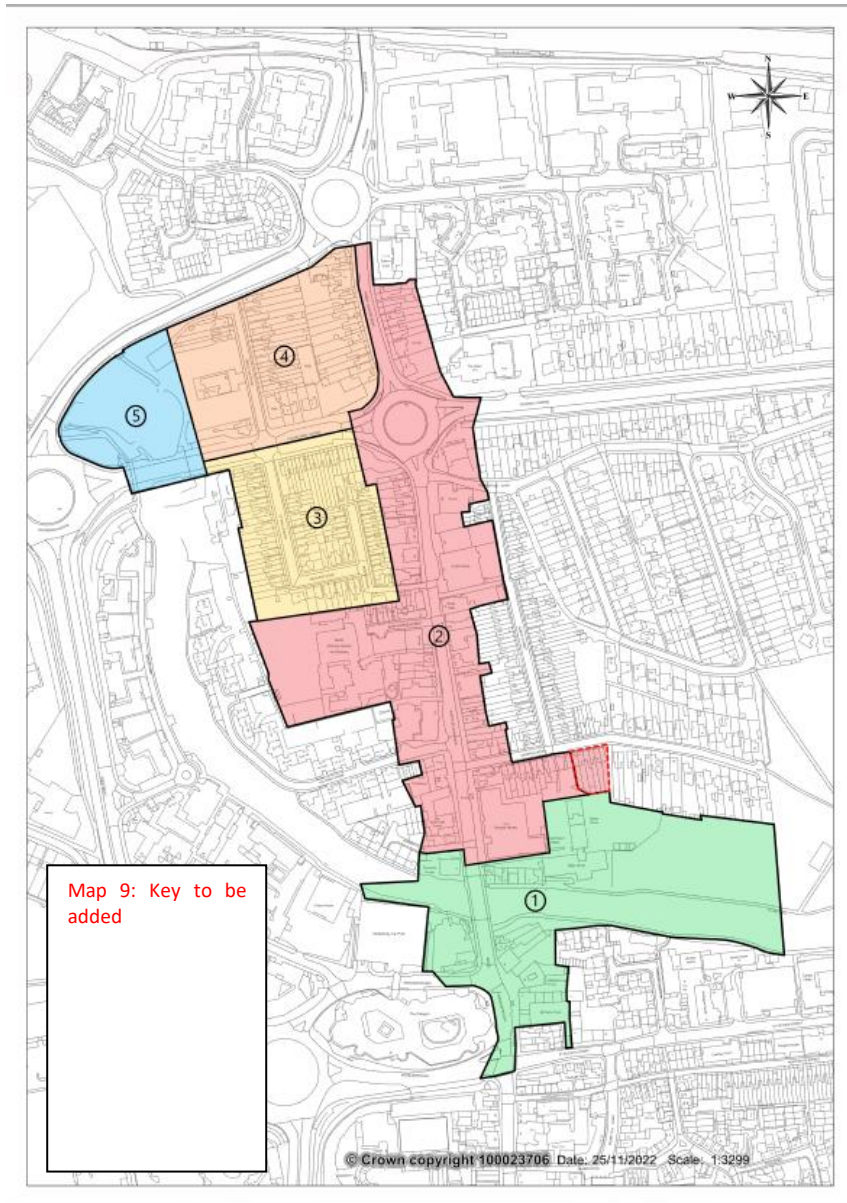
4.1_Introduction

For the purpose of this study, the Conservation Area was divided in five Character Areas:

1. Colne Riverside
2. North Station Road Frontages
3. Late Victorian Suburb
4. Belle Vue Road
- 5.Colne Bank and the former Lido

Their boundaries were drawn by considering the historical function and development of the area, as well as the present townscape character and predominant uses. For that reason, the west frontage of North Station Road from the Albert Roundabout to Essex Hall roundabout was grouped together with Belle Vue Road which dates from the same phase of development rather than the east frontage whose later date is expressed in the different character of the street frontage.

The section expands on the general Character Analysis in Chapter 3 and examines the same topics in detail for each Character Area.



4.2. Character Area 1: Colne Riverside

4.2.1_Historic Development

North Bridge, together with East Bridge, have been historically the main crossing over River Colne which led to the walled town via North Gate. The present cast iron Bridge dates from 1843 with subsequent alterations in 1903-04 when it was widened by 17 ft. 6 in. (5.3 m.) on the east side to accommodate the tram line. A cottage at the west end of the extant Riverside cottages had to be demolished to facilitate widening of the North Bridge over the Colne River. The jettied elevations and hipped roof is typical of later 15th century timber framed buildings (compare with the Stockwell Arms in East Stockwell Street in the Dutch Quarter)(Fig.38).

Middleborough's present appearance dates mainly from its post-war redevelopment. Historically the area accommodated houses and industrial uses traditionally found in extramural locations and near river streams, such as kilns, tanneries and breweries etc. The relocation of the Cattle Market from High Street in 1862 added a significant use in the area that enhanced North Station Road's role as the key link between the town centre, the North Station and the countryside(Fig.39).Its relocation in 1975 left a gap in the urban



Figure 38: a (L). View of North Bridge and the Riverside Cottages in 1880 , prior to demolition of the westernmost cottage. b (R). The cottage that was demolished for the widening of the Bridge.



Figure 39:North Station Road at the beginning of the 20th century with the tram in operation and sheep bound for market.

Fabric which was infilled by the imposing Octagon (formerly Royal Insurance Offices) in 1982(Fig.40).

The east front of Middleborough within the study area comprises post war development that replaced a row of demolished buildings recorded by the Royal Commission of Historic Monuments (RCHME) in the 1921 survey of Colchester. The group included a 15th century house of three tenements and shop with cross-wings at the N. and S. ends on the location of no 18 (National Tyres and Autocare garage) and 17th century houses with shops at no 16 and St Peter's Court (Fig.41 a,b,c) . A jettied 17th century house was removed from the south bank of the Colne in 1903 and replaced by the present semidetached pair of 19-19a Middleborough.



Figure 41: The site of the Cattle Market when it was cleared for the erection of the Octagon. The Market Tavern in the foreground was demolished as well.



Figure 40:(L-R)a. nos 10-15 Middleborough in 1951 (©National Buildings Record & Historic England),b. approximately the same view in 1965, c. the same view in 2022.

he 17th century Riverside Cottages on the north bank were truncated when North bridge was widened (see Fig.38), and two dwellings replaced a modest house to their east (Fig.41 and 42). The two office blocks further east, three storey Digby House and six-storey Fairfax House are part of the Riverside Office Complex that was erected in the later 1960's.

4.2.2_Uses and Character

The area accommodates a mix of uses, including residential, two restaurants, a hotel, a garage and two office blocks.

The character area serves as the entry/exit point to the Conservation Area. It meets the boundary of Colchester Conservation Area No.1 to the south and extends to Castle Park to the east, enclosing the Riverside Walk that provides the pedestrian link to the park

The Character Area comprises a cluster of listed buildings, grouped around North Bridge. The river Colne which forms Colchester's principal Green/Blue link, interconnecting the City along its dominant meandering course with the rural landscape beyond its settlement boundary, makes a major contribution to the character of this zone. The river bisects the Character Area and brings elements from that rural landscape, introducing open water,



Figure 42: The Riverside Cottages in 1951((©National Buildings Record & Historic England),



Figure 43: The Riverside Cottages in 2022.

mature and comprehensive tree cover, soft embankments and open green spaces that all in all bring a marked sense of tranquillity and diversity to the locality. The quality of the riparian setting combines harmoniously with North Bridge and the nearby historic buildings; the result is a picturesque and attractive area which, despite being compromised by the over-scaled post-war development within and adjacent to its boundary, makes an important contribution to the quality of the Conservation Area.

trees include the trio at the site of Nos.20-21 Middleborough, two further trees south of the Riverside Hotel and a cluster of trees to the North of Riverside Cottages are protected by TPOs. There is no other building of architectural or historic merit.

4.2.3_ Designations and notable buildings

There are four designated and one non-designated heritage asset in the Character Area, including:

1. Nos 20-21 Middleborough (listed as “Bridge House, The Moorings”, NHLE List Entry Number 1123560, Grade II);
2. North Bridge (NHLE List Entry Number 1278579, Grade II);
3. Riverside Cottages, 1, 3 And 4, North Station Road (NHLE List Entry Number, 1123543, Grade II);
4. Riverside Hotel (listed as “Market Café”, NHLE List Entry Number, 1306568, Grade II);
5. Trotters Bar, 22 Middleborough (HER ref.no DCC25502)

To the south, the boundary meets the boundary of Colchester Conservation Area No.1 that covers the historic centre. Noteworthy

4.2.4_Character Area Analysis

The southern approach to the Conservation Area is dominated by the post-war development at Middlesborough. The Octagon fronts onto the road with a octagonal two storey volume that does not appear overbearing in context. However, the scale gradually steps up to four and five storeys and is punctuated by massive towers at the corners. When seen from the north, the complex dominates the views to and from the south end of the Conservation Area and dwarfs the group of 20-21 and 22 Middleborough (Fig.44) .

No 20-21 dates from the 17th century, altered with Georgian fenestration. Formerly two houses (at the time of its listing), now a restaurant extended with consecutive single storey extensions that threaten to overwhelm the original building. No.22 Middleborough (The Trotters Bar) is a picturesque modest early 19th century building that forms a group with the listed building to provide an idea of the area's appearance prior to its redevelopment (Fig.45).

On the east side, a three-storey office block in gault brick (St Peter's court) replaced a garage that had been erected on the location of the demolished 17th century tenements. The street facing blocks are designed to evoke the appearance of townhouses with pedimented door surrounds and regular fenestration with sliding



Fig. 44: Views of the Octagon from the north east (photo to be replaced)



Fig. 45: 20-21 and 22 Middleborough.

sashes and stone sills but the double-height arch strikes a false note and overall the complex fails to leave a memorable impression and is weakly proportioned and detailed.

Built with a concrete frame, and brick infill panes, the office block at no 16 declares its age but fails to represent a notable example of its era by virtue of its squat proportions and the lack of modelling. The scale and form of the two-storey brick garage at no 18 does not look out of context in that location but its appearance is very compromised by the garish signage; early photographs of the building with its original fenestration and signage show its potential to make a better contribution if these unsympathetic alterations are reversed.

As the visitor moves northwards, the views of Colne River with North Bridge and the nearby listed buildings come into focus and, the townscape character changes notably. After the busy junction at Middlesborough, the river offers a pleasant repose whose effect is enhanced by the quality of the listed assets in its vicinity. The positive impression is most effective when the visitor arrives on North Bridge and takes in the views of the river either side of the bridge. Although the jarring sight of the post-war development interferes with these views, the quality of the scenery makes an



Fig. 46: The Riverside Hotel (then Castle Inn, unknown date).

impactful impression that serves as a positive introduction or last impression of the Conservation Area.

To the north of the river, Riverside Hotel, built in the 17th century and altered in the 18th, is marked in historic maps as the Castle Inn (Fig.46). The removal of the plaster from the south elevation of the Riverside Cottages is a historically inaccurate alteration that should be reversed in the interest of restoring their historic appearance and protect their timber frame. The dwellings adjacent to the listed cottages are of appropriate scale and form but their design that includes irregular fenestration, flat roof dormers and conspicuous solar PV panels detract from their appearance and their

contribution to the views of the north bank as seen from the Bridge. Digby and Fairfax House are concrete, brick and glass office blocks. Whilst the scale of Digby House is not contextually sympathetic, the crisp lines of the design creates sculptural and architectural interest. Sadly, the sheer scale and mass of Fairfax House precludes successful integration into the area.

A flight of stone steps either side of the bridge provide access to the riverside paths; the Riverside walk to the east linking the area to Castle Park. The lack of level access and infrequent pedestrian traffic account for the lesser popularity of this route as an access point to Castle Park. However, the visitor who ventures away from North bridge and past Digby House is rewarded with the experience of the tranquil river setting.

4.2.5_ Traffic, movement and public realm

The southern end of the Conservation Area covers an area busy with traffic. Middleborough, North Hill and St Peter's Road converge on the south boundary and a small roundabout to the north channels the traffic towards North Station Road. The bus stops on Middleborough serve frequent bus services and attract pedestrian traffic; the volume of pedestrians becomes especially

high when the students of the nearby Sixth Form College and Colchester Institute move in groups toward the bus stops.

Street clutter is abundant, including traffic lights, railings, traffic signs, cameras, lighting columns, bus stops, bins and bollards. Zebra crossings, road markings yellow lines and the painted bus lane exacerbate the junction's appearance. The pavements comprise different materials in variable condition. The attempts at improving the appearance of the junction with planters and some poorly kept planting on Middleborough lack a coherent design approach and rather exacerbate the issue of visual clutter.



Fig. 47: Pedestrian junction at Middlesbrough. View from south-east.

Moving further north after the roundabout, a key feature of the public realm are the historic railings that line the pavement before and after the North Bridge. Their state of repair is poor and detracts from the appearance of the area and the setting of the heritage assets in that location. The railings before nos.20-21 Middleborough are seen in conjunction with the railings at the riverside walk to the north of the building (Fig.48). The railings of the bridge are also in need of repairs and maintenance.



Fig. 48: The historic railings at nos.20-21 Middleborough.

4.2.6_Open spaces and Views

The Character Area includes the Riverside Walk on the north bank of the river; this area is the eastern end of Castle Park which is outside the boundary of its area that is designated as a Registered Grade II Park. This is key green space that links the Conservation Area to the main green infrastructure of the city centre.

4.2.7_ Strengths, challenges and opportunities

Strengths

- Group of listed buildings around the historic North Bridge that combine with the river to create a memorable scene
- Riverside Walk and link to Castle Park

Challenges

- Poor quality of the public realm, including condition of pavements and railings.
- Street clutter on Middleborough.
- Poor quality 20th century development that detracts from the area.
- Consecutive additions to Nos.20-21 Middleborough that threaten to overwhelm the 17th century building.

- Unsympathetic signage on the garage at No.18 Middleborough that detracts from the building and exacerbates the adds visual clutter in the area.
- Vacant Digby and Fairfax House -plans for residential conversion

Opportunities

- Public realm improvements and removal of unnecessary clutter.
- Replacement of inappropriate signage at the garage (18 Middleborough).
- Landscape enhancement with strategic planting to mitigate the visual impact of unsympathetic development.
- Repair and maintenance of the historic railings at North Bridge.
- Rendering the Riverside Cottages to reinstate their historic appearance.
- Enhancement of the Riverside walk with lighting, street furniture etc to increase pedestrian traffic.
- Removal of telecommunication poles and equipment from the roof of Fairfax House.



Fig. 49: Historic photograph of riverside walk (unknown date).

4.3_Character Area 2: North Station Road Frontages**4.3.1_Historic development**

Character Area 2 comprises the main body of the Conservation Area which includes the stretch of North Station Road from North Bridge to the Albert Roundabout. The section of Causton Road that falls within this boundary, North Primary school and the east front of North Station Road between the Albert and Essex Hall roundabout.

North Station Road was historically the main access road into Colchester from the north. As the town expanded with ribbon development along main routes like East Hill, and Magdalen Street, the southern end of the road was developed. The arrival of the railway and the construction of North Station triggered further development, with infill buildings in available gaps, expansion to the north and on new roads laid out behind the street frontage. The earliest section of the street accommodated commercial uses but its role as main link to the railway station is reflected in the number of historic inns and pubs, including Coach and Horses Inn(on the south boundary , approximately where the Drinking Fountain is located, demolished in 1970) , Market Inn (at Middleborough , demolished when the area of the Cattle Market



Fig. 50: The Albert Inn, demolished in 1932.

was redeveloped) , the Spread Eagle Inn (at 11 Middleborough , use ceased in 1920 , building demolished in the 1970s), Castle Inn (now Riverside Hotel), Victoria Inn, Globe Inn , Albert Inn (demolished in 1932 and moved to the north of Cowdray Avenue-Fig.50) and Norfolk Hotel.

Two institutional buildings, North Primary School and the Railway Mission were two significant additions at the turn of the 19th century.

In the 20th century, various early buildings at the south section of North Station Road were demolished and replaced by modern office blocks and other commercial buildings. The RCHME 1921 survey recorded a 17th century house with shop at 3 Station Road(Fig.51) and two tenements of the same era at no 7-9 (where Century house was subsequently erected), a range of seven tenements dating possibly dating from the 18th century at nos 12-24 (replaced by Midland House – Fig.52 and 53) and a range of four 17th century tenements at No.52-58 (on the junction with Morten Road ,now a vacant site with two dwellings set back from the road- Fig.54 and 55). Other demolished sites include a row of six houses from the south-west corner of the Albert Roundabout (where the Wall of Remembrance is situated) and the block bound by North Station, Serpentine Walk, Albert Street and the lane north to Globe Inn Hotel, currently occupied by Anglia House and the two nearby garages.

The latter was cleared for development after the northern by-pass was opened in 1933. Its construction, together with the subsequent enlargement of the Albert Roundabout had a major adverse impact on the Character Area forming a barrier to pedestrians and fragmented townscape.



Fig. 51:17th century house with shop at 3 North Station Road in 1921 – now demolished and replaced by Century House.



Fig. 52: Range of seven tenements at 12-24 North Station Road in 1964 -now demolished.



Fig. 53: The same view in 2022.



Fig. 55: 17th century range of four tenements at No.52-58 in 1921 -now demolished.



Fig. 54: The same view in 2022.

4.3.2_Uses and Character

The Character Area is a mixed-use area. Most buildings that front onto North Station Road accommodate commercial uses on the ground floor; upper floors are auxiliary to the ground floor use or in residential use. There is a mix of independent businesses, including convenience stores, greengrocers and butchers, drycleaners electronics, hair salons, food takeaways and restaurants (Fig.56). The majority of the shop units are modest in size and correspond to the properties that host them. The only example where two units have been merged into a larger one can be seen at no 49-51, its scale contrasting the size of the adjacent shops. Other uses on North Station Road include hotels (the historic Globe Hotel and a hotel at the adjacent Anglia House), a pub at the former Victoria Inn, two garages near the Albert Roundabout. The area has historically accommodated institutional uses including North Primary School and the Railway Mission; today the latter houses healthcare services.

The office use has subsided, leaving the Riverside Office Complex, Midland House and Seatrade House vacant. The management of these considerably sized blocks represents a challenge. Their conversion into residential use seems to be the prevalent option;



Fig. 56: North Station Road. East front with ground floor commercial uses.

Seatrade House was recently converted and there are similar plans for the Riverside Office block. However, that trend is not without risks. Under current legislation, the conversion from Office Use Class E to Residential Class (C3) use can be carried out under permitted development rights. However, when the amount of these changes which are carried without the opportunity to consider their planning implications in the context of an application reaches a critical point, there is the risk of their combined effect having a significant impact on the character of the Conservation Area and the amenity of the residents.

Causton Road is a residential street. There are no commercial uses on the east frontage of North Station Road to the north of the Albert Roundabout which accounts for its quieter character in comparison to the busier stretch to the south.

The commercial character of North Station Road defines its ambience and appearance. The presence of commercial activities is critical for the vitality and economic viability of the Conservation Area. However, the type of retail and the transient character of some businesses (hot food takeaways, hair salons etc) often translate into poor quality shopfronts and signage which detract from the quality of the Conservation Area.

Besides the land uses, the historic development of the street also reflects in its diverse character and appearance. There is a stark contrast in the scale of the surviving historic buildings and the 20th century blocks. By virtue of their size, form, design and materials, the latter failed to integrate successfully in the urban grain and serve as the main detractors in the study area.

4.3.3_ Designations and notable buildings

There is a number of listed and locally listed buildings within the Character Area, including:

1. 25 and 27 North Station Road (NHLE List Entry Number 1110913, Grade II);
2. The Victoria Inn (NHLE List Entry Number 1123544. Grade II);
3. 30 and 32 North Station Road (NHLE List Entry Number 1123545);
4. North Primary School (NHLE List Entry Number 1123581);
5. Globe Inn (NHLE List Entry Number 1169340, Grade II);
6. Former Railway Mission Hall (HER ref.no DCC25929);
7. 29 North Station Road (HER ref.no DCC25560);
8. 39-57 North Station Road (HERref.noDCC25624);
9. 28 North Station Road (HER ref.no DCC25555);
10. 34 & 36 North Station Road (HER ref.no DCC25598);
11. 38 North Station Road (HER ref.no DCC25617);
12. 61-65 North Station Road (HER ref.no DCC26082);
13. 60-62 North Station Road (HER ref.no DCC25728);
14. The Norfolk, 132 North Station Road (HER ref.no DCC25388);
15. One enamelled sign (on 27a North Station Road) and two ceramic street signs (on 60 and 140 North Station Road) (HER ref.no DCC26099).

The trees at the Memorial Wall to the south-west of the Albert Roundabout are protected under the TPO covering the trees that line the northern By-pass.

4.3.4_Character Analysis

East side

The south end of the Character Area is dominated by the alien scale and massing of Century House (Fig.57). The 1960s block relates very poorly with the nearby buildings in terms of scale, form, design and materiality. The contrast is notable when the block is viewed from the south in conjunction with the former Railway Mission on the opposite side but is even more striking when the office building is seen together the modest Fifteenth century timber framed 25-27 North Station Road from the northwest; the impact is further aggravated by the glimpses of the six-storey Fairfax House at the backdrop (Fig.58). Some localised tree planting only serves to screen the jarring effect from certain viewpoints to the south but does not effectively mitigate the overall impact of the block.

The Grade II listed timber framed 25-27 North Station Road comprises the former jettied cross wing of a 15th century hall house (No 27) and the gabled 17th or 18th century no 25 which replaced the former open hall. The third gable to the north is probably an 18th century addition as well. The appearance of the building is altered by the 20th century windows and shopfronts which detract from the remaining historic character of the group (Fig.59 and 60).



Fig. 57: View of north Station Road from North Bridge with Century House in the foreground.



Fig. 58: View of 25-27 North Station Road from the north-west.



Fig. 59: 25-27 North Station Road in 1921.



Fig. 61: Same view in 2022.

The locally listed no.29 North Station Road is a well-preserved large corner house built in the last quarter of the 19th Century (Fig.61). The use of gault brick reflects the use of gault brick at the Globe Inn and enhances its landmark quality as a prominent corner building

To its north, the east front comprises modest two storey terraced properties with modillioned eaves, corbelled window heads (no 31-37) or corbelled cills (no 49- 55); the latter retain original two-over two sashes on first floor. The two terraces are interrupted by the three storey no 41-43 which stands out for its decorative details, original fenestration and original form of the ground floor that has



Fig. 60: 29 North Station Road. View from the south-west.

not been altered with shopfronts. The adjacent timber framed no 45-47 dates from the 16th century (Fig.62). The gabled elevation of the no 57 bookends the terrace before the three storey 59-61, now much altered by the unsympathetic shopfronts, thick cement render and uPVC replacement windows.

No 63-65 was originally a single storey building designed by architects Goodey & Cressall in 1924 to provide three shop units for the Colchester Co-operative Society, for grocery, confectionary and

butchery. The front façade is clad in creamy coloured faience, mimicking stone. The pilasters have art-deco decoration, matching the original shopfront which survives intact, including the inset entrance doors with canted flank walls. The large fascia signage area is currently covered with an unsympathetic plastic fascia sign, but the surround appears to be partially present behind (Fig.63).



Fig. 62: 41-43 North Station Road (three storey) and the 16th century 45-47 to its left.



Fig. 63: 63-65 North Station Road.

A modest two storey building, marred by uPVC shop windows and doors and an overwhelming fascia sign, is located between no 63-65 and the historic Globe Hotel. The three-storey gault brick building serves as a landmark on North Station Road both by virtue of its height and prominent location but also for its continuous historic use as a hotel. The impression of the building from the south is compromised by the services on the flank wall which is visible through the gap with no 67-69.

The section up to the Albert Roundabout comprises 20th Century development. The scale of Anglia House challenges the prominence of Globe Hotel. The signage of the ground floor commercial units exacerbates the adverse impact. The two garages between Anglia House and Serpentine Walk are significant detractors. The buildings appear incongruous in that location and their negative effect is amplified by elements that are usually associated with this type of business, including the brush signage and tarmac parking and the picket fence at Kwik Fit.

Between Serpentine Walk and The Albert Roundabout, a detached single storey commercial building fails to make a positive contribution.



Fig. 64: Globe Hotel (unknown date).



Fig. 65: Anglia House to the right and the garages to the north.

The appearance of this section (from North bridge to the roundabout) is compromised by the modern development at each end. However, the character of the surviving section between 29 North Station Road and Globe Hotel has eroded by unsympathetic alterations, including the introduction of modern shopfronts and unsympathetic signage, painting of brickwork, the loss of original architectural details and the replacement of the timber fenestration by uPVC windows. The loss of the chimneys is also a notable change that detracts from the street scape (Fig. 66 and 67).

The east frontage after the Albert roundabout comprises two interwar houses on the corner with Cowdray Avenue, followed by an early 19th century row of semidetached properties in red brick and slate roofs with prominent chimney stacks at either end. Each semi-detached pair has its main recessed entrance centrally positioned in a side-by-side arrangement. The entrance alcoves have a decorative masonry arch with voussoir and a rectangular two storey brick bay with paired windows and gabled roof at each end. Typically, the front boundary to each property is enclosed by a low brick wall



Fig. 66: North Station Road. East side from No 29 to the Globe Hotel (unknown date).



Fig. 67: The same view in 2022.

with metal gates corresponding to each entrance and hedges behind. There is a uniformity of floor plan and consistent external appearance that makes this group such an important part of the street scene

West side

The former Railway Mission is the first notable building on this frontage. Built by William Willett in 1896 in stock brick with red brick dressings, arched windows and doorway, the building is part of Colchester railway heritage. The main block and the Sunday School, to the north were linked with a reception block of c. 1998 to accommodate healthcare services. The boundary wall of the Railway Mission contributes positively to the street frontage but a close boarded timber fence behind the street boundary and the tarmac parking forecourt are negative features.

The locally listed building is flanked by modern, rather nondescript development. The dwelling to the south is part of the development of 13 dwellings at the Old Poultry market. The building to the north dates from the development of the land adjacent the Victoria Inn c.2001 with 12 flats distributed in two blocks, to the south and west of the listed building. The height of the southern block could have been made more subordinate, to enable a smoother transition



Fig. 68: The former Railway Mission on North Station Road.

between the three storey Victoria Inn and the single storey Railway Mission and preserve the prominence of the listed building which is challenged by the three-storey gable elevation.

The height of the three storey Midland House reflects the height of the listed building but its design fails to make a positive contribution. The solid mass at the south end that intended to create a strong corner element is too imposing and the mansard roof is alien in this context. The relationship with the adjacent historic group at no 28 – 40 is also problematic.

The frontage from Midland House to Seatrade House comprises the listed 30-32 North Station Road, a rendered brick 18th century two storey house. The building forms an important group with the adjacent locally listed building. To the south, no 28 is a timber framed rendered two-storey building dating from the 17th century or earlier, its appearance compromised by the modern shopfront and unsympathetic first floor windows. At no 34-36, a two-storey timber-framed house, also dating from the 17th century, is divided in two properties; no 34 has a shop front from c.1900 and faux timbers on first floor that may correspond to the original frame.

The modest two-up, two-down red-brick house at no 38, is also included in the local list. Built circa 1860-1870, has an original double two-pane sash window with horns at first floor and an early 20th century shopfront(Fig.69).

Seatrade house to the north is another modern block whose construction eroded further the character of the street. A mid 19th century building 19th survives on the opposite corner with John Harper Road but the demolition of the tenements at nos.52-58 left a gap on the street frontage.



Fig. 69 : no 28 to 38 North Station Road (to be replaced with better resolution).

The front from the junction with Morten Road to the Albert Roundabout comprises 19th century buildings. Some stylistic variations indicate their date of construction but overall, the character of the frontage is coherent and contrasts notably with the opposite side that is dominated by the two garages. The earliest building of the section appears to be no 66-68 (a hair salon); although the building retains its original fenestration of eight over eight sliding sashes on first floor, as well as a margin-light glazed window to the appended side volume, its appearance is altered by the use of conspicuous green paint throughout, the loss of the shopfront and relocation of the central door.

At no 60-62, the pair of red brick two-storey semis with bay windows and with stucco quoins, dentilled eaves, lintels and corbelled cill in included in the local list although it has lost its original fenestration and railings. The pair of semis at no 78- 80 has good details in polychrome brick, modillioned eaves and original margin glazed windows that survive at no 80.

4.3.5_Traffic, movement and public realm

North Station Road is busy two-way traffic street. It is also the main pedestrian link between the city centre and Nort Station, and a main bus route with a number of bus stops along its length that



Fig. 70: 66-68 North Station Road.



Fig. 71: 60 -62 North Station Road.

serve several bus services. However, whilst the northern by-pass and the Albert roundabout were constructed in order to facilitate vehicular traffic, they have the opposite effect on pedestrian circulation; the visitor has to negotiate a number of traffic lights, traffic islands and pedestrian crossings amid heavy traffic.

The width of North Station Road allows for spacious pavements either side of the street but the quality of the public realm is poor. The pavements comprise a mix of materials, mainly tarmac with some localised inconsistent use of paving. The quality and state of repair of the materials together convey an impression of neglect. The use of railings along some stretches of the street makes a negative impression and adds visual clutter in an area which is blighted by poor shopfronts and signage. The localised planting does little to improve the quality of the public realm; the area is in need of more generous gestures and a coherent public realm strategy.

The Albert Roundabout suffers from similar abundance of street clutter as seen at Middleborough, further exacerbated by the extent of the area it covers and the heavy traffic on Colne Bank Avenue that create an intense environment that is not particularly pedestrian friendly (Fig.72).



Fig. 72: Pedestrian crossing on the Albert Roundabout.

4.3.6_Open spaces

The main open space within this character area is the Wall Memorial on the south-east corner of the Albert roundabout. The site is an important marker of Colchester's history. Each tree on the Avenue of Remembrance to the west of the Conservation Area was originally planted to commemorate the fallen of the Great War, incorporating a plate with the corresponding name at the foot of each tree. As these plates corroded, that record was gradually being lost. In 1996, the Memorial Wall was built to incorporate plaques with the names previously engraved on the plates at the Avenue of Remembrance. The wall was complemented by a



Fig. 73: The Memorial Wall to the southwest of the Albert Roundabout.

landscape scheme with tree and shrub planting, benches and bollards(Fig.73).

When the terrace of nos. 52-58 was demolished on the corner of North Station Road and Morten Road, the replacement dwelling was set back from the North Station Road frontage. Until a few years ago, the vacant plot was used for billboard advertisement that were very detrimental for the character of the area. That use has now ceased and should never be reintroduced but the redundant structure that supported the billboard on Morten Road remains in situ and should be removed.

4.3.6_Strengths, challenges and opportunities

Strengths

- diverse architecture with examples that date from the 15th to the 20th century and illustrate the history and development of the study area,
- vibrant commercial character with independent businesses.
- good connectivity with frequent bus services.

Challenges

- Poor quality of the public realm, including condition of pavements and railings.
- Street clutter on the Albert Roundabout.
- Poor quality 20th century development that failed to integrate well into the area.
- Incompatible uses (garages) that detract from the street scene
- poor quality shopfronts and unsympathetic signage.
- unregulated external changes, including the loss of chimneys and other architectural features, replacement of roofing materials, loss of original fenestration and replacement with uPVC windows and composite doors, external painting (of previously unpainted surfaces) with inappropriate colours.
- management and use of vacant commercial properties.

Opportunities

- Scheme of public realm improvements and removal of unnecessary street clutter.
- Removal of incompatible uses and redevelopment with appropriate scale and design that will reinstate the continuity of the street front
- shopfront and signage improvements in accordance with the Council Shopfront Design Guide SPD
- Introduction of Article 4 Direction to control unregulated external alterations and changes of use that fragment the commercial street frontages

4.4. Character Area 3: Late Victorian Suburb

4.4.1. Historic Development

Morten Road, Orchard Road and St Paul's Road were laid between 1876 and 1896. The 1920 OS Map records additional growth with the development of the west front on St Paul's Road.

This part of the study area underwent fewer changes in the 20th century compared to the other Character Areas. The Northern bypass that was constructed in 1930 -1933 created a barrier that severed the link with Belle Vue Road to the north. However, when Colne Bank Road was widened to become Colne Bank Avenue, its north front was moved northwards, but the south side was unaffected. The construction of the Albert Roundabout resulted in the loss of the buildings on the south-west corner of Colne Bank Avenue and North Station Road but the frontages on St Paul's Road, Orchard and Morten Road were consolidated in the 1920s with very few changes in the recent years (erection of 18a and 27-28 Morten Road)

4.4.2_Uses and Character

The Character Area is exclusively residential and there are no buildings in different use. Although there are two vehicular access points, though St Paul's Road from Colne Bank Avenue and though Morten Road from North Station Road, the latter is a cul-de-sac and the area is characterised by a sense of enclosure and

4.4.3_ Designations and notable buildings

There are no designated heritage assets within the Character Area but there are two locally listed sites:

- 1-17 Morten Road, Colchester (HER ref.no DCC25363)
- 25 Morten Road, Colchester (HER ref no DCC25534)
- Five ceramic street signs are locally listed as well (HER ref.no DCC26099).

4.3.4_Character Analysis

Starting at no 8 Colne Bank Avenue on the junction with North Station Road and moving westwards, Colne Bank Avenue affords wide views of its north frontage and glimpses of Colne Bank Avenue Bridge with the trees of the former Lido and Cymbeline Meadows at the backdrop. The south frontage comprises two terraces that survived from demolition when Colne Ban Avenue was opened. The busy character of the avenue and poor quality of the public realm with the sterile tarmac sidewalks do not make this an attractive walk.

The character and quality of the street scape changes upon turning south onto St Paul's Road. The street comprises a mix of semi-detached and terraced two storey properties, the east front pre-dating the west (Fig.74). The half-timbered gables at the bookended terrace of no 7-13 are repeated in detached properties; despite their irregular distribution in the street frontage, these gables accentuate the roofline and add some interest to the street scape. Despite being developed in different phases, there is a coherence in the use of materials and architectural details. The material palette comprises polychrome brickwork with slate roofs



Fig. 74: View of St Paul's Road(east side) from the junction with Orchard Road.

originally, although there are piecemeal replacements of the roofing material. The windows would have been timber vertical sliding two over two sashes, but their vast majority have been replaced by uPVC windows. There are surviving examples of three over three at no 34 and 36, while the terrace of no 7-13 has pairs of narrow sashes, all uPVC replacements. The architectural details include stone cills and plain, flat stone lintels or brick gauged arches and simple geometric brick apron details below cills. The properties have shallow, soft and ornate front gardens enclosed by low brick walls which preserve the underlying Victorian landscape character

of the Character Area. A close boarded fence encloses the rear garden of 42 Colne Bank Avenue that fronts onto St Pauls' Road, The same boundary treatment is used to the long and narrow gardens of the adjacent properties of this terrace.

As the visitor enters into Orchard Road and moves towards the centre of the Character area at its junction with Morten Road, there is an increasing sense of enclosure, and the character becomes quieter and more intimate. Orchard road is lined with two storeys detached and semidetached properties. Some properties are built in polychrome brickwork, but the use of red brick prevails on the south side (Fig.75). There are some architectural details also seen in St Paul's Road (half-timbered gables, cill aprons) but the fenestration which comprises tripartite windows with multi-pane upper sashes over single-light low sashes hints at Art and Crafts influences and a later date of construction. These properties also have shallow front gardens, originally enclosed by low brick walls. Their removal or replacement by inappropriate means of enclosure (rock faced concrete block wall, picket or close board timber fences) detracts from the appearance of the street.



Fig. 75:View of Orchard Road (south side)from the junction with St Paul's road.

Continuing west on Morten Road, the character of the street is defined by the good quality locally listed terrace of nos. 1-17 Morten Road (east side- Fig76). The terrace is decorated with picturesque details, including as string course with guilloche pattern, terracotta plaques, fluted and sunflower keystones (. The raised parapet walls add interest to the roof but the replacement of the original slates by concrete tiles detracts from the appearance of the terrace, together with the loss of the original windows and doors and the modification or replacement of the low garden walls.



Fig. 76: 1-17 Morten Road, view from the north-west.



Fig. 78: 25 Morten Road. North elevation (to be replaced with west elevation)



Fig. 77: 1-17 Morten road. Decorative details , including tile with the year of construction (1890) and initials for builder A. Diss.

No 25 Morten Road is included in the Local List for decorative relief tiles and original windows and doors. Morten road then turns to the east and terminates on North Station Road. This short stretch is lined by an L-shaped house that incorporates some modest decorative details , followed by a modern pair of semis in roughcast render that would make a better contribution with a different external finish and better fenestration.

4.4.5_ Traffic, movement and public realm

The Character Area comprises quiet residential streets low in traffic and pedestrian circulation. The condition of the public realm is does not differ from the other Character Areas. The streets comprise mainly tarmac pavements with concrete kerbs, their surface in poor condition with patch repairs. However, the section of Morten Road before the junction with North Station Road has a granite sett drainage channel on the south side.

4.4.6_Open spaces

There are not open spaces or vacant plots within the character area.

4.4.7_Strengths, Challenges and Opportunities

Strengths

- Quiet residential area with coherent character.
- Design variations and architectural details evidence the dates of construction and suggest influence from the Arts and Crafts & Aesthetic Movement.

Challenges

- Unregulated alterations that erode the character of the area by virtue of their cumulative effect.

- Poor quality of the public realm, including material and condition of pavement
- Lack of connection to the residential area to the north (Belle Vue Road) and the site of the former Open Air Swimming Pool

Opportunities

- Introduction of Article 4 Direction to control unregulated external alterations.
- Scheme of public realm improvements and removal of unnecessary street clutter.

4.5. Character Area 4: Belle Vue Road

4.5.1. Historic Development

The small estate consisting of Belle Vue, Colne Bank Road, and Essex Hall Road was laid out in the 1860s. The North Station Road was fully developed by 1876 whilst the frontages of the secondary streets were consolidated gradually until 20th century. St Paul's Church was built in 1869 and a school was erected on the junction of Belle Vue Road and Colne.

The character of the area was altered significantly by three key changes, the construction of the Northern by-pass in 1933, the opening of A134 in the late 1980s and the demolition of St Paul's Church in 1998. The new avenues obliterated the two side roads that defined the estate, Essex Hall Road to the North and Colne Bank Road to the south. This loss affecting the cohesion of the character area and disrupted the connection of Belle Vue to the adjacent streets. The demolition of St Paul's Church (Fig. and its replacement by a modern care home removed had a regrettable effect on the character of Belle Vue Road but the graveyard that remains as a green space makes a positive contribution.



Fig. 79: St Paul's Church (unknown date) -now demolished.

4.5.2. Uses and character

The area is predominantly residential. Non-residential uses include the Norfolk Public House, a performing arts school at the former St Paul's Church Hall on the corner of Belle Vue Road and Colne Bank Avenue and Belle Vue Social Club which is housed in a building set back from the street boundary on Colne Bank Avenue. Permission for the erection of an office block to the rear of the Norfolk pub (with access from the A134) has been granted in 2021 and is being implemented.

Belle Vue is a quiet residential street. The opening of the A134 has essentially transformed Belle Vue Road into a cul-de sac. Colne Bank Avenue also disrupted its link to St Paul's Road and Morten Road to the south. St Paul's graveyard that serves as a transitional green space towards Colne River and the Cymbeline Meadows contributes to the quiet character of the street.

The quiet character of Belle Vue Road contrasts the busy Colne Bank Avenue that is dominated by traffic. The section of North Station Road within the Character Area is quieter compared to the southern half.

4.5.3. Designations and buildings

There are no designated heritage assets within the Character Area. The Norfolk Pub is included in Colchester's adopted Local List (Fig.80). The cast iron street sign on 6 Belle Vue Road was also added in the Local List together with other historic in Colchester. There are two trees and a group of trees protected under TPO's in St Paul's Graveyard.



Fig. 80: The Norfolk Pub, North Station Road.

4.5.4. Character Area Analysis

Starting at the north end of Belle Vue Road, the street can be accessed on foot via the pedestrian lane on the south side of A134 but there is no vehicular access at this point. A tarmac parking area is located at the north end of the road, enclosed by metal railings to the north due to the drop of level between Belle Vue Road and the A134. The spot affords a key view towards the city centre with the Jumbo visible at the backdrop. The East side comprises two pairs of semi-detached properties, followed by two terraces (the southern



Fig. 81: Belle Vue Road. View from the north end (east side).

one pre-dating the other) and the former church hall of Ste Peter's Church (Fig.81). On the west side, the road starts with a detached house and continues with a short terrace, the site of St Paul's Church with the modern bungalow amidst the graveyard and a pair of semi-detached properties that survived demolition when Colne Ban Avenue was opened.

With the exception of the bungalow and the former Church Hall, all buildings are two storey. The roof ridges run parallel to the street, with the exception of no27 and 29 Belle Vue whose double gable

front disrupts the continuity of the front. The materials palette comprises red brick and slate roofs. Most windows have been replaced by unsympathetic uPVC models where the original windows would have been timber vertical sliding two over two sashes, although there are some examples margin-light glazing. The Church Hall has original Crittall windows. Architectural details include modillioned eaves (Byculla Cottages/no 31-33), fretted decorated barge boards (no 27-29), a variety of lintels, stone quoins, decorative elements in gault brick (string courses, keystones, jambs). Chimneys are rather low and plain. The front gardens of the properties are enclosed with low brick garden walls with a pedestrian metal gate corresponding to the house entrance, accessed through a few steps for the properties on the east side whose gardens are slightly elevated above street level. A low close board fence with hedge encloses St Paul's churchyard with a low picket fence around the house; The former Church Hall is enclosed by a taller brick wall and close boarded fences are used on non-street facing boundaries. but also, on Colne Bank Avenue on the corner with Belle Vue Road.

The character changes when the visitor turns left on Colne Bank Avenue. The north front was redeveloped when the avenue was constructed and comprises that former St Paul's Church Hall on the west end, a pair of semi-detached properties and the tarmac car park of Belle Vue Sosial Club. The single storey club building is set deep back from the street boundary and makes a limited contribution to the street scene. The front elevation of the Church Hall and the boundary wall and railings add character to the street frontage. The adjacent semi-detached properties are built in brick with clay tile roofs and simple flat lintels, without other decorative elements. These properties have deeper front gardens enclosed by low brick walls but close board fences are found on the side boundaries as well.

Although they make an interwar group with former Church Hall that provides evidence for the development of the area, they are rather non-descript buildings that have little inherent merit.

There is a green area on the corner with North Station Road that is poorly landscaped and maintained but helpfully serves to screen the car park of the Belle Vue Sosial Club. With an improved landscape scheme, that area could reflect and complement the site

of the Memorial Wall to the south, framing nicely the east end of Colne Bank Avenue.

The west front of North Station Road comprises a mix of two and three storey terraced or semi-detached properties built in brick with slate roofs. With the exception of the Norfolk Pub, the use is predominantly residential, and this lack of commercial activities attributes a different character to this section of North Station Road that contrasts the busier ambience of its southern part. The west front was developed between 1845 and 1876 (when it appears built up in the OS survey map) but lacks cohesion in the form and design of the properties. Besides the Norfolk Pub, other buildings have good architectural details, including stone string courses and canted ground floor bay windows, gault brick quoins and corbelled window heads and cills. The properties have shallow front forecourts enclosed by low brick walls but there are some examples with railings or combination of low walls and railings.

4.5.5_ Traffic, movement and public realm

The street is subject to traffic restrictions that discourage private cars, and this does helpfully serve to reduce the traffic flow. This

section of carriageway forms a link between the roundabouts to the north and south and has busy footways with major peaks at rush hour in the morning and evening as commuters access the station on foot.

4.5.6_Open spaces

The key open space for the Character area is the graveyard of the demolished St Paul's church; today the open graveyard encloses the modern bungalow that replaced the church. The open aspect of the graveyard lends a sense of openness to Belle Vue Road. Despite being a cul de sac, the street does not feel truncated with a visual open link to the A134 Station Way. The former graveyard forms an extension of the key green space where the River Colne turns south towards the city centre and enters the built-up area after leaving the tranquillity of Cymbeline Meadows. The former Lido is now largely reclaimed by nature and is a key piece of green/blue infrastructure.

The tarmac car park to the south of the Belle Vue Social Club is largely concealed from views from Colne Bank Avenue and it is

important that this screening is maintained to protect visual amenity on this key main thoroughfare.

4.5.7_Strengths, Issues and Opportunities

Strengths

- Belle Vue is Quiet residential backwater with coherent character and modest terraced artisan housing.
- The green spaces to the east and west of Belle Vue Road provide a green oasis and a transition from the denser urban development to the south/east and the verdant water meadows to the west
- Design variations and architectural details evidence the dates of construction and suggest influences from the Arts and Crafts Movement.
- The west side of North Station Road is rich in mid and late Victorian villas and terraced development predating the final quarter of the C19 century.

Challenges

- Unregulated alterations that erode the character of the area by virtue of their cumulative effect.

- Poor quality of the public realm, including material and condition of pavement s
- Lack of connection to the residential area to the north (Belle Vue Road) and the site of the former Open Air Swimming Pool

Opportunities

- Introduction of an Article 4 Direction to control unregulated external alterations.
- Scheme of public realm improvements to include landscaping of Albert Roundabout
- Removal of unnecessary street clutter from the Albert Roundabout.
- Introduce pedestrian links on Colne Bank to improve connection to Belle Vue Road and the site of the former Open Air Swimming Pool.
- Landscaping of the car park to the north end of Belle Vue Road to improve its vies from the street and the A134.
- Landscaping and maintenance of the north-west corner on the Albert Roundabout

4.6. Character Area 5: Colne Bank and the former Lido

4.6.1_Overview

This Character Area includes the bend of River Colne between Colne Bank Avenue and Station Wy(A134). When Colne Bank Avenue was opened in 1933, its route disrupted the Public bathing Space that had relocated to the area from Castle Park in the 1890s. The facilities were moved to the north of the new Colne Bank Bridge and consisted of an open-air swimming pool (lido) with changing facilities; a café was added later, and the site was a popular leisure facility until it was closed in 1975 (Fig.82). The area was changed further when Station Way (A134) was constructed in the 1980s, enclosing the site of the former Lido from the north.

4.6.2_Uses and Character

The only building in the character area is a flat roof outbuilding that originally accommodated changing rooms and a café. It is currently used by Colchester's Canoe Club. Colne Bank Avenue forms the boundary between the City of Colchester and its rural hinterland. The Lido site serves to very sensitively soften that interface, with its sunken aspect, open water, lawned areas and mature tree cover

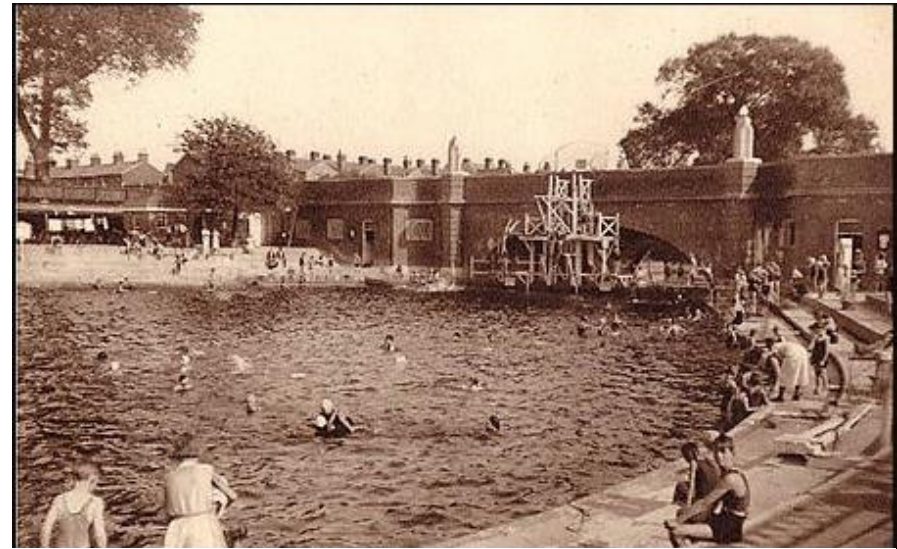


Fig. 82: The open air swimming pool (unknown date).

that comprehensively screens the Belle Vue development beyond. It is an important green and blue infrastructure which mirrors the Riverside walk in Character Area 1 at the opposite end of the Conservation area, both serving as areas of repose from the busy environment of North Station Road. In the case of the former Lido, this contribution is somewhat undermined by the highways works that have disrupted its connectivity with the surrounding areas.

4.6.3_ Designations and notable buildings

Besides the non-descript changing rooms, the only built structure within the character area is the Colne Bank Bridge. The bridge is constructed of reinforced concrete and according to the Victoria County Record, it is believed to be the first two-hinged arch bridge in the country. A hinged arch bridge has hinges incorporated into its structure to allow movement. Contrary to the fixed arch bridge which lacks such hinges and stresses caused by change of temperature or shrinkage of concrete have to be taken up by the arch, a two-hinged arch has a hinge at the base of each arch (the springing point), to prevent structural stresses from being transferred to the bridge abutments. The bridge also has Art Deco inspired lamp post bases, although the lamps do not survive. A commemorative plaque on the north side marks its opening in 29th June 1933.

4.6.4_Character Area Analysis

The Character Area comprises the site of the former Open Air Swimming Pool that is bound by the graveyard of St Paul's Church to the east, the A134 to the north and west and Colne Bank Avenue

to the south. The site can be accessed via a number of footpaths and via a flight of steps to the west of the bridge. A pedestrian underpass under the A134 links the site to the Cymbeline Meadows to the west.

The area of the open area swimming pool has become a tranquil natural habitat amidst a very busy environment blighted by highways engineering and heavy traffic (Fig.83). However, this infrastructure affects its connectivity to the surrounding areas; without an anchor communal or leisure activity, the site's potential to serve as key green space within the study area is undermined by the weak link to the main body of the Conservation Area and the rest of Colchester. Colne Bank Avenue and Station Way are not pedestrian friendly environments. Although they benefit from wide pavements and various access points to the site, the public realm is unattractive and does not encourage visitors to venture west of the Albert Roundabout and discover the site of the former Lido.



Fig. 83: The site of the former Open Air Swimming Pool.

4.6.5_ Traffic, movement and public realm

The site is bound by the north by-pass (Colne Bank Avenue) and the inner relief road A134 (Station Way) and as such, the traffic is particularly heavy. The volume of pedestrian traffic is moderate and oriented mainly towards the residential streets either side of the Colne Bank Avenue. The quality of the public realm is poor. The

wide tarmac pavements with concrete kerbs are in a varying state of condition and lack planting, street furniture or lighting that could mitigate the impact of the heavy traffic. The galvanised barriers to the east of the bridge are not sympathetic additions and add to the dominance of motorised traffic.

4.6.6_Open Spaces

The former lido set within an elbow of the river Colne sits a lower level from the adjacent Station Way and the canopies of maturing trees engender the whole with a dell-like quality providing a link with the Cymbeline Meadows to the west. The levels help to reduce intrusion from traffic on Station Way/Colne Bank Avenue.

4.6.7_Strengths, Issues and Opportunities

Strengths

- The naturalised former Lido basin with associated trees;

Issues

- The busy major roads that bisect the conservation area and act as a barrier to pedestrian desire lines.

Opportunities

- Explore the feasibility of refurbishing original lighting columns on the bridge and adding appropriate light fittings to restore the original art deco character.
- Explore the feasibility on improving surveillance around the former swimming pool to enhance a sense of safety for users and actively manage and promote biodiversity.

- Work with the local highway authority to encourage the softening of the visual impact of the recently installed galvanised safety panels which have improved highway safety but have introduced a harsh 'fortress like' visual element into the street scene

Significance and Assessment of Condition

5.1. Buildings of Merit

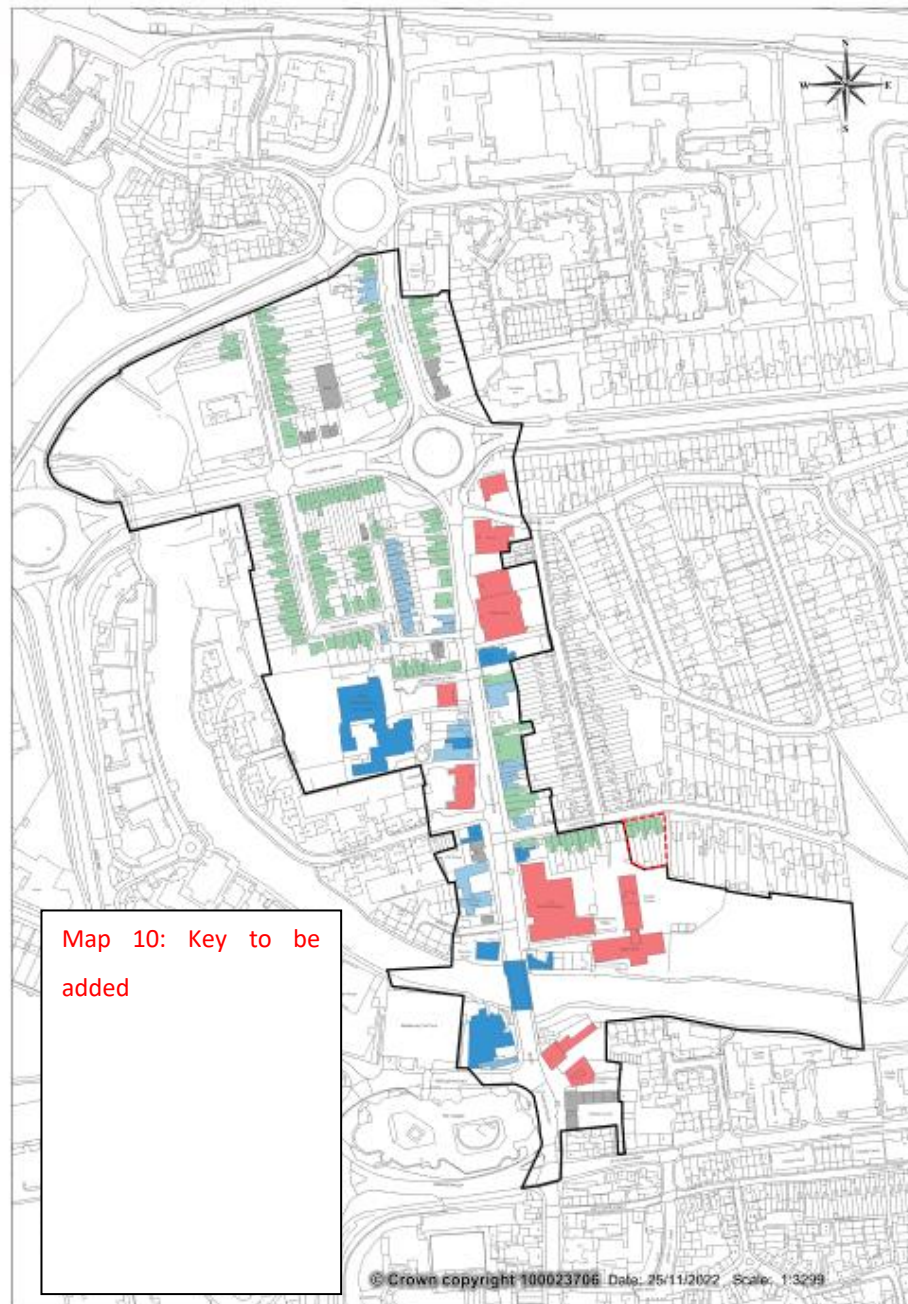
The Character Analysis identified three main groups of buildings that contribute positively to the character and quality of the Conservation Area:

a. Listed and Locally listed buildings: buildings which whose national or local heritage significance is recognised through their designation or their inclusion in Colchester's List and make by definition a positive contribution

b. Buildings of Townscape Merit: buildings that have group value with the adjacent properties, either as parts of a designed group or by virtue of stylistic similarities. Individually, the appearance of these building may have been eroded by unsympathetic changes but as a group, they make a positive contribution to the townscape character and illustrate the development of the Conservation Area. Moreover, in most cases, these changes are reversible and have not altered the intrinsic architectural character.

c. Individual Buildings of Merit: buildings that make a positive contribution as stand-alone examples or stand out within a group of stylistically similar buildings by virtue of more elaborate design, better details, materials and execution. Besides their architectural

and aesthetic merit, other attributes may ascribe additional interest to these buildings, such as historic, townscape and or communal significance. The Selection Criteria of Colchester's Local List are a useful tool for their identification; buildings that meet these criteria will be considered for inclusion on the List.



5.4. Buildings that Detract

The study identified buildings in the Conservation Area that detract from its character and appearance. These detractors are identified on Map 10 on the previous page and are listed at the end of the report in Appendix III. The redevelopment of these buildings will be encouraged to enhance the special character of the area.

The determining factors for their selection are:

- **Design:** poor design includes inappropriate scale and form that clashes with the prevalent scale and architectural language in the area, generic style that does not represent an original architectural expression, poor quality materials and/or detailing.
- **Location:** detractors can be situated on prominent locations that exacerbate their adverse impact on their surrounding or poorly positioned in locations where they clash very notably with adjacent buildings, affect the impact of a listed building or intrude in important views.
- **Age:** the identified detractors date from the later 20th century. Their age does not warrant this assessment by default as there are examples of contemporary buildings, mostly in residential use, that have integrated better into the area. However, the lack of any

historic, associational or communal interest signifies that their negative impact on the townscape is not mitigated by any positive contribution in other respects that could justify their retention.

5.5. Buildings at Risk

The survey that was carried out for the purposes of this study did not identify any buildings at immediate risk. However, there are buildings which demonstrate signs of neglect that detracts from their appearance and contribution to the street scene. Moreover, a number of vacant or underused buildings and properties show signs of deterioration. Although their vacancy does not pose a threat to their condition per se, it could become an issue, if prolonged. Many buildings have inappropriate interventions such as cement render, poorly maintained timber windows, fascias and the substitution of traditional materials such as cast iron rainwater goods and timber windows by poorly detailed plastic alternatives. Slate and clay tiled roofing is often poorly maintained and redundant chimney stacks removed. The lack of routine maintenance and ill-considered, but well intended, alterations cumulatively rob the area of its traditional detailing and hasten the decline of historic character.

5.6. Erosion of Character

Three principal types of threats were identified to the character of the Conservation Area:

- a. Unsympathetic alterations to individual premises that have an adverse cumulative impact on the quality of the area;
- b. Poor quality specification and poor condition of the public realm;
- c. Incompatible uses and vacant sites.

a. Unsympathetic alterations to individual sites that have cumulative impact on the quality of the area.

The main categories of alterations comprise:

- Loss of timber windows, doors and/or decorative barge boards where these exist.
- Removal of chimney stacks and pots.
- Removal of existing boundary walls and/ or railings.
- Erection of inappropriate boundary walls or fences.
- Parking in front gardens
- Addition of porches.
- Painting of original brickwork.

- Use of non-matching bricks (colour and texture), bond and mortar in wall repairs.
- Poorly executed repointing with ribbon/struck cement jointing buttered over the brick face
- Removal of decorative terracotta tiles.
- Removal of clay plain tiles or real slates.
- Use of concrete roofing materials.
- Installation of Solar PV panels on street facing roofs.
- Installation of microwave antennas and satellite dishes.
- Poorly designed extensions erected under permitted development.

b. Poor quality specification and poor condition of the public realm;

- Removal of traditional shopfronts and inappropriately designed replacements.
- Excessive shop signage and internally illuminated box signs and projecting signs.
- Non-traditional shop blinds/canopies [e.g., 'Dutch balloon blinds'].

- Unauthorised illuminated commercial signage.
- Installation of uncoordinated street furniture.
- Use of road markings other than conservation type (especially yellow lines and bus stops).
- Excessive road signage.
- Enclosed parking and servicing areas on the street frontage.

c. Incompatible uses and vacant sites.

- Garages at Middleborough and the near the junction with Severalls Lane.
- Vacant site on the junction of North Station Road and Morten Road.
- Vacant former office buildings.

5.7. Public Realm

The quality of the public realm has been identified as a key issue for the Conservation Area that detracts from its character and quality. There are two key areas of concern:

- the overall condition of the public realm, including the maintenance regime, the quality of materials and condition of ground surfaces, the quantity and quality of street furniture and equipment (including the condition of historic features) and the amount and condition of street tree planting and lighting [figures with examples].
- areas of specific concern, mainly on busy junctions which suffer from abundant street clutter. The most problematic areas are Middleborough and the Albert Roundabout.

These issues cannot be addressed with localised interventions and short-term solutions. Isolated actions and initiatives can exacerbate the situation by generating new issues rather than resolve the existing (e.g., by impeding access, creating visual clutter in congested areas etc). A typical example of such piecemeal attempts

at improvement includes localised planting, patch pavement repairs and the addition of street art.

Historic England has produced guidance titled “Streets for All” (2018), supplemented by “Street for all” regional documents, that provide practical advice for planning and implementing highways and other public realm works in sensitive historic locations with the aim of securing public realm improvements without compromising their valued character. The document provides specific recommendations for works to surfaces, street furniture, new equipment, traffic management infrastructure and environmental improvements. This advice is very relevant and useful for the Conservation area that would benefit from a holistic approach to the treatment and management of the public realm.

5.8. Shopfronts and Signage

Where the commercial uses in the area are a key aspect of their character, the quality of the street scene depends largely on the quality and condition of the shopfronts and associated signage. This is the case of the southern section of North Station Road where the majority of the commercial uses within the Conservation Area cluster.

Although some examples of good traditional shopfronts have been identified in the study area, including no 33 and 63-65 (east side) and 34 and 38 (west side), the majority are of inferior quality with oversized fascias and garish internally illuminated signage. Their design is utilitarian, lacking modelling and decorative details, and relates poorly to the age and appearance of the parent buildings. Fascia signs are often oversized and overwhelm the modest elevations that accommodate them. The use of unsympathetic materials (plastic, aluminium), intense colours, internal illumination of box signage and lettering style exacerbate the poor impression.

Part Two: Management Proposals

2.1. Introduction

2.1.1. The need for Policy Guidance

The Character Appraisal identified a set of challenges and pressures that threaten the special interest of the Conservation Area. the area has a fragile character that deserves to be carefully managed to secure enhancements to reinforce the special qualities that justified designation as a conservation area.

The identification of Character Areas in Section 4 above and the specific challenges that exist in each (4.2.7, 4.3.6, 4.4.7, 4.5.7 and 4.6.7) together with sections 5.6 Erosion of Character, 5.7 Public Realm and 5.8 Shopfronts and Signage have identified a series of vulnerabilities and threats that need to be addressed through the development process and, resources permitting, proactive interventions to promote positive change.

2.1.2 Legislative background

The designation and appraisal of any Conservation Area is not an end in itself. The purpose of Part Two is to present proposals to achieve the preservation and enhancement of the Conservation

area's special character and to consult the local community about these proposals. The special qualities of the area have been identified as part of the appraisal process in Part One of this document and both will be subject to monitoring and reviews on a regular basis. This guidance draws upon the themes identified in the negative features and issues section of this document.

The document satisfies the statutory requirement of Section 71(1) of the Planning (listed Buildings & Conservation Areas) Act 1990. Namely: "It shall be the duty of the local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation are- as."

The document also reflects national policy as described in the National Planning Policy Framework (NPPF).

It is recognised that within the conservation area there is likely to be demand for new development including infill and replacement buildings. It is therefore important that the Development Management process ensures the preservation of special character

and that opportunities are taken to identify and implement enhancements.

The designation process has several associated statutory provisions aimed at assisting the ‘preservation and enhancement’ of the area. Demolition of an unlisted building in a conservation area generally requires planning permission. Permitted Development rights are also reduced for extensions and alterations and there are greater restrictions on advertisements/ Prior notice is required for works to trees.

MP1: The Council will ensure that new development within the conservation area preserves and enhances the character and appearance of the area. Development that fails to achieve this will be refused in conformity with Policy DM16 of the Adopted CB Local Plan 2017-2033.

2.2. Protecting the historic environment

2.2.1. Buildings of Townscape Merit

The Townscape Appraisal Map identifies properties (non-listed) as ‘Buildings of Townscape Merit’ which, it is considered, make a positive contribution to the character and appearance of the conservation area, and these are marked on the Townscape Appraisal Map. These properties are now considered to fall within the policy ambit of DM16 of the CBLP 2017-2033.

Any application for the demolition of Buildings of Townscape Merit will require exceptional justification need to be accompanied by a reasoned justification statement explaining why the building cannot be retained and adapted for re-use. The provisions of the NPPF and relevant local plan policies should be addressed.

The Council will expect an applicant seeking the demolition of a ‘Building of Townscape Merit’ to demonstrate that:

- The building is beyond economic repair;
- The building has been offered on the open market at a realistic price reflective of its condition;
- If vacant, that alternative uses have been sought

Furthermore, the Council will expect all applications for extensions and alterations to Buildings of Townscape Merit to be particularly carefully considered and only well detailed schemes, using the appropriate traditional materials, will be approved.

MP3: Buildings identified as having local interest will be further assessed for statutory listing once a detailed inspection has been undertaken. In the event that they are not listable then an Article 4 Direction removing all domestic PD rights will be considered.

MP2: The Council will seek to ensure that all Buildings of Townscape Merit are protected from inappropriate forms of development or unjustified demolition. Furthermore, there must be satisfactory proposals for the re- development of any site before consent will be granted for demolition.

2.2.2. Erosion of character and the need for additional planning controls

The Character Appraisal has identified the following alterations that pose a threat to the special character of the area:

- Loss of timber windows, doors and/or decorative barge boards where these exist.
- Removal of chimney stacks and pots.
- Removal of existing boundary walls and/ or railings.
- Erection of inappropriate boundary walls or fences.
- Parking in front gardens
- Addition of porches.
- Painting of original brickwork.
- Use of non-matching bricks (colour and texture), bond and mortar in wall repairs.
- Poorly executed repointing with ribbon/struck cement jointing buttered over the brick face
- Removal of decorative terracotta tiles.
- Removal of clay plain tiles or real slates.
- Use of concrete roofing materials.
- Installation of Solar PV panels on street facing roofs.

- Installation of microwave antennas and satellite dishes.
- Removal of traditional shopfronts and inappropriately designed replacements.
- Excessive shop signage and internally illuminated box signs and projecting signs.
- Non-traditional shop blinds/canopies [e.g., 'Dutch balloon blinds'].
- Unauthorised illuminated commercial signage.
- Installation of uncoordinated street furniture.
- Use of road markings other than conservation type (especially yellow lines and bus stops).
- Excessive road signage.
- Enclosed parking and servicing areas on the street frontage.
- Poorly designed extensions erected under permitted development

2.2.3. The case for an Article 4 Direction

Dwellings

The erosion of the character of domestic buildings through cumulative change is a particular concern and can be brought

under greater control through the use of an article 4 direction to remove permitted development rights. This requires the submission of a planning application for works that could otherwise proceed. It is proposed that all single family dwellinghouses (not flats which do not benefit from these rights) are consulted on a potential direction to remove the following classes of permitted development (Schedule of Addresses included in Appendix III):

Schedule 2, GPDO (2015 as amended)

Part 1 Development within the curtilage of a dwellinghouse

Class A: Enlargement, improvement or other alteration of a dwellinghouse

Class B: Alterations etc. to the roof of a dwellinghouse

Class C: Other alterations to the roof of a dwellinghouse

Class D: Porches

Class G: Chimneys, flues etc. on a dwellinghouse

Part 2 Minor operations:

Class A Gates, fences, walls etc.

Class B Means of Access to a highway

Class C Exterior painting of previously unpainted surfaces

MP4: The Council will seek to control permitted development to ensure that the special qualities of the conservation area are not eroded by cumulative changes to both homes and commercial premises. The council will consult the community on the draft Article 4 Directions and make informed recommendations for action based on the consultation responses received.

MP5: The Council will ensure that unauthorised development is subject to timely and effective enforcement action, to ensure that the special qualities and character of the conservation area are pre- served. Untidy sites may be the subject of the service of S215 Notice/s by the Council.

Commercial premises

The principal street frontage at the southern end of North Station Road remains characterised by commercial uses that line the street and provide vital services to the local community and beyond. The loss of these services and further fragmentation of the commercial

frontages through the operation of permitted changes of use from use class E (includes offices, retail, hot food and drink, professional services but excludes public houses and takeaways) to residential would harm the vitality and viability of the area through the loss critical mass and active frontage. It is consequently proposed that an Article 4 Direction is imposed following public consultation to remove the permitted change of use under Class MA commercial, business and services uses to dwellinghouses of Part 3 Schedule 2 from relevant commercial premises fronting North Station Road (Schedule of Addresses included in Appendix III).

2.2.4. Trees

Within conservation areas, six weeks written notice must be given to the Council before starting work of lopping or felling a tree greater than 100mm, in diameter at 1.5 metres above the ground .P provides the Council with an opportunity of assessing the tree to see if it makes a positive contribution to the character or appearance of the conservation area., in which case a Tree preservation Order [TPO] may be served. Whilst this appraisal identifies a number of significant trees which should be retained and further detailed Arboricultural survey is required to make a

proper assessment of the public amenity value of the many trees within the Conservation Area.

The loss of street trees from the area and erosion of its former leafy quality has served to erode the environmental quality of the area significantly and the council will seek opportunities to reverse this decline in concert with the highway authority.

MP7: The Council will consider the use of TPO's in appropriate circumstances where a tree has significant amenity value and is under threat. This will include trees both within and outside the conservation area or views identified in this appraisal. In addition, the reinstatement of street trees to recreate a boulevard character will be encouraged.

2.2.5. Setting and Views

The setting of the Conservation Area is very important and any development that would have an adverse impact upon the immediate setting and long distance views, into and from the

Conservation Area, will be resisted. The important views are identified on the Views Analysis Map of Section 3.5.1, although the list is not exhaustive and other, equally significant views can be identified elsewhere. The Council will ensure that all development serves to respect and where possible, enhance these important views.

MP8: The Council will ensure that all development respects the important views within, into and from the conservation area as identified in the appraisal. The Council will ensure that these remain protected from inappropriate forms of development. Regard will be given to the Colchester LCA [2005] when determining planning applications.

2.2.6. Shopfronts and signage

The Council will encourage the retention of traditional shopfronts as these contribute positively to the special qualities of the area and furthermore on the basis that this complies with the Council's Adopted Shopfront Guidance SPD.

Traders will be encouraged to replace unsympathetic shopfronts and to comply with the Adopted Shopfront Guidance SPD when considering replacement.

MP9: The Council will robustly apply its Shopfront Guidance SPD when considering the merits of any proposal to replace a shopfront within the Conservation Area. The council will seek to retain all surviving traditional shopfronts and to ensure that the detailed form and materials proposed are harmonious with the host building

The Council will encourage the use of sensitive shop signage that is subdued in nature but that is sufficient for the purpose of reasonable announcement and promotion. Internally illuminated box signs will not be supported in the Conservation Area. All fascia and projecting sign advertisement displays should be non-illuminated lettering applied to a flat non internally illuminated surface. Where illumination is required then external illumination

or halo effect illumination may be considered appropriate. Internally illuminated signage will be resisted.

MP10: Control will be exercised in respect of proposed commercial signage displays on premises to ensure that that character of the Conservation Area is preserved or enhanced. Excessive and extraneous signage will be resisted where it will harm visual amenity or result in unnecessary visual clutter or over-illumination. Traditional applied individual lettering and sign painted facias will be encouraged.

2.2.7. Enhancements

Having recognised the heritage value of the area within the defined boundaries and having analysed and demonstrated its special historical and architectural value the Council will seek to positively intervene where feasible to enhance the character of the area. It will also encourage its partners to join in that ambition.

Wherever possible the Council will seek to secure external funding for enhancement projects and initiatives that will help it to deliver

on these management proposals. It is recognised that in a time of economic restraint and austerity funding is not always as available. The Council believes that a holistic approach to improving the wellbeing of the City and the people that live, work and visit it holds out the best chance of delivering real improvements that can embrace heritage assets.

For example, much of the City Centre is an Air Quality Management Area [AQMA] but it is also a major tourist attraction. Environmental enhancements in North Station Road (a principal pedestrian corridor) should encourage greater use of public transport, increase dwell time in the proposed Conservation Area, encourage greater spend which owners can then re- invest in their buildings.

2.3. New Development in the Historic Environment

2.3.1. The design of new development

The Conservation Area Statement in part 1 above identifies the strengths, weaknesses and harm caused by insensitive development in the 20th century, through the introduction of over scaled and contextually inappropriate development. Opportunities for the removal of these developments rarely arise and for this reason it is important that new development has a positive and harmonious response to context. In particular, though the careful consideration of:

- i) Form: Frame spaces and create new views and juxtapositions which add to the variety and texture of the setting
- ii) Scale: Respect the scale of neighbouring buildings
- iii) Details: Use traditional architectural features that are commonly found in the area
- iv) Materials: Use materials and building methods which are as high quality as those used in existing buildings
- v) Spaces: Sit happily in the pattern of existing development and the routes through and around it

2.3.2. The Public realm

Highways and groundscape

Within the Character Area 'Challenges' sections and Section 5.7 Public Realm above of this appraisal it has been noted that the character of the conservation area is being harmed by piecemeal, inconsistent and inappropriate pavement repairs along with a clutter of street signs in prominent locations. As a consequence, the action plan will be supplemented here in the Management Proposals by a commitment to tackle these issues with the local highway authority and the North Essex Parking Partnership [NEPP]. The reinstatement of traditional paved footways and appropriate street furniture with street trees (see above) is highly desirable.

Street furniture

The many hot food takeaways, restaurants and convenience stores create a high demand for waste bins to provide for the easy disposal of packaging. Littering is a significant problem in the area and the provision of more frequent bin facilities is an objective along the main street corridor. The strategic importance of this

pedestrian link between the town centre and North Station necessitates the provision of seating in strategic locations and these should respond to the prevailing character of their location and provide opportunities to linger.

Street Clutter

The presence of over scaled street signs, large advert hoardings, pedestrian guard rails on the footway to prevent street crossings and fly tipping needs to be addressed to improve the environmental quality of the main street and to encourage investment in homes and businesses. These are important issues as they have a bearing on the vitality and viability of the commercial

MP13: The Council will seek to work in a coordinated and collaborative manner with other statutory agencies and internally to ensure that issues that detract from the quality of the public realm are addressed where possible to improve the environmental quality of the streetscape in order to encourage inward investment in the fabric of the Conservation Area and engender community pride.

frontages and the quality of businesses attracted to the area.

Greening the Public Realm

Historic photography evidences the loss of former Edwardian boulevard street trees that formerly graced the main throughfare. The wholesale loss of this defining feature has robbed the street of its sense of enclosure and scale. Accordingly, reinstatement of large scaled street trees such as London Planes should be encouraged as a high priority along this key gateway to the historic town. This may not always be possible due to the presence of underground services in the footway but resources permitting, every effort should be made to reinstate the lost boulevard planting.

2.3.3. The Community

People make places. Although the Council has planning powers it can exercise over development and may, when funds are available, carry out enhancement works, ultimately the quality of any place depends on all the people who affect the area. In residential areas the owners of property play a key role in affecting how the area looks. It is clear from the current appraisal that in Birch great pride is taken in the look of the place by the people who live there. Good

communication between local residents and the Council is one way of helping owners to directly input into the management of the area.

2.3.4. Opportunities for new development

The townscape analysis within the above statement has identified a series of sites hosting unsympathetic buildings or uses where redevelopment would be encouraged to reinforce the special qualities of the area. Most notably, these include the large car tyre garage premises on the eastern side of North Station Road, located immediately to the south of the Albert Roundabout. All redevelopment opportunities should seek to create an appropriate scale of development, including a robust street frontage of domestic scale and massing. The proposals should achieve compliance with relevant place making, housing and design policies in the adopted CBLP 2017-2033 including SP7, ENV1, DM9, DM10, DM12, DM15, DM16 and NC2 North Station Road Special Policy Area. Proposals should not exceed three storeys in height and should incorporate effective enclosure of the front boundary with street trees, boundary walling and planting.

APPENDIX I: Planning Controls in Conservation Areas

Planning Permission

The protection of a Conservation Area's character is mainly carried out through the development management application process, the use of good design and managed change.

Planning Permission is required for new development such as the erection of new buildings or extensions within the Conservation Area. Under Section 72(1) of the Planning (*Listed Buildings and Conservation Areas*) Act 1990, Local Planning Authorities have a duty to "pay special attention to the desirability of preserving or enhancing the character or appearance of that area" when considering these applications. The proposals will also be advertised more widely than usual with adverts placed in the local paper and a site notice placed outside the property. Their impact on the special architectural and historic character of that area will be a material consideration for decision of the application.

Planning applications in Conservation Areas should be accompanied by sufficient details to enable the impact of the proposed

development on the character of the conservation area, to be assessed. This includes details of scale, massing, design and materials of buildings and their relationship to existing buildings and the impact on their setting. Applicants are required to describe the significance of all assets affected by development, proportionate to the proposal. This should be done through Heritage Appraisals and Impact Assessments or as part of a Design and Access Statement.

Permitted Development Rights

Permitted development rights (works that can be carried out without Planning Permission) are slightly different in Conservation Areas when compared to other areas. According to the *Town and Country Planning (General Permitted Development) (England) Order 2015*, planning applications are required for some forms of development which would not need such applications outside Conservation Areas, such as some residential changes like two-storey extensions, addition of stone cladding, insertion of dormer windows etc. Further restrictions apply to properties that are non-domestic buildings, flats or listed buildings.

Article 4 Direction

Other rights can be removed by a mechanism called “Article 4 Direction”. An Article 4 Direction is specifically tailored to protect key features that contribute to the Conservation Area’s special interest. The use of the Direction is not meant to prevent the execution of the works covered by its provisions. It generates the requirement for a planning application prior to the execution of these works (which normally would not require permission) so their details can be considered in the context of an application and assessed for their potential impact on the special interest of the Conservation Area. When a Local Planning Authority decides that an Article 4 Direction should be made, then it must consult the public and take into account the views of residents and property owners prior to deciding whether to pursue the Direction.

Restrictions on outdoor advertisements

Certain categories of advertisement which have “deemed consent” under the *Town and Country Planning (Control of Advertisements) Regulations 2007* are restricted within Conservation Areas. Further clarification and advice can be obtained from the Planning Department.

Trees in Conservation Areas

Within Conservation Areas trees are given special protection. Written application for consent must be made to the Council giving six weeks prior notice of intent to top, lop, or fell a tree over 75mm (3 inches) in diameter, measured at 1.5 metres above ground. This period of six weeks must be given for the council to either approve the application or to serve a Tree Preservation Order

Control over Demolition

Unlisted buildings, in groups or individually, can often contribute towards the character of a conservation area and the loss of these buildings can be detrimental.

For this reason, planning permission is required for the substantial or total demolition of certain buildings exceeding 115 cubic metres and the demolition of a boundary wall or fence over a metre high where it fronts a highway, or two metres in height to the side or rear of the property. Exceptions apply and therefore advice should be sought from the Council prior to making an application.

APPENDIX II: Gazetteer of Listed and Locally Listed Buildings**Listed Buildings****1. Former Riverside Inn - Bridge House [no 20] & The Moorings [21]**

C17 brick house with late Georgian windows, 2 storeys and attics, cellars and tiled roofs. South front has 6-windows range of double hung sashes with glazing bars, segmental heads, pointed heads to glazing bars in upper sashes, ground floor 3-light windows, 4 oval brick panels divide the upper storey into pairs. Brick band. Upper storey Georgian oriel window east side.

2. North Bridge

Road bridge. Plaque on west side shows that it was erected in 1843 when R R Dunn, MD was mayor and a plaque on the east side commemorates the widening of the bridge by 17 feet 6 inches by Henry H Elves, JP, Mayor on 22 October 1903. Cast iron bridge on substructure of brown brick in flemish bond having 3 piers with pointed stone cutwaters. Three cambered cast iron arches with blank spandrels and cast iron balustrading above of 11 sections with arched pattern and buttresses. There are 2 dividing cast iron piers and the ends have cemented brick piers with tooled stone coping. East side has attached flight of stone steps to riverside path with ornamental footscrapers and handrail. Approaches to the bridge have cemented revetments with stone coping and cast iron railings.

3. Former Riverside Hotel (former Castle Inn)

Built in the C17, much altered in the C18, picturesque position on north bank of the river west of North Bridge. 2 storeys and attics, the roofs tiled, 2 gables on the front. 1 C18-C19 oriel bay windows on river side, one facing east.

4. Riverside Cottages

Picturesque C17 timber-framed and plastered cottages, restored. On north bank of river east of North Bridge. 2 storeys, tiled and pantiled roofs. Timber framing exposed on the front.

5. Victoria Inn

Second half C17, altered early C19 and later. 3 storeys, 2 windows, blind flank. Brick now cemented; hipped, tiled roof with sprocketed eaves and modillion cornice. Central chimney

6. No. 25 & 27 North Station Road

Shops, C15 and later. Timber framed and rendered with 2 parallel gabled pantiled roofs, at right angles to frontage. Front elevation of No 25 has 20-pane double hung sash window, on first floor over C20 shopfront. No 27 has C20 two light casement over C20 shopfront. First floor of No 27, now forms ancillary accommodation for No 25. No 27 is former, jettied, 'high-end' cross wing of C15 merchant's house.

The south flank wall had a high-end bench recess and moulded bressummer, over which survives intact and exposed to interior of 25. The flank wall over has tension bracing (infilling missing) and remnants of 2 windows, one over jetty and one to rear. The cross-wing was formerly of 3 or more bays and has been truncated at rear. No 25 is gabled timber framed structure of C17 or C18 over site of former open hall.

7. No 30 & 32 North Station Road

C18. Brick and rendered. 2 storeys, one window, canted bay below, No 32 has glazing bars, sashes above. Paired panelled doors with panelled reveals. Tiled roof rebuilt brick stack.

8. North Primary School

Circa 1900 by Goodey and Cressall. Red brick, tiled roof. Single storey. Front has 3 triangular gables; 3-light windows with round-arched centre; panels of patterned brickwork, Small octagonal tower to north with steep concave roof and lantern. Rear relatively plain. Addition to south.

9. Globe Inn

Early/mid C19. Plain, 3 storeyed building of painted brick; slated roof with eaves. 4 windows, curved corner and 3 windows to return; strip pilasters; 3 doors with coarse cornice-hoods on brackets.

Locally listed Buildings**A. 22 Middleborough**

Trotters Bar near North Bridge. Small 2-storey brick building with hipped slate roof. A 16-pane sash window on the 1st floor. c.1825-60. The shop-front may be original or at least reflect its original (c late C19) form. The building is a survivor from old Middleborough and was saved when Middleborough was redeveloped.

B. Former Railway Mission Hall

By William Willett, 1896. Stock brick with red brick dressings. Arched windows and doorway, the latter with columns. Gabled front with lettering '1896 RAILWAY MISSION'.

An interesting survival and part of Colchester's rail- way heritage. The hall was built for the Colchester Branch of the National Railway Mission; contractor, Robert Beaumont of Lexden. Plans in Essex Record Office (D/B 6 Pb3/987); see also 'The Builder', vol. 71 (29 Aug 1896), p. 178. [JB].

Date: 1896

C. No 29 North Station Road

Large gault-brick house. Good corner building. Well preserved with original windows. Date: late C19

D. 39-57 North Station Road, including:

A group of buildings with a strong street value.

Nos 41-43: Most important building of the group. Pair of brick three-storey houses with slate roof. Each with single window on each floor. Mostly double six-pane sashes with at least one wooden replacement. Frames flush with wall. A vertical band of brick at either side of the facade typical of the period 1825-50. Both ground floors retain their original form, ie no shop fronts. A rare survival of this kind of building which should be protected.

Nos 45-47: Two-storey building with peg-tile roof. Timber framed and C16; includes moulded C16 joists [RS]. Contains moulded beams. Needs investigation.

No 57: Two-storey brick house. Painted upper storey masks stucco details. Plaque: 2 initials and 1878

Nos 39-57 form a group.

E. 61-65 North Station Road

Designed by Architects Goodey & Cressall in 1924, who also designed the similar (already locally listed) 23 Drury Road in 1926. This is a single storey building designed to provide three shop units for the Colchester Co-Operative Society, for grocery, confectionary and butchery. The front façade is clad in creamy coloured faience, mimicking stone. The pilasters have art-deco enrichment, matching the original shopfront which

survives intact. The inset entrance doors with their canted flank walls give additional interest to the shopfront. The large fascia signage area is currently covered with an unsympathetic plastic sign but the surround appears to be partially present behind. It is unlikely that the original raised lettering or divisions across the fascia survive but the building is nevertheless well preserved, and its quality is worthy of recognition.

F. 28 North Station Road

Currently the Raj Palace restaurant. Two-storey rendered building with peg-tile roof. Timber-frame. Modern shop front. C17? or earlier. Needs investigation. Adjacent to listed building nos 30-32. Nos 28-38 form a group. Date: C17 or earlier.

G. 34-36 North Station Road

Two-storey building with peg-tile roof. Presumably timber-framed and C17 or earlier. Currently two properties. No 36 (on the right) has a double eight-pane sash window on the first floor. Shop front c 1900. Mock Tudor look of no 34 may reflect something of the original frame. Adjacent to listed building nos 0-32, Nos 28-38 form a group (nos 30-32 is a listed building).

H. 38 North Station Road

Two-storey two-up, two-down red-brick house. Upstairs window (double two-pane sashes) with horns. Brick lintels. Thin stucco cill. Date c 1860-70. Shop front? Edwardian.

Nos 28-38 form a group (nos 30-32 is a listed building).

I. 60-62 North Station Road

Plaque: 1883. Pair of two-storey semi-detached houses with attics lit by original dormer windows. Red brick with cavity walls. Stucco details: quoins, dentilled eaves, lintels and corbelled eaves. Bay windows. Replacement windows detract. Not original railings. Important site. Date c 1890.

J. 1-17 Morten Road

Well-preserved terrace of two-up, two-down houses. Dates AD 1889 and 1890. Yellow brick with relief-decorated brick. Double three-pane sash windows. Monogram on wall for builder A Diss. Date: 1889-90

K. 25 Morten Road

Large well-preserved brick house with original windows and doors. c

1890. Incorporates decorative relief tiles. Corner building with two houses, one in Morten Road (no 25) and the other in Orchard Road (no 2). Date: c 1890.

L. 132 North Station Road (The Norfolk)

Original pub on the left presumably enlarged with the addition of the house on the right. Good fenestration presumably dating to the enlargement. Original building with slate, hipped roof. Date probably c.1860-70 (1873-4??). Addition C20.

Formerly the Norfolk hotel.

APPENDIX III: Article 4 Direction- Schedule of Addresses (to be added)

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6 February 2023

Report of	Bethany Jones	☎ 282541
Title	Affordable Housing Supplementary Planning Document	
Wards affected	All wards affected	

1. Executive Summary

- 1.1 Local Planning Authorities are able to request affordable housing from planning applicants to meet the needs of different groups within the community in line with paragraph 62 of the National Planning Policy Framework (NPPF).
- 1.2 There are many factors which need to be considered during the planning application process as there are many scales and locations of development where different provisions are required. To ensure consistent and effective guidance, the Council prepares Supplementary Planning Documents (SPDs). An Affordable Housing SPD has been prepared due to its national and local level of importance.
- 1.3 At Local Plan Committee on 3 October 2022, Members agreed to a public consultation on the draft Affordable Housing SPD. This consultation has now been carried out, revisions made to the SPD and Committee are now asked to adopt the Affordable Housing SPD.

2. Recommended Decision

- 2.1 To adopt the Affordable Housing Supplementary Planning Document and revoke the existing SPD.

3. Reason for Recommended Decision

- 3.1 The adoption of the Affordable Housing Supplementary Planning Document will help guide the delivery of affordable housing across the City. The SPD will be used as a material consideration in the determination of planning applications within the Council's administrative area.

4. Alternative Options

- 4.1 Members could decide not to adopt the SPD. However, this would limit the Council's ability to secure diversity of housing within new development.

5. Background Information

- 5.1 Supplementary Planning Documents (SPDs) cannot set out new policy, but instead expand upon how Local Plan policies should be applied. In this case, the Affordable Housing SPD provides detail on Local Plan policies concerning requirements for this specific type of housing.
- 5.2 The National Planning Policy Framework (NPPF) outlines that the housing needs of different community groups should be addressed and reflected in planning policies including but not limited to those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers and people who rent their homes (paragraph 62).
- 5.3 The Council's Development Management team encourages all applicants to contact the team in the early stages of development proposals for preliminary (pre application) advice. Through this, the Council are able to outline what the likely contribution from the proposed development may be, in terms of affordable housing, and where relevant other specific types of housing. The Council's previously adopted SPD for Affordable Housing (2011), is outdated due to more recent evidence being produced, and a new Local Plan being adopted. As a result, it is considered necessary for the Council to outline their updated approach to such housing provisions, and this is presented in the SPD.
- 5.4 The SPD sets out the policy background, evidence base, delivery and example Section 106 agreements. A glossary and relevant local policy extracts are included as appendices.
- 5.5 The Affordable Housing SPD provides the context of when and how these specific housing types can be delivered across the Borough. This is intended to ensure that, in line with national and local policy, these specific types of housing are secured through the planning application process in order to meet the needs of the local community.
- 5.6 The Affordable Housing SPD outlines the affordable housing requirements for above policy threshold sites, detail about rural exception sites, vacant building credit and alternatives to only be considered in exceptional circumstances including off site provision and commuted sums.
- 5.7 In accordance with the Planning Regulations for a Supplementary Planning Document there has been a public consultation on the SPD. This ran for 6 weeks from 20 October until 2 December 2022 and was available on the Council's website. All statutory consultees were notified. In total 9 responses were received, and a summary of the representations received together with the officer response is set out in Appendix 1. In addition to the amendments made in relation to comments received on the draft SPD, officers have also made amendments following engagement with the Council's Housing Enabling Team regarding affordable rents being capped. The updated SPD is available in Appendix 2.
- 5.8 In accordance with the relevant regulations the Supplementary Planning Document has been assessed against the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004, or Annex II of the SEA Directive 2001/42/EC. The local planning authority has concluded that the Supplementary Planning Document is not likely to have significant environmental effects and consequently a Strategic Environmental Assessment (SEA) is not required. The criteria specified in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 has been taken into account in reaching this conclusion. As required under regulation 9(2)(b) the necessary consultation bodies (Historic England, Natural England and the Environment Agency) have been consulted and concur with this conclusion,

enabling the local planning authority to formally determine that an SEA is not required. The screening opinion will be updated as required.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking [here](#).
- 6.2 The adoption of guidance on affordable housing will not have an adverse impact on equality, diversity and human rights.

7. Strategic Plan References

- 7.1 The provision of affordable housing encompasses the Council's priority of ensuring all residents benefit from the growth of the Borough.

8. Consultation

- 8.1 The SPD has been the subject of a public consultation exercise in accordance with the requirements of the Planning Regulations. A number of comments have been received with no objections in principle raised. Where appropriate comments have been incorporated into the SPD.

9. Publicity Considerations

- 9.1 The Supplementary Planning Document has been subject to publicity as a part of the public consultation exercise; any further publicity associated with the adoption of the development brief should be seen in a positive light.

10. Financial implications

- 10.1 Adoption of clear and consistent guidance to secure specific housing contributions will help the Council to fund its delivery.

11. Health, Wellbeing and Community Safety Implications

- 11.1 Adoption of clear and consistent guidance to secure the provision of housing to meet the varied needs of residents across the Borough, will help to promote positive health and community safety benefits to our residents.

12. Health and Safety Implications

- 12.1 None.

13. Risk Management Implications

- 13.1 The Affordable Housing SPD will reduce the risk of the Council being challenged for not providing housing to meet the needs of different groups in the community as outlined in National Policy.
- 13.2 The Affordable Housing SPD will provide consistent advice to landowners, developers, officers, Councillors and members of the public.

14. Environmental and Sustainability Implications

14.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

Appendices

1 – Summary of Representations received to Autumn 2022 Consultation and Officer Comments

2– Affordable Housing SPD Final Version February 2023

Summary of representations to Draft Affordable Housing SPD Consultation, 20 October – 2 December 2022

Respondent	Chapter /Paragraph	Summary of representation	Officer response
Natural England	Introduction	Natural England has no comments to make on the Affordable Housing SPD consultation - SEA & HRA screening	Noted.
Environment Agency	Introduction	We have reviewed the SEA screening report and can confirm that we do not disagree with the conclusion reached within the report, that a SEA is not required.	Noted.
National Highways	Introduction	National Highways offers no comment.	Noted.
Anglian Water	Introduction	I can confirm that we have no comments regarding this consultation.	Noted.
Historic England	Introduction	I can confirm that while we do not have any specific comments to make at this stage, we will be interested in receiving subsequent consultations on this and related documents.	Noted.
West Bergholt Parish Council	Policy Context	Following approval at last night's full council meeting, West Bergholt Parish Council would like to inform you that it fully supports Policy DM8: Affordable Housing of the CBC Local Plan Section 2.	Noted.
Little Horkesley Parish Council	5.24 – 5.33 Rural Exception Sites	Little Horkesley Parish Council (the PC) has considered the draft SPD and puts forward the following observations; The village's settlement boundary is of a very restricted size and extent, such that developments which would deliver new housing at or above the policy threshold (or proposed policy threshold) for affordable housing provision are extremely unlikely.	An additional paragraph as proposed will be incorporated into the revised SPD.

Respondent	Chapter /Paragraph	Summary of representation	Officer response
		<p>Therefore the only realistic potential for the provision of new affordable housing within the parish is via the 'rural exception site' route.</p> <p>For rural exception sites, the NPPF and draft SPD, clause 5.24, use the standard description of the proximity to the settlement boundary as "contiguous with" or "adjacent to". In the absence of any statutory definitions, such proximity is reserved for judgement by the Planning Authority when a proposal is submitted.</p> <p>There being a demonstrable need (via a recent RCCE Housing Needs Survey) for affordable housing in the parish, the PC requests that CBC policy and the SPD enable 'rural exception site' provision via a flexible approach to the proximity of a proposed rural exception site to the settlement boundary.</p> <p>The PC supports paragraph 5.29 of the draft SPD in its confirmation that "the proposed dwellings will remain permanently available to local people on low incomes who cannot afford market housing".</p> <p>The PC also supports the statement in paragraph 5.29 of the draft SPD which notes that a Section 106 Agreement shall be entered into "to ensure they remain permanently available to local people on low incomes".</p> <p>The PC suggests that the SPD includes text to the effect that; 'should Government policy allow or enable Colchester Borough Council to act as a proponent of an</p>	

Respondent	Chapter /Paragraph	Summary of representation	Officer response
		affordable housing scheme on a rural exception site - in the manner identified in paragraph 5.29 of the draft SPD – then the same requirement for the affordable homes to be permanently available to local people on low incomes shall be applied.	
Jane Black	5.34 – 5.39 Vacant Building Credit	<p>The comment below is on paragraphs 5.34 to 5.39 headed Vacant building credit in the draft Affordable Housing SPD.</p> <p>The current government guidance in the PPG is to encourage the redevelopment of brown fields sites but is a rather blunt instrument. The costs of redevelopment/ conversion to housing must vary considerably.</p> <p>A conversion from office use to residential could be relatively cheap. The Council needs to adhere to national policy and guidance but this does change over time. With the change in retail patterns and a shift to home working more town/city centre premises may be converted to residential use and it is possible that the government will rethink its policy on vacant building credit. Would it be desirable to make the SPD more flexible by explaining the current vacant building credit allowance system but put in a clause that any credit allowance will be in accordance with government policy at the time a planning application is made? This would avoid possibly having to alter the SPD at a future date.</p>	<p>It is considered the SPD as currently worded aligns with the PPG, no further flexibility is required.</p> <p>Any updates to national policy will be considered when determining planning applications, as a material planning consideration as required.</p>
Andrew Radley	Affordable Housing Definition	I have one simple and obvious comment regarding affordable housing. (Affordable is a strange word to use by the way; when the average price of a house in the	Noted.

Respondent	Chapter /Paragraph	Summary of representation	Officer response
		<p>south-east is approximately ten times the average annual wage.)</p> <p>Local authorities must build more council-owned homes for subsidised rental to those who are unfortunate or unable to pay the extortionate rents that private landlords are able to charge.</p> <p>Margaret Thatcher (Prime Minister at the time), encouraged local authorities to sell off their housing assets at knock down prices and the promise she made, to build as many homes as required to replenish the council housing stock, could never happen due to the cost. It's time for local authorities to honour Thatcher's promise... but you have no money I guess? Hey ho!</p>	

AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT (SPD)

February 2023

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1. Introduction

What is a Supplementary Planning Document?

- 1.1 Supplementary Planning Documents (SPDs) are intended to explain or provide further detail to policies or site allocations in a Local Plan document. They can take the form of design guides, area development briefs, master plans or issue-based documents. They will be used in deciding planning applications and will help the Council defend its decisions at appeals.
- 1.2 The planning policies adopted by Colchester City Council enable the Council to ask developers to provide affordable housing on site or make a financial contribution towards it. The purpose of this SPD is to give clear guidance on the Council's expectations for the provision of affordable housing and the process for delivering this.
- 1.3 This SPD is a material consideration in the determination of planning applications.
- 1.4 The SPD does not contain any new policies but provides detailed guidance to supplement policies in the Colchester Local Plan and the revised National Planning Policy Framework (NPPF) published in July 2021.
- 1.5 The aim of this document is to help guide the delivery of affordable housing in Colchester which will help to meet the strategic vision and objectives of the Colchester Local Plan by supporting the creation of a sustainable long-term future for communities.
- 1.6 This SPD will replace the Colchester Borough Council Affordable Housing SPD, August 2011.

Sustainability Appraisal

- 1.7 A Sustainability Appraisal (SA) Report has been prepared for the Local Plan which appraises the policies this supplementary guidance relates to. This can be viewed [online](#).
- 1.8 An SEA Screening Opinion and Habitats Regulations Screening has been undertaken for this SPD. These opinions can also be viewed online.

2. Affordable Housing Definition

2.1 Affordable Housing is defined in the NPPF 2021 as the following:

“Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government’s rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household’s eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

2.2 The terms 'affordability' and 'affordable housing' have different meanings. 'Affordability' is a measure of whether housing may be afforded by certain groups of household, with reference to local incomes and house prices. 'Affordable housing' refers to particular products outside the main housing market.

3. Policy Context

National Policy

- 3.1 The NPPF 2021 provides the national policy context for the provision of housing, this is further supported by Planning Practice Guidance (PPG). The relevant sections of the PPG include those that relate to First Homes, Housing Needs of Different Groups and Planning Obligations. The PPG is an on-line resource and is updated as required.
- 3.2 Chapter 5 of the NPPF '*delivering a sufficient supply of homes*' outlines the government objective of boosting the supply of homes, this includes ensuring the needs of groups with specific housing requirements are addressed.
- 3.3 Paragraph 62 states that *"the size, type and tenure of housing needed for different groups in the community should be addressed and reflected in planning policies (including but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)."*
- 3.4 Paragraph 63 outlines that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required (as outlined by the definitions shown in Annex 2 of the NPPF and replicated in Chapter 2 of this SPD) and expect it to be met on site unless:
- Off-site provision or appropriate financial contribution in lieu can be robustly justified; and
 - The agreed approach contributes to the objective of creating mixed and balanced communities.
- 3.5 The provision of affordable housing can only be sought for major developments, unless in designated rural areas (planning policies can provide a threshold). Where vacant buildings are being reused or redeveloped, affordable housing contributions should be proportionate (paragraph 64 of NPPF). Footnote 30 clarifies that this contribution should be equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.
- 3.6 Paragraph 65 states that major development involving the provision of housing, should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing requirement in the area or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should be made where the development proposes:
- Solely Build to Rent homes;
 - Specialist accommodation for groups of people with specific needs;

- Developed by people who wish to build/commission their own homes; or
- Exclusively for affordable housing, an entry level exception site or a rural exception site.

3.7 Paragraph 78 also advises that a Rural Exceptions Site policy may be appropriate to provide for the local housing needs of rural communities.

First Homes

3.8 The Government introduced a new initiative known as First Homes via a Written Ministerial Statement and updates to the PPG with affect from 28 June 2021.

3.9 First Homes are a specific type of discounted market sale housing. The national standards for a First Home are that:

- a) It must be discounted by a minimum of 30% against the market value;
- b) After the discount has been applied, the first sale must be no higher than £250,000 (or £420,000 in Greater London); and
- c) The home is sold to a person who meets the First Home eligibility criteria.

3.10 First Homes are considered to meet the definition of 'affordable housing' for planning purposes and will form part of developer contributions to meet the local planning authority's affordable housing policy requirement.

3.11 Transitional arrangements are in place which mean that the First Home policy requirements would not apply to Local Plans and Neighbourhood Plans if submitted for examination before 28 June 2021.

3.12 As the Colchester Local Plan was submitted for examination during the transitional period in October 2017, it was not required to reflect the First Homes policy.

3.13 As set out in the Written Ministerial Statement (and PPG Paragraph: 019, Reference ID: 70-019-20210524), where Local and Neighbourhood Plans are adopted under the transitional arrangements, the First Homes requirements will not need to be applied when considering planning applications in the Plan area until the First Home requirements are introduced through a Local Plan update or review.

3.14 As the Colchester Local Plan was examined under the transitional arrangements for Local Plans, the transitional arrangements for decision making will also apply. Therefore, planning applications in Colchester, will not be required to include First Homes until such time as the Local Plan is updated. This will also apply for entry level exception sites.

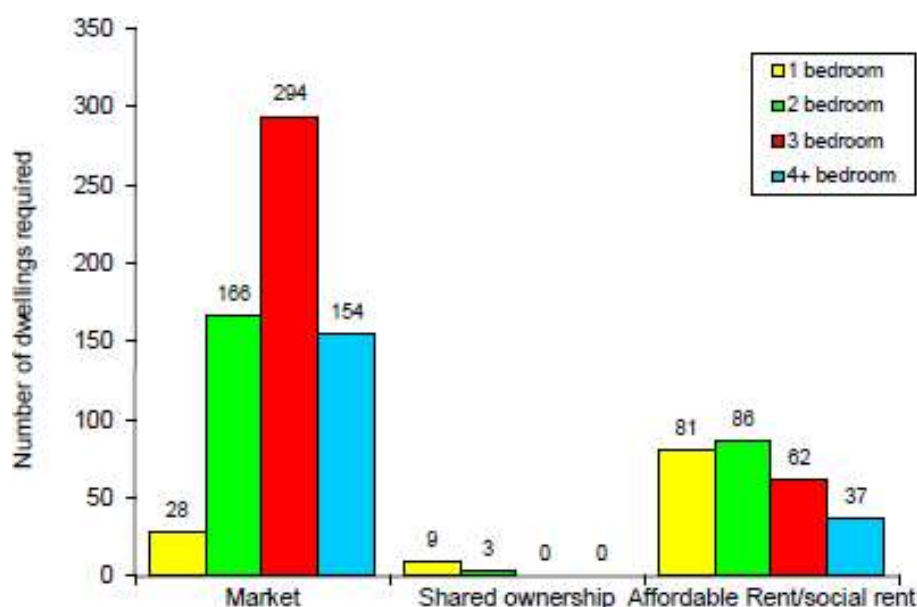
Colchester Local Plan

- 3.15 Colchester City Council has a unique situation with regard to plan making. The Council worked in collaboration with Braintree and Tendring District Councils on strategic cross boundary issues for North Essex. This resulted in a strategic Section 1 of the Local Plan which is shared by all three Local Planning Authorities. The Section 1 Local Plan was adopted on 2 February 2001.
- 3.16 Section 2 of each authorities Local Plan includes individual policies and allocations specific to each authority. The Colchester Local Plan Section 2 was adopted on 4 July 2022.
- 3.17 The Colchester Local Plan Section 2 informs development across the Council's administrative area for the period 2017 to 2033 and includes new housing allocations to meet the predicted growth of the City over that period.
- 3.18 Policy DM8 – Affordable Housing, provides guidance on the local requirement for affordable housing, including a 30% affordable housing provision on sites of 10 or more dwellings (major development) in urban areas and above 5 units in designated rural areas. This reflects the updated Strategic Housing Market Assessment and evidence on the overall quantum of housing requirements contained in the Objectively Assessed Housing Need Study. The Policy was also informed by viability work. Further detail is contained in Chapter 4 below.
- 3.19 A Full extract of Policy DM8 can be found in Appendix B.

4. Evidence Base

- 4.1 In 2015 the Braintree, Chelmsford, Colchester and Tendring Housing Market Area updated the report for both the [Objectively Assessed Housing Needs Study \(OAN\)](#) (Peter Brett Associates, July 2015) and [Strategic Housing Market Assessment Update \(SHMA\)](#) (HDH Planning and Development Ltd., December 2015). The OAN Study was further [updated](#) in November 2016 (Peter Brett Associates) to review the findings of the original report in light of new evidence and produce a revised housing needs assessment for the same period 2013-2037. This ensures compliance with paragraph 47 and 50 of the NPPF 2012. It should be noted that as the Local Plan was submitted before 24th January 2019, the standard methodology was not used within these reports.
- 4.2 The SHMA forms the main Evidence Base for the Council's assessment of affordable housing provision. The SHMA identified an overall level of need of 278 affordable dwellings (266 rent and 12 shared ownership) per year between 2013 and 2037 (based on an OAN housing need figure of 920 dwellings per annum). See Figure 1 below. The SHMA also outlines that an additional 94 sheltered and extra care housing units should be provided annually within the identified OAN. However, the total is dependent on future patterns of demand amongst potential residents of this accommodation increasing notably beyond current levels.

Figure 1: Annual requirement for all new housing in Colchester (SHMA Update, 2015).



- 4.3 The SHMA concludes that a figure of 30-35% affordable housing provision would be appropriate.
- 4.4 To support the Local Plan, a [Viability Assessment](#) by Hyas (April 2017) and [Economic Viability Study](#) for Colchester by The Three Dragons and Troy Planning +

Design (June 2017) were prepared. Both reports demonstrate that the Local Plan Policies in relation to affordable housing provision requiring 30% for new dwellings of more than 10 units and the Garden Communities are financially viable and achievable.

- 4.5 The Economic Viability Study for Colchester also found that a requirement of 30% affordable housing for sites of 6 to 10 units in designated rural areas is achievable.
- 4.6 The study modelled affordable housing at 30% and 35% in line with the recommendations from the SHMA. A value lower than this was not assessed due to initial findings demonstrating this was not necessary. The affordable units were split 80/20 between rented and shared ownership tenure as this best reflects the requirements of the registered providers to develop affordable housing schemes that meet their financial criteria whilst addressing the high need for affordable rented tenure identified in the SHMA.
- 4.7 The [Housing White Paper](#) (February 2017) suggested that all sites over 10 dwellings may have to meet a requirement for 10% of units to be affordable home ownership. This requirement was included in the 2019 NPPF, as paragraph 64 states that where major development includes the provision of housing, at least 10% of the homes should be available for affordable home ownership (as part of the overall affordable housing contribution from the site). At the time of the Economic Viability Study, this was not reflected in national policy, however the requirement was considered in the assessment as a result of the Housing White Paper. Viability of the schemes assessed in the study would not be affected for sites over 10 dwellings providing 10% affordable home ownership. For smaller sites the proportion of intermediate units may need to be increased, but this will not have an adverse impact.
- 4.8 The SHMA indicated a shortfall for all accommodation sizes with the greatest net need varying upon tenure type. For market housing, the greatest need is for three-bedroom properties, for affordable rent/social rent the greatest need is for two-bedroom properties and for shared ownership its one-bedroom properties. The Council consider this overall need is best met if the affordable housing provision is informed by the latest assessment of local market conditions, the overall housing mix of the scheme, housing need and shortages relative to supply in determining the optimum affordable housing mix.

5. Delivery of Affordable Housing

- 5.1 The Council will expect the provision of affordable housing for sites above the policy thresholds to be provided on the proposed development site. The Council also expects that affordable housing should be provided without any form of public subsidy.
- 5.2 Affordable housing will be expected to be delivered on new build sites and when buildings are converted to a residential use or where a change of use is made from any residential use with shared facilities (such as bed-sit accommodation, or a care home) to independent residential units with separate facilities. Units may also be created when a private dwelling is converted into flats. The policy will apply in these circumstances to any net increase where the resulting number of units is above the threshold.
- 5.3 Negotiation with the applicant will be undertaken to confirm the final mix of affordable housing types/tenure. In schemes over 15 units, affordable housing should be provided in more than one single parcel. The affordable housing mix on any site should normally be “pepper potted” throughout the scheme in groups, the size and location of which should be discussed and agreed with the Council.
- 5.4 The affordable housing provision should proportionally reflect the dwellings provided on the overall scheme, however this should be informed by the latest assessment of local market conditions, housing need and shortages to determine the most appropriate mix.
- 5.5 Proposals that, in the opinion of the Council seek to under-develop or split sites into smaller land parcels in order to avoid providing affordable housing on site will be refused planning permission unless a proportionate number of affordable units are provided.
- 5.6 The Council has an ongoing need for affordable housing for wheelchair users. In accordance with Policy DM12; 95% of affordable housing should meet a minimum of Building Regulations Part M4 Category 2 and 5% of affordable homes should meet Part M4 3 (2) (b) or Part M4 3 (2) (a) as agreed with the Council in accordance with identified need. Further information regarding specialist residential accommodation, will be provided in the Self and Custom Build and Specialist Housing SPD.

Calculating Number of Affordable Units

- 5.7 Allocations within the Local Plan are expected to comply with Policy DM8 which requires 30% affordable housing for developments of 10 or more dwellings.
- 5.8 The number of dwellings to be provided as affordable housing in any one instance will be calculated by rounding up to the nearest whole number.
- 5.9 The affordable housing mix should be no less than 80% affordable rent or social rent and no more than 20% as other affordable tenures including shared ownership and other routes to home ownership. Regard will also be had to the requirements of

paragraph 65 of the NPPF and the Colchester affordable housing need.

5.10 The affordable housing provision applies to the total number of dwellings across the development; it does not only apply to the part of the development above the relevant threshold.

5.11 Examples of calculating the number of affordable houses is outlined in Table 1 below.

Table 1 – Affordable Housing Calculation Examples

AF Requirement	Total Units	Calculation	Affordable Units Required
30%	6	$6 \times 30/100 = 1.8$	2
30%	30	$30 \times 30/100 = 9$	9

Off Site Affordable Housing and Commuted Sums

5.12 In exceptional circumstances the Council may accept that on-site provision is not appropriate, for example where there is a proposal that includes a significant proportion of studio-flats or bed-sits, which do not meet affordable housing needs.

5.13 In these circumstances, the provision of affordable units elsewhere will only be acceptable where each of the following are met:

- An alternative site or sites have been identified which would enable affordable housing provision that matches what would have been provided on the original site and is appropriate to the identified local housing needs to be met;
- The alternative site(s) can deliver the off-site provision in an appropriate timescale and in an appropriate locality elsewhere within the administrative area of the City;
- The off-site affordable housing provision is deliverable prior to the on-site market development being completed;
- The number of affordable units will reflect the benefit the applicant gains through using 100% of the site for market housing compared with on-site affordable housing is provided; and
- The off-site provision will be in addition to the affordable housing that would normally have been required for the alternative site.

5.14 In circumstances where the Council accepts that the provision of affordable housing cannot be provided on site and an alternative site is not available or acceptable to the Council, the applicant will be required to pay a commuted sum (financial contribution) to the Council to be spent to provide affordable housing elsewhere in the Council's administrative area.

5.15 The level of payment in the form of a commuted sum will be based on the difference between the open market value for a similar size and type of property in the same area; and the transfer price paid by the registered provider. This is established on a case by case basis. When calculating the appropriate commuted sum, the mix, ratio

and type of dwellings will also be taken into account as if the units were to be provided on site to ensure that this as far as possible accurately replicates the cost of provision on site. See Table 2 below for example calculation.

Table 2 – Commuted Sums Example Calculation

Dwelling Type	Open Market Value	Transfer Price	Commuted Sum
Three Bedroom House	£370,000	£233,000	£233,000

Affordable Rents

- 5.16 The Economic Viability Study, which supports the Colchester Local Plan uses the Local Housing Allowance (LHA) rates within the assessment for various affordable rent properties. The LHA is set by the Valuation Office Agency, this can be found online via the Government [website](#) for each local authority and property type. Affordable Rents should therefore be capped at the LHA rate. This would apply to all affordable rent properties across the Council's administrative area.

Viability

- 5.17 Developers should factor prospective planning obligations and contributions as well as other predictable development costs into land price negotiations. The provision of affordable housing will have an impact on the value of land for residential development, but this in isolation will not generally result in the development being uneconomic when compared to existing use value.
- 5.18 Paragraph 2 of the viability section of the Planning Practice Guidance (PPG) outlines that *“policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage”*. As such, the Council does not expect viability to be an issue at the decision-making stage for allocations within the Local Plan, as sites are expected to have been proven deliverable through plan making. Further viability assessments should therefore not be necessary to support a planning application.
- 5.19 Where there are concerns about viability, applicants are encouraged to consult with the Council at an early stage, to consider how any such constraints and barriers to delivery can be reduced.
- 5.20 A viability assessment evidencing the identified level of housing need, financial viability or deliverability, will be expected as part of any residential planning application where a policy compliant level of affordable housing is not included. In accordance with paragraph 58 of the NPPF, all viability assessments will be made publicly available via the planning portal as part of the documents submitted in support of a planning application. The assessment will be scrutinised by the

Council's approved viability assessor, at a cost to be borne by the applicant, and form part of the decision-making process in accordance with national planning policy and guidance.

- 5.21 Where it is demonstrated that the scale of affordable housing provision and other policy burdens would result in the proposed development not being financially viable, the Council may consider a lower contribution, in exceptional circumstances only.

Exceptions to Affordable Housing Policy

- 5.22 Certain forms of residential accommodation will not be subject to the provision of affordable housing or a financial contribution towards it. These will include care homes, hostels, student housing, residential schools and colleges (where the accommodation is directly linked to educational facilities on site) and military housing, provided that the proposed accommodation does not fall within use class C3 and, that a planning condition is to be imposed limiting the accommodation to these specific users. The provision of any of these forms of residential accommodation will not count towards the overall provision of affordable housing within the Council's administrative area. Any self-contained use class C3 units (dwelling houses) provided as part of these proposals will be expected to comply with the affordable housing requirements.
- 5.23 Replacement single dwellings will not need to make provision, unless additional dwelling units above the thresholds are being created. Where additional units are being created, then the affordable housing calculation will be applied across the whole site to the net increase in dwelling numbers where policy compliant.
- 5.24 Extensions to existing dwellings will not need to make a contribution; unless separate units of accommodation with their own facilities, above the thresholds, are being created and this is not for use by a dependent relative of the occupants of the main dwelling.

Rural Exception Sites

- 5.25 Policy DM8 supports affordable housing development on rural exception sites. However, these must be sites that are contiguous with or adjacent to existing village settlement boundaries and address a local need that has been robustly demonstrated by way of a local housing needs survey and development is supported by the Parish Council on behalf of their residents.
- 5.26 The Rural Community Council for Essex (RCCE), an independent charity, employs a Rural Housing Enabler who works with rural communities, providing independent advice and support, acting as a facilitator and helping them through the process of providing affordable housing. The Rural Housing Enabler has the appropriate level of expertise to carry out a Local Housing Needs Survey, that will establish how many people in the parish need housing and the most appropriate tenure. This information is needed to support a planning application for rural exception housing.

- 5.27 The Council encourages all applicants proposing affordable housing on rural exception sites to work with a registered provider that supports the work of the Rural Housing Enabler employed by the RCCE. These registered providers have experience in delivering affordable housing in rural areas and work within an agreed framework.
- 5.28 To inform the prioritisation and allocation of dwellings in rural areas, the survey analysis should identify types of local connection that households in housing need have within the Parish.
- 5.29 The Local Housing Needs Survey should be up to date and reflect the current needs of the area. A Local Housing Needs Survey which predates the planning application by five or more years will not be considered adequate to support a development proposal.
- 5.30 It is expected that the proposed dwellings will all remain permanently available to local people on low incomes who cannot afford market housing. Proponents of the scheme (developers/landowners/housing associations etc.) will need to enter into a Section 106 Agreement with the Council to ensure they remain permanently available to local people on low incomes.
- 5.31 The dwellings will be allocated to persons with a local connection to the Parish who are in need of an affordable dwelling and are unable to obtain a property on the open market.
- 5.32 The mechanism for allocating the dwellings will be specified in the S106 Agreement. This will prioritise applicants with a local connection in the first instance and will be agreed between the Local Authority and the Parish Council on a scheme by scheme basis.
- 5.33 In order to ensure that the units remain permanently available as affordable housing, on each occasion that it is necessary to reallocate any of these units, the procedure for allocation will follow the same principles set out above. In the instance where there is no need within the Parish, this will be cascaded to an adjoining Parish within the City Council's administrative area.
- 5.34 In the event that national policy enables the Council to act as a proponent of an affordable housing scheme on a rural exception site (in the manner identified in paragraph 5.30 above), the same requirement for the affordable homes to be permanently available to local people on low incomes shall be applied.
- 5.35 In order for the Council to assess if an open market element of a rural exception site is justified, any proposal including this must also provide a robust, independently prepared and audited viability assessment of the proposed development. The extent of the funding gap to be bridged in order for the proposal to be viable, including the income from cross-subsidy generated through open-market sales, that will assist in creating the additional scheme revenue that can fund the affordable housing on the site without requiring additional public subsidy, should be clearly set out. As outlined in paragraph 5.20 above, the assessment will be scrutinised by the Council's approved

viability assessor, at a cost to be borne by the applicant, and form part of the decision-making process in accordance with national planning policy and guidance.

Vacant Building Credit

- 5.36 Vacant building credit was introduced to promote development on brownfield sites. It allows the floorspace of existing buildings that are to be redeveloped to be offset against the calculations for section 106 affordable housing requirements. It applies to any building that has not been abandoned and is brought back into any lawful use or is demolished to be replaced by a new building.
- 5.37 The PPG explains that existing gross floorspace (assuming it has not been abandoned) should be credited against that of the new development. Where there is an overall increase in floor space in the proposed development, the local planning authority should then calculate the amount of affordable housing contribution or provision required from the development as set out in their local plan on the basis of that additional floorspace.
- 5.38 The example given in the PPG is as follows: *'where a building with a gross floorspace of 8,000 square metres is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought'*.
- 5.39 For example, the revised affordable housing calculation for a proposal of 60 dwellings including 4,500sqm proposed gross internal area, where the existing vacant gross internal area is 3,000sqm equates to a 33% difference. This would result in the requirement of 6 affordable dwellings (the remaining 54 units would be market dwellings).
- 5.40 For wholly residential schemes, the total proposed gross internal area will be the area of all dwellings. Where flatted development is included within the development, the proposed gross internal area will include all communal and circulation areas. For mixed use schemes, the proposed gross internal area of the proposed residential elements will be included.
- 5.41 Where the revised affordable housing sought does not result in whole numbers, the number of affordable dwellings will be rounded up to the nearest whole number to achieve the required percentage provision.

6. The Planning Process

- 6.1 Prospective applicants are encouraged to discuss their proposals at the earliest possible stage; through a preliminary enquiry (pre-application advice). Further information about this can be found on our [website](#).
- 6.2 Engaging in a preliminary enquiry allows the design and potential 'heads of terms' of the S106 Agreement to be factored into the formulation of the development proposals at an early stage and can save time later in the process.
- 6.3 As part of the submission of a planning application on above threshold - level sites, the Council will expect an affordable housing statement. This should provide details of the number, mix, tenure, unit sizes (including number of bedrooms and persons) of affordable homes and how this reflects the overall mix, etc, along with the location of these units within the site. Applications should refer to the proportion of affordable units, specify how the mix and tenure will reflect that of the scheme as a whole and, express willingness to pepper pot across the site.
- 6.4 Where an application is received in outline, the appropriate contribution will be reserved through a planning obligation, so that it can be resolved when a detailed or reserved matters application is made, when the size of the development and the appropriate level of contribution will be known.
- 6.5 In addition to the provisions of this SPD, proposals for new housing will also be considered having regard to other relevant local policies, which include requirements for other planning contributions. Applicants are advised to seek preliminary advice from the Council where there is any doubt as to the policy considerations that will apply, prior to formally submitting their planning applications, to ensure all relevant policies are addressed.

7. Planning Obligations

- 7.1 In accordance with paragraph 55 of the NPPF, Local Planning Authorities should consider where unacceptable development could be made acceptable through the use of planning obligations, where it is not possible to address the unacceptable impact through planning conditions.
- 7.2 Under section 106 of the Town and Country Planning Act 1990, the following obligations may be secured to mitigate the impacts of a development proposal, in terms of specific housing details:
- Precise scale and scope of the form, delivery and management of the affordable housing in relation to the specific circumstances of the development. This can include:
 - The number, size, tenure and siting of the affordable housing;
 - The phasing of the development;
 - Appropriate trigger points for the provision of affordable housing to an affordable housing provider, to ensure that it is provided in a timely manner in relation to the market housing and delivered in full before an agreed percentage of the market housing has been completed;
 - Eligibility and allocation restrictions on occupancy or disposal to meet local housing need;
 - Mechanisms for ensuring that the affordable housing dwellings are used solely and exclusively for affordable housing in perpetuity;
 - Compliance with public subsidy funding conditions when public subsidy is allocated;
 - Provision of a financial contribution where applicable;
 - Ensure intermediate affordable units for shared ownership (sale) remain affordable;
 - The Council expect that the ownership of the affordable housing units will be transferred to a Housing Association/Registered Provider.
- 7.3 The Council will draw up the S106 Agreement and any related nomination agreement. The Council's legal costs related to these, will be payable by the developer on an indemnity basis on completion of the S106 Agreement.
- 7.4 Proposed variations to the terms of a completed S106 can only be agreed by a deed of variation. Requests to vary agreements should be made to the planning officer in the first instance. The full costs of the variation are payable by the applicant.

Appendices

A. Glossary

Development Plan – This includes adopted Local Plans and Neighbourhood Plans, as defined in section 38 of the Planning and Compulsory Purchase Act 2004. The Development Plan is the starting point for decision making.

Financial Contribution – The sum of money that a landowner or developer is required to pay to the Council to ensure the delivery of services and infrastructure, including affordable housing, needed as a result of planning permission being granted.

Homes England – An executive non-departmental public body to accelerate housing.

Housing Association – Independent societies, bodies of trustees or companies established for the purpose of providing low-cost social housing for people in housing need. See Registered Provider.

Nomination Agreement - An agreement negotiated between the Council and a Registered Provider which guarantees the Council's ability to access Registered Providers owned new build accommodation for applicants on the Council's Housing Register.

Preliminary Enquiry – An enquiry submitted to the Council in writing in advance of a planning application being submitted, to obtain an informal officer view on the likelihood of obtaining planning permission and any particular requirements and/or planning obligations that the Council is likely to seek for the proposal.

Registered Provider – A provider of social housing, registered with Tenant Services Authority under powers in the 2008 Housing and Regeneration Act. This term encompasses housing associations, trusts, cooperatives and companies.

Rural Housing Enabler – A Rural Community Council of Essex (RCCE) employee who works with rural communities providing independent advice and support, acting as a facilitator and helping them through the complicated process of providing affordable housing.

Regulator of Social Housing – regulation of providers of social housing to promote a viable, efficient and well-governed social housing sector able to deliver homes that meet a range of needs.

Section 106 Agreement - Legal agreement under Section 106 of the Town and Country Planning Act 1990. Used as a means of securing the provision of affordable housing and other contributions.

Strategic Housing Market Assessment (SHMA) – A Strategic Housing Market Assessment is a comprehensive study of the local housing market, using surveys and involving wide ranging stakeholder participation, to produce an assessment of housing needs and market housing within the local area.

Social Housing - Housing that is cheaper to rent, than privately rented housing and usually provides a longer term tenancy.

Staircasing – The facility that enables a householder to purchase an increased proportion of a shared ownership (intermediate affordable) dwelling.

Statement of Community Involvement (SCI) - This sets out the standard that the Local Planning Authority intend to achieve in relation to involving the community and all stakeholders in the preparation, alteration and continuing review of all Local Development Plan Documents and in significant planning applications, and also how the local planning authority intends to achieve those standards. The SCI will not be a Development Plan Document but is subject to independent examination.

Supplementary Planning Document (SPD) – A document produced by the Local Planning Authority to add further detailed guidance and information on a particular subject such as Sustainable Construction or Housing. An SPD is subject to a formal consultation period and then is used as a material consideration when determining planning applications.

B. Colchester Local Plan Section 2 Policy DM8 – Affordable Housing

The Council is committed to improving housing affordability in Colchester. Accordingly 30% of new dwellings (including conversions) on housing developments of 10 or more dwellings (major developments) in urban areas and above 5 units in designated rural areas (in accordance with Planning Policy Guidance), should be provided as affordable housing (normally on site).

Where it is considered that a site forms part of a larger development area, affordable housing will be apportioned with reference to the site area as a whole.

This level balances the objectively assessed need for affordable housing in the Borough established by the evidence base, against the requirement for flexibility to take account of changing market conditions. At present the overwhelming need in Colchester is for affordable rented properties, which should be reflected in development proposals. For sites where an alternative level of affordable housing is proposed below the target, it will need to be supported by evidence in the form of a viability appraisal.

In exceptional circumstances, where high development costs undermine the viability of housing delivery, developers will be expected to demonstrate an alternative affordable housing provision.

The Local Planning Authority will require developments to integrate affordable housing and market housing, with a consistent standard of quality design and public spaces, to create mixed and sustainable communities. The affordable housing provision should proportionately reflect the mix of market units unless otherwise specified by the Local Planning Authority. In schemes over 15 units the affordable housing should be provided in more than one single parcel. Elsewhere the affordable housing mix on any site should normally be “pepper potted” throughout the scheme in groups, the size and location of which should be discussed and agreed with the Local Planning Authority.

Affordable housing development in villages will be supported on rural exception sites adjacent or continuous to village settlement boundaries or where it will enhance or maintain the vitality of rural communities, provided a local need is demonstrated by the Parish Council on behalf of their residents, based on evidence gained from an approved local housing needs survey. A proportion of market housing which facilitates the provision of significant additional affordable housing may be appropriate on rural exception sites. Information to demonstrate that the market housing is essential to cross-subsidise the delivery of the affordable housing and that the development would not be viable without this cross-subsidy will be required. At the scheme level, the number of open market units on the rural exception site will be strictly limited to only the number of units required to facilitate the provision of significant affordable housing units on a rural exception site. The number of affordable units and total floorspace on a site should always be greater than the number of open market units or floorspace. The actual number will be determined on local circumstances, evidence of local need and the overall viability of the scheme.

06 February 2023

Report of	Lucy Massey
Title	Local Development Scheme (LDS)
Wards affected	All

1. Executive Summary

- 1.1 Local Planning Authorities (LPAs) are required to prepare a Local Development Scheme (LDS) in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and Localism Act 2011.
- 1.2 The LDS is an essential project planning tool used to keep the Local Plan up to date and provide details of consultation periods, public examinations and expected dates of adoption and publication for each document. The Council has previously reviewed the LDS on a number of occasions with the last update being in June 2021.
- 1.3 The LDS now requires updating to reflect further consultation and timetable variations for the Local Plan and the Strategic Development DPD for the Tendring Colchester Borders Garden Community as well as the Supplementary Planning Documents to be produced which cover the following topics; Planning Obligations, Affordable Housing, Self and Custom Build & Specialist Housing, Climate Change, Biodiversity, Active Travel, Shop Front Design Guide and City Centre Masterplan.

2. Recommended Decision

- 2.1 To agree changes to the Local Development Scheme.

3. Reason for Recommended Decision

- 3.1 The Council is required under the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012 to publish up to date information for the preparation and revision of Development Plan Documents.

4. Alternative Options

- 4.1 The Committee could decide not to update the Local Development Scheme or to make amendments to it. The Council however is required under the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012 to publish up to date information for the public on the preparation and revision of Development Plan Documents through the LDS.

5. Background Information

- 5.1 A Local Development Scheme (LDS) is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and the Housing and Planning Act 2016). This must specify (among other matters) the local development documents which are to be Development Plan Documents, the subject matter and geographical area to which each Development Plan Document is to relate, and the timetable for the preparation and revision of the Development Plan Documents. It must be made available publicly and kept up to date. It is important that local communities and interested parties can keep track of progress. Local planning authorities should publish their Local Development Scheme on their website.
- 5.2 Colchester City Council first adopted an LDS in May 2005, with various revisions published at regular intervals to reflect changes in government regulations and work programmes. The LDS was last reviewed by Local Plan Committee in June 2021.
- 5.3 The LDS sets out which documents will form part of the Colchester Development Plan along with the timetable for the preparation and review of each document. The LDS is also reviewed annually as part of the Council's Authority Monitoring Report (AMR).
- 5.4 The revised LDS (which can be found in Appendix A) provides the scope and further details with regards to each document and includes the Project Chart which outlines the timescales proposed and shows how each document will be progressed over the next six years. Below is a summary of the key dates for planning documents which are further explained within the LDS itself:

- **Local Plan Review**

- Initial preparation to begin July 2023
- Issues & Options Consultation – September - October 2024
- Preferred Options Consultation – September-October 2025
- Submission Version Consultation- May-June 2026
- Submission to Secretary of State – Autumn 2026
- Independent Examination - Winter 2026
- Adoption - Spring 2027

As outlined under a separate report to Local Plan Committee, the Government are currently consulting on changes to the National Planning Policy Framework (NPPF) which includes proposed changes to the Plan Making Process. The timetable in the LDS reflects the current local plan system, and in the event that new style Local Plans are brought in, this timetable will be amended.

- **Joint Development Plan Document (DPD) for Tendring Colchester Borders Garden Community**

- Issues and Options consultation – Nov 2017- Jan 2018
- Preferred Options consultation – Winter 2021/22
- Submission version consultation – Spring/Summer 2023
- Submission – Summer 2023
- Examination – Autumn 2023
- Adoption –Winter 2023/24

The timetable for the Tendring Colchester Borders Garden Community DPD has been updated to reflect the latest position.

- **Supplementary Planning Documents (SPD)**
 - Planning Obligations – Adoption Winter 2024
 - Affordable Housing – Adoption Spring 2023
 - Self and Custom Build and Specialist Housing – Adoption Autumn 2024
 - Climate Change – Adoption - Winter 2023
 - Biodiversity – Adoption - Spring 2023
 - Active Travel – Adoption – Winter 2023
 - Shop Front Design Guide – Adoption Winter 2023
 - City Centre Masterplan – Autumn 2023

Timescales have been updated for the Planning Obligations, Affordable Housing, Self and Custom Build and Specialist Housing, Climate Change and Biodiversity SPDs. Three new SPDs have been included, these are Active Travel, Shop Front Design Guide and the City Centre Masterplan.

- 5.5 The LDS has also been updated to reflect adoption of the Colchester Local Plan Section 1 and Section 2 and to the latest progress of Neighbourhood Plans across the Council's administrative area. As the Council's role is to advise and support Neighbourhood Plan Groups to deliver their Plans, timetables of their production are not required to be included within the LDS.
- 5.6 In earlier versions of the LDS, the Council were required to specify details of each Supplementary Planning Document (SPD) intended to be produced. Changes to the Regulations no longer require Supplementary Planning Documents to be included in an LDS, but the Council has chosen to show them to demonstrate the links between all the documents which contribute to the Colchester Development Plan. There are currently eight SPDs programmed for the next six year period. Future additional SPDs as well as further guidance notes and development brief documents may however be produced by the Planning Policy Team without formal modification of the LDS because of their non-statutory status in the decision making process. SPD's could not be produced in advance of the adoption of the Local Plan because they cannot introduce new policy in their own right but only add detail to adopted policies.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan and is available to here - [Equality Impact Assessment June 2017.pdf \(windows.net\)](#)
- 6.2 There are no particular Human Rights implications.

7. Standard References

- 7.1 There are no particular references to the Strategic Plan; consultation or publicity considerations or financial; community safety; health and safety or risk management implications.

7. Strategic Plan References

- 7.1 The Strategic Plan is relevant, in particular in contributing towards priorities under the themes:
- Creating safe, healthy and active communities;
 - Growing a fair economy so everyone benefits; and
 - Delivering homes for people who need them.

8. Consultation

- 8.1 Public consultation on the LDS is not specifically required by the Regulations. Each document highlighted in the LDS will be subject to specific public consultation in line with the statutory regulations and the Council's Statement of Community Involvement (SCI) at the appropriate time. Attention could well be focused on plans listed in the LDS resulting in publicity for the Council.

9. Publicity Considerations

- 9.1 The LDS will be published on the Council's website but is not expected to generate publicity for the Council.

10. Financial implications

- 10.1 None.

11. Health, Wellbeing and Community Safety Implications

- 11.1 None.

12. Health and Safety Implications

- 12.1 None.

13. Risk Management Implications

- 13.1 None.

14. Environmental and Sustainable Implications

- 14.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
- 14.2 Each Development Plan Document will take into account the Climate Emergency sustainable developments objectives set out in the NPPF.

Appendices

Appendix A – Local Development Scheme February 2023

LOCAL DEVELOPMENT SCHEME

Colchester City Council's
Local Development
Scheme 2023-2028

February 2023



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1. Introduction

The Local Development Scheme (LDS) sets out the Council's timetable for adopting new planning documents which will help guide development across the City. This LDS covers the period 2023 to 2028.

Colchester City Council first adopted an LDS in May 2005 with various revisions published since then. The latest revision was in June 2021 which this current version (January 2023) now supersedes. Since 2011 the production of an LDS has been guided by the requirements of s.111 of the Localism Act 2011 which amended s.15 of the Planning and Compulsory Purchase Act 2004 and is further supported by the Town and Country Planning (Local Planning) (England) Regulations 2012.

The LDS will:

- Provide a brief description of all the Local Plan documents and Neighbourhood Plans to be prepared and the content and geographical area to which they relate.
- Explain how the different documents relate to each other and especially how they relate to the Local Plan.
- Set out the timetable for producing Local Plan documents, giving the timings for the achievement of the following milestones:
 - consulting statutory bodies on the scope of the Sustainability Appraisal
 - publication of the document
 - submission of the document
 - adoption of the document
- Provide information on related planning documents outside the Local Plan, including the Statement of Community Involvement, Authority Monitoring Report and adopted guidance.

Progress of the scheme is reviewed at least annually as part of the Colchester City Council Authority Monitoring Report (usually published every December).

In 2022 Colchester was awarded city status. Colchester Borough Council became Colchester City Council on 23 November 2022. Any reference to Colchester, Colchester City or City within this document refers to the entire administrative area, unless otherwise stated.

2. Planning Context

The Council has a good record in meeting the milestones set out in the earlier versions of the LDS and our past delivery rates inform the future programme for the preparation of Local Plan documents up to the end of 2028.

The Development Plan is a suite of documents that set out the LPAs policies and proposals for the development and use of land and buildings in the authority's area. This includes Local Plans, Neighbourhood Plans and is defined in section 38 of the Planning and Compulsory Purchase Act 2004. Within Colchester this currently includes:

- Section 1 Local Plan (adopted February 2021);
- Section 2 Local Plan (adopted July 2022);
- Tiptree Jam Factory DPD (adopted 2013); and
- Neighbourhood Plans.

Local Plans need to be in conformity with national policy as set out in the National Planning Policy Framework (NPPF), with further guidance in the regularly updated Planning Practice Guidance available online: <http://planningguidance.planningportal.gov.uk>.

The Colchester Local Plan is in 2 parts. Section 1 provides a shared strategic policy context and addresses cross boundary matters for North Essex together with Braintree and Tendring Councils. Including the Tendring Colchester's Borders Garden Community. The Section 1 Local Plan was adopted by Colchester Borough Council on 2 February 2021.

In Partnership with Tendring District Council, a Development Plan Document (DPD) is being prepared to further guide development on the Tendring Colchester Borders Garden Community. This process is being governed by the Tendring Colchester Borders Garden Community Joint Committee.

Section 2 of the Colchester Local Plan 2017-2033 provides the policy framework, site allocations and development management policies for Colchester up to 2033. This was adopted by Colchester Borough Council on 4 July 2022.

For minerals and waste matters, Essex County Council are the authority responsible for production of the Waste and Minerals Local Plans, which forms part of the Colchester Development Plan. At present the adopted plans are:

- Essex Minerals Local Plan (2014)
- Essex and Southend-on-Sea Waste Local Plan (2017)

More details on the waste and minerals development documents can be found on the Essex County Council [website](#).

3. Documents to be prepared during 2023 to 2028 - an overview

The overview below demonstrates the main milestones, as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012, for the production of each of the documents we intend to prepare over the next three years. The tables later in the document set out each stage of plan preparation and the amount of time the Council expects each stage to be completed. The LDS is kept under review to reflect any changes in local circumstances and/or government policy.

A. Phasing of work for Development Plan Documents

The Colchester Local Plan

The Colchester Local Plan is in two sections covering the period to 2033. The Section 1 Colchester Local Plan covers strategic and cross boundary issues for North Essex, including housing and employment targets and allocates the Tendring Colchester Borders Garden Community (TCB GC). This was adopted on 2 February 2021.

The Section 2 Colchester Local Plan sets the policy framework, site allocations and development management policies across Colchester. This was adopted on 4 July 2022.

As outlined in the NPPF, a Local Plan is required to be reviewed every 5 years. Therefore, the Section 1 Local Plan must be reviewed by 2026 and the Section 2 Local Plan by 2027. The Local Plan Review is planned to be as one Plan so will align with the earlier date for review.

Tendring Colchester Borders (TCB) Garden Community Development Plan Document (DPD)

In Partnership with Tendring District Council, a Development Plan Document (DPD) is being prepared to further guide development on the Tendring Colchester Borders Garden Community. The DPD, once adopted by the Council, will include the location and scale of land uses alongside the required infrastructure.

Neighbourhood Planning

The Localism Act 2011 and the publication of the NPPF in March 2012 placed greater emphasis on developing plans at the community level through a concept of Neighbourhood Planning. Neighbourhood Plans are produced by local communities and once completed (subject to examination and local referendum) they become part of the local authorities' Development Plan and have a significant influence on the future growth and development of the respective area.

The first stage of developing a Neighbourhood Plan is to designate a neighbourhood area. Once a neighbourhood area has been agreed, preparation of a Neighbourhood Plan can be carried out by a parish or town council, or in the case of unparished areas, a neighbourhood forum.

The table below provides the Council's estimation of adoption for each Neighbourhood Plan, although as these are prepared by Parish Councils or neighbourhood forums their delivery is beyond the remit of the City Council.

Further Neighbourhood Plans will be added to the table below as required, when they are brought forward by local communities and when the LDS is revised in future.

Area	Date NP Area agreed	Key Dates & Current stage
Boxted	October 2012	Adopted December 2016
Myland and Braiswick	January 2013	Adopted December 2016
Myland and Braiswick Review	January 2013	Plan review commenced in 2021 with Regulation 14 Consultation held Sept 2022
Wivenhoe	July 2013	Adopted May 2019
West Bergholt	July 2013	Adopted October 2019
Eight Ash Green	June 2015	Adopted December 2019
Marks Tey	September 2015	Adopted April 2022
West Mersea	November 2016	Adopted April 2022
Tiptree	February 2015	Examiner's Report issued December 2022 recommended the Plan can proceed to referendum. Adoption expected Spring 2023.
Copford with Easthorpe	May 2015	Examination commenced October 2022
Great Tey	June 2017	Preparation of draft plan
Great Horkesley	June 2022	Evidence gathering and plan preparation
Messing	July 2013	Work abandoned no active NHP Group currently
Stanway	June 2014	Work abandoned no active NHP Group currently

B. Phasing of work for Other Planning Documents

Supplementary Planning Documents (SPDs)

Supplementary Planning Documents (SPDs) complement policy contained in the Local Plan. They cannot set new policy but are treated as a material consideration in the determination of planning applications across the City. Although SPDs are not subject to examination, they are produced in consultation with the community and other interested parties and are still subject to regulations regarding their consultation.

Currently there are eight SPDs programmed for the next three year period which cover the following topics:

- Affordable Housing
- Biodiversity
- Self and Custom Build and Specialist Housing
- Climate Change
- Active Travel
- Shop Front Design Guide
- Colchester City Centre Master Plan
- Planning Obligations

The Council may consider additional SPDs are required to be prepared or that existing SPDs require updating. Future additional SPDs may however be produced by the Council if approved by the Local Plan Committee without formal modification of the LDS because they do not form part of the Development Plan.

Appendix 1 lists the existing SPDs and the currently proposed SPDs.

Statement of Community Involvement (SCI)

The Statement of Community Involvement (SCI) provides a first step in plan making as it outlines the processes for consultation and engagement during the production of planning documents and determination of planning applications. The most recent iteration of the SCI was adopted in July 2020 to reflect changes in relation to the Coronavirus Outbreak.¹

The production of an SCI is in part governed and directed by guidance and requirements at the national level. Should the regulations change, or new examples of best practice be introduced the Council will update the SCI accordingly.

Authority Monitoring Report (AMR)

The Authority Monitoring Report (AMR), previously referred to as the Annual Monitoring Report, is published each December to demonstrate the progress of the objectives of the Colchester Local Plan.

¹ This paragraph will be updated following Local Plan Committee February 2023 and prior to publication.

Adopted Guidance Notes

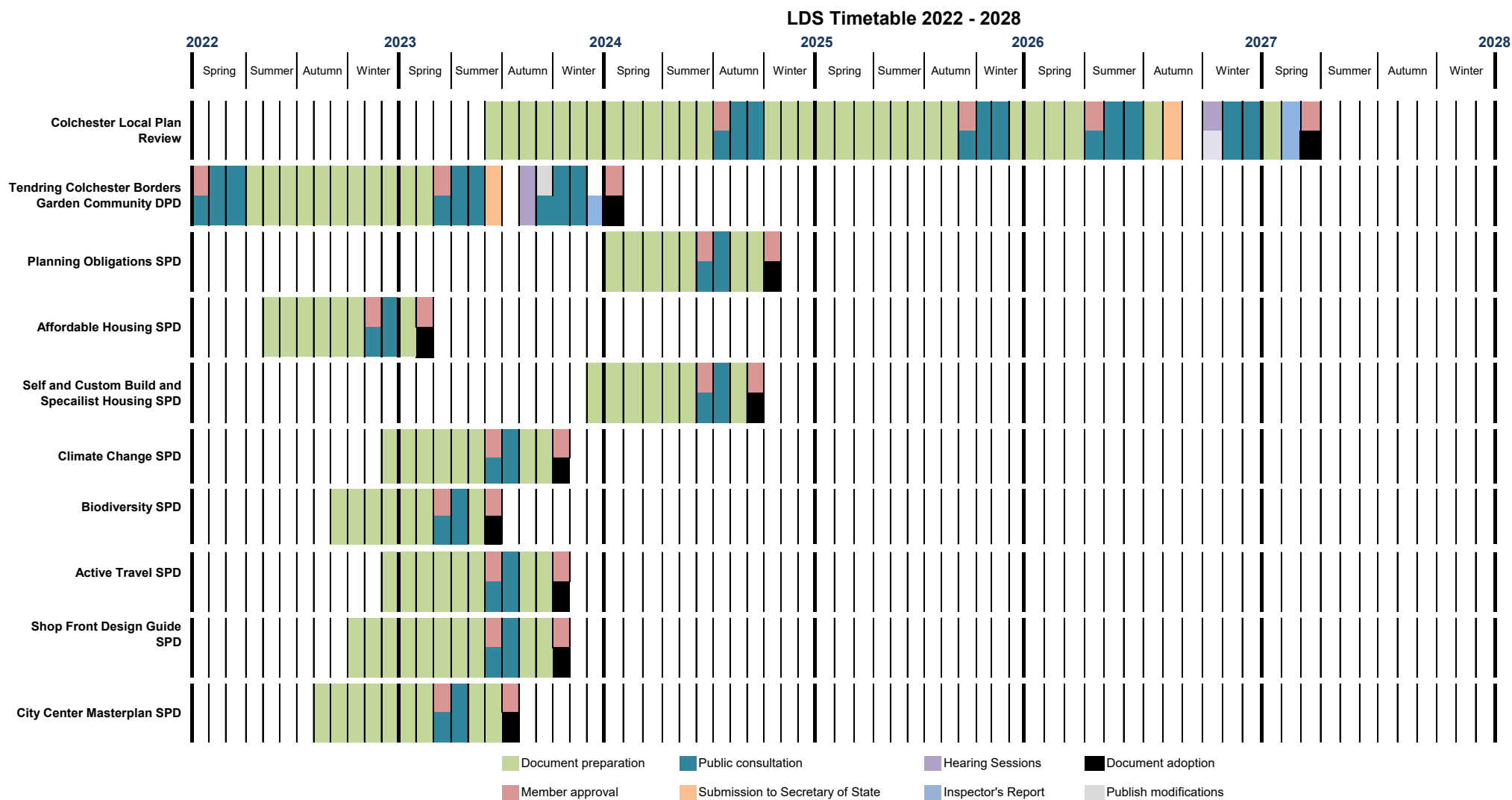
Guidance notes and other documents are produced as required by the Council to assist in explaining specific protocols and other technical matters. They are non-statutory documents that are essentially informative and may be used to assist the determination of planning applications or in other areas where planning decisions are required. These include guidance on topics such as air quality, contaminated land and archaeology but they may also contain spatially specific guidance in the form of site design briefs.

The current guidance notes are listed in Appendix 1 and information on additional guidance will be added to the Council's Adopted Guidance area of the website as and when it is completed.

4. Documents to be prepared during 2023 to 2028 - detailed profiles

Details of the documents we intend to produce in the next six years follow in the tables below. The timetable for the production of documents reflects previous experience. The Planning Inspectorate (PINs) are also consulted about the production timetable specifically with regard to documents which require submission of the document to the Secretary of State and a formal examination in public.

The image below provides a summary of the key milestones for each document.



Colchester Local Plan Review

Subject and Scope	This document will develop the overall strategic objectives and areas for growth in the city. The Local Plan will replace both the Section 1 and Section 2 Local Plan.
Geographical area	All Colchester City
Status	Local Plan document
Chain of conformity	Must be in conformity with the National Planning Policy Framework.
Timetable for production	
Initial document preparation	July 2023 – July 2024
Preparing evidence base (documents will be commissioned at different stages during plan preparation)	July 2023 – December 2024
Drafting Issues and Options	January 2024 – July 2024
Consultation on Issues and Options	September – October 2024 (August 2024 LPC approval to consult)
Summarising representations to Issues and Options and providing a response	November - December 2024
Drafting Preferred Options	January 2025 – August 2025
Member approval – Preferred Options	September 2025
Consultation on Preferred Options and Sustainability Appraisal	September – October 2025
Summarising representations to Preferred Options, draft a response & make amendments to the plan	November – December 2025
Review evidence base and draft the Submission Version Plan	January- March 2026
Member approval – Submission Draft	April 2026
Publication Draft of Local Plan document and Sustainability Appraisal for consultation	April-June 2026
Submission of DPD and summary of comments received to Secretary of State	Autumn 2026
Independent examination	Winter 2026

Consultation on modifications	Winter 2026
Inspector's Report	Spring 2027
Adoption	Spring 2027
Production arrangements	Led by Planning Policy Team; input from all internal CCC service groups and Essex County Council as appropriate. The SCI outlines how external parties and members of the public will be involved.
Timetable for review	The Local Plan will set the overall spatial strategy for the Borough and will be reviewed as required after adoption, with the review period being within 5 years.

The government is currently consulting on changes to the NPPF, which propose changes to Local Plans. The consultation explains that new style local plans will be prepared from late 2024. The timetable in the LDS reflects the current local plan system, but if new style plans are brought in, this timetable will be amended. The timetable has been drafted so that initial work, including engagement, consultation and evidence gathering, will take place from July 2023 to the end of 2024. If new style plans are in place from late 2024, as advised in the consultation, Officers will follow the new style plans system.

Tendring Colchester Borders Garden Community Development Plan Document (DPD)

Subject and Scope	This document(s) will include policies and allocations to support the strategic allocation for new development at the Tendring Colchester Borders Garden Community. This is being prepared jointly with Tendring District Council.
Geographical area	As specified in the Local Plan which shows broad locations to the east of Colchester.
Status	Local Development Plan Document
Chain of conformity	Must conform with the broad allocation in the Shared Strategic Section 1 Local Plan with Tendring and Braintree District Councils.
Timetable for production	
<i>Initial document preparation</i>	<i>January 2017 – October 2017</i>
<i>Member Approval – Issues and Options</i>	<i>November 2017</i>
<i>Publication and 6 week consultation</i>	<i>November to December 2017</i>
<i>Document Preparation</i>	<i>Winter 2020/21 to Winter 2021/22</i>
<i>Member Approval –Draft DPD</i>	<i>Spring 2022</i>
<i>Draft DPD consultation</i>	<i>Spring 2022</i>
<i>Summarising representations to consultation, draft a response & make amendments to the plan</i>	<i>Summer 2022 to Winter 2022/23</i>
<i>Member approval – submission document for consultation</i>	<i>Spring 2023</i>
<i>Submission DPD consultation</i>	<i>Summer 2023</i>

Submission of DPD and summary of comments received to Secretary of State	Summer 2023
Independent examination	Autumn 2023
Inspector's report	Winter 2023
Consultation on modifications	Winter 2023
Adoption	Winter 2023 into early 2024
Production arrangements	Planning Policy Team in CCC along with TDC will lead with input from internal CCC service groups, adjacent local authorities, and Essex County Council as appropriate. A Tendring Colchester Borders Garden Community Project Team has been established. The SCI has determined how external parties and members of the public will be involved.
Timetable for review	<p>The AMR will assess the effectiveness of the policies and allocations.</p> <p>The DPD will be reviewed as required after adoption, with the review period being within 5 years.</p>

Please note: Stages shown in italics already occurred.

Planning Obligations SPD

Title	Planning Obligations SPD
Role and content	To provide further details on the collection of the planning obligations received by the Council as a result of planned developments across the Colchester City Area.
Status	Supplementary Planning Document
Chain of conformity	The SPD will support the policies within the Colchester Local Plan.
Geographic coverage	Colchester City
Timetable and milestones:	Member approval for consultation – Summer 2024 Public consultation – Summer 2024 Adoption – Winter 2024
Arrangements for production	Colchester City Council (CCC) to lead with significant input from Essex County Council. Also informed by public consultation, in accordance with SCI.
Post production - Monitoring and review mechanisms	CCC to monitor after adoption through the AMR.

Affordable Housing SPD

Title	Affordable Housing SPD
Role and content	To provide further details on the delivery of affordable housing within development proposals across the Colchester City Area.
Status	Supplementary Planning Document
Chain of conformity	The SPD will support the policies within the Colchester Local Plan.
Geographic coverage	Colchester City
Timetable and milestones:	Member approval for consultation – Autumn 2022 Public consultation – Winter 2022 Adoption – Spring 2023
Arrangements for production	Planning Policy Team with input from Development Management and Housing Teams. Also informed by public consultation in accordance with the SCI.
Post production - Monitoring and review mechanisms	CCC to monitor after adoption through the AMR.

Self and Custom Build and Specialist Housing SPD

Title	Self and Custom Build and Specialist Housing SPD
Role and content	To provide further details on the delivery of self and custom build and specialist housing across the Colchester City Area.
Status	Supplementary Planning Document
Chain of conformity	The SPD will support the policies within the Colchester Local Plan.
Geographic coverage	Colchester City
Timetable and milestones:	Member approval for consultation – Summer 2024 Public consultation – Summer 2024 Adoption – Autumn 2024
Arrangements for production	Planning Policy Team with input from CCC colleagues in Development Management and Housing Teams. Also informed by public consultation in accordance with the SCI.
Post production - Monitoring and review mechanisms	CCC to monitor after adoption through the AMR.

Climate Change SPD

Title	Climate Change SPD
Role and content	To provide further details on how development proposals across the Colchester City Area can contribute to measures to address the Climate Emergency.
Status	Supplementary Planning Document
Chain of conformity	The SPD will support the policies within the Colchester Local Plan.
Geographic coverage	Colchester City
Timetable and milestones:	Member approval for consultation – Summer 2023 Public consultation – Autumn 2023 Adoption – Winter 2023
Arrangements for production	Planning Policy Team with input from Sustainability and Climate Change Team. Also informed by public consultation in accordance with SCI.
Post production - Monitoring and review mechanisms	CCC to monitor after adoption through the AMR.

Biodiversity SPD

Title	Biodiversity SPD
Role and content	To provide further details on biodiversity net gain and environmental considerations in development proposals across the Colchester City Area.
Status	Supplementary Planning Document
Chain of conformity	The SPD will support the policies within the Colchester Local Plan.
Geographic coverage	Colchester City
Timetable and milestones:	Member approval for consultation – Spring 2023 Public consultation – Spring 2023 Adoption – Summer 2023
Arrangements for production	Production led by Planning Policy Team at CCC, informed by public consultation in accordance with the SCI.
Post production - Monitoring and review mechanisms	CCC to monitor after adoption through the AMR.

Active Travel SPD

Title	Active Travel SPD
Role and content	To provide further details on active travel considerations in development proposals across the Colchester City Area.
Status	Supplementary Planning Document
Chain of conformity	The SPD will support the policies within the Colchester Local Plan.
Geographic coverage	Colchester City
Timetable and milestones:	Member approval for consultation – Summer 2023 Public consultation – Autumn 2023 Adoption – Winter 2023
Arrangements for production	Production led by Planning Policy Team at CCC, informed by public consultation in accordance with the SCI.
Post production - Monitoring and review mechanisms	CCC to monitor after adoption through the AMR.

Shop Front Design Guide SPD

Title	Shop Front Design Guide SPD
Role and content	To provide further details on shop front design considerations across the Colchester City Centre Area.
Status	Supplementary Planning Document
Chain of conformity	The SPD will support the policies within the adopted Local Plan.
Geographic coverage	Colchester City
Timetable and milestones:	Member approval for consultation – Summer 2023 Public consultation – Autumn 2023 Adoption – Winter 2023
Arrangements for production	Production led by CCC Planning Policy Team and Historic and Buildings and Areas Officer and engagement with city centre stakeholders. Informed by public consultation in accordance with the SCI.
Post production - Monitoring and review mechanisms	CCC to monitor after adoption through the AMR.

City Centre Masterplan SPD

Title	City Centre Masterplan SPD
Role and content	To provide further details to guide development of the City Centre.
Status	Supplementary Planning Document
Chain of conformity	The SPD will support the policies within the adopted Local Plan.
Geographic coverage	Colchester City Centre
Timetable and milestones:	Member approval for consultation – Spring 2023 Public consultation – Summer 2023 Adoption – Autumn 2023
Arrangements for production	Consultants (We Made That) are leading on the Masterplan with input from CCC and ECC officers. Engagement with stakeholders, local businesses and the community. Consultation in accordance with the SCI.
Post production - Monitoring and review mechanisms	CCC to monitor after adoption through the AMR.

Evidence Base

The evidence base is a key feature of Colchester's Local Plan and associated planning documents and guidance. It seeks to guarantee that the development plan's proposals and policies are soundly based. To ensure this a number of specialist studies and other research projects are undertaken. A full review of the existing evidence base will be undertaken prior to work commencing on the Local Plan Review, including identifying where new studies are required.

Some documents will also be published that are not specifically for planning purposes but are important in informing the process (e.g., Colchester City Council's Strategic Plan and other service strategies).

Each document will be made publicly available at the appropriate time in the process, on the Council's website (www.colchester.gov.uk). All documents will be made available at the relevant examination. Other documents may also be produced as needed during the process, such as topic papers.

Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA)

All policies and proposals contained within the Local Plan will be subject to a Sustainability Appraisal and also a Strategic Environment Assessment and Habitat Regulations Assessments where appropriate. This involves scoping reports and assessments throughout the preparation of the Local Plan to ensure an iterative approach. These documents form part of the evidence base.

Integration with other Strategies

The Local Plan has a key role in providing a spatial dimension for many other strategies and helping their co-ordination and delivery. The Council works closely with other public bodies and stakeholders to satisfy the duty to co-operate on strategic matters and the evidence base reflects collaborative working with other authorities and stakeholders.

5. Monitoring and Review

The Development Plan system is a continuous process with monitoring and review being fundamental aspects to the delivery of a successful plan. While production of an Authority Monitoring Report (AMR) is no longer a statutory requirement, local authorities continue to need to demonstrate how plan objectives are being delivered. Colchester City Council continue to prepare and publish an AMR every year, usually published in December.

The AMR will analyse the period of the previous financial year (1 April to 31 March). The report will:

- Set out how the Council is performing in the production of documents against the timescales and milestones set out in the LDS.
- Provide information on how the strategies/policies/targets in the Local Plan are being achieved.
- Advise on whether any documents need reviewing; and
- Provide data and information across the City's administrative area.

Following the initial adoption of a Development Plan Document, it is anticipated that subsequent reviews will be in the form of a rolling programme following recommendations from the Local Plan Committee.

The AMR will provide information regarding the performance of each document as well as identifying areas where strategies/policies/targets are not being achieved. The outcomes will be dependent on a variety of influences such as changes to Government policy or pressures for development(s) across the City.

Should an update to the LDS be required, this will be prepared by officers and considered by the Council's Local Plan Committee.

6. Resources

The Local Plan process will be led by the Planning Policy Team as part of Place and Client Services at Colchester City Council. The Place Strategy Manager will be responsible for the overall Local Plan project and policy direction. The Planning Policy team includes Principal Planning Policy Officers, Planning Policy Officer and Assistant, Active Environment Officer as well as other support staff who will be responsible for various elements of the Local Plan process.

There is a dedicated Garden Community Project Team (shared between Colchester and Tendring Councils) who are leading the delivery of the Colchester Tendring Borders Garden Community Development Plan Document. This includes a Planning Manager, Programme Support Officer and Finance Officer. The Planning Policy Team will also be involved in this project working alongside colleagues from Tendring District Council and Essex County Council.

Additional staff will be brought into the process from time to time as required from other professional groups within the Council and outside agencies as follows:

Place and Client Services

- Development Management
- Planning Specialists
- Economic Development including Town Deal Project Team
- Sustainability and Climate Change

Other CCC Services

- Parks, Open Space and Waterways
- Environmental and Protection Services
- Community Enabling
- Research and Engagement
- Strategic Government Services (Democratic Services and Elections)
- Communications

Partners

- Essex County Council (other highway matters, education, planning etc)
- Highways England (strategic highways matters)
- Rural Community Council for Essex (to promote/facilitate links with parish councils)
- Specialist consultants (to develop elements of the evidence base).

Stakeholders and the Community

The Statement of Community Involvement (SCI) sets out in detail who we will consult and at what stage in the production of all documents. The SCI covers both plan making and decision taking, therefore all aspects of the Council's statutory planning functions have been included within the SCI.

7. Risk Assessment

There are several factors which may impact upon the ability of the Council to keep to the timetable for the production of documents. The table below considers and deals with the main risks.

Issue and level of risk	Comment and proposed mitigating measures
Significant public opposition to plan proposals. High Risk, Medium Impact	<p>The production of the Tendring Colchester Borders Garden Community DPD and specifically the allocation of land is likely to be contentious. Whilst every effort will be made to build cross-community consensus, there is a high risk of significant public opposition.</p>
Inability of PINS to deliver examinations/reports to timetable. Low Risk, Medium Impact	<p>The capacity of the Planning Inspectorate is an issue given the demands on its limited resources. PINS may not be able to provide Inspectors at the appropriate times.</p> <p>If problems do occur, caused by factors outside the council's control, we may have to accept some slippage of the timetable. The LDS would need to be amended accordingly.</p>
Changes to the Planning System – Government Legislation and Guidance High Risk, High Impact	<p>There is uncertainty surrounding the future plan making process as a result of the current NPPF Consultation and the Levelling Up and Regeneration Bill.</p> <p>The Council will continue to keep fully informed of any changes and/or publication of Government Legislation and the NPPF. In the event there are significant changes to the plan making process, officers will assess the impacts and any subsequent revisions to the Local Plan Review timescale and procedure.</p>
Loss/turnover of staff Medium Risk, High Impact	<p>The Planning Policy Team have benefitted from low turnover in recent years, but there is currently a national shortage of planning officers and the risk needs to be acknowledged.</p>
Financial shortfall Medium Risk, High Impact	<p>Preparation of Development Plan documents is a costly exercise, involving preparation of an evidence base, production of documents, consultation and examination.</p> <p>In previous years the Council has allocated funds through the Housing & Planning Delivery Grant (replaced by New Homes Bonus) and its Service and Financial Planning process to allow for the preparation of the Local Plan. Additional Council expenditure will be subject to scrutiny.</p> <p>Examination costs may inflate due to the length/complexity of the Examination. This will be kept under review.</p>

Issue and level of risk	Comment and proposed mitigating measures
Changing Political Priorities High Risk, Medium Impact	<p>This document has been considered and approved by Local Plan Committee which has a cross party representation of members. Elections could result in political changes and/or there could be changing priorities. Any future changes in the documents to be produced can be dealt with at the annual review.</p>
Legal Challenge Low Risk, High Impact	<p>A legal challenge may be lodged within 6 weeks of adoption of a Development Plan Document. The degree to which this will happen is uncertain. However, a challenge will only succeed if the Council (or Inspector) has made a mistake in procedure or in fact.</p> <p>To avoid a legal challenge, every effort will be made to ensure that procedures are followed, and facts are correct.</p>

Appendix 1 - Supplementary Planning Guidance/Documents and Planning Guidance Notes - status as at February 2023

Existing Supplementary Planning Documents

Subject	Adoption Date
Recreational Disturbance Avoidance and Mitigation Strategy SPD	August 2020
Provision of Open Space, Sport and Recreational Facilities	July 2006, updated April 2019
Street Services	October 2012, revised February 2016
Sustainable Drainage Systems Design Guide	April 2015
Community Facilities	September 2009, revised July 2013
Backland and Infill Development	December 2010
Better Town Centre	December 2012
North Colchester Growth Area	June 2012
Cycling Delivery Strategy	January 2012
Affordable Housing	August 2011
Shop Front Design Guide	June 2011
Sustainable Construction	June 2011
Car Parking Standards (ECC)	September 2009
ARBO Development Brief	December 2021

Guidance Notes	Adoption Date
North Colchester Growth Area	June 2012
Colne Harbour Masterplan	January 2011
St Botolphs Masterplan	June 2005
Garrison Masterplan	November 2002
Permitted Development	August 2022
Canopy Cover Assessment	October 2022

Proposed Supplementary Planning Documents

Subject	Expected Adoption Date
Planning Obligations	Winter 2024
Affordable Housing	Spring 2023
Self and Custom Build and Specialist Housing	Autumn 2024
Climate Change	Winter 2023
Active Travel	Winter 2023
Biodiversity	Summer 2023
Shop Front Design Guide	Winter 2023
City Centre Masterplan	Autumn 2023

Appendix 2 - Summary of Amendments to the June 2021 LDS

In accordance with Section 15 (9A) (b) of the Planning and Compulsory Purchase Act 2004, a summary of the amendments made to the LDS since its last publication in June 2021 are set out below:

- Review of “Planning Context” to provide clarity and reflect adoption of the Colchester Local Plan Section 1 and Section 2
- Updated progress of Neighbourhood Plans across the Council’s administrative area
- Updated timescales for the Tendring Colchester Borders Garden Community Development Plan Document
- Inclusion of the Colchester Local Plan Review
- Updated timescales for the following SPDs:
 - Planning Obligations
 - Affordable Housing
 - Self and Custom Build and Specialist Housing
 - Climate Change
 - Biodiversity
- Inclusion of the Active Travel SPD
- Inclusion of the Shop Front Design Guide SPD
- Inclusion of the City Centre Masterplan SPD
- Clarity to “Monitoring and Review” section
- Update to “Resources” to reflect current staff levels
- Inclusion of Planning Reforms within “Risk Assessment”



Local Plan Committee

6 February 2023

Item
10

Report of	Sandra Scott, Place and Client Services	01206 282975
Title	Consultation on the revisions to the National Planning Policy Framework	
Wards affected	All	

1. Executive Summary

- 1.1 Members will be aware that the Levelling Up and Regeneration White Paper was published in February last year and the Levelling Up and Regeneration Bill (LURB) was introduced to Parliament in May 2022. It will put the foundations in place for delivering the Government's agenda and deliver against some of the ambitions and planning reforms set out in the Levelling Up White Paper.
- 1.2 On 22nd December 2022 the Government Department for Levelling Up, Housing and Communities, launched a consultation on revisions to the National Planning Policy Framework (NPPF) and views on the proposed approach for a wider review following the progression to Royal Assent of the LURB.
- 1.3 This report summarises the content of the consultation document and is intended to stimulate discussion and help inform the Council's response to the consultation.

The scope of the Consultation

- 1.4 This is a wide-ranging consultation on proposals both for immediate implementation and then for a fuller update of the NPPF later in 2023 following the Royal Assent of the LURB, including the transitional arrangements for the planning reforms. The proposed immediate changes are highlighted in a tracked changes NPPF document which is published alongside the Prospectus which sets out the full extent of the consultation and a total of 58 questions. It provides wording that is indicative of what would be implemented immediately, subject to the results of this consultation. It seeks initial views on matters which will be consulted on further later in the year, these include a full review of the NPPF and the National Development Management Policies (NDMP).

2. Recommended Decision

- 2.1 To provide comments on the consultation proposals which will feed into a response from the Council by the deadline of 2 March 2023.

3. Reason for Recommended Decision

- 3.1 The consultation provides an opportunity to make representations on proposed changes to the NPPF and provide views to help inform a later wider review of the NPPF, planning reform and the scope and approach of National Development Management Policies.

4. Alternative Options

- 4.1 Not to comment on the consultation which would miss the opportunity to influence national policy.

5. Background Information

- 5.1 The NPPF was first introduced in 2012 to consolidate the Government's planning policies for England. It guides Local Planning Authorities in plan making and decision taking. There is an expectation that Local Plan policies are consistent with the NPPF and a statutory requirement for them to be a material consideration in decision taking. The consultation prospectus suggests that the LURB 'seeks to put communities at the heart of the planning system and take forward the continued commitment to build more homes, empower communities and restore pride and deliver beautiful development in the right places'. To support the Bill, changes to the NPPF are required, with some needed immediately to enable the delivery of the Government's commitment to build enough of the right homes, in the right places, with the right infrastructure, ensuring the environment is protected and giving people a greater say about new beautiful development. The changes to the NPPF which are proposed for immediate revision cover the following key matters, which seek to;

- make clear how housing figures should be derived and applied so that communities can respond to local circumstances;
- boost the status of Neighbourhood Plans;
- address issues in the operation of the housing delivery and land supply tests;
- tackle problems of slow build out;
- encourage local planning authorities to support the role of community-led groups in delivering affordable housing on exception sites;
- set clearer expectations around planning for older peoples' housing;
- promote more beautiful homes, including through gentle densification;

- make sure that food security considerations are factored into planning decisions that affect farm land;
- and enable new methods for demonstrating local support for onshore wind development.

5.2 The key points are summarised under the headings in the consultation document;

Providing Certainty through local and neighbourhood plans (Chapter 3) and reforming the 5 Year Housing Land Supply

- 5.3 The Government wants to promote greater importance of a genuinely plan led system believing that the best way to achieve the wider objectives is for every Local Authority to have an up-to-date plan in place. Currently only 40% of Local Authorities in England have an up-to-date plan adopted. It is also recognised that it is important to ensure that once in place, plans need to be effective and deliverable. The Bill will make an important change by increasing the weight to be given to adopted plans. To further support this an immediate change is proposed (to take effect from Spring 2023) to the five-year housing land supply rules, where there are up to date plans and made neighbourhood plans.
- 5.4 It is proposed to remove the requirement for local authorities with an up-to-date local plan (where the housing requirement as set out in strategic policies is less than 5 years old) to continually demonstrate a deliverable 5-year housing land supply.
- 5.5 The Framework currently requires local authorities to include a buffer of 5%, 10% or 20% on top of their 5-year housing land supply, where strategic policies are more than 5 years old and as a consequence of the results of Housing Delivery Test (HDT in the case of 20%). It is recognised that these buffers can bring complexities which do not necessarily bring supply rewards. It is therefore proposed to remove the current requirement to include a buffer for 5 year housing land supply calculations including the 20% as applied by the HDT.
- 5.6 A further change proposed seeks to bring the position on oversupply of housing into line with that for undersupply. This will enable a local authority to include historic oversupply in its 5 YHLS calculations to demonstrate meeting the overall housing requirement. This will help address current issues when a local authority over delivers early in the plan period and may later struggle to demonstrate a 5 YHLS, often resulting in the presumption in favour of sustainable development applying and resulting in additional development on land not allocated in the local plan or in line with local policies.
- 5.7 The consultation proposes to boost the status of Neighbourhood Plans with an immediate change to paragraph 14 of the NPPF. This will provide additional protections for neighbourhood plans in circumstances where a local planning authority's policy for the area covered by the neighbourhood plan are

out-of-date. First, it is proposed to extend protection to neighbourhood plans that are up to 5 years old instead of the current 2 years. Second, to remove tests which currently mean local planning authorities need to demonstrate a minimum housing land supply and that they have delivered a minimum amount in the Housing Delivery Test for Neighbourhood Plans to benefit from the protection afforded by the Framework.

- 5.8 ***Initial Officer Comment:- These changes are welcomed and considered to be beneficial to CCC.***

Planning for Housing (Chapter 4)

- 5.9 Proposed amendments to paragraphs 1 and 7 of the NPPF are intended to signal that providing for necessary development that is integrated with local infrastructure is a core purpose of the planning system, while not negating the fundamental importance of respecting the overarching economic, social and environmental objectives.
- 5.10 The standard method for assessing local housing need was introduced in 2018 to ensure that plan making is informed by an objective assessment of projected household growth. As the Colchester Local Plan was prepared under the previous transitional arrangements due to the timing of its submission, the Adopted Plan for Colchester is based on the former evidence based approach of Objectively Assessed Housing Need. This consultation does not propose any changes to the standard method. However, it does indicate that following the publication of the 2021 Census a review of the implications of the standard method will be undertaken at that time. This is likely to be 2024.
- 5.12 This consultation seeks views on proposals which are designed to support local authorities to set local housing requirements that respond to demographic and affordability pressures while being realistic given local constraints. Being clearer about how local constraints can be taken into account and taking a more proportionate approach to local plan examination is intended to speed up plan-making. Changes to the HDT are also intended to support a plan-led system, by preventing local authorities who are granting sufficient permissions from being exposed to speculative development, which can undermine community trust in plan-making. Views on the implications of future changes are sought now to enable later focussed updates to the NPPF to quickly have an impact on plan making and on speculative development in those areas granting enough permissions.
- 5.13 A change to the NPPF is proposed to take effect from Spring 2023, to make it clearer that the outcome of the standard method is an advisory starting-point to inform plan-making – a guide that is not mandatory – and it is also proposed to give more explicit indications in planning guidance of the types of local characteristics which may justify the use of an alternative method, such

as islands with a high percentage of elderly residents, or university towns with an above-average proportion of students.

- 5.14 The changes which relate to matters that may be relevant to consider whether a plan can meet the identified housing need include;
- building at higher densities if this would be significantly out of character and conflict with other design principles;
 - if it relates to Green Belt land;
 - the ability to take into account past over-delivery whereby if permissions that have been granted exceed the provision made in the existing plan, that surplus may be deducted from what needs to be provided in the new plan.
- 5.15 The consultation is proposing changes to the NPPF which seek to ensure that plans are subject to proportionate assessment when they are examined. As such it is proposed to simplify the test of “soundness” and remove the requirement to be “justified”. Instead the examination will assess whether the local planning authorities proposed target meets need so far as possible, takes into account other policies in the NPPF and will be effective and deliverable. This change will not apply to emerging plans which are significantly advanced in their progress.
- 5.16 The urban uplift will continue to apply to the top 20 most urban centres in England. Proposed amendments to the NPPF will make it clear how the uplift should be applied.
- 5.17 For emerging plans which included both a policies map and proposed allocations towards meeting housing need and have been submitted for examination or where they have been subject to a Regulation 18 or 19 consultation those authorities will benefit from a reduced housing land supply requirement. This will be a requirement to demonstrate a 4-year supply of land for housing, instead of the usual 5, for a period of 2 years from the point the changes come into effect in the NPPF. As Colchester benefits from an up to date Adopted Local Plan this does not currently apply.
- 5.18 A further new addition proposed with effect from Spring 2023 is to introduce a new permission-based test, where a local authority that has sufficient permissions for enough deliverable homes to meet their own annual housing requirement. Where this applies it will in effect “switch-off” the presumption in favour of sustainable development. This is intended to apply the HDT in a way which does not penalise local planning authorities unfairly when slow housing delivery results from developer behaviour rather than Councils not granting permissions. Alongside consultation on this immediate change to the NPPF, views are also sought on the right approach to applying Housing Delivery Test consequences pending the 2022 results.

- 5.19 ***Initial Officer Comment: The changes proposed which are relevant to Colchester are welcomed and considered to have potential benefits to CCC. However, the Government have maintained their target of building 300,000 new homes each year so the exceptions to adopting a lower housing target are likely to be limited, more details on this are required. CCC may consider pointing out that the Green Belt is in need of review and should not automatically be presumed not to be suitable for building.***

A planning system for communities (Chapter 5)

- 5.20 The consultation includes some specific changes to the NPPF both immediate and longer term to support the delivery of ‘the right types of homes and to meet the diverse needs of the local community’. These relate to delivering more homes for social rent and more older people’s housing.
- 5.21 The consultation also seeks views on whether the NPPF (paragraph 69) can be strengthened to encourage greater use of small sites, particularly in urban areas to speed up the delivery of housing, give greater confidence and certainty to SME builders and diversify the building market. A fuller review on these matters will follow and take into account views provided in this consultation response.
- 5.22 Views are sought about an amendment to the definition of affordable housing in the NPPF to enable providers that are not registered providers, in particular community-led housing and Almshouses to apply to the definition. Views are also invited for any ideas on the approach to the exceptions site policy to be made easier to support community led housing.
- 5.23 Although the vast majority of developers and landowners follow the rules, there are a minority who frequently and repeatedly behave irresponsibly, failing to deliver their legal commitments and breaching planning controls. The consultation is seeking views on options for potential ways to improve developer accountability. The options presented are to make bad past behaviour a material consideration when a planning application is determined or allowing local planning authorities to decline to determine applications submitted from applicants with a past record of bad behaviour. This is a similar principle to the amendment already made to the LURB allowing local planning authorities to decline to determine a new application where the build out of development has been too slow.
- 5.24 Additionally a package of further measures to help address poor build out will be required through the LURB including the requirement for Development Commencement Notices and powers to enable completion notices to be served requiring completion with a specified time, with failure to do so resulting in a planning permission lapsing. In addition, housing developers will be required to report annually to local authorities on their actual delivery

measured against a trajectory submitted on commencement. Following the passage of the Bill further changes to the NPPF will be proposed including;

- Publishing data for sites over a certain size where developers have failed to deliver;
- Require developers to explain how they propose to increase the diversity of housing tenures to maximise the schemes absorption rate;
- Delivery can be a material consideration – trajectories proposing a delivery rate which is too slow could be refused.

5.26 *Initial Officer Comment: general support although it should be noted that there are little or no instances of slow delivery in Colchester.*

Asking for beauty (Chapter 6)

5.27 The NPPF was updated in 2021 to strengthen the emphasis on beauty, placemaking and good design, including reference to the National Model Design Code (NMDC) which is now widely available to assess design of development. Further amendments to the NPPF are now proposed to emphasise further the role of beauty and placemaking. Changes will also make a stronger link between good design and beauty through amendments to Chapters 6, 8 and 12 of the NPPF. Additional references to beautiful development are proposed to address this.

5.28 Greater clarity and quality of drawings and plans linked to planning conditions on design and beauty will be required to support more effective enforcement.

5.29 Amendments to the NPPF to encourage local authorities to embrace higher density development especially recognising building upwards on existing development. Specific reference to mansard roofs as an appropriate form of upward extension to recognise their value in securing gentle densification is proposed as an amendment to paragraph 122e of the NPPF.

5.30 ***Initial Officer Comment: the proposals are generally welcomed as the objective of promoting good / improved design is supported. It should be noted that there are limited opportunities in Colchester for mansard roofs.***

Protecting the environment and tackling climate change (chapter 7)

5.31 The NPPF already places environmental objectives at the heart of the planning system. The Environment Act has further strengthened the role of the planning system, through the requirement for mandatory Biodiversity Net Gain which will come into force later this year. Other measures include Local Nature Recovery Strategies which will set the foundations for planning to have a more proactive role in promoting nature's recovery. Further changes to the planning system are proposed which will seek to deliver greater environmental improvement. The changes committed to are designed to support more holistic placemaking – through application of the National

Design Guide, National Model Design Code (NMDC) and local design codes. This consultation is seeking views on the approach to carbon assessments and the role planning can play in supporting climate adaptation.

- 5.32 One immediate change to the NPPF proposed to take effect in Spring 2023 is on specific changes to make sure that the food production value of land is reflected in planning decisions.
- 5.33 Views are also being sought on how policy and associated design guidance can be strengthened to promote small scale changes that can enhance biodiversity and support wildlife recovery. The NMDC already goes some way to promote design that is more wildlife friendly. Opportunities to go further will be encouraged and ideas are invited in response to this consultation. Further guidance will be consulted on later in the year about reflecting Local Nature Recovery Strategies in the planning system and the protection of Ancient Woodlands.
- 5.34 The Government's Net Zero Strategy commits to a fuller review of the NPPF following Royal Assent of the LURB to ensure they contribute to climate change mitigation and adaptation as fully as possible. This will also reflect the government's Transport Decarbonisation Plan which seeks to further strengthen the links between planning and transport in pursuing sustainable patterns of development and an improved built environment; and we will expect plans to show how their approach to identifying land should support this.
- 5.35 This consultation seeks initial views on approach and methods for embedding carbon assessments in planning policy. Further consideration of effective and proportionate evidence which may support local authorities in plan making and decision taking will be subject to future consultation.
- 5.36 Changes to the NPPF in 2021 strengthened guidance in relation to flood risk management, climate change and designing and shaping sustainable places that are resilient to and appropriate for current and future climate impacts. Ongoing review linked to the flood management and review in respect of other legislation implementation may inform further future changes. In addition policy guidance will be reviewed in relation to the production of Strategic Flood Risk Assessments to encourage maximum coverage and more frequent updates to ensure up-to-date assessments are available to support both plan preparation and decision making.
- 5.37 Views are being sought on how planning policy could support climate change adaptation further including through nature based solutions which provide multi-functional benefits.
- 5.38 ***Initial Officer Comment: Officers are encouraged that the consultation recognises that leaving the environment in a better state and tackling climate change are two of the greatest long-term challenges facing the world today. The proposals for planning to have a more proactive role in***

promoting nature's recovery and support for climate change adaptation are welcomed. These changes will be key in the review of the local plan.

Onshore wind and energy efficiency (chapter 8)

- 5.39 The consultation includes changes to planning policy for onshore wind to deliver a more localist approach that provides local authorities more flexibility to respond to the views of local communities. It also proposes changes to the National Planning Policy Framework to fulfil commitments in the British Energy Security Strategy to support the repowering of onshore wind and review the barriers when installing energy efficiency measures. These changes are in amended wording of paragraphs 155 and 158 of the NPPF. In addition changes to footnote 54 to reflect higher expectations of developers for community engagement where planning permission is required.
- 5.40 In addition a new paragraph 161 is proposed in the NPPF to require significant weight to be given to proposals which allow the adaptation of existing buildings to improve the energy performance. This is particularly relevant to Listed buildings and conservation areas.
- 5.41 ***Initial Officer Comment: the proposals are generally supported as a means of facilitating greater use of renewable energy. However, care will be needed to ensure no harm to listed buildings and conservation areas.***

Preparing for the new system of plan making (chapter 9)

- 5.42 The LURB sets out reforms to the local plan-making system - aiming for plans to be prepared more quickly with the content simplified. In addition, they will be afforded greater weight for decision taking with less circumstances when unplanned development could be approved. Subject to parliamentary approval it is anticipated that these reforms will be implemented from late 2024. This consultation seeks views on the transition timeline for switching from the current to new systems.
- 5.43 Where up to date plans are not in place, or plans are being reviewed, it is proposed that authorities will have until June 2025 to submit their plans (including Neighbourhood plans) in order to be examined under the current legal framework / system, with a deadline of 31st December 2026 for these plans to be adopted.
- 5.44 This consultation is only seeking views on the transitional arrangements for the reformed system. For information a summary of the key proposal being progressed through parliament set out in LURB is provided below together with a reference to the timeline proposed for transition.
- Requirement for work to commence on new plans no later than 5 years after adoption of the plan;

- Where adopted plans are more than 5 years old when the new system is live (end 2024) work on a new plan will need to commence immediately.
- Where local authorities have an adopted plan which is less than 5 years old when the new system goes live they will not be required to commence a review until it is 5 years old. If the plan will become out of date within 30 months of the system going live the current adopted plan will be considered to remain up to date for decision making for 30 months after the system starts. This is likely to apply to Colchester if the new system goes live in December 2024. This would mean that the latest time a plan review could commence is June 2027, as opposed to February 2026 based on the Section One Plan adoption date of February 2021.
- Plans can be reviewed earlier if local authorities wish to.
- Once work on a new plan has commenced it is expected to be completed / adopted in 30 months.
- Supplementary Planning Documents will be replaced by Supplementary Plans. These will have the same weight as Local Plans. Existing SPDs will remain in force until the local authority is expected to adopt a new-style plan.
- Neighbourhood Priorities Statements will be introduced as a means for communities to formally input into the preparation of local plans.
- Local Plans will be supported by new Infrastructure Delivery Strategies and the LURB also provides for a new Infrastructure Levy.
- The statutory duty to cooperate is to be abolished by the LURB and will be replaced with a new 'Alignment Policy' to secure appropriate engagement between authorities where strategic planning considerations cut across boundaries.

5.45 ***Initial Officer Comment: The transitional timeframe is reasonable and potentially gives CCC a little longer if required. The timescale of 30 months for Plan preparation seems ambitious, this may be redressed when more details are known about plan making expectations and the implications of the changes to system including the test of soundness, duty to co-operate and scope and content of National Development Management Policies.***

National Development Management Policies (NDMP) (Chapter 10)

5.46 The consultation sets out the Government's initial thinking about the scope and content of the NDMP on which views are being sought. The LURB sets out measures to improve all plans and give more weight to up to date plans in decision taking. This will be complemented by creating a concise set of NDMP for nationally important matters, which will be afforded the same weight as policies in local plans, neighbourhood plans and other statutory plans.

- 5.47 The current thinking is that the NDMP should cover matters which apply regularly in decision making on general issues such as conserving heritage assets, development in the Green Belt and areas of high flood risk.
- 5.48 The NPPF covers guidance on a full range of topics relevant to development management decisions, but currently they have no statutory status. The NDMP would change this.
- 5.49 In addition to the existing NPPF policies aimed at decision-making which would be one category of NDMP; the Government suggests two others:
- Selective new additions to reflect new national priorities, for example net zero policies that it would be difficult to develop evidence to support at a district level, but which are nationally important.
 - Selective new additions to close 'gaps' where existing national policy is silent on planning considerations that regularly affect decision-making across the country (or significant parts of it).
- 5.50 NDMP are not intended to impinge on local policies for shaping development, nor direct what land should be allocated through the plan-making process.
- 5.51 This consultation asks whether respondents agree with the principle of selective additions and views on those listed and if there should be others. The selective additions / gaps as additional potential topics to develop NDMPs are identified as: carbon reduction in new developments; allotments; and housing in town centres and built-up areas
- 5.52 The paper suggests that inconsistencies between National Policy and Local Policy should be much less frequent under this new system. Where conflict does arise the LURB provides that the NDMP would take precedence.
- 5.53 ***Initial Officer Comment: Officers are concerned about a one size fits all approach. Are policies which are appropriate in one part of the country suitable and equally as applicable in Colchester? On the other hand having certainty at a national level on some topics may be helpful and avoid disputes with applicants, ie carbon reduction. It will be important that CCC Officers and Members are fully engaged as further detail emerges.***

Enabling Levelling Up (Chapter 11)

- 5.54 The consultation acknowledges that changes are needed to the NPPF section concerned with “building a strong, competitive economy” and it is indicated that these will be subject to a separate consultation. The basis of this is indicated as including, a more positive framework for supporting economic development, reviewing the approach to supporting employment land, and the consideration of supply chain and connectivity issues.

- 5.55 This consultation does not propose any amendments to the NPPF in respect of Levelling Up. There is a brief section at Chapter 11 of the supporting consultation detail, titled 'Enabling Levelling Up' but there appears to be no reflection of 'Levelling Up' priorities geographically or spatially within the consultation and the consultation invites views on the policies that could be included to achieve the 12 levelling up missions in the Levelling Up White Paper.
- 5.56 There is specific reference inviting views on the inclusion of policies in the wider review of the NPPF to place more emphasis on ensuring that women, girls and other vulnerable groups feel safe in public places.
- 5.57 ***Initial Officer Comment; more detail is required.***

Wider Changes to the NPPF in the future (Chapter 12)

- 5.58 The extent of further changes to the NPPF as part of a full review to reflect the passage of the LURB are summarised as;
- Achieving sustainable development
 - Plan-making – to reflect amendments made by the LURB
 - Decision-making - to reflect the role of National Development Management Policies in decision-making, the introduction of Environmental Outcome Reports and other changes introduced by LURB;
 - Delivering a sufficient supply of homes;
 - Building a strong, competitive economy
 - Ensuring the vitality of town centres
 - Promoting sustainable transport
 - Achieving well-designed places - to reflect provisions in the Bill on mandatory authority wide design codes and supplementary plans.
 - Protecting Green Belt land
 - Meeting the challenge of climate change, flooding and coastal change
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
- 5.59 Throughout the consultation document a number of other significant proposed changes are referred to for future consultation which are anticipated to include;
- An initial first draft National Development Management Policies
 - NPPF which is refocused on plan-making policies
 - potential ways to improve developer accountability and, such as to take account of past irresponsible behaviour in decision-making

- introduction of a penalty against developers who build out “too slowly”
- national policy on build out rates
- permitted development rights and role of design codes
- details of the infrastructure levy
- increase to planning fees
- exploring how to do more through planning to measure and reduce emissions in the built environment, ahead of the wider NPPF review.
- review the implications on the standard method of new household projections data based on the 2021 Census, which is due to be published in 2024.
- the details of the “*alignment policy*” that will replace the duty to cooperate.

Consultation Questions

5.60 The full list of questions posed in the consultation are listed in the Appendix.

6. Equality, Diversity and Human Rights implications

6.1 The consultation includes a question in respect of the Public Sector Equality Duty.

7. Strategic Plan References

7.1 All themes in the Strategic Plan are relevant, in particular: delivering homes for people who need them; creating safe, healthy and active communities and tackling the climate challenge.

8. Consultation

8.1 The Government is carrying out this consultation and the deadline for responses is 2 March 2023.

9. Publicity Considerations

9.1 The consultation has already generated significant national publicity and it is expected that this will continue. Local Stakeholders will have an interest in the consultation including the Council’s response.

10. Financial implications

N/A

11. Health, Wellbeing and Community Safety Implications

N/A

12. Risk Management Implications

N/A

13. Environmental and Sustainability Implications

- 13.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

Appendix:- Questions to the Consultation

Background Papers

Levelling-up and Regeneration Bill: reforms to national planning policy- [The Prospectus](#) which sets out the full extent of the consultation.

Proposed amendments to the NPPF 2021- a [tracked changes NPPF document](#)

Chapter 14 – Table of questions

Question Number	Question Wording
1	Do you agree that local planning authorities should not have to continually demonstrate a deliverable five- year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than five years old?
2	Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?
3	Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?
4	What should any planning guidance dealing with oversupply and undersupply say?
5	Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?
6	Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?
7	What are your views on the implications these changes may have on plan-making and housing supply?
8	Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?
9	Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?
10	Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?
11	Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?

Question Number	Question Wording
12	Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?
13	Do you agree that we should make a change to the Framework on the application of the urban uplift?
14	What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?
15	How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?
16	Do you agree with the proposed four-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?
17	Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?
18	Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?
19	Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?
20	Do you have views on a robust method for counting deliverable homes permissioned for these purposes?
21	What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?
22	Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?

Question Number	Question Wording
23	Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?
24	Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?
25	How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?
26	Should the definition of "affordable housing for rent" in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?
27	Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?
28	Is there anything else that you think would help community groups in delivering affordable housing on exception sites?
29	Is there anything else national planning policy could do to support community-led developments?
30	Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?
31	Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?
32	Do you agree that the three build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?
33	Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?
34	Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?

Question Number	Question Wording
35	Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?
36	Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?
37	How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?
38	Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?
39	What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?
40	Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?
41	Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?
42	Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?
43	Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?
44	Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?
45	Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?

Question Number	Question Wording
46	Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?
47	Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?
48	Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?
49	Do you agree with the suggested scope and principles for guiding National Development Management Policies?
50	What other principles, if any, do you believe should inform the scope of National Development Management Policies?
51	Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?
52	Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?
53	What, if any, planning policies do you think could be included in a new framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?
54	How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?
55	Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?
56	Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?
57	Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

Question Number	Question Wording
58	We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.

6 February 2023

Report of	Laura Goulding
Title	Statement of Community Involvement 2023
Wards affected	All

1. Executive Summary

- 1.1 Colchester City Council is required to prepare a Statement of Community Involvement (SCI) setting out how it intends to consult when preparing planning policies and deciding planning applications. The current SCI was adopted in June 2020 and updated to reflect temporary measures during the Covid-19 lockdowns and restrictions. Certain requirements that were introduced in response to the coronavirus pandemic have now expired and are no longer in effect. These temporary measures have been removed and new updates have been included in the SCI to reflect the latest legislation.

2. Recommended Decision

- 2.1 To agree to the changes made to the Statement of Community Involvement to reflect the specific requirements arising from national policy guidance and legislation changes.
- 2.2 To publish the updated Statement of Community Involvement on the Council's website.

3. Reason for Recommended Decision

- 3.1 To ensure Council procedures on planning and community involvement are modified to align with current Government guidance and legislation.

4. Alternative Options

- 4.1 The Committee could decide not to update the Statement of Community Involvement, but this would conflict with the latest national policy guidance and regulations and may undermine plan making and decision making in the City.

5. Background Information

- 5.1 A Statement of Community Involvement (SCI) is a document required by Section 18 of the Planning and Compulsory Purchase Act 2004 which sets out what consultation will take place with the community on planning policy documents and planning applications.
- 5.2 The Council approved the latest version of the Colchester SCI in June 2020. It is available on the [Council website](#). The 2020 update addressed the Covid-19 implications for the ability of authorities to comply with policies set out in their SCI's. The Government addressed the need to modify consultation requirements for an interim period in the Flexibility of Local Authority Meeting Regulations 2020 and in modifications to Planning Policy Guidance (PPG) published 13 May 2020.

Information removed from SCI

- 5.6 Colchester Council published a covering table at the front of the previous September 2018 SCI highlighting changes to the document covering the temporary Covid restrictions which have now been revoked. This table has now been removed from the SCI to reflect these changes in legislation.
- 5.7 Press Notices in newspapers are no longer required to advertise consultations and have been removed from the SCI. The Council will continue to advertise consultations via the Council's website and/or social media.

Additions and changes to the SCI

- 5.8 In light of the Covid-19 pandemic a paragraph has been added to the introduction in case there is a comparable situation in the future and the Council cannot fully comply with this SCI. The Council is committed to effective consultation and communication with its residents, and in order to do this some consultation methods may have to change temporarily, in response to any temporary national policy guidance.
- 5.9 Updates have been made to reflect the adoption of the Colchester Local Plan, with Section 1 adopted on 2 February 2021 and Section 2 adopted on 4 July 2022.
- 5.10 The Colchester Council 2018 SCI stated a minimum 6-week consultation period for Supplementary Planning Documents (SPD). National legislation permits that the consultation period for SPD's be minimum 4 weeks. We have updated the SCI to align with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 5.11 Following updates to the Planning Committee Procedure, in 2021, a section has been added to explain the process of 'Have your Say' at both Planning Committee and Local Plan Committee.
- 5.12 A 'Plan Making' process section been added to help explain the Local Plan, Neighbourhood Plan and Supplementary Planning Documents process.
- 5.13 A section has also been added to the Neighbourhood Planning chapter to better explain the support Colchester City Council can offer. Officers are also preparing a Neighbourhood Planning Guide to provide further details of the neighbourhood planning process, including for review and modifications of adopted NHPs. This will be published on the Council's website and a link added to the SCI once finalised.

- 5.14 A paragraph has been added to the 'Procedure for Dealing with Written Representations to Applications' section. This explains that we will not directly notify those who have made representations to applications of the proposed committee date for consideration of the application. This is due to receiving thousands of representations annually, which cannot be responded to. This is confirmed on our website and has been the case for some time.
- 5.15 The Public participation 'Have your Say' at Planning Committee and Local Plan committee has been added and expanded upon to reflect the changes made since the Covid19 restrictions. During Covid19 lockdowns committees took place online to allow the meetings to continue safely. Meetings have now returned face to face but are also live streamed allowing the public to observe the meeting.
- 5.16 The Appeals chapter has been revised to outline more clearly the process, including that the government appointed inspector will decide on the procedure which could be via written representation, a hearing or a public inquiry and is determined on a case by case basis.
- 5.17 The SCI will be kept under review and modified as required to take account of both the latest health and safety requirements and adoption of new consultation methods. It may be necessary to revise the SCI at short notice, but any changes will be brought to the first available Local Plan Committee to enable scrutiny and review.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking [here](#).

7. Strategic Plan References

- 7.1 The Strategic Plan is relevant in particular contributing to priorities under the themes:
- Creating safe, healthy and active communities;
 - Delivering homes for people who need them; and
 - Growing a fair economy so everyone benefits.

8. Consultation and Publicity

- 8.1 This SCI update is publicised via presentation at Local Plan Committee. This is in line with Government advice that while there is no requirement to have a formal consultation on the SCI, *'it is good practice for authorities to inform the public of their intentions to update this document and of the changes that have been made'*.

9. Financial implications

- 9.1 There are no financial implications for the Council

10. Community Safety Implications

- 10.1 There are no community safety implications for the Council.

11. Health and Safety Implications

- 11.1 There are no health and safety implications for the Council.

12. Risk Management Implications

- 12.1 Adopting the Statement of Community Involvement will reduce the risk of the Council failing to adhere to the most recent regulations.

13. Environmental and Sustainability Implications

- 13.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

Appendices

Appendix One: Statement of Community Involvement 2023

STATEMENT OF COMMUNITY INVOLVEMENT

February 2023

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1. Introduction

What is a Statement of Community Involvement?

- 1.1 Local Planning Authorities are required to prepare a Statement of Community Involvement (SCI) under Section 18 of the Planning and Compulsory Purchase Act 2004.
- 1.2 An SCI sets out what consultation will take place with the community and other stakeholders on planning policy documents and planning applications. The document states who the Council will consult with, when and how.
- 1.3 The SCI provides clarity on the extent of community involvement that will take place. It sets out clear consultation procedures and standards that the Council will follow when undertaking consultations on draft planning policy documents and when planning applications are received. This 2023 SCI supersedes the 2020 SCI and has been produced predominantly to reflect changes in national policy and legislation. This update has also provided an opportunity to make the document more concise and user friendly.

The Impact of COVID-19

- 1.4 In light of the Covid-19 pandemic and in any comparable situation in the future, there may be circumstances when the Council will be unable to fully comply with this SCI. This is particularly the case where consultation documents are usually placed in the Council offices for inspection. The Council is committed to effective consultation and communication with its residents, and in order to do this, some consultation methods may have to change temporarily, in accordance with any government guidance and advice published at that time. This is to protect both our community and staff.

2. Colchester's Approach

Planning Policy

- 2.1 Colchester City Council attaches great importance to undertaking effective consultation with all stakeholders. The type and coverage of plans has evolved over the years but the overall requirement to ensure wide consultation remains.
- 2.2 The continuing source of information and progress on all the Council's planning policy documents continues to be the Local Development Scheme, which is available on the [Council's Website](#).
- 2.3 The adopted shared strategic Section 1 Local Plan for North Essex includes a proposal for the cross boundary Tendring and Colchester Borders Garden Community. The Council is currently working on a separate development plan document (DPD) for this. The consultations for the Garden Community will need to have regard to the Colchester City and Tendring District SCIs, where appropriate.
- 2.4 As part of involving the community in the preparation of planning policy documents, Colchester City Council will maintain an up to date consultation database so that any individual or organisation who wishes to be informed of the progress of planning policy documents is directly notified when a document is consulted on. Further information on how the Council will work with the community on planning policy documents is set out in Part one of this document. Anyone wishing to be added to the database can do so by emailing planning.policy@colchester.gov.uk
- 2.5 Once consultation has taken place on draft planning policy documents, a consultation summary will be produced which will summarise the key points made and provide a response to the issues raised before the document is finalised. This will be published on the Council's website.

Duty to Cooperate

- 2.6 As part of the statutory Duty to Cooperate, neighbouring councils and other relevant organisations must work together on strategic planning issues that affect them all. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, Colchester City Council will work together on strategic planning issues with the organisations shown in the following table.

Duty to Cooperate Consultees	Office of Rail and Road
Environment Agency	Highways Agencies
Historic England	Integrated Transport Authorities
Natural England	Highway Authorities
Civil Aviation Authority	Marine Management Organisation
Homes and Communities Agency	Local Enterprise Partnerships
Clinical Commissioning Groups	Neighbouring Local Authorities
NHS England	Essex County Council

Table One – Duty to Cooperate Consultees

- 2.7 In addition to the above, the Council is required to consult ‘specific’ and ‘general’ consultation bodies and other consultees including the community, neighbourhood plan groups, businesses and third sector groups. The following list of organisations will be informed of any consultation being undertaken, as appropriate.

Specific Consultation Bodies	General Consulting Bodies
Neighbouring Local Authorities	Voluntary Bodies
All Parish Councils within and adjoining the boundary of Colchester Borough as appropriate.	Ethnic / Racial / National Groups
Essex Police	Religious Groups and Churches
The Environment Agency	Disabled Groups
Historic England	Local Business Support Agencies
Natural England	Other Consultees
The Secretary of State for Transport	Health Agencies
Electronic Communication Providers	Learning Agencies
Telephone Operators	Schools
Electricity Suppliers	Transport Bodies and Groups
Gas undertakers	Sports Clubs
Sewage Undertakers	Recreation Bodies
The Homes and Communities Agency	Infrastructure and Service Providers
The Ministry of Housing, Communities and Local Government	Design, Town Planning, Conservation and Landscape and Nature Conservation Bodies
Marine Management Organisations	Environmental Groups
Network Rail	Planning Consultants and Agents
National Highways	The Development Industry
Public Health England	Other miscellaneous bodies.
Electricity and Gas Suppliers	
Sport England	

2.8 Table Two – Wider Consultees

Local Plan Committee and Public Participation at Meetings (Have your say!)

2.10 The Local Plan Committee has been established as a sub-committee of Full Council and is open to the public in the same way as other formal Council committees. The Committee has responsibility for guiding the Development Plan process and takes decisions on the various documents to be produced.

2.11 The public can participate at Local Plan Committee under the scheme 'Have your say!'. The following procedure will apply at the Local Plan Committee Meetings:

- Any member of the public may ask a question or address a meeting on a matter which is on the agenda for the meeting or is within the terms of reference of the Committee except in cases where the Committee is acting in a quasi-judicial capacity or similar or in relation to planning applications, subject to the following procedure.
- Subject to the absolute discretion of the Chairman to extend or limit the time available for public participation, a period of up to fifteen minutes shall be available at the start of a meeting for public participation on issues within the remit of the meeting not otherwise appearing on the agenda for the meeting.
- Where public participation relates to an item on the agenda for the meeting, the Chairman shall invite the participation immediately prior to the consideration of the item by the meeting. The amount of time afforded to public participation on any single item shall be at the absolute discretion of the Chairman but should not normally exceed fifteen minutes.
- At the absolute discretion of the Chairman the order of business for the meeting may be changed for the convenience of the public who wish to participate.
- A member of the public may ask questions or make a statement for a period not exceeding three minutes.
- An answer to a question posed or statement made by a member of the public may take the form of a direct oral answer or where the desired information is contained in a publication of the Council, a reference to that publication or where the reply to the question cannot conveniently be given orally, a written answer which will be reported to a future meeting.
- Following the conclusion of the answer the member of the public may, if they wish, have a further period of up to one minute to ask a supplementary question or comment on the answer provided. At the end of that period of time, the bell will be rung and the speaker will resume their seat whether or not their comments have been concluded. A further response to the speaker's comments may be made.

- In the exercise of absolute discretion, the Chairman may disallow or terminate any public participation which is scurrilous, vexatious, improper, irrelevant or otherwise objectionable.
- Public participation must be made orally at the meeting, either in person or virtually via online participation. Written statements may not be submitted instead of personal attendance unless in exceptional circumstances and up to the discretion of the chairman. Documents including photographs may not be circulated by a member of the public participating in the meeting except for a petition which may be presented to the Chairman.
- The council meetings will be live streamed where possible allowing the public to join the meeting virtually to speak or simply to observe the meeting only and not participate. Information on previous meetings and upcoming dates can be viewed on the [Council's Website](#).

2.12 More information regarding the procedure can be found on the Council's website under the Constitution [Part 4](#) - Procedure Rules.

3. The Development Plan

- 3.1 Applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise as set out in section 38(6) of the Planning and Compulsory Purchase Act 2004. The Development Plan is a suite of documents that set out the Local Planning Authorities (LPA) policies and proposals for the development and use of land and buildings in the authority's area. This can include Local Plans and Neighbourhood Plans. Within Colchester this currently includes:
- Section 1 Local Plan (adopted February 2021);
 - Section 2 Local Plan (adopted July 2022);
 - Tiptree Jam Factory DPD (adopted 2013);
 - Neighbourhood Plans.
- 3.2 Colchester has several adopted and emerging Neighbourhood Plans. A Neighbourhood Plan attains the same legal status as the Local Plan once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan for the City. Further information regarding Neighbourhood Plans can be found on the [Council's Website](#).

Local Plan

- 3.3 The Local Plan is the main planning policy document produced by the Council; it contains policies to guide the development of an area and includes allocations that indicate where development will take place (normally over a 15 year period from the adoption of the Plan). As required by national planning policy, the Local Plan should be prepared by the Council in consultation with the community. It will be reviewed every 5 years in part or in full.
- 3.4 The current Local Plan is in 2 Sections, with Section 1 providing a shared strategic policy context and addressing cross boundary matters for North Essex together with Braintree and Tendring Councils. This includes the Tendring Colchester Borders Garden Community and policies setting the overall housing and employment requirements for North Essex up to 2033. This was adopted by the Council on 2 February 2021. Section 2 of the Colchester Local Plan provides the policy framework, site allocations and development management policies for the City up to 2033. This was adopted by the Council on 4 July 2022. The Local Plan documents are available on the [Council's Website](#) along with an [Interactive Policy Map](#) displaying GIS data and planning policy information.

Garden Community DPD

- 3.5 In Partnership with Tendring District Council, a Development Plan Document (DPD) is being prepared to further guide development on the Tendring Colchester Borders Garden Community. The DPD, once adopted by the Council, will include the location and scale of land uses alongside the required infrastructure. As with the Council's Local Plan, the DPD will be reviewed at 5 year intervals, this process will be subject to the appropriate public consultation.

Plan Making Process

- 3.6 A Local Plan must be prepared in accordance with national policy, guidance and regulations. The plan making process can be summarised as:

Stage 1 – Evidence Gathering – reviewing and developing a range of evidence base documents to inform the Plan. These may be completed by the Council or Consultants appointed, depending upon the subject matter.

Stage 2 – Issues and Options – identifying and understanding the main issues to be addressed in the Local Plan and considering the different approaches, including a public consultation.

Stage 3 – Preferred Options – Having considered the various options and responses from the consultation, a revised Plan is produced and subject to public consultation. This is known as the Regulation 18 Consultation.

Stage 4 – Publication Draft – Having considered the latest round of public consultation responses and any further updates to the evidence base, a final draft version of the Local Plan which the Council wishes to submit is prepared and published for consultation. This is known as the Regulation 19 Consultation.

Stage 5 – Submission. Following the statutory period of consultation, the Publication Draft Local Plan, evidence base and all representations are submitted to the Secretary of State.

Stage 6 – Examination. The Government will appoint an independent Planning Inspector to carry out an Examination of the Local Plan. This will consider if the Plan has correctly followed the legal process and meets national policy and will include a Public Examination. It will consider the representations received and there will be an opportunity for stakeholders and the public to participate in writing or in person at Hearing sessions. The Council will create an 'Examination website' to keep the public and stakeholders informed.

Stage 7 – Modifications. Following Examination, the Inspector is likely to recommend some changes to the Local Plan. These modifications will be subject to a public consultation and all representations will be sent to the Inspector for their consideration. The Inspector will then issue a Report, concluding the examination.

Stage 8 – Adoption. If the Local Plan has passed the examination, the Local Plan, incorporating any modifications recommended by the Inspector, will be presented to Full Council to formally adopt. Once adopted the Plan will have full weight in planning decisions. The Plan will be published on the Council's website.

Throughout the process, the CCC website will be updated with the latest information.

Consultation Methods

- 3.7 The following table sets out a summary of the consultation stages and methods that Colchester City Council will use when consulting on Development Plans (the

Local Plan and DPD). Alongside the development plans, the relevant Sustainability Appraisal (SA)/ Strategic Environmental Assessment (SEA) will also be consulted upon. Please see section 6 for further information on Sustainability Appraisals / SEAs.

Plan Stage	Consultation Duration	Consultation Methods
Issues and Options	Minimum of 6 weeks	<p>Written / Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments;</p> <p>Consultation documents available on the Council's website and hard copies available at the Council offices, and libraries, as appropriate, and;</p> <p>Invitations for Representations to be made on the document will be through the Council's website and/or social media. The preferred method for submitting representations will be via the consultation portal.</p>
Preferred Options Consultation	Minimum of 6 weeks	
Submission Consultation and Publicity of a plan proposal	Minimum of 6 weeks	

Table Three – DPD Consultations

4. Neighbourhood Plans and Neighbourhood Development Orders

- 4.1 Neighbourhood Plans, which were introduced by the Localism Act 2011, allow designated groups of local people to prepare plans for their community, against which planning applications will be assessed.
- 4.2 Neighbourhood Plan Groups can grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development. They can set out planning policies in Neighbourhood Plans to guide the future development of an area, including identifying sites for new housing or safeguarding existing facilities. A Neighbourhood Plan must be in general conformity with local and national policy.
- 4.3 Once a Neighbourhood Plan or Order is approved it will be used to guide development and to help decide the outcome of planning applications in the area. The Neighbourhood Plan or Order once adopted, becomes part of the Council's Development Plan.
- 4.4 The statutory stages in the preparation and review of these documents are set out in The Neighbourhood Planning (General) Regulations 2012 (as amended).
- 4.5 If a community wishes to simplify the process for allowing development a Neighbourhood Development Order (areas where specified development is permitted without the need to apply for planning permission) or a Community Right to Build Order (permission for small scale community led-schemes) can be implemented. These can be instead of, or in conjunction with, a Neighbourhood Plan and would result in effectively granting planning permission for certain types of development in specified areas. These orders, however, can't remove the need for other permissions such as Listed Building or Conservation Area consent.

Neighbourhood Plan Process

- 4.6 The Neighbourhood Plan Process can be summarised as:

Stage 1 – Group Formation. If a Neighbourhood Plan is to be prepared by a Parish Council, no group formation is required, however it should be set out if a Steering/Sub Group are to be established. Where there is no Parish Council, a Neighbourhood Forum can be created which must include 21 members living or working within the neighbourhood. This is known as the Qualifying Body (QB).

Stage 2 – Area Designation. The QB formally write to Colchester City Council seeking to designate the area the Neighbourhood Plan will cover. This will be decided by the Council in accordance with the Scheme of Delegation.

Stage 3 – Plan Development. The QB begin plan making, including agreeing the scope of the plan and timescales, engagement with the community, collecting and preparing evidence and drafting a plan. This process will be supported by the Council.

Stage 4 – Draft Plan. Once a Plan has been prepared, the QB will hold a public consultation, known as the Regulation 14 Consultation. CCC will provide a representation to the consultation, if appropriate.

Stage 5 – Submission Plan. Taking into account the representations and any further updates to the evidence base, a Final Draft Plan will be prepared. The QB will submit the Plan to CCC alongside the evidence base and submission documents.

Stage 6 – Publication Consultation. CCC will confirm that it believes the submitted plan meets the Basic Conditions and arrange a public consultation, known as the Regulation 16 Consultation.

Stage 7 – Examination. In partnership, CCC and the QB will appoint an Independent Examiner to carry out an examination of the Neighbourhood Plan. The Examiner will be provided with the Plan, submission documents and links to the evidence base and all representations received to the Regulation 16 consultation. This will consider if the legal process has been followed and whether the plan meets the Basic Conditions. CCC will finance the Examination and be the main point of contact to the Examiner.

Stage 8 – Referendum and Adoption. If the Examiner concludes that the Plan passes the examination, a public referendum will be held. If more than 50% of those who vote are in favour, the Neighbourhood Plan will be ‘made’ or adopted. CCC will organise and finance the referendum. Following the referendum, the Council will formally ‘make’ the plan at Full Council. Once adopted the Plan will have full weight in planning decisions. The Plan will be published on the Council’s website.

Throughout the process, the CCC website will be updated with the latest information.

Consultation Methods

- 4.7 As Neighbourhood Plans and Orders aren’t prepared by the Council; this SCI can’t prescribe what methods of community consultation they should follow. The Council will, however, expect these documents to follow wherever possible the general principles and techniques set out in this SCI.
- 4.8 Paragraph 47 of the Neighbourhood Planning - Planning Practice Guidance states:

‘A qualifying body should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:

- is kept fully informed of what is being proposed*
- is able to make their views known throughout the process*
- has opportunities to be actively involved in shaping the emerging neighbourhood plan or Order*
- is made aware of how their views have informed the draft neighbourhood plan or Order.’*

4.9 Paragraph 48 of the Neighbourhood Planning - Planning Practice Guidance states:

‘A qualifying body must consult any of the consultation bodies whose interest it considers may be affected by the draft neighbourhood plan or order proposal. The consultation bodies are set out in Schedule 1 to the Neighbourhood Planning (General) Regulations 2012 (as amended). Other public bodies, landowners and the development industry should, as necessary and appropriate be involved in preparing a draft neighbourhood plan or Order. By doing this qualifying bodies will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development.’

4.10 Once the Neighbourhood Plan has been submitted to the Local Authority, the Council is required to, confirm whether it believes the Basic Conditions have been met and consult with the public at the Submission or Regulation 16 Consultation stage. The table below sets out the requirements for this consultation.

Neighbourhood plan stage	Consultation Duration	Consultation Methods
Submission Consultation	Minimum of 6 weeks	<p>Written / Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments;</p> <p>Consultation document available on the Council's website and hard copies available at the Council offices, and libraries.</p> <p>Invitations for Representations to be made on the document will be through the Council's website and/or social media. The preferred method for submitting representations will be via the consultation portal.</p>

What support do we offer to help prepare or review a neighbourhood plan?

- 4.11 As the LPA, CCC has a duty to give advice and support to parish councils and neighbourhood plan groups / forums to assist in the preparation of a neighbourhood plan / neighbourhood development order.
- 4.12 Once a Neighbourhood Plan Area has been designated by the Council, an officer from the Planning Policy team will be assigned as the main point of contact for the parish council/neighbourhood plan group. The officer will be able to help and support the group throughout the plan making process.
- 4.13 The Council strongly supports neighbourhood planning advice and guidance will be provided throughout the process. This may include:
- 4.14 An overview of the neighbourhood planning process;
- Guidance on where to apply for support and funding available to assist with the preparation of the Plan
 - Establishing aims, objectives and vision;
 - Engaging with the community;
 - Forming an Evidence Base to support the Plan;
 - Site appraisals and how to conduct site assessments;
 - Reviewing early drafts of the neighbourhood plan to ensure it meets the basic conditions;
 - Guidance and support in relation to seeking specialist expertise and appointing consultants;
 - Revising policies following public consultation and informed by the evidence base;
 - Submitting the Plan;
 - The examination and referendum process.

Further guidance and advice

- 4.15 The Council is committed to facilitating the production of Neighbourhood Plans and have prepared a Guide to provide further information details of support. This is available to view on the Council's website [LINK TO BE PROVIDED]. If you would like to find out more please contact Planning.Policy@colchester.gov.uk
- 4.16 More information on Neighbourhood Plans in the Borough is available on the [Council's Website](#).
- 4.17 Essex County Council have also prepared a Neighbourhood Planning Guide which includes signposts relevant County Council services and information

sources for groups preparing Neighbourhood Plans. This is available to view on the [Essex County Council's Website](#).

5. Supplementary Planning Documents

What are Supplementary Planning Documents?

- 5.1 Supplementary Planning Documents (SPDs) are intended to explain or provide further detail to policies or site allocations in a Local Plan document. They could take the form of design guides, area development briefs, master plans or issue based documents. They will be used in deciding planning applications and will help the Council defend its decisions at appeals.
- 5.2 The adopted SPDs are available to view on the [Colchester Council's Website](#).

Supplementary Planning Document Process

- 5.3 The SPD Process can be summarised as:

Stage 1 - Initial background work. Research will be carried out to identify the issues and relevant policy context as part of the evidence gathering. This engagement can involve informal targeted involvement of organisations and service providers as well as informal consultation with key stakeholders, such as Parish Councils, Schools, relevant interest groups, landowners and developers.

Stage 2 - Publish the draft SPD for consultation. The Council will hold a public consultation. This may be by agreement with the Portfolio Holder or the Local Plan Committee depending on the scope / topic covered by the SPD.

Stage 3 - Finalise the SPD. The representations submitted during the consultation will be reviewed and any justifiable changes can be made to the SPD.

Stage 4 - Adoption of the SPD. If agreed by Local Plan Committee, the SPD will be adopted, and it will be published on the council's website along with an adoption statement. Once adopted the SPD's will have material weight in planning decisions.

- 5.4 Throughout the process, the CCC website will be updated with the latest information.

Consultation Methods

- 5.5 The council is committed to involving the community in the preparation of these documents, but the level and scope of consultation will vary according to the nature of the document being produced. When preparing Supplementary Planning Documents the Council will use the following method to engage with the local community:

Stage	Consultation Duration	Consultation Methods
Draft SPD Consultation	Minimum of 4 weeks	Written / Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments;

Table Five –Supplementary Planning Documents Consultation

- 5.6 In addition to the above, the Council will provide details of the progress of emerging Supplementary Planning Documents on its website and within the annual Monitoring Report. SPDs will be reviewed in light of consultation responses and where appropriate amended prior to being considered by Committee for formal adoption.

6. Sustainability Appraisal and Strategic Environmental Assessment (SEA)

What are Sustainability Appraisals & Strategic Environmental Assessments?

- 6.1 Sustainability Appraisal (SA) is a requirement of the Planning and Compulsory Purchase Act 2004. Strategic Environmental Assessment (SEA) derives from the European Union Directive 2001/42/EC and is a requirement of the Environmental Assessment of Plans and Programmes Regulations 2004. It is common and good practice in the UK to combine the two processes into one, which is referred to as Sustainability Appraisal (SA). This process incorporates the requirements of the SEA Directive.
- 6.2 The Council is required by law to produce a Sustainability Appraisal (SA) (incorporating Strategic Environmental Assessment) for all development plan documents excluding the Statement of Community Involvement, the Annual Monitoring Report, Supplementary Planning Documents (SPDs) (see paragraph 6.4 below) and the Local Development Scheme. Neighbourhood Plans do not need to undertake Sustainability Appraisals. In some circumstances they may require an SEA and in all cases they are required to indicate how they contribute to Sustainable Development.
- 6.3 The Council will consult stakeholders in relation to Sustainability Appraisals/ SEAs alongside the Development Plans to which they pertain. Please see table 3 on page 10 for further information.
- 6.4 The Planning Act 2008 allows Local Planning Authorities to prepare SPDs without undertaking SA/SEA, as long as they screen for the need for Strategic Environmental Assessment (SEA) of the SPD as it is produced. The impact of the SPDs will be restricted to relatively specialist topic areas at a local level or site based considerations. Whilst they will help deliver city wide objectives the issues considered do not need to be as comprehensive as for the Local Plan. The SEA Directive suggests a possible exemption of SEA where the plan or programme would be likely not to have significant environmental effects. Appropriate screening will be undertaken for all SPDs.

7. Planning Applications

Introduction

- 7.1 Involvement of the community and stakeholders at an early stage of the planning application process is of great benefit to the public, organisations, authorities and the applicant themselves. The following sections explain how the Council will seek to encourage awareness and involvement in the planning application process, starting with pre-application discussions and continuing through to the planning application stage, and in some cases, the planning appeal stage.

Before Submitting a Planning Application

- 7.2 Before submitting a planning application, applicants are recommended to consult with immediate neighbours and people who may be affected by proposals. For major applications (such as housing schemes of 10 or more dwellings) we strongly recommend additional measures to engage with the local community. Such measures should be proportionate to the scale of the proposed development and could include:
- Consultation events with the local community;
 - Consultation with elected members, town and parish councillors;
 - Consultation / engagement with Neighbourhood Plan Groups where made NHPs are in force;
 - Making detailed plans available for public view (including online on a website);
 - Press notices/leaflets or letters to nearby residents.
- 7.3 This should be effective in bringing draft proposals to the attention of the public, the local Town or Parish Council and other affected parties and provide opportunity to make comments. The purpose of early discussions between the community and developers is to encourage agreement within the community early on in the process and provide a better chance for schemes to be positively received. This process can benefit both parties. For developers it will ensure that key issues are addressed prior to planning applications being submitted and for the local community it will enable them to have an influence before proposals reach an advanced stage.
- 7.4 It is essential that any community involvement conducted by the developers be tailored to the nature and scale of the proposal.
- 7.5 The Council will expect the applicant to submit details of pre-application consultation as well as an explanation on how responses have been taken into account, alongside their planning application. In some cases it can also be a validation consideration, whereby applications will not be processed unless the Council is satisfied that adequate consultation has been undertaken by the developers.

- 7.6 The Council will engage in pre-application discussions with the developer that are often undertaken in confidence because of the various sensitivities of some schemes at this stage, but discussions are always recorded and are without prejudice to the later application. At this stage, the Council will be in a position to advise developers and help clarify the format, type and level of consultation to be undertaken. The Council has a schedule of charges for preliminary enquiries and pre-application advice. As part of this process we will also seek to engage elected members through our “Early Member Engagement Protocol” wherever this is applicable. This Protocol forms part of the Council’s Constitution and can be read on the [Council's Website](#).
- 7.7 In the case of larger applications, the Council operates a Planning Performance Agreement (PPA) approach. Details of the applicable charges are available on the [Council's Website](#). A PPA is an agreement between the Council and applicants to provide a project management framework for major applications that may exceed the 13-week period for the determination. The PPA sets out the targets agreed by both parties for the levels and types of consultation required, information gathering process, consideration of options and agreement on design issues.

Submission of a planning application

- 7.8 The process of deciding planning applications is often of great public and local interest, and comments on proposals are welcomed. A major application is defined in Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as follows:
- Residential developments comprising 10 or more dwellings;
 - A site area of 0.5 hectares or more where the number of dwellings is unknown;
 - Commercial proposals creating more than 1,000 square metres of floor space or on sites of 1 hectare or more; or
 - A change of use application involving the above.
- 7.9 The Government sets targets for the time taken to determine planning applications. These are currently 13 weeks for major applications and 8 weeks for all others. If an Environmental Impact Assessment is required as a result of the scale of development, then this period will extend to 16 weeks, but this is not common. Before a decision is made, the case officer will prepare a report with a recommendation.
- 7.10 The recommendation will take into account the adopted Development Plan, the National Planning Policy Framework and any comments made by consultees and the public. However, the Council can only take into account comments relating to material planning considerations, which exclude non-planning considerations such as property values, loss of a private view over land, moral objections to development and commercial considerations.

Major Applications

- 7.11 The level of consultation carried out for all major planning applications, will be determined by the council to ensure that it is appropriate. Statutory advertisements will be used as a means of consultation if required and as laid out in legislation, which means that it may be necessary to publish an advertisement in the newspaper and on a site notice to be displayed at the application site. We also recognise that any involvement will need to encourage participation and social inclusion to ensure that the local community is given every opportunity to influence the process.
- 7.12 A weekly list of all applications received appears on the council's website. Individual letters/emails will be sent in respect of every planning application where neighbouring properties/businesses can be identified. Parish and town councils will be consulted on every application within their parish boundaries. Where Neighbourhood Plans exist or are advanced in their preparation, relevant Groups/Forums will be consulted on all planning applications (and alterations to applications) within the Plan Area. Similarly, the elected ward members will be consulted on applications that fall within their wards.
- 7.13 It is important to note that whilst statutory requirements are met in all instances, the types of discretionary methods used and the length of consultation will need to suit the type of application and therefore the methods listed above are provided as a guideline of how we may consult but is in no means intended to be prescriptive or exhaustive.

Other Applications

- 7.14 With regard to all other types of applications, officers will determine the appropriate level of consultation. Individual letters/emails will be sent to neighbouring properties/businesses and/or site notices used. Parish and town councils will be consulted on every application in their parish and where Neighbourhood Plans exist or are advanced in their preparation, relevant Groups/Forums will be consulted on all planning applications (and alterations to applications) within the Plan Area. Similarly, the elected ward members will be consulted on applications that fall within their wards. All planning applications appear on the website.

Sources of Information on applications

- 7.15 Information on planning applications can be found in the following places:

The Planning Register

- 7.16 Applications for planning permission must by law, be entered on a register. Maintaining a planning register is a statutory obligation imposed on the Council by the Town and Country Planning Acts and the information is available for

inspection by arrangement during office hours. In Colchester, all applications are held in an electronic format, and the register consists of two parts:

- A register containing details of all current applications for planning permission, including plans and drawings;
- A register that contains a permanent record of all applications and decisions since 1 July 1948 (including any order made, appeals and their outcome).

7.17 Current planning applications, including plans and drawings and those dating back to the year 2000 can be viewed online using the [Colchester Planning Website](#).

Weekly Lists

7.18 The statutory register does have limitations for general use and accordingly we also produce a weekly list. As the name suggests, this is a list of all new applications registered and decisions made the previous week. This can be viewed on the [Council's Website](#) and lists the previous 6 months.

Advertising

7.19 Regulations set out in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Planning (Listed Building and Conservation Areas) Regulations and the Planning (Listed Building and Conservation Areas) Act 1990, state that all planning applications need to be publicised, either by site notice or individual neighbour notification. A press notice and site notice are also required for the following types of application:

- Erection of 10 or more dwellings or site area of 0.5 hectares or more;
- Erection of 1000 square metres of floor space, or site area of 1 hectare or more;
- An application subject of an environmental assessment;
- An application that would affect a right of way, under Part III of the Wildlife and Countryside Act;
- Development affecting listed buildings;
- Development affecting the character or appearance of a conservation area; and
- Departures from the Development Plan.

7.20 These requirements are subject to change and a press notice will only be used where required by legislation.

Individual Letters

7.21 We are aware of the need to provide an effective and efficient service, and to ensure that budgets are closely controlled. It is sometimes difficult to bring together these objectives with widespread public consultation on planning

applications. The actual extent of consultation in each case will be determined having regard to the type of development involved.

- 7.22 Letters will only usually be sent to those properties directly affected by a proposal, which according to the Development Management Procedure Order 2015 is any adjoining owner or occupier. "Adjoining owner or occupier" means any land sharing a common boundary with the application site. Any further consultation will be at the discretion of the case officer. For example, in the case of rear extensions those to the rear will be consulted whilst those on the opposite side of the road may not be.

Parish and Town Councils

- 7.23 The Council is committed to close working with local representative bodies, as provided within [Part 8](#) of the Constitution. We have set up a forum for parish and town council clerks, which is held every two months. Although this is a corporate initiative there is opportunity to report on planning matters on a regular basis.
- 7.24 Planning workshops for Town and Parish Councillors may cover the following topics, material considerations, influencing the planning process, enforcement, appeals, planning law, design, legal obligations etc. These are usually held annually, while individual Parishes/Towns can ask for liaison meetings in between if they wish to discuss specific issues.

Website

- 7.25 Our website is increasingly being used as a tool for consultation. The website includes weekly lists of applications received and decisions made. These can be viewed by application number, address or by ward and comments can be sent direct. Committee agendas, reports, S106 agreements, planning enforcement activity and associated notices and a list of current appeals and appeal decisions can also be viewed. The Colchester Planning website now allows copies of the application forms, plans and drawings, and consultation comments to be viewed online. All enquiries can be made online, while a number of questions can be answered through self-service information.

Procedure for Dealing with Written Representations to Applications

- 7.26 We currently notify neighbours within a week of registering a planning application and they are given 21 days to reply. All those wishing to comment on an application are encouraged to do so electronically using the Council's Planning website. Whilst we will accept written letters and e-mails we will not acknowledge their receipt. Any representation received is redacted and placed on the Council's Planning website and is available for viewing by the public. This also allows those people sending such representations to check safe receipt by the Council for themselves.

- 7.27 The Planning Service does not respond in writing to comments about a planning application unless specifically requested, but all comments received are considered by the case officer, which may result in the application being revised. If the scheme is significantly changed or changed in a manner deemed to have a greater impact upon neighbours than the original submission, we will try to repeat the consultation allowing, where possible, an extra 7-14 days for further comments (at the discretion of the case officer). Sometimes time constraints mean a shorter period is given for comments on revised plans and sometimes it is not possible to re-consult at all.
- 7.28 We will not directly notify those who have made representations to applications of the proposed committee date for consideration of the application. Interested parties will need to monitor the Council's website where items on the forthcoming agenda are listed. We receive thousands of representations annually concerning planning applications, we cannot respond individually to the matters raised due to resources. This is confirmed on our website. We will nevertheless afford very careful consideration of the matters raised in all representations received during the consultation period.

8. Determination of a planning application

- 8.1 The majority of applications received by the Council are dealt with under delegated powers by the Planning Service. All applications for Prior Approval, Lawful Development Certificates and Permission in Principle (first stage) will be determined this way. Those planning applications which are significantly contrary to adopted policies or represent a departure from the development plan and are recommended for approval, will be referred to Planning Committee for a decision. Major applications involving a Section 106 agreement, where the terms of that agreement are in dispute, will also be referred to committee, as will applications made by Councillors, Officers or Aldermen and their spouses.
- 8.2 In the case of all other applications a decision will be made under delegated powers by the Planning Service unless that application has been subject to a 'call-in' by a Councillor. A 'call-in' is subject to a formal process and for it to be triggered automatically a councillor must make a valid request within 25 days of being notified of the application. Anyone can approach their councillor to have an application 'called-in' and thereby determined by the Planning Committee after public debate. It is important to note however that a councillor is not duty bound to request a 'call-in' if asked and should only do so if a material planning consideration is involved and public scrutiny is appropriate. Where an application is being reported to Committee a list of the different material planning considerations raised within the various comments received are summarised in the Committee report. Letters will not be accepted after 5pm on the day before Committee. Once the agenda has been prepared, anything received before 5pm on the day falling 2 days before the day of the committee meeting will be reported

on an amendment sheet. Anything received after 5pm on the day falling 2 days before the day of the committee meeting will be reported verbally.

- 8.3 If an application is to be reported to committee this will be stated on the Council's website. The full committee report is available 5 working days before the meeting via the Council's website and in Colchester Library in Trinity Square. A newsletter is sent out prior to meetings detailing the agenda. Public Participation at Planning Committee is detailed in the below section 'Public Participation at Planning Committee Meetings (Have your Say!)'.
- 8.4 Ward Members may also speak on behalf of their electorate and will be allowed up to 5 minutes. Other Councillors will also be permitted to speak at the discretion of the Chair having regard to the strategic significance of the proposal and whether it raises matters of Colchester's interest.
- 8.5 When a decision is reached, the website will state whether the application has been approved or refused and hold a full copy of the decision and approved drawings.
- 8.6 All decisions will be made by a simple majority of the members of the Committee present at the meeting. Following a meeting of the Committee at which a report (whether oral or in writing) has been received and a recommendation has been made, the Proper Officer shall ensure that a written statement is kept which must include the following:
- record of the decision;
 - record of reasons for the decision;
 - details of alternative options considered;
 - record of any conflict of interest declared; and
 - any dispensation granted by the Monitoring Officer, where appropriate.

Public Participation at Planning Committee Meetings (Have your Say!)

- 8.7 The public can participate at Planning Committee under the scheme 'Have your Say!'
- 8.8 The Planning Committee is a meeting of local authority councillors who are responsible for making decisions on the bigger and more sensitive planning application received by the council. It meets fortnightly and is made up of councillors from all parts of Colchester and the different political parties. During each meeting, the councillors must consider all the planning issues raised and then decide whether to approve or refuse planning applications.
- 8.9 The following procedure will apply at the Planning Committee Meetings:
- At every meeting the business of which is to determine planning applications, there shall be the opportunity for public participation immediately prior to the consideration of the planning application in question.

- The extent of public participation on each application shall be limited to a single speaker in support of the application and a single speaker objecting to the application each may speak for up to three minutes.
- In the event of more than one person wishing to speak in favour of or against an application or order, they must agree which of them should speak. In the absence of such agreement, no public participation will be allowed on the planning application in question. In very rare and high profile cases the chair can allow more speakers to participate.
- Public participation upon planning applications is limited to the making of statements as described in these Rules. Questions may not be asked and Members may not ask questions of the participant.
- At the absolute discretion of the Chairman the order of business for the meeting may be changed for the convenience of the public who wish to participate.
- Public participation must be made orally at the meeting, either in person or virtually via online participation. Written statements may not be submitted instead of personal attendance unless in exceptional circumstances and up to the discretion of the chairman. Documents including photographs may not be circulated by a member of the public participating in the meeting except for a petition which may be presented to the Chairman.
- The council meetings will be live streamed where possible allowing the public to join the meeting virtually to speak or simply to observe the meeting only and not participate. Information on previous meetings and upcoming dates can be viewed on the [Council's Website](#).
- In the exercise of absolute discretion, the Chairman may disallow or terminate any public participation which is scurrilous, vexatious, improper, irrelevant or otherwise objectionable.

8.10 Further details on how to comment on planning applications at the Planning Committee can be found in our document [Have your Say on Planning Applications](#) which is available on the website. Other relevant information includes [Planning Procedures Code of Practice](#) which is in Part 5 of The Constitution and is on the [Council's Website](#). It sets out general guidelines for borough councillors and council officers who are involved in planning applications and the Planning Committee. The information it contains may help provide background information to applicants and those commenting on the planning process. The Localism Act clarifies the ways in which councillors can be involved in the planning process and play an active part in local discussions.

9. Appeals

9.1 When an appeal is made against the decision of the Council to refuse an application, all previous correspondence is forwarded to the Planning

Inspectorate. Letters/emails are also sent to all those people who had previously been consulted/commented on the application, advising them of the appeal. Further representation can be made direct to the Planning Inspectorate.

- 9.2 For each inquiry the government appointed inspector will decide the procedure for the appeal, this could be via written representation, a hearing or a public inquiry. This is determined on a case by case basis. The Appeal process will comply with the statutory procedures set out in S78 of the Town and Country Planning Act 1990 and the [Guide to taking part in planning and listed building consent appeals proceeding by a hearing - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/taking-part-in-planning-and-listed-building-consent-appeals-proceeding-by-a-hearing).
- 9.3 Further details and documentation relating to the appeal will be provided via the [Council's Website](#).

10. Monitoring and review of the Statement of Community Involvement (SCI)

- 10.1 The SCI provides flexibility to allow for appropriate changes in our approach to community involvement. Comments received on the quality or effectiveness of our consultation will be considered and used to inform future practice.
- 10.2 The Town and County Planning (Local Planning) (England) (Amendments) Regulations 2017 requires the Council to undertake a review of the SCI every five years, starting from the date of adoption. Changes in national legislation or guidance may also trigger a review of the SCI.
- 10.3 Consultation exercises include opportunities for consultees to complete equality monitoring data forms. If completed, this helps us monitor the effectiveness of our policies surrounding equality and diversity and to make changes where required.

Appendix 1: Further Information

Legislation

The Town and Country Planning (Local Planning) (England) Regulations 2012

<http://www.legislation.gov.uk/uksi/2012/767/contents/made>

Neighbourhood Planning (General) Regulations 2012

http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf

The Town and Country Planning (Development Management Procedure) (England) Order 2015

[The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015 \(legislation.gov.uk\)](http://www.legislation.gov.uk/uksi/2015/1013/pdfs/uksi_20150103_en.pdf)

National Policy/Guidance

National Planning Policy Framework and Planning Practice Guidance.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<https://www.gov.uk/government/collections/planning-practice-guidance>

Plain English Guide to the Planning System

[Plain English guide to the planning system - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444444/plain-english-guide-to-the-planning-system.pdf)

Planning Aid

[RTPI | Planning Advice](http://www.planningaid.org/)

Planning Portal

[Planning permission: When you need it - GOV.UK \(www.gov.uk\)](http://www.planningportal.co.uk/)

6 February 2023

Report of	Shelley Blackaby, Place and Client Services	☎ 07977 184926
Title	Biodiversity Supplementary Planning Document	
Wards affected	All wards affected	

1. Executive Summary

- 1.1 The Planning Policy Team are preparing three Supplementary Planning Documents (SPDs) to address the climate emergency. These SPDs are: Active Travel, Biodiversity and Climate Change. The Active Travel and Climate Change SPDs will be presented to a future Local Plan Committee (LPC) meeting. This report presents the draft Biodiversity SPD and the Committee are asked to approve publishing this draft for public consultation.
- 1.2 The Biodiversity SPD aims to clearly set out the principles the Council expects to ensure that development proposals create space for nature. The SPD includes advice on protected species as a check of what information is likely to be required, with links to guidance and Natural England's standing advice. It explains the mitigation hierarchy and includes creating space for nature design principles. These are principles the Council expects applicants to incorporate into their proposals to enhance biodiversity. Advice for householder applications on measures householders can incorporate into their proposals to enhance biodiversity is also included.

2. Recommended Decision

- 2.1 It is recommended that the LPC approve publishing the draft Biodiversity SPD for public consultation in accordance with the Planning Regulations and Statement of Community Involvement.
- 2.2 It is recommended that minor changes to the draft Biodiversity SPD can be approved by the Lead Officer for Housing and Planning and Chair of the LPC prior to the consultation commencing.

3. Reason for Recommended Decision

- 3.1 The Council has declared a climate emergency and the climate emergency SPDs provide guidance to supplement relevant policies in the Local Plan and encourage applicants to go further than Local Plan requirements.

4. Alternative Options

- 4.1 The alternative option is to not produce a Biodiversity SPD and rely on Local Plan policies.

5. Background Information

- 5.1 Supplementary planning documents (SPDs) build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies. They are a material consideration in decision-making and should not add unnecessarily to the financial burdens on development.
- 5.2 The Council is drafting three SPDs to communicate Colchester City Council's ambitions in respect of the climate emergency for all development within the city. The three climate emergency SPDs build on the adopted Local Plan and explain how development proposals should respond to the climate and ecological emergency. The SPDs are: Active Travel, Biodiversity, and Climate Change. All development proposals should strive to achieve ambitious carbon reductions, biodiversity enhancement and promotion of active travel to contribute towards Colchester becoming a greener city that is resilient to the climate and ecological emergency. The Active Travel and Climate Change SPDs are still being drafted and will be presented to a future LPC meeting.
- 5.3 The most relevant Local Plan policy to the Biodiversity SPD is Policy ENV1 (Environment). This is a lengthy policy with different sections. The most relevant part to this SPD is Part C: Biodiversity and geodiversity, which states:

Development proposals where the principal objective is to conserve or enhance biodiversity and geodiversity interests will be supported in principle. For all proposals, development will only be supported where it:

- (i) Is supported with appropriate ecological surveys where necessary; and*
- (ii) Where there is reason to suspect the presence of a protected species (and impact to), or Species/Habitats of Principal Importance, applications should be accompanied by an ecological survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for their needs and demonstrate the mitigation hierarchy has been followed; and*
- (iii) Will conserve or enhance the biodiversity value of greenfield and brownfield sites and minimise fragmentation of habitats; and*
- (iv) Maximises opportunities for the preservation, restoration, enhancement and connection of natural habitats in accordance with the UK and Essex Biodiversity Action Plans or future replacements; and*
- (v) Incorporates beneficial biodiversity conservation features, measurable biodiversity net gain of at least 10% in line with the principles outlined in the Natural England Biodiversity Metric, and habitat creation where appropriate.*

Proposals for development that would cause significant direct or indirect adverse harm to nationally designated sites or other designated areas, protected species, Habitats and Species of Principle Importance, will not be permitted unless:

- (i) They cannot be located on alternative sites that would cause less harm; and*
- (ii) The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and*
- (iii) Satisfactory biodiversity net gain, mitigation, or as a last resort, compensation measures are provided.*

The Local Planning Authority will take a precautionary approach where insufficient information is provided about avoidance, mitigation and compensation measures and secure mitigation and compensation through planning conditions/obligations where necessary.

- 5.4 Biodiversity protection and provision is a duty that public bodies, developers, landowners and society generally all share. Biodiversity is an important consideration in plan making and decision making. The Biodiversity SPD aims to clearly set out the protection that should be afforded to biodiversity features and the principles the Council expects to ensure that development proposals create space for nature.
- 5.5 Chapter 2 of the SPD sets out the background and context and chapter 3 sets out the Colchester context, including maps of Colchester's environmental designations.
- 5.6 Chapter 4 includes advice on protected species as a check of what information is likely to be required in support of an application, with links to guidance including Natural England's standing advice.
- 5.7 Chapter 5 explains the mitigation hierarchy. The mitigation hierarchy is a widely used tool that guides users towards limiting harm to features of biodiversity value through avoiding harm, minimising and mitigating harm and, as a last resort, compensating or offsetting harm.
- 5.8 Chapter 6 includes 15 creating space for nature design principles. These are principles the Council expects applicants to incorporate into their proposals to enhance biodiversity. Each principle includes a description of why it is important and core requirements. Examples of creating space for nature design principles include:
- contribute to Colchester's green infrastructure network;
 - plant new trees across the development site, including street trees;
 - fit integral swift bricks and house martin nest boxes in all new development;
 - fit integral bat boxes in appropriate locations in all new development;
 - create wildlife highways in boundary walls and fences.
- 5.9 Chapter 7 includes a list of examples of ways householder applications can enhance biodiversity. Even small-scale development can enhance biodiversity.
- 5.10 Chapter 8 lists planning application expectations – what the Council will expect applicants to submit with an application. This includes independent ecological surveys carried out by suitably qualified experts, the latest Defra Metric calculator and biodiversity gain plan to demonstrate how 10% biodiversity net gain will be achieved and details of how the creating space for nature design principles have been incorporated into the design of the proposal. This chapter makes reference to a Climate Emergency Checklist. This will be developed as the Biodiversity, Active Travel and Climate Change SPDs progress to pull together the content of each SPD into one simple checklist.
- 5.11 The Biodiversity SPD is intended to be concise and includes references and links to numerous other documents that Officers and applicants should read where appropriate. A separate guidance note will be prepared on biodiversity net gain which is a requirement of the Environment Act. At the time of drafting this SPD, secondary legislation and guidance is being prepared.
- 5.12 The Biodiversity SPD has been designed by the Council's Corporate and Improvement Service. The design is intended to make the SPD user friendly and easier to read. It is intended that the Active Travel SPD and Climate Change SPD will also follow this design.
- 5.13 Strategic Environmental Assessment (SEA) screening has been carried out, which has concluded that SEA is not required.

Engagement

5.14 As part of the process of drafting this SPD, Policy Officers engaged with DM Officers, the cross-service Climate Opportunities Working Group, Members and environmental experts. In November 2022, all Members were invited to give thoughts and ideas for matters which they wish to see addressed in the climate emergency SPDs. The key points raised in relation to the Biodiversity SPD were:

- Wildlife corridors to be identified where gaps are and in planning green space and landscaping etc in developments.
- Green infrastructure role in biodiversity net gain (BNG) and identify gaps to provide connections and channel S106 funds etc where appropriate.
- Encourage / require hedges as boundaries between properties in some areas rather than hard landscaping and fences.
- Identify a network of greenspaces in CCC ownership where we can direct opportunities for BNG where BNG cannot be met on site. Create wildlife corridors and use hedges etc where appropriate to make connections.
- Utilise linkages with Design Code work for BNG opportunities.
- Encourage Bath / Shower water diversion to water butts etc.
- All houses should have water butts.
- Street trees – encourage / require more- role in BNG as well as placemaking.

These ideas have largely been incorporated into the SPD. The comments about BNG are being considered separately and the ideas about water efficiency will be included in the Climate Change SPD.

5.15 In October 2022, a questionnaire was sent to Colchester Natural History Society, the Environment Agency, Essex Wildlife Trust, Natural England and the RSPB to ask for their initial comments and ideas on the scope of the Biodiversity SPD. This engagement has been invaluable in shaping the draft Biodiversity SPD and ensuring that the scope and content is influenced by those with excellent knowledge of the natural environment. Some of the ideas raised included:

- Numerous ideas and principles to include in the SPD.
- The Council should have a green infrastructure plan, which acknowledges the current crisis of biodiversity loss.
- The SPD should include: the biodiversity resource in the borough; key legislation for ecology and biodiversity; national planning policy framework and guidance; local planning policies and local biodiversity strategies; the mitigation hierarchy; biodiversity net gain; Habitats Regulations Assessment; local biodiversity issues; integrating biodiversity into development; step by step guidance for developers.
- Support the emphasis on the mitigation strategy of the National Planning Policy Framework, particularly avoidance, which applicants should be encouraged to look at an early stage of their plans.

Officers thank the organisations that responded to this questionnaire and hope these organisations will submit comments to the draft SPD consultation about anything that is missing from the draft SPD and anything that should be expanded upon in the SPD.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link:

<https://cbccrmdata.blob.core.windows.net/noteattachment/Equality%20Impact%20Assessment%20June%202017.pdf>

7. Strategic Plan References

- 7.1 'Conserve and enhance biodiversity' is one of the priorities under the 'Tackling the climate challenge and leading sustainability' theme. Relevant goals include enhance environments to create more space for nature to grow and thrive through natural seeding and greening; discover, nurture and enable the work led by communities that promotes biodiversity; plant native species and manage our woodlands, meadows and greenspace whilst sustaining existing habitats; and work alongside communities to maintain clean, green neighbourhoods and urban spaces that we all look after and enjoy.

8. Consultation

- 8.1 It is a requirement of The Town and Country Planning (Local Planning) (England) Regulations 2012 to consult on draft SPDs for a minimum of 4 weeks and to prepare a statement setting out who was consulted, a summary of the main issues raised and how those issues have been addressed in the SPD.

9. Publicity Considerations

- 9.1 The SPD consultation will be publicised through written / email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments as set out in the Statement of Community Involvement.

10. Financial implications

- 10.1 There are no financial implications.

11. Health, Wellbeing and Community Safety Implications

- 11.1 The three climate emergency SPDs will bring multiple benefits including benefits to health and wellbeing. A healthy environment plays a role in improving health and wellbeing. An increase in biodiversity and green infrastructure is good for people's mental wellbeing.

12. Health and Safety Implications

- 12.1 No direct implications.

13. Risk Management Implications

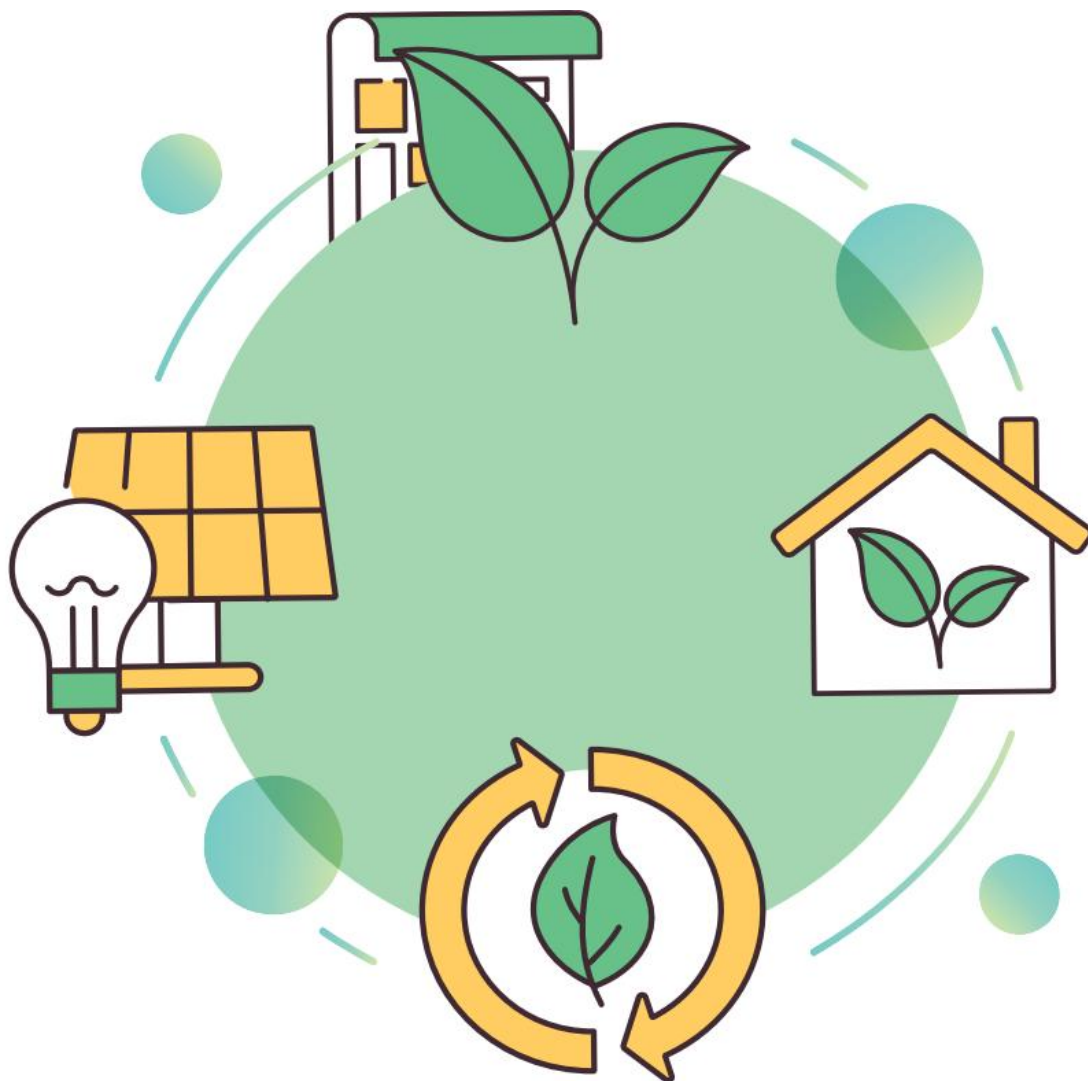
- 13.1 No direct implications.

14. Environmental and Sustainability Implications

- 14.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
- 14.2 The Council is drafting three SPDs to communicate Colchester City Council's ambitions in respect of the climate emergency for all development within the city. SPDs are material considerations in planning decisions. They build on adopted planning policy and provide guidance on how policy requirements should be implemented. The three climate emergency SPDs build on the adopted Local Plan and explain how development proposals should respond to the climate and ecological emergency. The SPDs are: Active Travel, Biodiversity, and Climate Change. All development proposals should strive to achieve ambitious carbon reductions, biodiversity enhancement and promotion of active travel to contribute towards Colchester becoming a greener city that is resilient to the climate and ecological emergency.

Appendices

Draft Biodiversity SPD



Colchester City Council's **Biodiversity SPD**



Colchester
City Council

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Glossary

Biodiversity

The word 'biodiversity' comes from the term 'biological diversity'. It refers to the variety of all living organisms, including animals, insects, plants, bacteria, and fungi.

Biodiversity gain plan

A consistent document explaining how a project has followed the mitigation hierarchy and also then achieved biodiversity net gain.

Biodiversity net gain

An approach to leaving development in a measurably better state than before development.

Green-blue infrastructure

Green-blue infrastructure is a network of multi-functional green spaces and other green features, and blue (water) features, which can deliver quality of life and environmental benefits for communities.

Habitat

A habitat is the area and resources used by a living organism or assemblage of animals and plants.

Habitat banks

Sites where habitat is created in advance, prior to any loss occurring. This habitat will need to be secured and managed long-term.

Local Nature Recovery Strategy (LNRS)

will set out locally agreed priorities and opportunities for nature recovery.

Mitigation hierarchy

The principle that environmental harm resulting from a development should be avoided, adequately mitigated, or, as a last resort, compensated for (NPPF, 2021).

Nature Recovery Network

A national network of wildlife-rich places.

Protected species

Many species of plants and animals in England and often their supporting features and habitats are protected. What you can and cannot do by law varies from species to species.

Standing advice

General advice that Natural England, as a statutory consultee, gives to LPAs. It avoids the need to consult Natural England on every planning application.



Chapter 1: Introduction

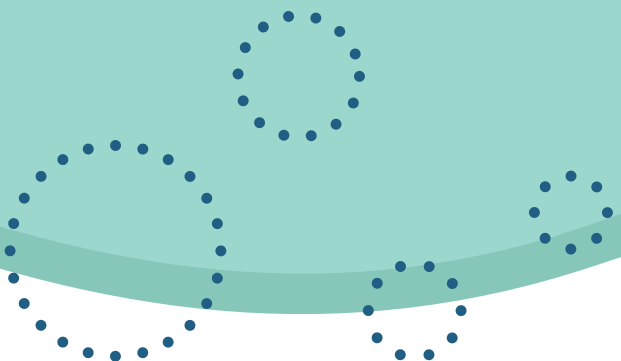


Climate change is a global issue affecting everyone. Co-ordinated action from all sectors, national and local governments, and individuals is needed to mitigate and adapt to climate change. The science tells us that to avoid catastrophic effects we need to limit the increase in global temperature to 1.5oC. Mitigation measures are required to significantly reduce greenhouse gas emissions and limit global temperature rise. However, even with efforts to limit the cause of global warming, further climatic changes are inevitable in the future and the UK will need to adapt to the growing risks from climate change.

Colchester City Council declared a climate emergency in 2019 and since then have carried out numerous pieces of work across the organisation and city to respond to the climate emergency. The infographics, below, highlight the key areas of work undertaken in 2019/20, 2020/21 and 2021/22.

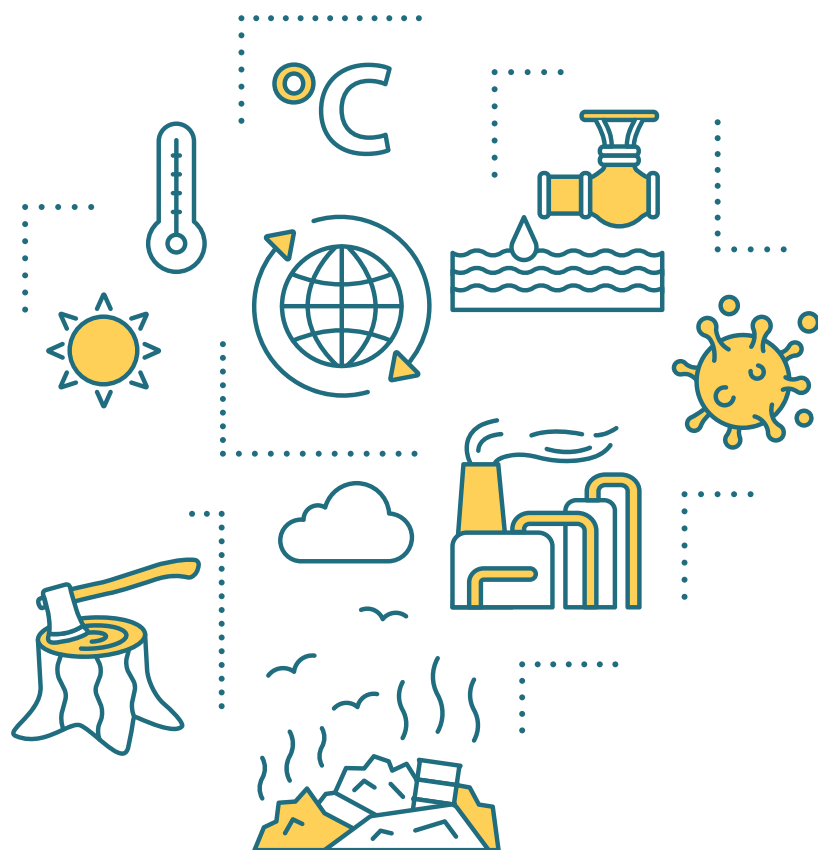






The Council is drafting 3 Supplementary Planning Documents (SPDs) to communicate Colchester City Council's ambitions in respect of the climate emergency for all development within the city. SPDs are material considerations in planning decisions. They build on adopted planning policy and provide guidance on how policy requirements should be implemented. The 3 climate emergency SPDs build on the adopted Local Plan and explain how development proposals should respond to the climate and ecological emergency. The SPDs are: Active Travel, Biodiversity, and Climate Change. All development proposals should strive to achieve ambitious carbon reductions, biodiversity enhancement and promotion of active travel to contribute towards Colchester becoming a greener city that is resilient to the climate and ecological emergency.

We are in a climate and ecological emergency - the time to act is now



The 3 climate emergency SPDs will bring multiple benefits including benefits to health and wellbeing. A healthy environment plays a role in improving health and wellbeing. Many of the actions proposed in the 3 SPD's will also achieve health benefits for our communities. An increase in active travel will lead to more walking and cycling. More energy efficient homes will be good for people's wellbeing and reduce heating costs. An increase in biodiversity and green infrastructure is good for people's mental wellbeing.

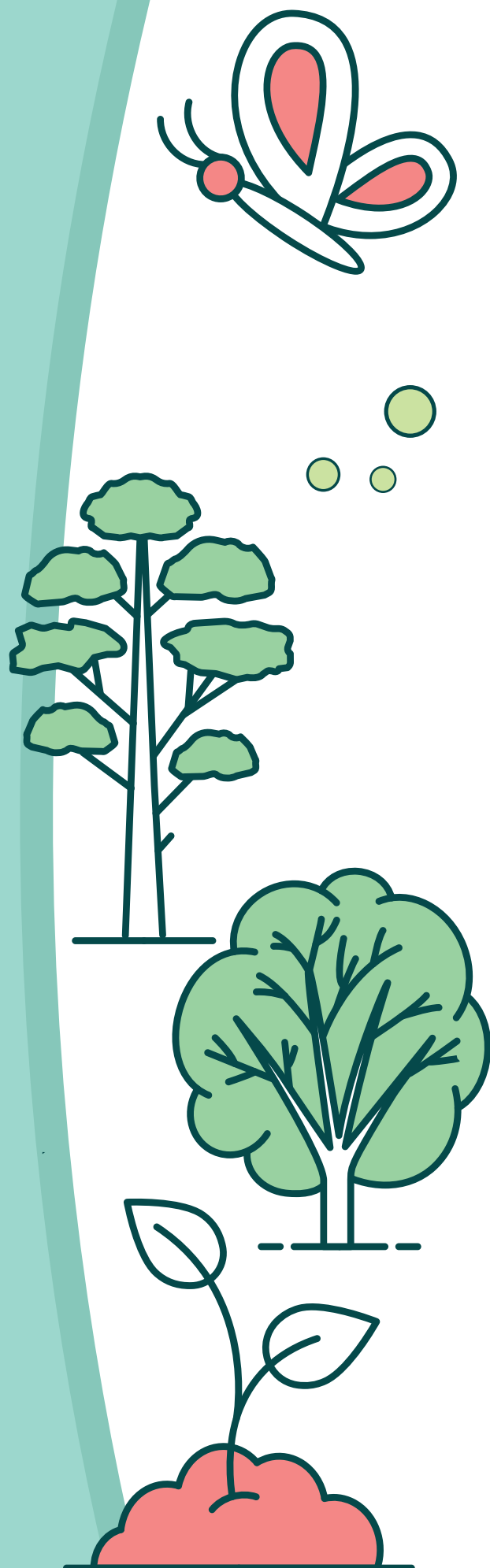
The [Royal Society](#) say that "Biodiversity is essential for the processes that support all life on earth, including humans. Without a wide range of animals, plants and microorganisms, we cannot have the healthy ecosystems that we rely on to provide us with the air we breathe and the food we eat. And people also value nature itself."

There is a wealth of information, guidance, toolkits, and best practice available. The climate emergency SPDs do not attempt to distill all this information and guidance into one document – what the SPDs attempt to do is provide a summary of guidance on what is most important to the Council. Links are provided throughout the SPDs to more detailed guidance.

This is the Biodiversity SPD. Biodiversity protection and provision is a duty that public bodies, developers, landowners and society generally all shares. This SPD aims to clearly set out the principles the Council expects to ensure that development proposals create space for nature. Chapter 2 of the SPD sets out the background and context and chapter 3 sets out the Colchester context, including maps of Colchester's environmental designations. Chapter 4 includes advice on protected species as a check of what information is likely to be required, with links to guidance and Natural England's standing advice. Chapter 5 explains the mitigation hierarchy, which must be followed. Chapter 6 includes creating space for nature design principles. These are principles the Council expects applicants to incorporate into their proposals to enhance biodiversity. Chapter 7 includes a list of advice for householder applications on measures householders can incorporate into their proposals to enhance biodiversity. Chapter 8 lists planning application expectations – what the Council will expect applicants to submit with their application.

This SPD is intended to be concise and includes references and links to numerous other documents that DM Officers and applicants should read where appropriate. For example, the chapter on protected species and ecological surveys includes links to Natural England's standing advice and guidance from specialist conservation organisations.

A separate guidance note will be prepared on biodiversity net gain. Biodiversity net gain is a requirement of the Environment Act. At the time of drafting this SPD, secondary legislation and guidance is being prepared. The Council decided to include the biodiversity net gain guidance in a stand-alone guidance note rather than within this SPD to make it easier to update the biodiversity net gain guidance to reflect secondary legislation, guidance, and good practice.



Chapter 2:

Background and Context



Legislation

There is numerous legislation and Conventions of relevance to the environment and Policies ENV1-ENV5 of the Colchester Local Plan, which are listed below. The list includes European Directives, the Trade and Co-operation Agreement includes reciprocal commitments not to reduce the level of environmental or climate protection or fail to enforce its laws in a manner that has an effect on trade.

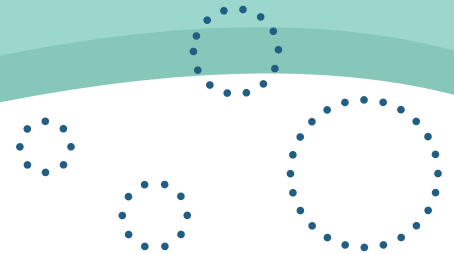
- [Council Directive 92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora aims to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements (the Habitats Directive).
- The [Birds Directive](#), which is the oldest piece of EU legislation on the environment (amended in 2009) and aims to protect all of the 500 wild bird species naturally occurring in the EU.
- The [Strategic Environmental Assessment \(SEA\) Directive](#), which requires the integration of environmental assessment into plans and programmes at the earliest stages to lay down the groundwork for sustainable development.
- The [Water Framework Directive](#), which aims to improve EU water legislation by expanding on the scope of water protection to all waters and sets out clear objectives with specified dates.
- The [Convention on Biological Diversity](#), signed by 150 government leaders at the Rio Earth Summit in 1992 and is dedicated to promoting sustainable development and translates the principles of Agenda 21.
- The [European Landscape Convention](#), which provides a people centred and forward looking way to reconcile management of the environment with the social and economic challenges of the future and aims to help people reconnect with place.
- The [Wildlife and Countryside Act](#), which provides national protection for SSSIs and protected species, in addition to a range of other measures. There have been numerous amendments to the Act, most significantly through the [Countryside and Rights of Way \(CRoW\) Act 2000](#) and [Natural Environment and Rural Communities Act 2006](#) (NERC). It implements the Convention on the Conservation of European Wildlife and Natural Habitats and Council Directive 2009/147/EC on the conservation of wild birds.
- The [Countryside and Rights of Way Act](#) (CRoW Act), which provides for public access on foot to certain types of land, amends the law relating to public rights of way, increases measures for the management and protection for Sites of

Special Scientific Interest (SSSI), strengthens wildlife enforcement legislation, and provides for better management of Areas of Outstanding Natural Beauty (AONB). The Act places a duty on government departments to have regard for the conservation of biodiversity.

- The [Natural Environment and Rural Communities Act](#) (NERC), which was designed to help achieve a rich and diverse natural environment and thriving rural communities. The Act implements key elements of the government's Rural Strategy (2004). Section 40 places a duty on public authorities to have regard to conserving biodiversity.
- The [Conservation of Habitats and Species Regulations 2017](#), which consolidate the 2010 regulations with amendments and transpose Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and elements of the EU Wild Birds Directive into national law. The Habitat Regulations provide for the designation and protection of European Sites. Under the Habitat Regulations, Councils may only give consent to a plan or project where it can be ascertained that it will have no adverse effect on the integrity of a European Site, unless the exceptional requirements set out in the Regulations can be met.
- The [Flood and Water Management Act 2010](#), which requires flood and coastal erosion risk management authorities to aim to contribute towards the achievement of sustainable development when exercising their flood and coastal erosion risk management functions.
- The [Hedgerow Regulations](#), which protect countryside hedgerows.
- [The Environment Act 2021](#), which brings into UK law environmental protections and recovery. It includes targets, plans and policies for improving the natural environment. It includes details on creating a new governance framework for the environment, a new direction for resources and waste management, improving air quality, securing water services, enhancing green spaces, and updating laws on chemicals. It introduces mandatory biodiversity net gain and at the time of writing, secondary legislation and guidance is expected.



Environment Act and 25 Year Environment Plan



The [25 Year Environment Plan](#) was published in 2018. The Environment Plan sets out the government's goals for improving the environment within a generation. It aims to leave the environment in a better state and details how government will work with communities and businesses to do this over the next 25 years.

The [Environment Act 2021](#) puts the 25 Year Environment Plan into law and creates a statutory framework for environmental principles. The Act introduces a Nature Recovery Network and Local Nature Recovery Strategies, which will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. Under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain. Biodiversity net gain will be measured using Defra's biodiversity metric and habitats will need to be secured for at least 30 years. In addition, and of relevance, the Environment Act includes a strengthened legal duty for public bodies to conserve and enhance biodiversity and new biodiversity reporting requirements for local authorities.

A Nature Recovery Network is a strategy to tackle biodiversity loss. 500,000 hectares of additional wildlife habitat will be created. Wildlife sites will be connected, and opportunities will be provided for species conservation and the reintroduction of native species. Green infrastructure will be an important part of the Nature Recovery Network. The government intends that as well as helping wildlife thrive, the Nature Recovery Network could be designed

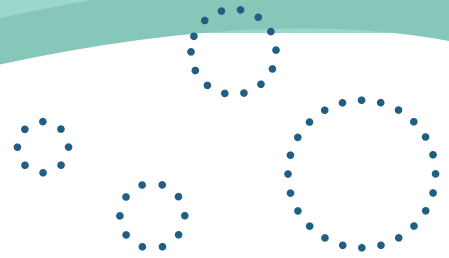
to bring a wide range of additional benefits, including public enjoyment, pollination, carbon capture, water quality improvements and flood management.

Local Nature Recovery Strategies are spatial strategies that will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. Local Nature Recovery Strategies aim to actively restore the natural world and halt the decline in species abundance by 2030. Local Nature Recovery Strategies will apply at county level.

The Essex Local Nature Recovery Strategy will act as a tool to:

- reverse nature's decline
- support nature recovery
- guide future habitat creation
- help deliver biodiversity net gain
- support the delivery of the UK-wide nature recovery network
- support the delivery of nature-based solutions

The LNRS Working Group will work together to deliver the Local Nature Recovery Strategy as part of the Essex [Local Nature Partnership](#).



State of Nature

The [UK State of Nature](#) report 2019 found that the UK's biodiversity is declining and 15% of species are threatened with extinction from Great Britain. It found that climate change is having an increasing impact on nature in the UK. The State of Nature report was produced by a partnership of more than 70 organisations involved in the recording, researching and conservation of nature in the UK and its Overseas Territories. The State of Nature identified the most significant pressures acting on terrestrial and freshwater nature in the UK are: agricultural management, climate change, urbanisation, pollution, hydrological change, invasive non-native species and woodland management. Urbanisation has direct consequences for wildlife in terms of land use changes, but also fragments landscapes by creating barriers between habitats, thus isolating some populations. Increases in air, light and noise pollution, human disturbance and predation by domestic animals particularly affect biodiversity in urbanised areas. However, the State of Nature recognises that urbanisation does not always result in biodiversity loss: the conversion of an intensively managed arable field to a housing estate with gardens, a community orchard and a pond may provide net gain for species diversity and abundance.

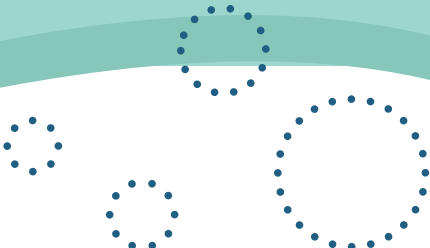
Biodiversity

The word 'biodiversity' comes from the term 'biological diversity'. It refers to the variety of all living organisms, including animals, insects, plants, bacteria, and fungi. A habitat is the area and resources used by a living organism or assemblage of animals and plants. Biodiversity is a key factor in supporting life on earth.

The [Wildlife Trusts](#) say that a good nature-friendly development retains existing meadows, wetlands, hedgerows, trees and woods, and joins them up with wildlife-rich gardens, verges, amenity green space, cycle paths and walkways. A green-blue infrastructure network connecting a development to the surrounding urban or rural landscape contributes to the wider ecological network. This approach improves air quality, reduces surface water flooding and makes developments greener and more attractive places to live. Residents have easy access to safe, beautiful, natural spaces for exercise, play and social interaction. Wildlife becomes part of everyday life.

All development proposals, even a single dwelling, regardless of size or location has the potential to benefit nature, and to benefit from nature, through integrating and creating space for nature into design and layouts. To create space for nature, the Council has, through engagement with local wildlife experts and following a review of best practice guidance, drafted **design principles**. The design principles are focused on specific design measures that will create space for nature. Each design principle is supported by justification explaining why it is important and core requirements. The Council expects applicants to have regard to these design principles and demonstrate as part of the application how the principles have been incorporated into the development proposal. This is in addition to the requirement for a minimum of 10% biodiversity net gain.

The SPD includes information on protected species and ecological surveys, the mitigation hierarchy, and householder applications. The SPD does not include information on sustainable drainage systems (SuDS) as the Council has adopted the [Essex County Council Sustainable Drainage Systems Design Guide](#) (2014). Nor does it refer to tree canopy cover assessments, separate guidance has



been prepared on this, or the [Essex Coast Recreational disturbance Avoidance and Mitigation Strategy](#) (RAMS) as the RAMS SPD was adopted in 2020.

The Council advises that specialist ecological consultant advice is sought at the earliest stage in terms of assessing and collating the scope of biodiversity information required to support an application and how to incorporate biodiversity enhancement and biodiversity net gain into development proposals.

Colchester's Local Plan

Policy ENV1 of the adopted Section 2 Local Plan (see box, below) is the most relevant policy to this SPD. This SPD builds upon Policy ENV1 and in particular, Part C criteria (iv) and (v) of the policy, which state:

For all proposals, development will only be supported where it:

- (iv) Maximises opportunities for the preservation, restoration, enhancement and connection of natural habitats in accordance with the UK and Essex Biodiversity Action Plans or future replacements; and
- (v) Incorporates beneficial biodiversity conservation features, measurable biodiversity net gain of at least 10% in line with the principles outlined in the Natural England Biodiversity Metric, and habitat creation where appropriate.

The SPD sets out the opportunities for the preservation, restoration, enhancement, and connection of natural habitats. It explains how beneficial biodiversity conservation features and habitat creation should be incorporated into proposals. A separate guidance note will be prepared in relation to biodiversity net gain.

Policy ENV1: Environment

The Local Planning Authority will conserve and enhance Colchester's natural and historic environment, countryside and coastline. The Local Planning Authority will safeguard the Borough's biodiversity, geology, history and archaeology, which help define the landscape character of the Borough, through the protection and enhancement of sites of international, national, regional and local importance. The Local Planning Authority will require development to be in compliance with, and contribute positively towards, delivering the aims and objectives of the Anglian River Basin Management Plan.

A. Designated sites

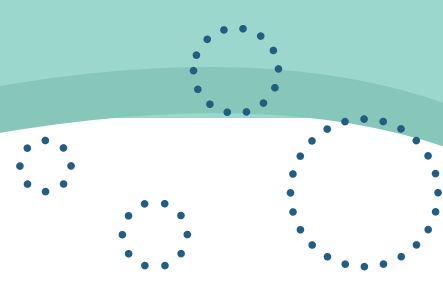
Development proposals that have adverse effects on the integrity of habitats sites, Sites of Special Scientific Interest or significant adverse impacts on the special qualities of the Dedham Vale Area of Outstanding Natural Beauty (including its setting) (either alone or in-combination) will not be supported.

B. Essex Coast RAMS

A Recreational disturbance Avoidance and Mitigation Strategy has been completed in compliance with the Habitats Directive and Habitats Regulations. Further to Section 1 Policy SP2, contributions will be secured from qualifying residential development, within the Zones of Influence as defined in the adopted RAMS, towards mitigation measures identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

C. Biodiversity and geodiversity

Development proposals where the principal objective is to conserve or enhance biodiversity and geodiversity interests will be supported in principle.



For all proposals, development will only be supported where it:

- (i)** Is supported with appropriate ecological surveys where necessary; and
- (ii)** Where there is reason to suspect the presence of a protected species (and impact to), or Species/Habitats of Principal Importance, applications should be accompanied by an ecological survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for their needs and demonstrate the mitigation hierarchy has been followed; and
- (iii)** Will conserve or enhance the biodiversity value of greenfield and brownfield sites and minimise fragmentation of habitats; and
- (iv)** Maximises opportunities for the preservation, restoration, enhancement and connection of natural habitats in accordance with the UK and Essex Biodiversity Action Plans or future replacements; and
- (v)** Incorporates beneficial biodiversity conservation features, measurable biodiversity net gain of at least 10% in line with the principles outlined in the Natural England Biodiversity Metric, and habitat creation where appropriate.

Proposals for development that would cause significant direct or indirect adverse harm to nationally designated sites or other designated areas, protected species, Habitats and Species of Principle Importance, will not be permitted unless: **(i)** They cannot be located on alternative sites that would cause less harm; and

(ii) The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and

(iii) Satisfactory biodiversity net gain, mitigation, or as a last resort, compensation measures are provided.

The Local Planning Authority will take a precautionary approach where insufficient information is provided about avoidance, mitigation and compensation measures and secure mitigation and compensation through planning conditions/obligations where necessary.

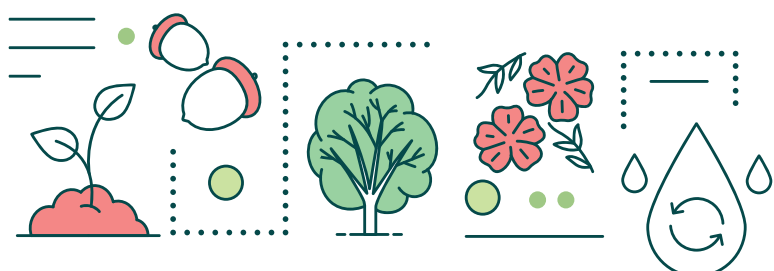
D. Irreplaceable habitats

Proposals that would result in the loss of irreplaceable habitats, such as ancient woodland, Important Hedgerows and veteran trees will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy, to the satisfaction of the local planning authority, exists.

E. Countryside

The local planning authority will carefully balance the requirement for new development within the countryside to meet identified development needs in accordance with Colchester's spatial strategy, and to support the vitality of rural communities, whilst ensuring that development does not have an adverse impact on the different roles, the relationship between and separate identities of settlements, valued landscapes, the intrinsic character and beauty of the countryside and visual amenity.

The intrinsic character and beauty of the countryside will be recognised and assessed, and development will only be permitted where it would not adversely affect the intrinsic character and beauty of the countryside and complies with other relevant policies. Within valued landscapes, development will only be permitted where it would not impact upon and would protect and enhance the factors that contribute to valued landscapes.

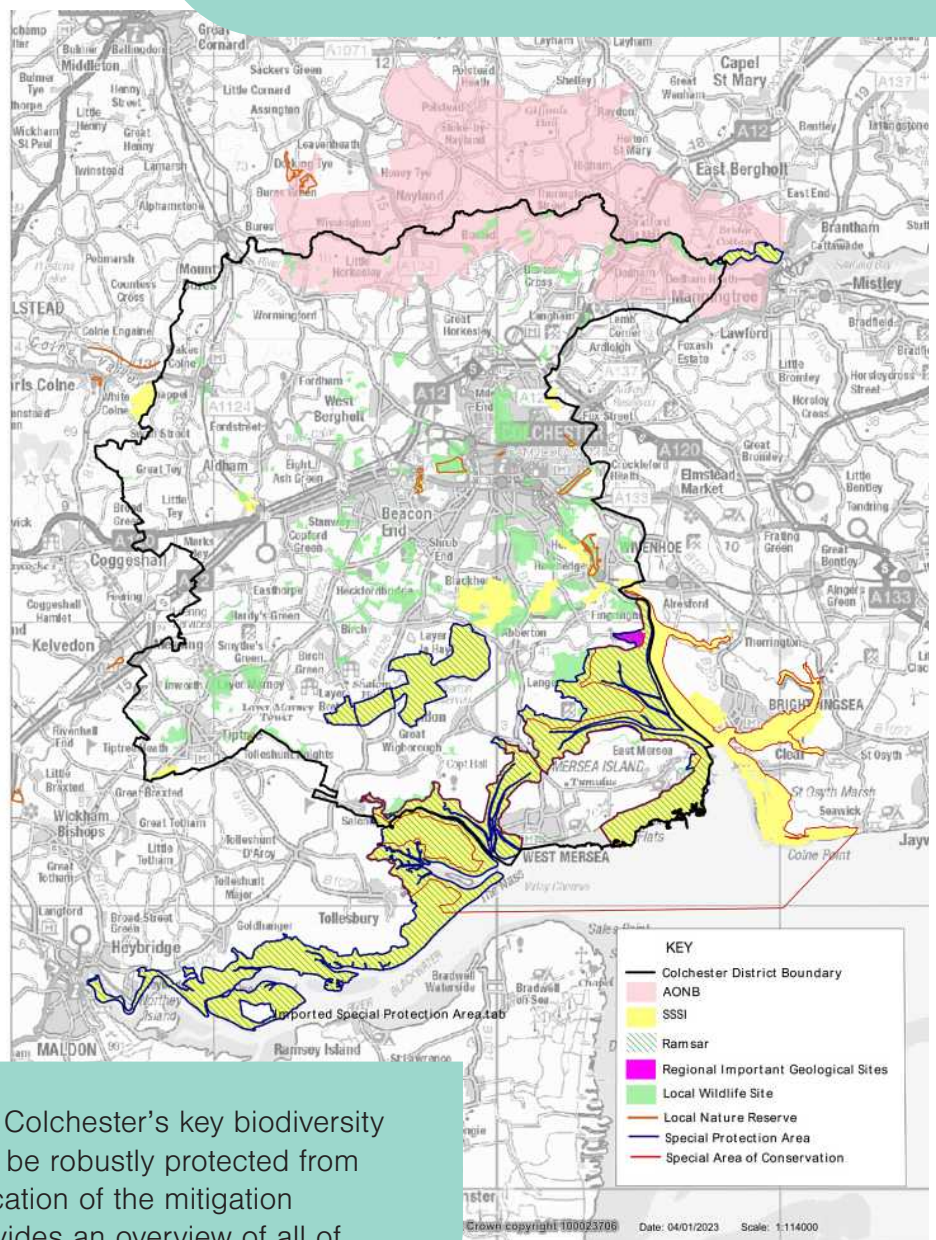


Chapter 3:

Colchester context

ENVIRONMENTAL DESIGNATION

Colchester's natural environment is extremely diverse and important. The countryside provides the attractive landscape setting that defines and characterises Colchester's villages and rural communities. The countryside and coastal areas also provide important agricultural, tourism and recreational opportunities that support local economies and communities. The Dedham Vale Area of Outstanding Natural Beauty (AONB) is partly located within Colchester, this has the highest level of protection in relation to its natural beauty and special qualities.



The maps in this chapter show Colchester's key biodiversity assets. All designations should be robustly protected from development by rigorous application of the mitigation hierarchy. The map, below, provides an overview of all of Colchester's environmental designations.

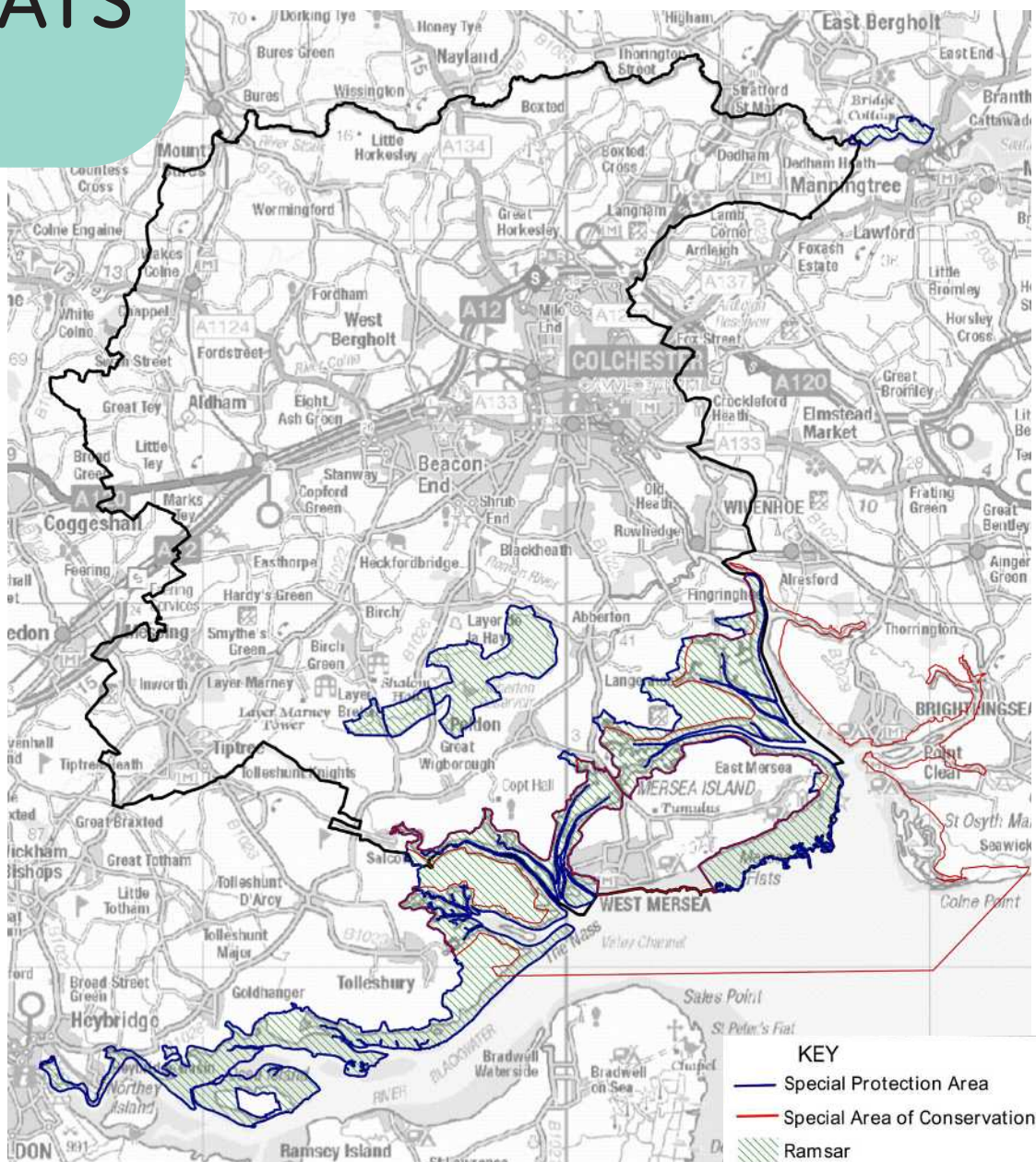
Special Protection Areas and Ramsar sites

Special Protection Areas (SPAs) are sites designated under the Birds Directive by the member states where appropriate steps are taken to protect the bird species for which the site is designated. In Colchester there is the Colne Estuary, Blackwater Estuary and Abberton Reservoir SPAs. These SPAs are also designated as Ramsar sites, which are wetlands of international importance.

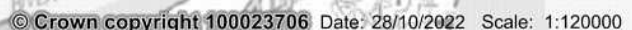
Special Areas of Conservation

Special Areas of Conservation (SACs) are sites of European Community importance designated by the member states, where necessary conservation measures are applied for the maintenance or restoration, at favourable conservation status, of the habitats and/or species for which the site is designated. In Essex we have the Essex Estuaries SAC, which includes numerous SPAs, including those SPAs within Colchester. The map below shows the SPAs and Ramsar sites in Colchester and the Essex Estuaries SAC.

HABITATS SITES

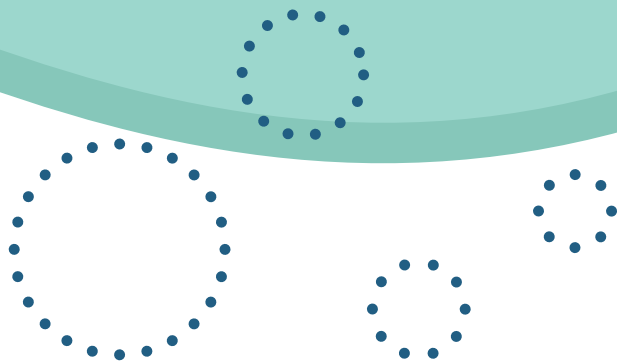


Sites of Special Scientific Interest (SSSI) is land notified under the Wildlife and Countryside Act 1981 as an ecosystem of flora and/or fauna considered by Natural England to be of significant national value and interest to merit its conservation and management. The map below shows SSSIs in Colchester.



National Nature Reserves (NNRs) were established to protect some of our most important habitats, species, and geology, and to provide 'outdoor laboratories' for research. Local authorities can create local nature reserves (LNRs). LNR are important for biodiversity and nature conservation at the local level. The local authority must control the LNR land - either through ownership, a lease or an agreement with the owner. The natural features of the LNR must be cared for and it must be made accessible for visitors. The map below shows the LNRs in Colchester.

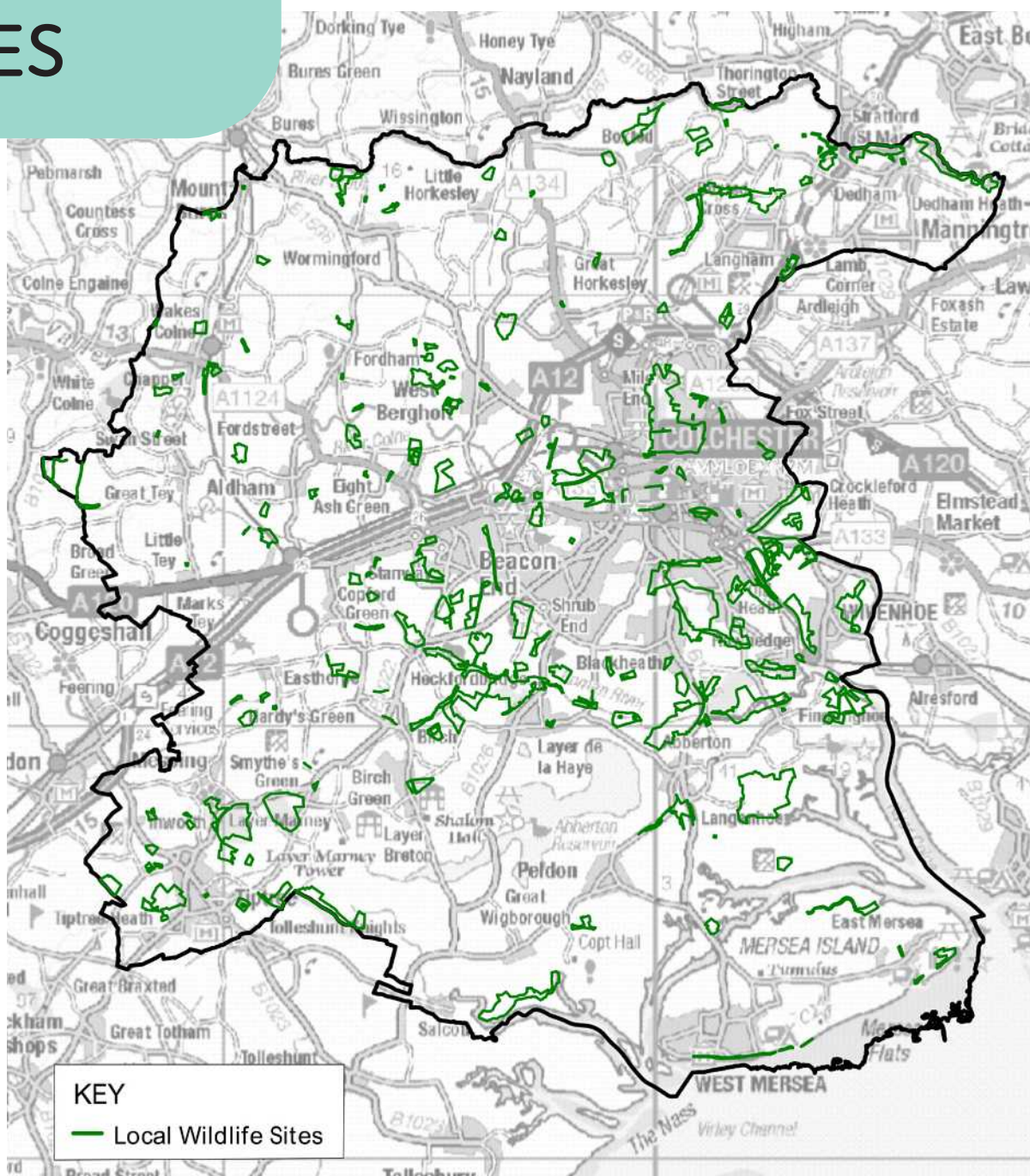




LOCAL WILDLIFE SITES

Local Wildlife Sites (LoWS)

LoWS are recognised as having nationally and regionally important habitats and species and are of fundamental importance in maintaining the current levels, and ensuring the long-term survival, of wildlife in Essex. LoWS help to buffer and connect areas of natural and semi-natural habitat, contributing to ecological networks and increasing the resilience of biodiversity to pressures of land use and climate change. LoWS represent vital core areas of habitat in the emerging Local Nature Recovery Network. The map below shows the LoWS in Colchester.



Chapter 4:

Protected species and ecological surveys

This chapter is aimed at DM Officers and applicants as a check of what information is likely to be required. Full consideration should be given to the extent of ecological surveys required for each site and applicants should seek the advice of a suitably qualified ecologist. Ecological surveys should be independent and carried out by suitably qualified experts. This chapter is only intended to provide a concise guide and links to further guidance and information is included in the table, below, and the final chapter of this SPD. Natural England have issued standing advice, which should be referred to. Natural England must be consulted if an application might affect a Site of Special Scientific Interest (SSSI), needs an Environment Impact Assessment (EIA) and/or needs an appropriate assessment under the Habitat Regulations.

Adequate information about important species, habitats and geological features, and appropriate design solutions, must be provided by applicants when submitting planning applications. The Council will take a precautionary approach when deciding on the level of information required. Where external expertise is required to review and validate ecological survey reports submitted with the application, which may be the case for larger or complex applications, applicants may be requested to reimburse the Council. Arrangements for this will be discussed at the pre-application stage and may subsequently be secured through a Planning Performance Agreement.



The first ecological survey undertaken on a site is usually a Preliminary Ecological Appraisal (PEA) or an Extended Phase 1 Habitat Survey. These surveys identify the habitats present on site and whether there is potential for protected species to be present. Species specific surveys are often recommended within a PEA or Extended Phase 1 Habitat survey. The Council expects any species specific surveys to be completed prior to submitting a planning application and at the optimal time of year (see appendix 1 for details of optimal surveys for each species). The table, below, provides a checklist to help consider what surveys may be required. If the answer to any of the questions is yes, the applicant should include a survey report detailing the population level at the site, the direct and indirect effects of the development upon the species, full details of any avoidance, mitigation or, as a last resort, compensation required, whether the impact is acceptable and whether Natural England is likely to grant a license.

If surveys find that the development proposal would affect a protected species the avoidance, mitigation or compensation measures must be secured as part of the planning consent by condition or legal agreement. To avoid harm or disturbance, development proposals could reduce the size of the development or alter its layout to retain the sites important habitat features; and plan for construction work to be carried out at specific times to avoid sensitive times for the species present. Mitigation measures should be agreed in a mitigation strategy, which

should remove or reduce the negative effects of the development proposal and show how mitigation measures will be carried out. A legal agreement will be needed to ensure that the mitigation measures can be maintained long-term. Compensation measures should only be used as a last resort. Compensation measures should provide a better alternative in terms of quality of area compared to the habitat that would be lost; provide like-for-like

habitat replacements next to or near existing species populations; provide alternative habitats further away from the impacted population if the natural range of the species is not going to be adversely affected; provide connections with similar habitats to allow species movement; provide alternative habitats in advance of the harm caused. Protected species licenses are subject to separate process and specific policy and legal tests.

Table 1. Protected species, suitable habitats, and further advice

Protected species: questions	Suitable habitats for protected species
<p>Bats</p> <p>Further advice: Bat Conservation Trust: Home - Bat Conservation Trust (bats.org.uk) Natural England's standing advice for bats: Bats: advice for making planning decisions - GOV.UK (www.gov.uk)</p> <div> <div data-bbox="143 1079 726 1149"> <p>Are there any structures on site which have the potential to support roosting bats?</p> </div> <div data-bbox="818 1079 1283 1366"> <p>Structures with high potential include:</p> <ul style="list-style-type: none"> • all agricultural buildings • buildings with weather boarding • tunnels • ice houses • bridges • cliff faces with crevices • woodland </div> </div> <div> <div data-bbox="143 1397 711 1467"> <p>Are there any trees on the site which have the potential to support roosting bats?</p> </div> <div data-bbox="818 1397 1445 1572"> <p>Trees with high potential to support roosting bats include old and veteran trees and any trees with cracks or crevices. Where appropriate, foraging and community routes should be incorporated into the design of the scheme.</p> </div> </div>	
<p>Barn owls</p> <p>Further advice: The Barn Owl Trust (2015) Barn Owls and Rural Planning Applications – a Guide. Barn-Owls-and-Rural-Planning-Applications-a-Guide-2015.pdf (barnowltrust.org.uk)</p> <div> <div data-bbox="143 1785 770 1888"> <p>Is there any evidence of barn owls nesting on or near the site or are there suitable nesting areas on the development site?</p> </div> <div data-bbox="300 1852 572 2197">  </div> </div> <div data-bbox="818 1785 1390 2085"> <p>Barn owls often nest in:</p> <ul style="list-style-type: none"> • farm buildings • dovecotes • hollow trees • derelict buildings. <p>Barn owls require habitat which supports high numbers of small mammals including pasture, hedgerow and woodland.</p> </div>	



Protected species: questions

Suitable habitats for protected species

Breeding birds

Will areas of hedgerow/scrub/woodland/trees or other features likely to be used by nesting birds be affected by the proposal?

If yes, details of the mitigation measures to ensure occupied nests are protected, especially during the breeding season, should be included with the application.

Badgers

Further advice: Natural England's standing advice for badgers: Badgers: advice for making planning decisions - GOV.UK (www.gov.uk) Badger Trust Badger protection guidance for developers: Badger Trust Guidance for developers - 2022 - DIGITAL

Is there any evidence of badgers on or near the site?

Are badgers commuting through the site to foraging areas?

Badgers use a wide variety of habitats and setts can be found in:

- hedgerows
- woodlands
- scrub and field margins
- brownfield land.

Where appropriate, safe routes to foraging areas should be incorporated into the development proposals.

Dormice

Further advice: English Nature (now Natural England) The dormouse conservation handbook: EN DORMOUSE HANDBOOK (4663) (cieem.net)

Is there suitable habitat for dormice on or close to the site?

Dormice are found in a variety of habitats including:

- ancient, semi-natural woodland
- scrub
- young plantations hedgerows.

Great crested newts

Further advice: Natural England's Great crested newts: district level licensing for local planning authorities guidance Great crested newts: district level licensing for local planning authorities - GOV.UK (www.gov.uk)

A district level licensing (DLL) scheme is in place for great crested newts in Essex. This means that developers can make a financial contribution to strategic, off-site habitat compensation instead of applying for a separate license or carrying out individual detailed surveys. Applicants need to apply for an impact assessment and conservation payment certificate (an IACPC) from Natural England and DM Officers need to check that a signed IACPC is submitted as part of the planning application and the site boundary matches the application boundary.



Reptiles

Further advice: Natural England's standing advice for reptiles: Reptiles: advice for making planning decisions - GOV.UK (www.gov.uk)

Is there suitable habitat on site for reptiles?

Reptiles use a variety of habitats including:

- rough grassland
- heathland
- allotments
- scrub
- brownfield sites
- field margins abandoned gardens.

Other protected species, e.g. otters, water voles, white-clawed crayfish

Further advice: Natural England's standing advice for reptiles: Reptiles: advice for making planning decisions - GOV.UK (www.gov.uk)

Has the site been surveyed for other protected species?



Protected species decision checklist

The following protected species decision checklist flowchart will help DM Officers in decision making related to protected species.

Is the application within or close to a designated site?



YES

Consult Natural England



NO

Has the survey report confirmed that there's suitable habitat for the species on or next to the application site or within a known range of the species?



NO

Accept the findings and require a minimum of 10% biodiversity net gain



YES

Has the applicant and specialist advice confirmed that it's unlikely the development will have an adverse effect on the species?



YES

Accept the findings.

- Planning permission may be granted (subject to other material considerations)
- Secure working methods and programme using planning conditions where necessary to avoid impacts.
- Require a minimum of 10% biodiversity net gain.
- Add an informative to the planning decision notice regarding the action to be taken if protected species are encountered during development.



NO

Has the species survey been carried out at the right time of year and using appropriate survey techniques covering an adequate search area?



NO

inadequate survey. Advise the applicant, planning permission can be refused.



YES

Has evidence of the species been found in the application site or in the study area?



NO

Could the proposals indirectly impact on the species, for example prevent species movement between habitats?



NO

Accept the findings and require a minimum of 10% biodiversity net gain

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graph TD; Q1[Will the species and/or their habitat be impacted by the planning application?] -- YES --> Q2[Does the mitigation proposed make sure:]; Q1 -- NO --> A1[Accept the findings and require a minimum of 10% biodiversity net gain]; Q2 --> L1["• there isn't a net loss of quantity or quality of habitat"]; Q2 --> L2["• habitat links will be kept"]; Q2 --> L3["• there's a long-term management strategy for the site for the benefit of the species"]; L1 --> Q3[Is the species a European protected species?]; L2 --> Q3; L3 --> Q3; Q3 -- YES --> Q4[Do you think the mitigation measures are adequate and Natural England is likely to grant a license?]; Q3 -- NO --> A2[Accept the findings and require a minimum of 10% biodiversity net gain]; Q4 -- YES --> A3[Planning permission may be granted subject to appropriate planning conditions and obligations. This may include a detailed mitigation and monitoring strategy.]; Q4 -- NO --> A4[Request further or more appropriate mitigation or compensation and reconsider the question.];
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YES

Will the species and/or their habitat be impacted by the planning application?

YES

Does the mitigation proposed make sure:

- there isn't a net loss of quantity or quality of habitat
- habitat links will be kept
- there's a long-term management strategy for the site for the benefit of the species

NO

Request further or more appropriate mitigation or compensation and reconsider the question.

If the applicant fails to provide satisfactory information, consider refusal of the application as it does not adequately consider protected species or comply with the Wildlife and Countryside Act 1981 (as amended) or The Conservation of Habitats and Species Regulations 2017.

NO

Accept the findings and require a minimum of 10% biodiversity net gain

YES

Is the species a European protected species?

NO

Accept the findings and require a minimum of 10% biodiversity net gain

YES

Do you think the mitigation measures are adequate and Natural England is likely to grant a license?

NO

Request further or more appropriate mitigation or compensation and reconsider the question.

If the applicant fails to provide satisfactory information, consider refusal of the application as it does not adequately consider protected species or comply with the Wildlife and Countryside Act 1981 (as amended) or The Conservation of Habitats and Species Regulations 2017.

YES

Planning permission may be granted subject to appropriate planning conditions and obligations. This may include a detailed mitigation and monitoring strategy.

Chapter 5:

Mitigation hierarchy

The design of all development proposals should reflect the findings and recommendations in the ecological surveys carried out for the site and incorporate measurable biodiversity net gain of at least 10%. The mitigation hierarchy should also be applied. The mitigation hierarchy is a widely used tool that guides users towards limiting harm to features of biodiversity value through avoiding harm, minimizing and mitigating harm and, as a last resort, compensating or offsetting harm.

The first step is avoid – harm to features of biodiversity value should be avoided. The Council has a supply of deliverable housing sites with allocations in the adopted Local Plan and a 5 year housing land supply. Development on sites that are not allocated in the Local Plan and likely to harm features of biodiversity value should be avoided by locating development on an alternative site. Another way of avoiding harm is to consider an alternative layout which will avoid harm to features of biodiversity value. It could be as simple as retaining trees and hedgerows on site. Avoiding harm is often the easiest and cheapest way of reducing harm and can make it easier to achieve a minimum of 10% biodiversity net gain.

If harm cannot be avoided, any harm should

be minimized and mitigation measures incorporated into the design of the development proposal. A mitigation strategy should be prepared and submitted with the planning application which includes details of how the mitigation measures will be managed and maintained for a period of at least 30 years.

As a last resort, if despite mitigation there would still be harm, compensation measures should be incorporated into the design of the development. The applicant will need to demonstrate how these measures will be managed and maintained for a period of at least 30 years. Compensation measures should provide alternative habitat of higher quality and a greater area to the habitat lost. This is the exception and must be fully justified.

Where habitat will be lost or damaged, habitat creation should take place before the existing habitat is lost or damaged to help maximise habitat coverage. This will be especially important in situations where the habitat supports species that are particularly sensitive to temporal effects. For example, ground dwelling bees having one generation per year will not be able to persist in areas devoid of suitable habitat while awaiting restoration post loss.



The approach to following the mitigation hierarchy should be informed by up-to-date survey and assessment of the ecological value of the habitats and species likely to be affected, aligned to best practice standards as set out in [BS42020:2013 Biodiversity – Code of practice for planning and development](#). This standard identifies the ecological data required and considerations for its assessment, and its use in the design of mitigation measures.

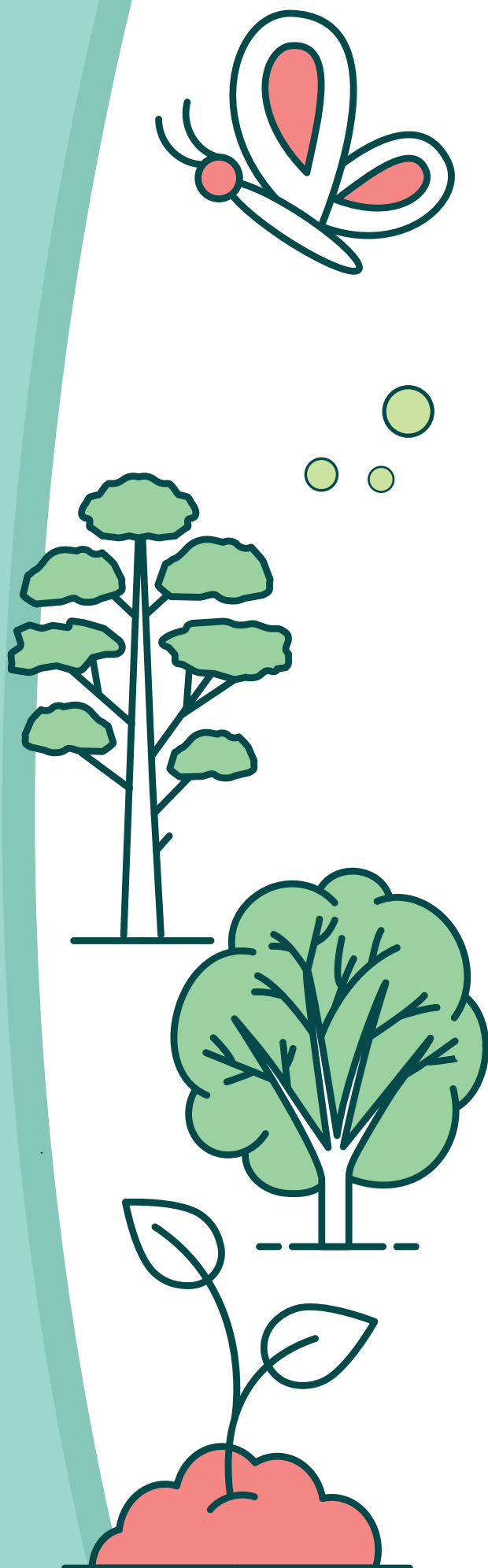
Where a development proposal cannot satisfy the requirements of the mitigation hierarchy, development will not be supported in accordance with Policy ENV1 (Environment) Part C, criteria (ii) and Part C (i)-(iii) of the Colchester Local Plan, which states:

“For all proposals, development will only be supported where it: (ii) Where there is reason to suspect the presence of a protected species (and impact to), or Species/Habitats of Principal Importance, applications should be accompanied by an ecological survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for their needs and demonstrate the mitigation hierarchy has been followed.” [Part C, criteria (ii)]

“Proposals for development that would cause significant direct or indirect adverse harm to nationally designated sites or other designated areas, protected species, Habitats and Species of Principle Importance, will not be permitted unless:

- (i) They cannot be located on alternative sites that would cause less harm; and
- (ii) The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and
- (iii) Satisfactory biodiversity net gain, mitigation, or as a last resort, compensation measures are provided.

The Local Planning Authority will take a precautionary approach where insufficient information is provided about avoidance, mitigation and compensation measures and secure mitigation and compensation through planning conditions/obligations where necessary.” [Part C (i)-(iii)]



Chapter 6:

Creating space for nature design principles

This chapter includes creating space for nature design principles. Each principle includes a description of why it is important and has been included in this SPD and core requirements. These principles set out how the Council expects biodiversity to be incorporated into development proposals to create space for nature in accordance with Policy ENV1 (Part C):

- (iii) Will conserve or enhance the biodiversity value of greenfield and brownfield sites and minimise fragmentation of habitats; and
- (iv) Maximises opportunities for the preservation, restoration, enhancement and connection of natural habitats in accordance with the UK and Essex Biodiversity Action Plans or future replacements; and
- (v) Incorporates beneficial biodiversity conservation features, measurable biodiversity net gain of at least 10% in line with the principles outlined in the Natural England Biodiversity Metric, and habitat creation where appropriate.

Creating space for nature design principle

Contribute to Colchester's green-blue infrastructure network. Create new green-blue infrastructure that is appropriate and proportionate to the size and location of the development proposal. Create connections to existing green-blue infrastructure.

Why? Green-blue infrastructure has multiple benefits including benefits for biodiversity, recreation, climate change resilience and health and wellbeing. The Essex Local Nature Partnership have targets for the current 14% of green infrastructure coverage of Essex to be increased to 25% green infrastructure coverage by 2030; and access to high quality green space for all.

Core requirements

- Include at least 10% of the gross site area as usable open space in accordance with policy DM18.
- Large areas of habitat are better than smaller, fragmented areas.
- Avoid including all activities in a small area, i.e. recreational activities intermixed with biodiversity space.
- Take opportunities to connect new open spaces with existing open spaces and other green-blue infrastructure.
- Wherever possible, wildflower nectar providers should be embedded within the landscape including grass verges.
- Whilst not adopted by the Council, applicants should have regard to the advice in the [Essex Green Infrastructure Standards Guidance](#) and [Building with Nature Standards](#)

Creating space for nature design principle

Plant new trees across the development site, including street trees.

Why? Trees help improve air quality, enhance ecological connectivity, and help reduce the urban heat island effect. Street trees can act as natural traffic management measures.

Core requirements

- In accordance with Policy CC1 of the Local Plan, a minimum of 10% increase in canopy cover is required on all major development sites.
- The Council has prepared a Tree Canopy Cover Assessment [guidance note](#).
- Consider the suitability of the site for tree planting, including the species to be planted.
- Tree planting on important grassland habitat should be avoided.
- Trees should be locally sourced from reputable suppliers.
- Natural regeneration of scrub and trees should generally be the default option.
- Consideration should be given for accompanying undergrowth as habitat provision.

Retain and enhance existing hedges and create new hedges. Hedges should be used in preference to fences as boundaries to properties. New hedges are usually best when they comprise mixed native species. Buffers should be included on either side to retain, encourage, introduce species movement, foraging, nesting.

Why? Good quality hedges provide food, shelter, and safe breeding sites for wildlife.

- Identify existing hedgerows in the landscape plan and indicate where new hedges are to go to provide connectivity.
- Carry out remedial works to rejuvenate neglected hedges, including gapping up with additional plants.
- Provide buffer strips of wildflower grassland, cut every other year on rotations.
- Clearly show buffer strips and the size of these in the landscape plan.

Deadwood from veteran trees should be kept in situ where possible or moved to a safe place onsite with no or minimal processing.

Why? Deadwood is a valuable habitat and food source for a range of wildlife.

Fit integral swift bricks and house martin nest boxes in all new developments.

Why? Swifts, house sparrows, starlings and house martins depend on buildings for nesting and roosting and have been significantly affected by changes to buildings.

- Include at least one nest brick or 'universal brick' per house.
- Nests should be clustered in suitable areas of the development.
- Nest bricks should be fitted adjacent to the roofline in the cold loft space of a gable or tight to the eaves of hipped roofs.
- Elevations exposed to particularly sunny, or driving wind and rain are better avoided.
- The [British Standard BS42021](#) sets out details on nest box installation.
- Further information available through various sources, including [Swift Conservation](#).

Creating space for nature design principle

Fit integral bat bricks in appropriate locations in all new developments.

Why? A number of species depend on buildings for nesting and roosting.

Core requirements

- Retain and enhance existing mature landscape features e.g. trees, hedges, ponds and streams, within the development as these are favoured foraging areas.
- Ensure good connectivity between roosts and foraging areas by providing native hedges and trees.
- Locate integral roost bricks where they are warmed by the sun.
- Design the lighting plan to avoid illuminating roost entrances or the areas between the roost and foraging areas.
- Diversify roost provision: some species roost in boxes on trees, others in boxes integrated into buildings.
- It is usually best to locate bricks in / around clusters of houses.
- Further information available through various sources, including the [Bat Conservation Trust](#).

Create solitary bee nests. A bee hotel is designed to provide a home to solitary bees that live naturally in cracks, hollows, and holes instead of hives.

Why? To provide habitat for solitary bees. In Britain there are around 250 species of solitary bees. These bees are effective pollinators. Unlike honeybees and bumblebees, solitary bees do not live in colonies.

Include holes and other materials for the bees to live in.

Create wildlife highways in boundary walls and fences.

Why? Hard boundaries such as walls and fences form a barrier to ground dwelling animals such as hedgehogs, reptiles, and amphibians, inhibiting their movement around a housing development. Hedgehogs have undergone massive long-term declines (State of Nature). Hedgehogs roam across large areas in search of food, shelter, and mates. Connecting as many gardens as possible is key.

- Create small 13cm diameter or 13cm square holes in garden fences or walls to allow small ground dwelling animals to pass between gardens. This will be too small for most pets.
- Avoid making holes that lead directly onto roads.
- The [Hedgehog Street](#) campaign list simple ways to help hedgehogs in our gardens and green spaces.

Watercourses should be protected for cleanliness and retained and have a biodiversity green buffer margin for aquatic species.

Why? Buffers retain, encourage, introduce species movement, foraging, nesting.

Creating space for nature design principle	Core requirements
<p>Include green roofs and green walls where possible.</p> <p>Why? Green roofs and walls insulate buildings, attenuate water run-off, provide habitat for wildlife, and pale renders reflect rather than absorb heat so reduces heating of the building. They can also benefit invertebrates and birds.</p>	<ul style="list-style-type: none"> • Include a mix of fine grasses and wildflowers, sown on a shallow nutrient-poor substrate. Wildflower turfs may also be used instead of seed. • Include a diversity of surface topography with piles of stones and even small ephemeral water features. • Consider green roofs and green walls on communal bin areas, bus shelters and bike stores.
<p>Include grass rather than artificial grass.</p> <p>Why? Artificial grass does not deliver drainage and biodiversity benefits.</p>	
<p>Artificial lighting, including floodlighting, should avoid spill on to ‘dark corridors’ such as hedgerow networks, railway embankments, waterways, parkland, woodland edge habitat or trees and buildings supporting bats or owls.</p> <p>Why? Artificial lighting affects bats and owls. Lighting in the vicinity of a bat roost causes disturbance and potential abandonment of the roost.</p>	<ul style="list-style-type: none"> • A lighting design plan will need to be submitted and should include the specification, number, orientation, dimming and control (timing, sensing) arrangement for each luminaire and a lux contour plan if appropriate. • Guidance on lighting is available from the Bat Conservation Trust.
<p>Create underpasses and green bridges to enable wildlife to span roads otherwise presenting a barrier to free movement.</p> <p>Why? To enable wildlife to safely cross roads and avoid becoming isolated.</p>	<ul style="list-style-type: none"> • Plant with a variety of local trees or shrubs and other vegetation. • Take opportunities to connect habitats.
<p>Brownfield sites of high biodiversity value must be recognised with a presumption in favour of protection of such sites.</p> <p>Why? Brownfield sites can have high ecological value but can be overlooked.</p>	<ul style="list-style-type: none"> • Applicants need to understand and consider the ecological value of brownfield sites.
<p>Make new homeowners aware of the wildlife within and nearby the development site.</p> <p>Why? Making new and prospective homeowners aware of the wildlife they might find on a development will help generate interest and make householders aware of the uniqueness and sensitivity of the area. It can be used to help market the new homes.</p>	<ul style="list-style-type: none"> • Produce leaflets or digital information for householders making them aware of the biodiversity features of the development. • Include interpretation signs at appropriate locations.

These design principles set out the Council's expectations. The core requirements list some of the requirements, but full requirements/ details are not included in the table, above. Applicants should discuss the principles in this SPD with an ecologist at an early stage to ensure the principles are fully understood and integrated into the design of the development.

Chapter 7:

Householder applications



All development proposals, even householder applications, can benefit nature, and benefit from nature through integrating and creating space for nature into design and layouts. The [State of Nature](#) 2019 recognises that there is enormous potential for engaging people to take action in their own gardens and the Essex Local Nature Partnership has a target of 1 in 4 people in Essex taking action for Nature Recovery, which is a target adopted from the Essex Wildlife Trust.

Some examples of ways a householder application can create space for biodiversity are:

- Provide bird and bat boxes and bricks
- Put up a bird feeder
- Include a bee or bug hotel in your garden
- Leave an area of your garden to grow wild. Leaving grasses and wildflowers to grow provides shelter and food for insects and small mammals.
- Plant wildflowers
- Create insect habitats
- Add a hole in your garden fence to contribute to a hedgehog highway
- Create a pond
- Grasscrete driveways
- Plant native trees, shrubs, and flowers
- Green roofs and walls

[Naturehood](#) provides lots of step-by-step guides, information and inspiration for positive actions people can take to support wildlife in their gardens.



Chapter 8:

Planning application expectations



The Council expects applicants to demonstrate how the creating space for nature design principles have been incorporated into the design of the development proposal. Where relevant, compliance with the principles set out in this SPD should be shown on the Landscaping Plan, e.g. the location of bat and bird boxes. The Council expects that a section should be included in the Design and Access Statement detailing the biodiversity enhancement measures and details of how these will be managed and maintained long-term.

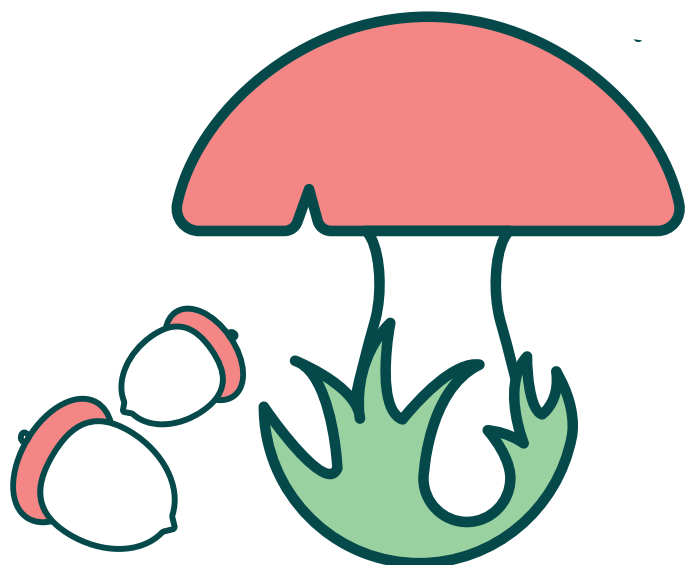
In order to validate all major applications, the Council requires submission of the latest Defra Biodiversity Metric. The Defra metric calculator supporting this metric output will also need to be submitted to allow an understanding of the habitats being lost and gained. Please see the Natural England website for the latest [Defra Metric Calculator Tool](#) and its User Guide Ecology surveys.

Independent ecological surveys carried out by suitably qualified experts (carried out within the last 12 months) will be required where a Preliminary Ecological Appraisal or Extended Phase 1 Habitat survey recommend species specific surveys. Ecological surveys must be submitted with the application and follow best practice and guidance.

If there is a need for mitigation, or as a last resort compensation, a mitigation strategy

must be submitted with the application, which complies with Natural England's [Biodiversity mitigation plan checklist](#). The mitigation strategy must show how the mitigation measures will be managed and maintained over a 30-year period.

Applicants must submit the Climate Emergency Checklist in support of their application. This Checklist covers the issues included in this SPD, the Active Travel SPD and the Climate Change SPD. It is a means for applicants, DM Officers, and Planning Committee Members to understand the measures that have been incorporated into a development proposal to address the climate and ecological emergency and ensure compliance with the three Climate Emergency SPDs and the policies they build upon and to demonstrate that the climate and ecological emergency has been considered.



Chapter 9: Conclusion



We are in a climate and ecological emergency and the time to act is now. All development proposals should strive to achieve ambitious carbon reductions, biodiversity enhancement and promotion of active travel to contribute towards Colchester becoming a greener city that is resilient to the climate and ecological emergency. The Council is committed to firm action, from setting an ambitious target to be carbon neutral by 2030 to driving forward a significant programme of environmental stewardship to sustain and enhance biodiversity and invest in cleaner, greener, renewable energy project.

The UK governments 25 Year Plan and Environment Act 2021 show the direction we are headed nationally in terms of driving nature's recovery and providing wider environmental benefits. Colchester City Council will lead the way in supporting nature's recovery, biodiversity enhancement and biodiversity net gain through the principles in this SPD and through the policy requirement for measurable biodiversity net gain of at least 10% now – ahead of the national mandatory requirement.

Specialist ecological advice from a suitably qualified expert should be sought at the earliest stage in terms of assessing and collating the scope of biodiversity information required to support an application and how to incorporate biodiversity enhancement and biodiversity net gain into development proposals.

Colchester's natural environment is extremely diverse and important. The Council encourages applicants to maximise opportunities for the provision and connection

of green-blue infrastructure, including wildlife corridors, and the incorporation of the biodiversity design principles.

All development proposals must follow the mitigation hierarchy. Adequate information about important species, habitats, and geological features, through independent ecological surveys carried out by suitably qualified experts, must be provided by applicants when submitting planning applications. The Council will take a precautionary approach when deciding on the level of information required.

To create space for nature, the design principles set out in this SPD should be included in all development proposals. These design principles will ensure that beneficial biodiversity conservation features are incorporated into development and opportunities for the preservation, restoration, enhancement, and connection of natural habitats are maximised, in accordance with Policy ENV1 of the Colchester Local Plan. These design principles will also result in high quality design that has positive outcomes on health and wellbeing.



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Appendix 1. Ecological Survey Seasons

The table, below, sets out the optimal survey times for each species.

[illegible]

Local Plan Committee - Background Information

What is a Local Plan?

A Local Plan is the strategy for the future development of a local area, drawn up by the Local Planning Authority (LPA) in consultation with the community. The Local Plan sets out the vision, objectives, spatial strategy and planning policies for the entire Colchester Borough. A Local Plan provides the overall framework for the borough in terms of employment and housing growth, infrastructure needs and identifying areas that require protection i.e., open space and community uses. The plan making process includes several rounds of public consultation with local communities, stakeholders and statutory consultees.

The Local Plan usually covers a 15-year period and identifies how communities will develop over the lifetime of the Plan.

In law, this is described as the Development Plan Documents adopted under the Planning and Compulsory Purchase Act 2004. A Local Plan must be prepared in accordance with national policy and guidance.

The National Planning Policy Framework (NPPF) states at paragraph 15 that *“The planning system should be genuinely plan-led. Succinct and up to date plans should provide a vision for the future of each area, a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings”*.

Planning involves making decisions about the future of our cities, towns and countryside. This is vital to balance our desire to develop the areas where we live and work with ensuring the surrounding environment is not negatively affected for everyone. It includes considering the sustainable needs of future communities.

Independent Planning Inspectors must examine all Local Plans that local authorities in England prepare. This examination is the last stage of the process for producing a Local Plan. The process should have fully involved everyone who has an interest in the document, and they should have had the chance to comment.

Why is a Local Plan important?

A Local Plan is a statutory requirement as outlined in Section 19 of the Planning and Compulsory Purchase Act 2004.

The Local Plan contains policies to guide development by identifying a spatial strategy, site allocations for employment and housing development and protecting the environment, land and buildings for certain uses to ensure delivery of sustainable communities.

Without a Local Plan to identify where and how the borough should develop, planning applications are determined in accordance with national policy which does not provide

the local context of Colchester. Without a Local Plan, the borough would be at significant risk from speculative development. A Local Plan provides certainty of where development can be delivered sustainably across the Borough.

What is a Neighbourhood Plan?

The Localism Act 2012 devolved greater powers to neighbourhoods and gives local communities more control over housing and planning decisions.

A Neighbourhood Plan is a planning document that communities can put together to set out how they would like their town, parish or village to develop over the next 15 years. The Neighbourhood Plan is prepared by the local community for a designated neighbourhood area, usually this is undertaken by the Parish/Town Council or a Neighbourhood Plan Development Forum can be established for areas without a parish/town council.

A Neighbourhood Plan enables communities to identify where new homes and other developments can be built and enables them to have their say on what those new buildings should look like and what infrastructure should be provided. This provides local people the ability to plan for the types of development to meet their community's needs.

A Neighbourhood Plan must undergo a number of formal processes to ensure it is robust and well-evidenced. This includes two formal consultation periods, independent examination and a public referendum.

A Neighbourhood Plan is subject to examination where the Examiner must determine if the Neighbourhood Plan complies with the Basic Conditions as set out in the Town and Country Planning Act 1990 (as amended). Following an Examination, the Neighbourhood Plan must be subject to a referendum. In order for the Neighbourhood Plan to pass a referendum and be 'made' (adopted) the majority of voters (more than 50%) must be in favour of the Neighbourhood Plan.

If a Neighbourhood Plan passes the referendum, this becomes part of the Statutory Development Plan for that area. Where a Neighbourhood Plan has been 'made', both the Neighbourhood Plan and Local Plan are used when determining planning applications alongside national policy.

What is included in the Development Plan for Colchester?

The Development Plan is a suite of documents that set out the LPAs policies and proposals for the development and use of land and buildings in the authority's area. This includes Local Plans, Neighbourhood Plans and is defined in section 38 of the Planning and Compulsory Purchase Act 2004.

Within Colchester Borough this currently includes:

- Section 1 Local Plan (adopted February 2021);
- Section 2 Local Plan (adopted July 2022);
- Tiptree Jam Factory DPD (adopted 2013);
- Neighbourhood Plans.

Section 1 of the Colchester Local Plan sets out the overarching strategy for future growth across Braintree, Colchester and Tendring, including the Tendring Colchester Borders Garden Community as well as including policies setting the overall housing and employment requirements for North Essex up to 2033. Section 2 provides the policy framework, site allocations and development management policies for Colchester Borough up to 2033.

In Partnership with Tendring District Council, a Development Plan Document (DPD) is being prepared to further guide development on the Tendring Colchester Borders Garden Community. This process is being governed by the Tendring Colchester Borders Garden Community Joint Committee.

There has been considerable neighbourhood planning activity within Colchester with seven 'made' (adopted) Neighbourhood Plans across the borough. These are:

- Myland and Braiswick
- Boxted
- Wivenhoe
- West Bergholt
- Eight Ash Green
- Marks Tey and
- West Mersea

Four further Neighbourhood plans are at various stages of the plan making process. These include Copford with Easthorpe, Great Horkesley, Great Tey and Tiptree.

For minerals and waste matters, Essex County Council are the authority responsible for production of the Waste and Minerals Local Plans, which forms part of the Colchester Development Plan. At present the adopted plans for Essex are:

- Essex Minerals Local Plan (2014)
- Essex and Southend-on-Sea Waste Local Plan (2017)

What is included within the Development Framework for Colchester?

The Local Development Framework (LDF) is a non-statutory term used to describe a folder of documents, which includes all the local planning authority's local development documents. A Local Development Framework is comprised of:

1. Development Plan

Currently for Colchester this includes:

- Section 1 Local Plan (adopted February 2021)
- Section 2 Local Plan (adopted July 2022)
- Neighbourhood Plans (Myland and Braiswick, Boxted, Wivenhoe, West Bergholt, Eight Ash Green, Marks Tey and West Mersea)
- Essex Minerals Local Plan (2014)
- Essex and Southend-on-Sea Waste Local Plan (2017)

2. Supplementary Planning Documents (SPD)

An SPD is a document produced by the Local Planning Authority to add further detailed guidance and information on a particular subject such as Sustainable Construction or Open Space, Sports and Recreational Facilities. An SPD is subject to a formal consultation period and then is used as a material consideration when determining planning applications.

Currently for Colchester these are:

- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) – August 2020
- Affordable Housing – August 2011
- Backland and Infill – December 2010
- Better Town Centre – December 2012
- Cycling Delivery Strategy – January 2012
- Provision of Community Facilities – July 2013
- Provision of Open Space, Sport and Recreational Facilities – July 2006, updated April 2019
- Shopfront Design Guide – June 2011
- Street Services Delivery Strategy – October 2012 revised February 2016
- Sustainable Design and Construction – June 2011
- Sustainable Drainage Systems Design Guide – April 2015
- Vehicle Parking Standards – September 2009
- ABRO Development Brief SPD (December 2021)
- Archaeology and Planning (2015)

A number of these will be reviewed and updated along with new SPDs to be compliment with new policies in the Adopted Local Plan.

3. Local Development Scheme (LDS)

The LDS is a project plan for a three-year period for the production of all documents that will comprise the Development Plan. It identifies each Local Development Plan Document and establishes a timescale for preparing each.

4. Authority Monitoring Report (AMR)

The AMR is a report published annually by the LPA, monitoring progress in delivering the Local Plan policies and allocations. The report covers the financial year from 1 April to 31 March and for Colchester is published in December.

5. Statement of Community Involvement (SCI)

The SCI sets out the standards that the Local Planning Authority (LPA) intend to achieve in relation to involving the community and all stakeholders in the preparation, alteration and continuing review of all Local Development Plan documents and in significant planning applications. The SCI also outlines how the LPA intends to achieve those standards. The SCI itself, is not a development plan document, but is subject to independent examination. A consultation statement showing how the LPA complies with its SCI should accompany all Local Development Plan documents.

What are housing targets and why do we have them?

The Government have committed to delivering 300,000 new homes per year across England to significantly boost the supply of homes.

A Local Plan identifies the minimum number of homes needed through policies which are informed by a local housing need assessment produced in accordance with the Standard Methodology as outlined in national planning guidance, unless exceptional circumstances justify an alternative approach. The Standard Method was introduced through the National Planning Policy Framework (NPPF) in 2019.

For Colchester, the minimum housing requirement has been established in the Section 1 Local Plan. Policy SP4 set out the minimum housing requirement figure for Colchester as 920 dwellings per annum and 18,400 new homes over the period 2013 to 2033. This number was based on the previous assessment method outlined in the NPPF 2012 known as the Objectively Assessed Need. The Local Plan has been examined in accordance with the transitional arrangements outlined in the NPPF 2019, which requires examination of the Plan under the NPPF 2012.

The Council are required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement figure as set out in the Local Plan, this is often referred to as the five year housing land supply (5YHLS).

The Council publish annually a Housing Land Supply Statement. This sets out Colchester's housing land supply position over a five-year period from 1 April of each year and explains how this position complies with the requirements of national policy and guidance. The Statement is prepared by the LPA with engagement from developers and agents regarding expected delivery of new homes.

What happens if the borough does not meet their housing target?

If an LPA cannot demonstrate a five-year supply of housing, national planning policy takes precedence over the Local Plan. The '*presumption in favour of sustainable development*' as outlined in national policy (NPPF paragraph 11d) will be triggered.

This means that if a planning application is considered to deliver sustainable development, then planning permission should be granted, even if the site is not identified for development in the Local Plan. In effect, the Council would have little control over where new homes are built and would be required to approve planning applications for sites that they may not have chosen for development. Many authorities can reject these schemes, but the decision can be overturned, and planning permission granted on appeal.