

# Local Plan Committee Meeting

**Moot Hall, Town Hall, High Street,  
Colchester, CO1 1PJ  
Monday, 02 August 2021 at 18:00**

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

# Information for Members of the Public

## Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

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

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

## Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here:

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

## Audio Recording, Streaming, Mobile phones and other devices

The Council audio records and streams public meetings for live broadcast over the internet and the recordings are available to listen to afterwards on the Council's website. Audio recording, photography and filming of meetings by members of the public is also welcomed. Phones, tablets, laptops, cameras and other devices can be used at all meetings of the Council so long as this doesn't cause a disturbance. It is not permitted to use voice or camera flash functions and devices must be set to silent. Councillors can use devices to receive messages, to access meeting papers and information via the internet. Looking at or posting on social media by Committee members is at the discretion of the Chairman / Mayor who may choose to require all devices to be switched off at any time.

## Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to the Library and Community Hub, Colchester Central Library, using the contact details below and we will try to provide a reading service, translation or other formats you may need.

## Facilities

Toilets with lift access, if required, are on each floor of the Town Hall. A water dispenser is available on the first floor.

## Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Library and Community Hub, Colchester Central Library, 21 Trinity Square,  
Colchester, CO1 1JB

telephone (01206) 282222 or textphone 18001 followed by the full number you wish to call

e-mail: [democratic.services@colchester.gov.uk](mailto:democratic.services@colchester.gov.uk)

[www.colchester.gov.uk](http://www.colchester.gov.uk)

## Covid 19

Please could attendees note the following:-

- Hand sanitiser, wipes and masks will be available.
- Do not attend if you feel unwell with a temperature or cough, or you have come in to contact with someone who is unwell with a temperature or cough.
- Masks should be worn whilst arriving and moving round the meeting room, unless you have a medical exemption.
- All seating will be socially distanced with 2 metres between each seat. Please do not move the chairs. Masks can be removed when seated.
- Please follow any floor signs and any queue markers.
- Try to arrive at the meeting slightly early to avoid a last minute rush.
- A risk assessment, including Covid 19 risks, has been undertaken for this meeting.

**COLCHESTER BOROUGH COUNCIL**  
**Local Plan Committee**  
**Monday, 02 August 2021 at 18:00**

**The Local Plan Committee Members are:**

Councillor Gerard Oxford	Chairman
Councillor Lewis Barber	Deputy Chairman
Councillor Phil Coleman	
Councillor Adam Fox	
Councillor Jeremy Hagon	
Councillor Derek Loveland	
Councillor Andrea Luxford Vaughan	
Councillor Patricia Moore	
Councillor Julie Young	

**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 to the meeting and remind those participating to mute their microphones when not talking. The Chairman will invite all Councillors and Officers participating in the meeting to 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 pecuniary interest or non-pecuniary interest.

**5 Have Your Say! (Hybrid 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](mailto: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.

**6 Minutes of Previous Meeting**

The Committee will be invited to confirm that the minutes of the meeting held on 10 June 2021 are a correct record.

**Local Plan Committee Minutes 100621**

7 - 12

**7 Tendring Colchester Borders Garden Community Development Plan Document Update**

13 - 24

The Committee will consider a report providing an update on the Tendring Colchester Borders Garden Community Development Plan Document (DPD).

**8 Development Brief for the ABRO Site**

25 - 72

The Committee will consider a report inviting it to adopt the ABRO Development Brief as a planning guidance document.

**9 Net Gain**

73 - 78

The Committee will consider a report providing a summary of the Government's approach to biodiversity 'net gain' which is due to be

introduced as a national policy through the Government's Environment Bill.

10 **First Homes Government Initiative**

79 - 86

The Committee will consider a report summarising the First Homes programme and outlining it in the context of Colchester.

11 **Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

**Part B**  
**(not open to the public including the press)**

## LOCAL PLAN COMMITTEE

### 10 JUNE 2021

**Present: -**

**Councillors, G. Oxford. (Chairman) Barber, Coleman, Fox, Hagon, Luxford Vaughan, Moore, and J. Young**

**Substitutes: -**

**None**

#### **213. Minutes of the Previous Meeting**

*RESOLVED* that the minutes of the meeting held on 8 February 2021 be confirmed as a correct record.

#### **214. Local Plan Update**

Sir Bob Russell addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3).

He expressed his concern regarding Middlewick and the effect on biodiversity with the number of homes planned. He had observed the hearing and noted that the Essex Wildlife Trust (EWT), Colchester Natural History Society and the Butterfly Trust were concerned about biodiversity. He pointed out that the government now requires this to be taken into account. He stated that Middlewick currently provided unique countryside in an urban part of Colchester and asked that even though the Inspector had heard the evidence, Colchester Borough Council revisit the allocation with a view to reducing the number of houses to 300. The Essex Wildlife Trust had stated that they would be able to take land on and manage it. He encouraged engagement with EWT, the Natural History Society and the Butterfly Trust and proposed that a Community Liaison Group be set up for Middlewick.

Karen Syrett, Lead Officer for Planning, Housing and Economic Growth clarified that the Inspector had heard all the evidence and representations and that Colchester Borough Council was now waiting on a decision on Middlewick and all other site allocations. It would therefore be premature to take any action in advance of the Inspector's decision.

Laura Chase, Planning Policy Manager introduced the item and explained that Section 1 of the Local Plan had been adopted by Council on 1 February and is valid

in its own right. It set a housing target of 920 and employment targets. The public hearing for Section 2(S2) had been heard and shown on YouTube closing on 29 April 2021. The Inspector had covered issues thoroughly and outlined his intention not to delay. The timetable for S2 was expected to be more straightforward than the timetable for Section 1.

The Council had received a draft modification schedule for comment and had responded. The Inspector had not raised any other issues and had he had concerns he would have raised them early in the process and kept the Council apprised of his views.

The next stages would be receipt of a letter from the Inspector, then arrangements for a 6-week consultation in the summer. Following this a report would be issued to Local Plan Committee with subsequent adoption by full Council but the Planning Policy Manager stressed that at this stage there was no option for further alterations. She reminded members that the timetable was set out in the Local Development Scheme.

The Lead Officer for Planning, Housing and Economic Growth informed members that If Section 2 was not adopted the Council would be vulnerable to appeal and that if the Council were to revert to another plan the 920 homes figure would rise to 1095. Details of how the figures were arrived at would be shared with the Committee and a separate session would be arranged if needed. There was a nationally set standard methodology and information on this would be circulated. A Strategic Housing Assessment in line with this methodology was used to determine the 920 figure in Section 1.

Councillor Fox stated that he and other members had witnessed the evidence given to the Inspectorate and had found EWT's representations compelling. He welcomed Sir Bob Russell's comments. He acknowledged though that at the same that the onus was on the Ministry of Defence to take the sale of Middlewick Ranges off the table to prevent development and to allocate land for a Nature Reserve. The 1000 home allocation in the Local Plan had been included to prevent over allocation on that site. However, there were concerns over the impact on biodiversity on the site and the Council had declared a Climate Emergency.

The Lead Officer for Planning, Housing and Economic Growth reminded members that the plan had been submitted and there was no specific requirement to look at other sites. In response to a query about locations for burial grounds she explained that this was referred to in the allocation and that officers had been looking into options over the last 2 years. The Wivenhoe Neighbourhood Plan for example had provision for an extension to burial grounds.

Councillor Moore raised the issue of proactive design of the Middlewick site to maximise land for nature should it be included in S2 by the Inspector.

The Planning Policy Manager clarified that there were a number of conditions attached to the allocation and that once a master plan had been drafted it would be brought before the Committee for consideration.

*RESOLVED (UNANIMOUSLY)* that the contents of the report be noted.



## **215. Tendring Colchester Borders Garden Community Development Plan Document Update**

Sir Bob Russell addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3) to express his concern that there may be a possible threat to the Salary Brook Valley, particularly if Tendring were to come under pressure from their current neighbouring residents to move the boundary of the development west. It was imperative that the open vistas from Avon Way and Longridge be preserved. He noted that a Community Liaison Group had been set up and welcomed this.

Shelley Blackaby, Garden Communities Planner introduced the progress report, noting that the overarching Strategy, Policies and Principles were adopted, and there would be no planning consent until there was a Development Plan Document (DPD). Officers were working on this and the DPD would determine the boundary. A masterplan was being prepared and this would define the vision, consider options, and inform the DPD. Engagement was underway with a website for Tendring Colchester Borders Garden Community (TCBGC) and the establishment of a Community Liaison Group. This Group had met twice but information on and from the Group would be available on the website.

The Ministry for Housing, Communities and Local Government had chosen TCBGC as one of 14 pilots on a National Model Design Code. Essex County Council (ECC) were considering a Planning Application for the A133-A120 link road, and this was available on their website.

The Planning Policy Manager explained that a joint response to on the link road consultation had been submitted under delegated powers in order to meet the 28 May 2021 deadline. Officers were working closely with ECC and their consultants Jacobs and noted that Members were concerned about potential delay to this work and what contingency plans there might be, but it was pointed out that it is an ECC project. Councillor Luxford Vaughan was also concerned that the masterplan from 2017 that would accompany this application was out of date and did not include the Council's declaration of a climate emergency or the correct route.

It was suggested that where possible the relevant Portfolio Holder should attend meetings of the Local Plan Committee.

Members raised questions about the governance of the Board and its membership following elections as membership had covered the political spectrum. It was pointed out that governance falls within the remit of the Steering Group and not the Local Plan Committee but once the new arrangements were known details would be provided to the Committee.

There was support for making Salary Brook a priority and ensuring the view from Longridge and Greenstead was protected. Buffers should be set at an early stage and also include Wivenhoe.

The Garden Communities Planner explained that landscape buffers were adopted and included in S1 of the Local Plan with detail in Planning Policy SP9 – principle number 18.

Engagement activity was open to all and an update on what would be taking place over the summer and autumn had been published. Reports would be submitted regularly to the Committee and this was shown in the master planning timetable, including a summary of engagement and masterplanning vision work in October and in December an update on masterplan options).

Members were keen to be involved and consulted on the master planning process. Members requested a specific workshop with Tendring Local Plan members to identify similarities and differences and this would be taken up with the Communications Manager.

Information was requested and a sample DPD and a copy of the brief to Priors and Partners would be circulated to members.

*RESOLVED (UNANIMOUSLY)* that the contents of the report be noted.

## **216. Local Development Scheme**

Bethany Jones, Planning Policy Officer introduced the report and reminded members that the Local Development Scheme was regularly reviewed with the last review being held in February 2019. An update was now needed to take account of consultation and timetable changes to the Local Plan and TCBGC, and also to include new Supplementary Planning Documents in relation to planning obligations, affordable housing, self and custom build and specialist housing, climate change and biodiversity. The Committee were invited to agree the changes.

Members raised neighbourhood planning asking if resources were to be provided for this to take place in urban areas where there was no Parish Council, and what support would be offered to Parishes where there had been difficulties completing plans.

The Lead Officer for Planning, Housing and Economic Growth explained that in respect of areas where there was no Parish Council a qualifying body had to be established. She also highlighted that a Neighbourhood Plan was the community's plan and written by them. Each Neighbourhood Plan area had a dedicated officer who offered support.

*RESOLVED (UNANIMOUSLY)* that the changes to the Local Development Scheme be agreed

## **217. Essex Green Infrastructure Standards Guidance**

Catherine Bailey, Planning Policy Officer, introduced the report and stated that Essex County Council were consulting on Essex wide standards that were being developed as a pilot for a national framework. A series of workshops had taken place and principles had been identified. She highlighted that the standards were generic and that they would be guidance. Increased green infrastructure was welcomed. The consultation would end on 1 July with a second consultation planned for later in the year.

Colchester would be seeking to update the existing Green Infrastructure Strategy included in the Local Plan and retain its own local standards looking at local needs and requirements and local biodiversity.

Members commented on confusion around existing green infrastructure in relation to street and garden trees, raising concerns that they were often are cut down for development or insurance purposes or as a result of subsidence concerns.

The Planning Policy Officer pointed out that for new development there were controls and the Council's aboricultural and landscape officers would look at suitability and suggest landscape conditions.

The Lead Officer for Planning, Housing and Economic Growth clarified that removal of a tree already protected for subsidence had to be justified and evidence provided. Trees could also be nominated for a Tree Protection Order.

*RESOLVED (UNANIMOUSLY)* that the contents of the report be noted

## **218. Extension to Garrison Conservation Area**

Alistair Day, Planning Specialists Manager, introduced the report and reported that there had been no objections to the proposed extension of the conservation area received whilst this had been out to consultation. Appendix B of the report illustrated the extension.

Members thanked the Planning Specialists Manager for his work on the consultation. Extension of the conservation area would provide an opportunity to create something that would mark out the footprint of the Roman Circus going forward.

*RESOLVED (UNANIMOUSLY)* that the extension of Garrison Conservation Area to incorporate the DSG [ABRO] site, Roman Circus House and Artillery Folley be agreed.

## **219. Roman Circus Management Plan**

Sir Bob Russell addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3).

Sir Bob stated his appreciation of the work of the Planning Officer and endorsed the

report and Management Plan. It had been 17 years since the Roman Circus was discovered by Philip Crummy, it was of national significance and had the potential to be an important cultural attraction. The extension to the conservation area was vital to protect it from speculative development going forward. Currently the approach to the Roman Circus was through Butt Road Car Park but there was a prospect of developing something for the public if the Borough Council owned the land/ABRO site. A Community Liaison Group for the Roman Circus and ABRO site could be set up and led by Colchester Borough Council to explore this.

Alistair Day, Planning Specialists Manager explained that a public consultation exercise had taken place on the strategy for interpretation and management of the Roman Circus, and it had attracted comments supportive of the masterplan.

Members were supportive of Sir Bob's approach to see if the land could be appropriated to provide a visitor attraction and experience and considered that this should be explored further. This was an historical asset and protection of heritage was important.

*RESOLVED (UNANIMOUSLY)*

- (i) To adopt the Roman Circus Management Plan as a planning guidance document.
- (ii) To express the wish that Cabinet explore the purchase or acquisition of the ABRO site from the Ministry of Defence.

**2 August 2021**

<b>Report of</b>	<b>Assistant Director of Place and Client Services</b>	<b>Author</b>	<b>Shelley Blackaby 508635</b>
<b>Title</b>	<b>Tendring Colchester Borders Garden Community Development Plan Document Update</b>		
<b>Wards affected</b>	All		

## **1. Executive Summary**

- 1.1 This report is for Members' information and provides an update on the Tendring Colchester Borders Garden Community Development Plan Document (DPD).
- 1.2 A broad programme of engagement is planned over the coming months. This will include a survey, workshops, community drop ins and interactive engagement website tools. Feedback from the engagement will feed into the development of the masterplan and DPD.
- 1.3 Latimer has been announced as the Lead Developer who will be working with Mersea Homes to develop the Tendring Colchester Borders Garden Community. Latimer is the development arm of Clarion Housing Group, the UK's largest provider of affordable housing.

## **2. Recommended Decision**

- 2.1 No decision is required since the report is for information only.

## **3. Reason for Recommended Decision**

- 3.1 The report provides an update on the ongoing project and no decision is required.

## **4. Alternative Options**

- 4.1 The option of not updating Members was rejected given the importance of Members needing to understand the latest position on Local Plan issues.

## **5. Background Information**

- 5.1 Members are aware that the Planning Policy Team are working with Officers from Tendring District Council and Essex County Council on a Development Plan Document (DPD) to guide development for the Tendring Colchester Borders (TCB) Garden Community. The adopted Section 1 Local Plan states that no planning consent for development forming part of the garden community will be granted until the DPD has been adopted.
- 5.2 In June, the Local Plan Committee received an update on progress with the DPD. Prior+Partners have been appointed to prepare a masterplan for the TCB Garden Community, which will form part of the DPD. A baseline report is currently being prepared.
- 5.3 The baseline report will set out the planning policy context, provide a wider site and character analysis and provide a thematic site analysis. Site-focused identification and analysis of the principle characteristics will be included which will capture the condition of the site as it currently stands, with respect to the following themes:
- Land ownership breakdown;
  - Physical landscape profile including its topography, landscape character areas, key views, ecology and geology;
  - Heritage assets and archaeological remains;
  - Surface, ground and foul water flooding risk and drainage;
  - Utilities infrastructure present within and utilities servicing of the site including water supply, electricity, gas and telecommunications;
  - Transport infrastructure present within the site including roads, cycling and pedestrian routes, as well as public transport currently servicing the site.
- 5.4 Following the preparation of the baseline report, the next stage of the masterplanning work is developing the vision, which will be done as part of the broad programme of engagement. As advised in June, work is also underway on the evidence base for the DPD.

### **Engagement**

- 5.5 Members were advised in February and June 2021 of the publication of the Consultation and Engagement Strategy (December 2020), the establishment of a dedicated website to provide a central source of information on the Garden Community, an interactive engagement website and the establishment of a Community Liaison Group.
- 5.6 The Community Liaison Group have since met with Prior+Partners to discuss what a masterplan is and to discuss good design. A workshop was held in which the group discussed their hopes and fears for the garden community. This discussion will help inform the forthcoming wider engagement survey, which will help shape the vision for the garden community. Some members of the Community Liaison Group have also walked around the broad area. In August, Officers will meet with the Community Liaison Group to talk about what a DPD is and the purpose of the Regulation 18 Preferred Options Draft consultation.
- 5.7 The Communications Manager and Officers are currently finalising the programme of engagement, which will take place over the next few months. There will be a broad programme of engagement with stakeholders and the public. This will include a survey (which will be drafted based on engagement to date and the local knowledge of the Community Liaison Group), virtual workshops, community drop ins and street interviews. As requested by members in June, a virtual workshop will be held for the Local Plan

Committee (LPC). The final programme of engagement and LPC workshop date will be circulated, once finalised.

- 5.8 The engagement website includes tools allowing all to engage on an ongoing basis. Two tools on the engagement website have recently closed: 'Three Words', in which people were asked to provide three words that are important to them, and 'Vision of the Future'. Words that were raised most frequently were wildlife/ nature/ habitats/ biodiversity and family. Only three stories were submitted as part of the 'Vision of the Future' tool and these all refer to the natural environment.
- 5.9 'Give us Your Ideas' is another tool on the engagement website. This welcomes ideas on anything and everything. At the time of writing this report, 76 ideas had been submitted covering a wide range of themes. Some examples of ideas submitted include: a lido, a height restriction on buildings, rainwater capture, energy efficient buildings, nature connectivity and walking and cycling routes. There is the ability to like, and comment on, submitted ideas too.
- 5.10 New tools recently launched on the engagement website are 'Send a Pic' and 'Pin Your Thoughts'. The 'Send a Pic' tool asks people to upload photos, based on themes, that will be key to what kind of place we want the Garden Community to become. The themes are based on the National Model Design Code and ideas submitted to date and are:
- movement and connections
  - long lasting and sustainable
  - nature and community spaces
  - buildings and places
  - character and identity.

'Pin Your Thoughts' asks people to drop a pin on an interactive map to identify assets, opportunities to enhance something already within the local area, and issues that could be addressed as part of the garden community. An explanation to accompany each pin and photos can be added too.

- 5.11 A schools project has also been launched in partnership with Signals Media and the Essex Children's University. This is open to children currently in year 5 and can be undertaken at home or in school. It is supported by online lessons and a teachers pack. The competition asks children to animate, draw or create a 3D model of their ideal home, neighbourhood or a fun place to visit in the future. Children are asked to imagine themselves in the future and think about what they would like to see, and to think about what a future 10 year old may like. Prizes include individual prizes for the winning children and coding workshops for the winning children's classes.

### **Lead Developer**

- 5.12 On 22 July, Latimer was announced as the Lead Developer who will be working with Mersea Homes to develop the TCB Garden Community. Latimer is the development arm of Clarion Housing Group, the UK's largest provider of affordable housing, with over 125,000 homes and more than 350,000 residents across the country. The profits from Latimer schemes are reinvested into Clarion Housing Group to build more affordable homes, improve and maintain existing homes and support communities through the Group's charitable foundation, Clarion Futures. Members, including the Leaders, from the Council, Tendring District Council and Essex County Council, the Chief Executive's from the Council and Tendring District Council and Director of Sustainable Growth from Essex County Council met with senior representatives from Mersea Homes and Clarion Housing Group on 22 July.

## **National Model Design Code**

- 5.13 The TCBGC is one of the Ministry of Housing, Communities and Local Government (MHCLG) National Model Design Code (NMDC) programme pilots. The purpose of the NMDC is to provide detailed guidance on production of local design codes and guides. The TCBGC is testing the following aspects of the draft NMDC: Stage 1A: Scoping, Stage 1B: Baseline, Stage 2A: Design Vision and Stage 2B: Coding Plan. On 30 June 2021, the Council's submitted an interim report to MHCLG. This is attached for information.
- 5.14 The interim report followed the structure set by MHCLG and focussed on lessons learnt to date. By the end of the six-month testing period, the Councils expect to have prepared a Baseline Synthesis including opportunities and constraints mapping, a draft vision statement and a summary scoping document that can provide a position on the design approach to inform future site specific masterplanning (in lieu of a coding plan). Updates on this as it progresses will be reported to LPC.

## **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 All themes in the Strategic Plan are relevant, in particular: Delivering homes for people who need them. 'Create new communities and adopt a new Local Plan that delivers jobs, homes and the infrastructure to meet the borough's future needs' is a priority under this theme and the Garden Community DPD is referred to.

## **8. Consultation**

- 8.1 Consultation on the Local Plan is governed by a comprehensive consultation programme as set out in the Council's Statement of Community Involvement (SCI) and reflecting national regulations. Consultation and engagement for the TCB Garden Community is included in the Consultation and Engagement Strategy (December 2020).

## **9. Publicity Considerations**

- 9.1 The Council ensures a coordinated and proactive approach to press releases on Local Plan issues given their high level of importance for guiding the future of the Borough and consequential high level of press attention. The Programme Team for the TCB Garden Community includes a cross council project Communications Manager.

## **10. Financial implications**

- 10.1 Staffing, consultation/engagement and evidence base consultant resources for Local Plan work are provided in the Council's budget. Costs for the preparation of the Tendring Colchester Borders Development Plan Document are being shared with Tendring District Council.



## **11. Health, Wellbeing and Community Safety Implications**

- 11.1 Local Plan policies provide a basis for future development that is intended to support the health, wellbeing and community safety of Borough residents.

## **12. Health and Safety Implications**

- 12.1 No direct implications.

## **13. Risk Management Implications**

- 13.1 Development of policies to guide future development in the Borough is intended to reduce the risk of inappropriate development. It 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.
- 14.2 The Council's Climate Emergency Action Plan recognises that the Garden Community provides opportunities to become an exemplar of sustainable building and carbon neutrality.



## Tendring Colchester Borders Garden Community

### National Model Design Code Testing

#### 1. Executive summary

The Tendring Colchester Borders Garden Community (TCBGC) has been allocated for mixed use development within the adopted [Shared Strategic Section 1 Local Plan](#), crossing the administrative boundary of Colchester and Tendring. Colchester Borough Council, Tendring District Council and Essex County Council ('the Councils') are working together on a masterplan and Development Plan Document for the TCBGC.

The TCBGC is testing the following aspects of the draft NMDC:

- Stage 1A: Scoping
- Stage 1B: Baseline
- Stage 2A: Design Vision
- Stage 2B: Coding Plan

As outlined in the NMDC, the scoping stage should align closely with the development of a consultation strategy, and it is therefore considered to be an opportunity for best practice in engaging the local representatives in this process. The TCBGC project already has an established [Engagement and Consultation Strategy](#), and the scoping and visioning activity fits neatly into the tools and mechanisms that are currently being deployed. A Community Liaison Group (CLG) has been established and the CLG will be engaged throughout the design process and beyond. The Councils have also launched an [Information website](#) and [Engagement website](#).

By the end of the six-month testing period, the Councils expect to have prepared a Baseline Synthesis including opportunities and constraints mapping, a draft vision statement and a summary scoping document that can provide a position on the design approach to inform future site specific masterplanning (in lieu of a coding plan).

#### 2. Use of the draft NMDC

From the work the Councils have done to date, we have found the NMDC to be logical and flexible. This is undoubtedly useful as it enables a variety of places and approaches to evolve to fit local circumstances. It provides a clear framework for all stages related to masterplanning and design coding.

As we are deploying the early stages of the NMDC, we have only touched on a few of the stages to date (Scoping, Baseline and moving into visioning). Our approach is also specific and focussed on evolving a code for a defined large scale new community.

Key aspects of the draft NMDC that the Councils think could be improved include:

- In terms of the scoping stage, our project has already been identified and has some planning policy basis with an approach to now evolve a site specific DPD, additional design guidance and coding. The scoping stage could provide more guidance on how the potential relationship to established plans and policies (which may have set certain design parameters and principles) and also needing to consider how design detail could potentially layer up over time and for different stages.
- Our main focus is on the production of a site-specific masterplan. The sequence set out in the NMDC does not quite align with the stages for such a process, for example it is not appropriate to prepare a Coding Plan in advance of the site based Masterplan (which itself may define the character areas that would otherwise come from a Coding Plan). Some form of pre-application guidance may however be an appropriate part of the process to establish some early design principles.
- We have been considering how best to deploy the NMDC as part of public engagement and consultation. The specific areas set out to be covered by a Code are not all necessarily suitable for earlier stages of such engagement, and a higher-level thematic approach is considered more suitable for our audiences.
- There will need to be some thinking about the need for plain English and some simplification - some of the terminology and stages of the NMDC are difficult for the public to understand.

### **3. Early lessons learnt**

Some early lessons learnt include:

- Involvement in the NMDC programme has been helpful to reinforce a clear message that the Councils are serious about design quality, providing a tangible tool to demonstrate how the Councils will take forward the high design aspirations for the site and helping in overall communications.
- The TCBGC project was already in progress and commissioning of a masterplan was underway. We have learnt that the NMDC process does set out a sound basis for taking forward the design approach and aligns with how 'good' masterplanning should be done.
- Engagement is crucial as part of the approach and the NMDC does fit well with setting out information and engaging with wider stakeholders.
- We have also recognised the need to invest sufficient time over an appropriate timescale. The process cannot and should not be seen to be rushed, not least to allow for adequate periods of thinking and engagement. Our project is sensitive to local communities and needs to involve and bring people along without things being considered rushed, premature or lacking in public and stakeholder input.
- Our project is large and complex and a wide number of Council Officers are involved. We have needed to carefully consider how to integrate the masterplan and design coding process into the wider approach to evidence gathering for the DPD. This is a challenge for all large scale projects which need to involve various stakeholders and disciplines. Local Council Officers have separate specialisms and roles which need to be effectively integrated but can result in

large numbers of individuals being involved. Overall project management and coordination is particularly important.

- Our project requires expert external consultants to lead the masterplan process. The NMDC funding award has enabled us to go further with the design thinking, align it to the NMDC process, and adopt a more thorough approach to engagement than would otherwise been implemented. Consultancy costs related to an initial stage of masterplan development are circa £250k. Further costs will arise to take the masterplan forward and prepare design codes
- To enable a meaningful process to be undertaken, more time and resources will be required and we question how far we will be able to proceed in the limited time available for testing.
- There is political support for testing the draft NMDC and for applying lessons learnt across Colchester and Tendring.
- Based on the feedback from the CLG, early engagement shows that there is public support for the use of design codes.

#### **4. Consultation and engagement**

Our project has established and is using the following engagement techniques:

- An Interactive engagement website.
- A separate project Information website.
- Social media to provide project updates and generate interest.
- Non-digital offering such as print media.
- A cross boundary Members Group.
- A newly established Community Liaison Group (CLG).
- Delivering briefings for local Town & Parish Councils, which are available on the Councils YouTube channel.
- A school design project enabling local school children to design their ideal home or community of the future.
- Grassroots networks.

Our masterplan team started discussions with the CLG in June 2021 to consider what makes a good place to live, and the CLG were tasked to go away and take photos of local places they really like (and why) and local places they really dislike (and why). This photo-based engagement will be extended to the wider public over the summer of 2021, prompted by a set of themes, which will broadly align with the 'area types' as set out in the NMDC.

Additional digital engagement with the wider community will take place prior to the end of the testing programme. A 'Places' Tool (interactive mapping) will be used on the engagement website to gain a better understanding of how people use the existing area and what is important to retain or consider through the DPD and masterplanning process.

#### **5. Interim outputs**

The EOI envisaged producing interim contributions (at the 3 month point) to share knowledge and lessons learned from applying the NMDC to a large strategic site –

and in particular the approach to engagement, and make these available through the 1-2-1 and collective sessions.

Our Part 2 Submission includes our Engagement Strategy, an overview of the detailed engagement activities to be undertaken over the next few months and an example of recent engagement activity with the Community Liaison Group which is the start of the process to engage to build understanding of the masterplan development and design coding approach.

The Councils working with our consultant team will also be submitting a Baseline Report, which will meet the requirements of stages 1A and 1B. This will assemble and synthesise this information to provide a more granular level of spatial information upon which accurate design development and masterplanning can take place going forward. This will not be available for 30<sup>th</sup> June but will also be supplied to MHLC as an additional element of our Part 2 submission in mid-July.

## **6. Assessment**

Broadly our programme is on track and there are no real significant changes to the scope as set out in our bid and where we intend to be by September.

There have been some changes that have influenced our progress:

- Both Colchester and Tendring Councils have had ongoing Local Plan Examinations in Public which has meant that local resources have been heavily involved on that side. The project has been able to maintain momentum through a separate programme team, but Officer availability and input has been challenging under such circumstances.
- The Local Elections has brought about a change in administration in Colchester. This has introduced a different political dimension and a need to bring Local Members along (through an active Members Group).
- There has been a delay to the announcement of the Developer Partners which has resulted in no developer input to the TCB project since adoption of the Section 1 Local Plan. This is now planned to be announced in July 2021.
- We have had to retain flexibility over how public engagement is undertaken, and as the approach to the masterplan has evolved this has brought about a reordering and redefinition of the timing and scope of some of the engagement activity. This will now mainly occur later than was originally envisaged.

## **7. Programme**

The EOI envisaged producing a Baseline Synthesis including opportunities and constraints mapping, a draft vision statement and a summary scoping document that can provide a position on the design approach to inform future site specific masterplanning after the 6-month testing period.

Beyond the 6-month testing period, the Councils anticipate continuing to work on stage 2C: masterplanning as part of progressing work related to the DPD and to inform and influence how the developers will bring forward planning applications. The work carried out as part of the testing programme will provide strong foundations to move forward with this further masterplanning work.

The Councils will be considering, within and most likely beyond the testing period, what specific level of design guidance and design coding will be included in the DPD, or whether the level of detail is best set out separately and accompanying the high level DPD policy. This has a longer time frame, with anticipated submission of the DPD for examination in Autumn 2022, examination early 2023 and anticipated adoption in Summer 2023. There is also a key consideration in respect of the level and timing of input from the developers in the process, which will become clearer once joint working with them commences from July onwards. It is anticipated that work on more detailed planning applications will need to commence alongside the preparation of the DPD and therefore will need to be guided by sufficient design parameters, guidance and control mechanisms over the same timeframe, to enable delivery of new homes in 2024 to align with Local Plan housing trajectories. It will be interesting to see how the use of the NMDC evolves beyond the testing programme, especially as the DPD makes progress, and how this is taken forward by the developers. The next stages will be necessary but costly and resource intensive.

The Councils will explore the options, subject to resources, for using the approach and outputs of the design coding for the TCBGC to inform design development at other major development sites and enhance design skills for both planning policy and Development Management Officers in line with the NMDC.

## **8. Final outputs**

Alongside the Baseline Synthesis work, the final output will include a 'Strategic Brief', which will include a draft vision statement, and a summary scoping document that can provide a position on the design approach to inform future site specific masterplanning.

This will have been evolved through the process of inclusive engagement as set out in the Engagement Strategy and activities planned for over Summer. Where appropriate, this work will include appropriate illustrations and be prepared in a visual and engaging way.

## **Potential involvement in other testing projects**

The TCBGC project is relatively unique in that it is testing the application of the NMDC to a cross-boundary large scale new community. Whilst there are some other projects in the programme with large growth proposals, they are not of similar scale, nature or stage in the planning process. The Councils will however be exploring how the approach in general can be applied in other contexts, not just for other major sites, but also within local settlements and as such will follow with interest the progress and learning from others.

Being involved with the NMDC has also led to other projects outside the programme sharing knowledge and experience such as Brentwood Borough Council who are sharing their approach to the preparation of site specific design guidance and coding for Dunton Hills Garden Village elsewhere in Essex.





2 August 2021

<b>Report of</b>	<b>Assistant Director of Place and Client Services</b>	<b>Author</b>	<b>Alistair Day</b>
<b>Title</b>	<b>Development Brief for the ABRO Site</b>		<b>282479</b>
<b>Wards affected</b>	<b>New Town and Christchurch</b>		

## 1. Executive Summary

- 1.1 The DSG site (formerly known as ABRO) forms part of the Defence Estate and was previously leased to Babcock International under a contract with the Ministry of Defence relating to its army vehicle servicing. The decision has been made to dispose of this site for development as it is no longer required for military purposes. The site is located in an historically sensitive location, and, for this reason, a development brief has been prepared to provide planning guidance on the issues and opportunities associated with the site and to provide a clear and robust development framework to aid the future smooth delivery of a suitable development scheme. Members are requested to endorse the recommendation that the development brief is adopted as a planning guidance document.

## 2. Recommended Decision

- 2.1 To adopt the ABRO Development Brief as a planning guidance document.

## 3. Reason for Recommended Decision

- 3.1 The adoption of the ABRO Development Brief as a planning guidance document will set out key parameters of how this site should be developed; once adopted, the brief will form a material planning consideration when determining planning applications.

## 4. Alternative Options

- 4.1 Members can decide not to adopt to the ABRO Development Brief. If this option is chosen, it would weaken the weight afforded to the development brief when considering future planning applications and thereby potentially reduce the ability of the Council to shape the redevelopment of this important site.
- 4.2 Alternatively, Members could decide that the ABRO Development Brief should be adopted as a Supplementary Planning Document (SPD). The adoption of the ABRO Development Brief Plan as an SPD would increase the weight afforded to the brief; however, further work would be required before the Development Brief can be adopted as SPD.

## **5. Background Information**

- 5.1 The ABRO site was used as a military vehicle repair facility. The site was vacated in about 2019 and has not been used since that time. It is understood that Defence Estates intend to dispose of the site in the very near future for redevelopment.
- 5.2 The site is within an historically sensitive location. Along the southern edge of the site lies the Roman Circus Scheduled Ancient Monument (SAM). Discovered in 2005, it is the only known Roman Circus in Britain. The Benedictine Abbey of St John, which is also scheduled, is located to the east of the site. The site is thus located within an area of archaeological importance and there is high potential for encountering (unknown) below-ground archaeological remains of significance. The site was previously part of the Royal Artillery Barracks (later known as Le Cateau Barracks) which was initially constructed in 1874 - 75. The barracks complex featured stable blocks, living quarters, gun sheds, offices, a water tower, coal yard and guard house, along with schools, stores and recreational areas. The barracks were enclosed by a high brick boundary wall, part of which runs along the northern boundary of the ABRO site. Artillery Barracks Folley runs along the outer edge of the wall and appears to date back to this time. The Officers' Quarters - which adjoins the site to the southeast is listed Grade II listed and has recently been converted into housing. Within the site, most of the original barracks' buildings have been demolished. There are however two buildings of potential historic or architectural value; these are the Infirmary Stables and the Carpenters and Telecommunications Shop, both of which are built onto the boundary wall along the northern edge of the site. The Garrison Conservation Area has recently been extended to include the ABRO site. The Town Centre Conservation Area (Colchester Conservation No.1) adjoins the north eastern corner of the site.
- 5.3 The site is some 300m to the south of Colchester town centre and is situated in an accessible location. The redevelopment of this site has the potential to provide high quality housing that is befitting the rich architectural heritage of Colchester. The site occupies approximately 4.3 hectares of land, 3.8 hectares of which has been allocated for residential use within the Emerging Local Plan. The Roman Circus Scheduled Ancient Monument extends over the southern part of the site and forms the remaining 0.5 hectares of land, which is allocated as open space in the Emerging Local Plan. The purpose of preparing a development brief for this site is to provide guidance on issues and opportunities and to set out the Council's aspirations for the redevelopment of this important site. The document provides a clear and robust development framework, which is intended to help for the smooth delivery of a suitable scheme.
- 5.4 An informal 'light touch' consultation exercise was initially undertaken with Members, the landowner, Colchester Archaeological Trust, the Civic Society, Historic England, the Highway Authority and Essex Police in March / April 2020. The comments made by these organisations and interest groups were taken into account in drafting the development brief that was subject to a formal public consultation exercise between 8 February 2021 to 8 March 2021. The public consultation was undertaken in two ways:
- via the Council's Planning Consultation webpage; and
  - the owners or occupiers of the properties within and adjacent to the limits of the DSG Site were notified by letter.

Whilst the formal consultation exercise ran between 8 February 2021 to 8 March 2021 all representations that were received prior to writing this report have been considered.

- 5.5 The public consultation on the Development Brief for the ABRO site was coordinated with the consultation on the updated Roman Circus Management Plan and on the proposal extend the Garrison Conservation Area (to include the ABRO site within the conservation area). In total 34 responses were received; 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 brief, officers have also amended the text of the brief to: reflect the updated local plan position; to align the guidance more closely with the National Design Guide and has noted that there are existing views of Jumbo from Circular Road East and that the any future development proposal should seek to retain these.

## **6. Equality, Diversity and Human Rights implications**

- 6.1 None directly arising from this report.

## **7. Strategic Plan References**

- 7.1 The Development Brief for the ABRO site accords with the objectives of the Strategic Plan to:
- Strengthen Colchester's tourism sector and welcome more visitors each year; and
  - Protect, enhance and celebrate Colchester's unique heritage.

## **8. Consultation**

- 8.1 The Development Brief for the ABRO site has been the subject of a public consultation exercise. No objections were received to the brief and where appropriate comments have been incorporated into the brief.

## **9. Publicity Considerations**

- 9.1 The Development Brief for the ABRO site has been subject to publicity as a part of the public consultation exercise; any further publicity associated with the adoption the development brief should be seen in a positive light.

## **10. Financial implications**

- 10.1 Appeals against a planning refusal can expose the Council to significant expense and costs where the Local Planning Authority is seen to have acted unreasonably. The provision of the Development Brief will increase developer certainty and will become a material consideration in the determination of planning application, thereby reducing risk of an appeal.

## **11. Health, Wellbeing and Community Safety Implications**

- 11.1 None identified.

## **12. Health and Safety Implications**

- 12.1 None directly arising from this report.

## **13. Risk Management Implications**

- 13.1 The provision of a Development Brief for the DSG site will serve to inform planning decisions and is based on policies within the Local Plan which will help to reduce the risk of inappropriate development being permitted.

#### **14. Environmental and Sustainability Implications**

- 14.1 In order to support the achievement of sustainable development, the Development Brief recommends that new development is undertaken in the most sustainable way possible, delivering the Council's social and economic aspirations without compromising the environmental limits of the area for current and future generations. The brief recommends that new buildings seek to fully integrate sustainable design and construction with urban design to ensure the delivery of a high-quality new development and to maximise the opportunities to enhance the environmental performance of new development. The Brief relates to the reuse of previously developed land in a highly sustainable location.

#### **Appendices**

Appendix 1: Summary of comments received and Officer response.

Appendix 2: ABRO Development Brief

#### **Background Papers**

The Emerging Local Plan

## Appendix 1: Summary of comments received and Officer response.

Comment	Response	Action / suggested way ahead
<b>Cllr Barton</b>		
Artillery Folley should be restored as a part of the proposals	The brief proposes the enhancement of the folley	None
<b>Cllr Whitehead</b>		
The Napier Road / Flagstaff Road junction is an important walking and cycling route and there are existing traffic safety issues along nearby Circular Road North (lack of an adequate crossing points). The surrounding roads are likely to get busier, making traffic control and maintaining an inviting environment for cyclists and pedestrians even more of a priority.	<p>The Brief promotes safe and convenient movement of pedestrians and cyclists.</p> <p>The need to safeguard pedestrians and cyclists will be a key consideration however at this stage is not possible to prescribe the scope of the highway improvement (mitigation) works as this will need to reflect the type / scale of the proposed development</p>	None
<b>Local Residents</b>		
The Brief is comprehensive, well thought through, easy to read and understand.	Noted	None
There is good coverage of all the issues relevant to making positive progress in this area of Colchester.	Noted	None
There is a lack of clarity around accommodating / enhancing the Roman Circus and its environs. This needs to be clearer, as it is a key piece of history within Colchester's timeline.	At this stage it is not known what form the improvements to the Roman Circus will take and there is it is not possible to be prescriptive on this matter. The brief provides flexibility to enable the possible expansion of Roman Circus House and/or facilities associated with the circus	None
Increased permeability afforded by the redevelopment of the ABRO site is welcomed.	Noted	None
Emphasis on landscaping and providing a 10m buffer zone	Noted	None

around the circus is a good idea		
The regard given to existing trees and their heritage as original garrison enhancements is welcomed.	Noted	None
Affordable housing - allowing people to invest in ownership brings about better outcomes than providing subsidised rented accommodation.	The provision and type of affordable housing is set out in the Local Plan and adopted guidance.	None
The Council will need to invest in street maintenance; the traffic calming furniture adjacent to the zebra crossing took years to be replaced, the weeds growing out of the kerbs are unsightly and in general it looks like Stable Rd has been forgotten.	The maintenance of adopted roads is the responsibility of Essex County and falls outside the scope of this brief	None
It is hard to make any substantial comments without knowing what the future plans are for it more precisely.	Noted ... until a planning application is submitted the detailing of the scheme will not be known. The brief sets out key principles / parameters for any future redevelopment proposals	None
Artillery Folley must be improved as a part of the development, and it is important to enhance natural surveillance of this key route	The improvement of the Folley is set out in the brief	None
Recognition that this is a site of great historical importance is welcomed.	Noted	None
The site is appropriate location for a significant visitor attraction – expansion of the Roman Circus facilities or a military museum.	The brief allows for the expansion of the facilities associated with the circus.	None
The Council should now purchase this site	The decision whether the Council should purchase the site falls outside the scope of the brief	None
The commitment to the enhancement of biodiversity importance of 'connecting' spaces for nature and wildlife is welcomed.	Noted	None
Any community facilities must be delivered in a timely	This falls outside the scope of the brief. Any community	None

manner ... the issues associated with the adjoining Bovis / Linden Homes development must be avoided.	facilities will need to be secured through a legal agreement as a part of any planning permission. The legal will need to include appropriate trigger points for the delivery of the community facilities	
<b>Anglian Water</b>		
<p>There are several foul sewers in the vicinity of Roman Circus Walk (outside of the road) and a water main which runs parallel to Circular Road North (outside of the road). It would be helpful to refer specifically to Anglian Water's water supply and water recycling infrastructure as set above and direct applicants to seek advice of Anglian Water in respect of the need for any diversions or relocation of our existing infrastructure.</p> <p>Reference is made to integrating sustainable design and construction but this is not expanded upon further in the Development Brief. As part of which we would recommend consideration be given to increased water efficiency as part of any proposals and how this should be set out as part of the planning application.</p> <p>Anglian Water fully support the requirement for applicants to include the provision of Sustainable Drainage Systems (SuDS). The use of SuDS would help to reduce the risk of surface water and sewer flooding and which can have wider benefits e.g. water quality enhancement. We would recommend that a sustainable drainage and foul drainage should be submitted with any application to set out the proposed strategy for both SuDs and foul drainage and the adoption and maintenance of SuDs features.</p>	<p>Noted</p> <p>The brief sets out general requirements in respect of sustainability issues.</p> <p>Noted</p>	<p>Comment incorporated.</p> <p>Incorporated into the Brief</p>

<p><b>Essex Police</b></p> <p>This is an exciting, proposed development seeking a synergy to provide high quality housing whilst preserving this unique historic environment.</p> <p>Essex Police would welcome the opportunity to provide assistance where we can and become consultees on these planned developments. Our early consultation with prospective developers is always of benefit and we would recommend such consultation with the objective of achieving a sympathetic, sustainable, safe and secure development. We would further recommend within this process that developers seek to achieve Secured by Design accreditation, providing evidence of a safe and secure environment</p>	<p>Noted</p> <p>This is already incorporated into the brief</p>	<p>None</p> <p>None</p>
<p><b>Colchester Cycle Campaign</b></p> <p>The list of policies to consider should include LTN 1/20 [2] and the Essex Cycling Strategy [3]</p> <p>We welcome the use of filtered permeability and home zones and we support the continuation of the Flagstaff Rd. filter</p> <p>Several of the diagrams lump pedestrian and cycle routes together, with “&amp; cycles” in parentheses, c.f. Figure 1. Cycles must be treated as vehicles and not as pedestrians so any combined routes must be handled carefully.</p> <p>Cyclists should be happy to cycle in the road of suitably calmed streets</p>	<p>Noted</p> <p>Noted</p> <p>This will need to be considered as a part of the assessment of the detailed design.</p> <p>Noted</p> <p>Noted</p>	<p>Added LTN 1/20 as a good practice guidance document.</p> <p>None</p> <p>None</p> <p>None</p> <p>Amendment to text made.</p>



<p>Car parking is discussed but cycle parking is only mentioned in passing. Secure cycle parking should be provided in line with policy.</p> <p>Notwithstanding the proximity to the Town Centre and travel hubs, significant gaps in cycle infrastructure hinder their accessibility from the site by bike. These gaps should be addressed, which include, but are not limited to: the Abbeygate St. underpass, the East-West cycle route along Southway, and St. Botolph's Circus. – NB Given that an at grade crossing of Southway was specified in the Garrison masterplan, the underpass should be a high priority</p> <p>While the proposed renovation of Artillery Folley is welcomed, it is questionable whether it could ever be wide enough for use as a shared use path. Replacement of the steps at the Western end is clearly a pre-requisite.</p> <p>Any improvements to the junction of Flagstaff Road and Circular Roads North and East should improve facilities for cyclists on what is an important junction in the cycle network. Improving cycle infrastructure will ease problems around vehicular access</p> <p>Further mitigations of the constraints around access could include: – using both Flagstaff Road and Roman Circus Walk but preventing a through route with a modal filter – providing parking for St. John's Green School at nearby car parks, e.g. Napier Road</p>	<p>Any future development will need to mitigate its impact; this may include improvements to nearby cycle infrastructure. Any such improvements must be reasonable and related to the development. Until the type and scale of the development is known it is not possible to state what improvements works can be justified.</p> <p>The Folley is not formally designated as a cycleway and it is unlikely that this route can be improved to an adoptable standard. The brief requires pedestrian and cycle links to be provide through site and for these be integrated with existing routes.</p> <p>The brief requires improvements to pedestrian and cycle facilities. Any works to the adopted highway will require the approval of the Highway Authority.</p> <p>The brief requires that the site fully integrates with the surrounding area. The possible introduction of filtered routes will need to be considered as a part of the detail design.</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p>
<b>Transportation Team (CBC)</b>		

<p>We understand that the Folly will be enhanced and will form its original function of a PROW. Therefore, with the removal of cycling in the Folly we would ask that a suitable, direct cycle route linking Butt Road with Abbeygate be provided within the development layout. This could be by way of linking into Roman Circus Walk.</p>	<p>The brief requires that the site fully integrates with the surrounding area.</p>	<p>None</p>
<p>Shared mobility hubs should be added in relation to supporting car free/low car development proposals. These would offer residents access to pay as you go shared transport opportunities to mitigate the reduced/removed car park provision. They could include standard or electric Scooters (if legalised), bikes and cargo bikes as well as car club vehicles.</p>	<p>Noted</p>	<p>Added to the brief.</p>
<p>Defra has confirmed funding for two eCar club cars in the town centre and 2 shared eMobility hubs made up of eBikes and eCargo bikes. The provision of 2 eCar club cars will kick start the network of car club cars that will come forward over the next few years through the various section 106 obligations that have a car club commitment. To further encourage/support the consideration of low/no car parking proposals reference should be made to eCarclubs and shared mobility hubs in Colchester, so if the development went down the car free route there will already be a car club network and established shared mobility hubs in Colchester to link in with?</p>	<p>Noted</p>	<p>None</p>
<p>Any car club proposals would need to be electric.</p>	<p>Noted</p>	<p>None</p>
<p>If no individual secure cycle parking is provided within each dwelling, then a properly secure hub with access for</p>		<p>Text amended for clarity.</p>

<p>residents only must be provided.</p> <p>A contribution towards the secure cycle hub in the town centre as this will be their</p>	<p>This will be determined as a part of the planning application process</p>	<p>None</p>
<p><b>Historic England</b> - Comments on draft brief</p> <p>The comments are focused on the Heritage, Archaeology section, which seem very well thought out and put together.</p> <p>The strategy for managing archaeology is likewise fine.</p> <p>The only real comment is that the legal protection for the scheduled monument is not mentioned until Chapter 3.8. I would suggest that as this is legislation, it should rank above policy and be mentioned at the beginning of Chapter 2, as a Statutory Obligation.</p> <p>The statement at 3.8 is also erroneous as there is only one legislation (the 1979 Ancient Monument and Archaeological Areas Act) that protects the scheduled monument.</p> <p>In conclusion, overall we welcome the draft Brief as we acknowledge that it will provide a clear, coherent and robust framework for all potential stakeholders. We consider it demonstrates an appropriate level of awareness in relation to the sensitivity of the historic environment in the immediate vicinity and the wider area.</p>	<p>Noted</p> <p>Noted</p> <p>Noted.</p> <p>Noted</p>	<p>None</p> <p>Additional text added to state that it is statutory requirement to determine application in accordance with the development. Subsequent text left in the same order</p> <p>Text amended.</p>
<p><b>Sir Bob Russell</b></p> <p>The crucial phrase in the Brief is: "Fine-grain low-rise local townscape." In other words,</p>	<p>The text in question is describing the context in which with two post-war office</p>	<p>None</p>

no new buildings which are out of scale with nearby residential streets. There must be total resistance to new housing of 3-storeys or even 4-storeys.	blocks (Crown Office Buildings at 6 storeys and Wellington House at 8 storeys) sit.	
It is important that the height of buildings throughout the development are not higher than the 19th century dwellings in nearby streets – South Street.	In respect of building heights, any new development will need to respect the historic setting and local character, (the brief notes that buildings should generally be limited to 1-4 storeys, unless townscape and visual impact analysis demonstrates that taller buildings will not cause harm to the character of the area and are of an exceptional design).	None
Examples of good new housing are shown in the Brief – please, we must not have a repeat of the ugly new 3-storey buildings along Circular Road.		
The Draft is a document which I can support in principle (other than 3 or 4-storey dwellings) – but with the caveat that sufficient land needs to be allocated next to Roman Circus House for a coach park and bigger car park for tourists.	The Brief allows for the possible expansion of Roman Circus House however without having firm proposals it is not considered appropriate to identify a specific area of land.	None
There needs to be corporate joined up thinking across the whole Council. The site, and its potential, is too important for it to be regarded as purely a Planning matter. I would argue that the starting point should be: how can we (as in the people of Colchester) best use this surplus Ministry of Defence land to best advantage – best advantage in respect of its proximity to, and overlapping of, the only Roman Circus known to have existed in Roman Britain.	The Local Plan Committee has requested that the Council consider the possibility of purchasing the site. This is a separate piece of work to the development brief.	None
The Planning Brief needs to expand its boundaries beyond the ABRO site so that wider considerations relating to the Roman Circus can be fully incorporated.	The purpose of the brief is to set parameters as to how the ABRO site may be redeveloped. The Roman Circus Management Plan is the appropriate vehicle for developing the circus as destination feature.	None
Part of the Section 106 planning gain should include	It is not appropriate for the brief to prescriptively set out	None

<p>finance to construct a section of what the Circus seating would have looked like.</p> <p>A further planning gain should be the restoration of the historic 19th century tiled paving in Artillery Barracks Folley.</p> <p>I am strongly of the opinion that all vehicular movements must be from a single access road – from Flagstaff Road, at the location of the long-established entrance to the ABRO site. Pedestrian and cycle routes into Butt Road and from Abbey Field should be provided, as well as at the corner of Walsingham Road and Artillery Barracks Folley. I cannot see any advantages in creating gaps in the Wall to provide pedestrian access to the Folley</p> <p>With up to 300 dwellings there will clearly be traffic movement into and out of the site from Flagstaff Road, so in the interests of road safety I suggest that a 20mph speed limit is introduced from the crossroads junction with Napier Road and Circular Road and that within the ABRO site itself there be a 10mph speed limit</p> <p>It is further suggested that the Flagstaff Road/Napier Road/Circular Road crossroads be moved a few metres westwards so that space is created on the eastern side at Napier Road to enable a second pedestrian crossing to be installed to assist pupils &amp; parents walking to and from the two sites of St John's Green School.</p> <p>A pedestrian crossing should also be installed near the junction of Walsingham Road and Flagstaff Road so that pedestrians can cross</p>	<p>s106 contributions. Any contributions will need to meet the statutory tests.</p> <p>The brief requires the restoration of the Folley</p> <p>The brief reflects these comments.</p> <p>The Highway Authority will need to determine the appropriate speed limit for the development site and surrounding road network.</p> <p>The land falls outside of the control of the applicant and would involve constructing a road over the Roman Circus (in conflict with the requirements of the adopted Management Plan)</p> <p>The Highway Authority is the responsible authority for determining what highway improvements will be required</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p>
---	--	---

<p>Flagstaff Road in greater safety at that point than continuing to the junction into the ABRO site which would be less safe.</p> <p>I disagree with the proposal that the diagonal Public Footpath between Walsingham Road and Flagstaff Road (currently marking the physical boundary of the ABRO workshops site) should be closed. I think that the boundary of the 19th century barracks followed an historic field path. It has been a Public Footpath for more than 160 years. The line of this Public Footpath can be retained within the layout of the new housing.</p> <p>I believe that all trees within the site of the Roman Circus should be removed in order that the layout of the Circus can be more effectively displayed. Replacement trees should be planted within the development and nearby wider area to compensate for the loss of trees within the Circus.</p> <p>With it being impossible to re-route public roads which cut across the layout of the Circus, I recommend that where roads cross the Circus then they be clearly shown with "Roman purple" tarmac. It is important that the historic 19th century and early 20th century buildings are retained.</p>	<p>to mitigate the impact of this development.</p> <p>In the interest of creating an appropriate form of development it is considered prudent to allow for a flexible response in respect to the retention / diversion of the footway</p> <p>The trees form an integral part of the nineteenth century garrison development and have a positive effect on the character and appearance of the conservation area. The Roman Circus Management Plan allows for their retention.</p> <p>This proposal is not directly related to the development and should be considered as a part of the Roman Circus Management Plan. Any alteration to the surface of an adopted road would require the consent of the Highway Authority.</p>	<p>None</p> <p>None</p> <p>None</p>
<p><b>The Colchester Civic Society</b></p> <p>Our overall response is one of agreement and pleasure in it coinciding with so many of our own hopes and aspirations for the site. This particularly</p>	<p>Noted</p>	

<p>applies to the determination to improve the quality of design in the new housing provision.</p> <p>We very much hope to see the unfortunate elements of the nearby Bovis development recognised and not repeated.</p> <p>The need for retention of existing green areas abutting Abbey Fields and the creation of new in the housing provision is essential.</p> <p>We are equally pleased with the recognition of the need for restoration of the Artillery Barracks Folley to be an integral part of the brief. We would add that the addition of a cycle wheel ramp at the Butt Road steps would be a useful improvement to its functionality.</p> <p>The need for new access through the Barracks wall would be acceptable and there is a view that replacement of the rear fencing to the South Street houses that form the opposite side would be a considerable blessing too.</p> <p>We do endorse the “fine grain low rise local townscape” concept and the desire for an emulation of the barrack or terrace as a model.</p> <p>We would however be far from agreeable to any new housing seen to be of a four-storey height and would regard three as an absolute maximum to retain that link with the surrounding 19th century housing stock of the Butt Road area as well as that of the earlier built South Street/Chapel Street neighbourhood that the site adjoins.</p> <p>The aim for a 30% affordable housing mix is hoped to be</p>	<p>Noted</p> <p>Noted</p> <p>The Folley is not formally designated as a cycleway and it is unlikely that this route can be improved to an adoptable standard. The brief requires a pedestrian and cycle to be provided through site and to be integrated with existing routes</p> <p>This is addressed in the brief.</p> <p>The text “fine grain low rise local townscape” relates to the character of elements of the surrounding built form; it does not mean that the new development will be of a similar height.</p> <p>The brief requires the new development to respond to the historic setting and local character; the brief notes that building heights should not exceed 4 storeys, unless townscape and visual impact analysis demonstrates they would not cause harm to the character of the area and are of an exceptional design.</p> <p>30% affordable housing reflects the requirement of the emerging local plan.</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p>
--	---	---

<p>achievable and we would very much encourage the concept of modern day alms housing to be considered for this site given the close proximity to the town centre and the need for young people and post army housing provision .</p> <p>There are concerns regarding the access and egress from the site through Flagstaff Road and into the Napier Road/Circular Road junction at such a sensitive position.</p> <p>The challenge of re designing usage of the St Botolph's roundabout and the possible consideration of one-way routing in lower Mersea Road.</p> <p>We heartily welcome the recognition of the importance to the town's heritage future of the Roman Circus site and the need to provide for it's safeguarding as well as it's greater development as an attraction through increased historical interpretation and higher quality display. The Society is convinced that if the Roman Circus is to attract the visitors it deserves coach parking will be a necessity as well as better signage and clear pedestrian routes.</p> <p>The need for the archaeological surveying of the whole ABRO site to determine the Circus's relationship with its greater milieu .</p>	<p>The Highway Authority will be consulted on any planning application for the redevelopment of this site and will consider the highway safety of this junction.</p> <p>This fall outside the scope of this brief. Essex County Council are currently exploring proposals for the improvement of St Botolph's roundabout</p> <p>Noted. The Roman Circus Management Plan provides the appropriate vehicle for developing proposals for the enhancement of this feaure ... the development brief provides flexibility for the development of facilities at the Circus</p> <p>This is reflected in the brief.</p>	<p>None</p>
<p><b>Landowner</b></p> <p>The DIO is strongly supportive of the proposals to deliver residential development on the Site. We consider that the Site comprises an excellent opportunity to deliver a high-quality housing scheme</p>	<p>Noted</p>	<p>None</p>



<p>We are strongly supportive of the DB as a means of providing an additional level of detail to sit alongside the emerging residential allocation in the local plan as this will further bolstering the principle of it being redeveloped for high-quality housing</p>	Noted	None
<p>The brief identifies a potential need to accommodate the expansion of the Roman Circus Visitor Centre in addition to delivering new homes there. It is unclear the form that such 'expansion' would take. Whilst the DIO is open to discussing this further with the Council, the aspiration for the Visitor Centre to be expanded on part of the Site could only be supported in the event that these works are demonstrated to be feasible, viable and not detrimental to the overall principle of optimising high-quality housing delivery at the Site. We strongly recommend that wording within the DB be updated to reflect this.</p>	<p>At this stage it is not known what form the potential expansion will take and is it not possible therefore to confirm the form that these proposals may take. It is not considered that the expansion of circus facilities would be detrimental to the principle of delivering high quality housing on this site in line with the requirements of the emerging local plan. The text has been amended in the brief to note that proposed housing and expansion of the circus facilities need to be mutually compatible.</p>	Text amended.
<p>The DB identifies that the Site should deliver an element of open space, citing a "requirement for a minimum of 10% (gross) of the residential development area to be open space". Through a high level Concept Masterplan it has been demonstrated that 10% open space can be comfortably accommodated within the Site. The DIO is therefore supportive of this wording noting the role of open space in high quality placemaking, and the location and heritage value of the Roman Circus SAM.</p>	Noted	None
<p>Given the site's central and accessible location, it provides a strong opportunity to deliver a reasonably urban scale/residential density. Our</p>	Noted	None

<p>indicative Concept Masterplan demonstrates how an overall proposed average density of 70 dwelling per hectare could be achieved at the Site (albeit this is on the basis that some individual plots on-site exceed this density range). The Concept Masterplan would result in a total of 294 residential units being delivered on-site, which aligns with the upper site capacity range outlined within the Draft DB</p> <p>The current DB seeks to establish the acceptability of a 'net' residential density of between 45-80 dwellings per hectare at the Site. However, our Concept Masterplan demonstrates that there are some parts of the Site where this residential density range could be exceeded (resulting in built form of up to four storeys) whilst still maintaining an overall average residential density below 80 dwellings per hectare. Given the above, we strongly consider that the DB should be updated to identify that an overall residential density of 'up to an average of 80 dwellings per hectare' could be acceptable on-site, where this is supported by robust design and townscape analysis.</p> <p>The DIO is supportive of the proposed requirement for new development to contribute to, and complement, local character. We also support the aspiration to respect the history of the area and the existing townscape as a key masterplanning principle, whilst ensuring that new development at the Site effectively and sensitively optimises new housing delivery</p> <p>The DIO has prepared a Concept Masterplan for the</p>	<p>The Development Brief sets out a density range for housing across site and this is considered to provide an appropriate degree of flexibility for the successful redevelopment of this site</p> <p>Noted</p> <p>Noted. The brief requires future development to</p>	<p>Text amended but still requires any new development to</p>
---	--	---

<p>Site, demonstrating a designed approach centred on responding to the key site-specific and local characteristics. The layout of the Concept Masterplan is driven by the creation of a green axis, intended to draw the parkland landscape associated with the Roman Circus through into the new development. The layout also seeks to utilise some retained non-designated heritage buildings as placemaking features. It is considered that the wording of Paragraph 4.10 of the DB be amended to be less prescriptive on the typology of buildings that should come forward and instead state that 'the design and layout of new development should be informed by design and townscape analysis, site topography and site constraints (including archaeology), and through an overarching masterplanning approach.</p>	<p>respond to the characteristic of the site (including its history) and its surroundings. Such developments are generally more regimented; an organic layout is not considered appropriate in this location.</p>	<p>respond to the characteristics of the site</p>
<p>The DB seeks to ensure several non-designated heritage assets on-site are retained through new development. We request that that the DB be updated to allow greater flexibility and the potential removal/demolition of non-designated heritage-assets on-site (where justified by robust heritage evidence at planning application stage). This approach would more closely align with national strategic planning policy objectives within the NPPF. We consider that the DB wording should not preclude the loss of non-designated heritage assets in the future and that Paragraph 4.15 of the DB should be re-worded as follows: "The Infirmary Stables and Carpenters Telecommunications Shop are considered to be non-designated heritage assets . Any impacts on or proposed</p>	<p>Noted The text in the brief has been amended from must retain the locally listed buildings to be should retain the buildings.</p>	<p>Text Amended</p>

<p>loss of these non-designated heritage assets should be carefully considered in the planning balance (at application stage), subject to reasoned justification’.”</p>		
<p>The DB also references the potential for improvements to the folley (including paving) to be delivered in the future. It is considered that the need for such improvements should be determined at planning application stage, and in consultation with CBC (rather than prescribed within the DB). As such, we consider that the requirement to contribute to the folley within Paragraph 4.16 of the DB should include a note that this is to be the case ‘only if demonstrated to be viable and deliverable in due course at application stage’.</p>	<p>Improving / enhancing pedestrian connectivity is a fundamental objective of brief The upgrading of the folley will encourage its greater use by pedestrians including those from the development</p>	<p>None</p>
<p>We note that CBC are currently consulting on proposals to extend the Garrison Conservation Area boundary (so that this now includes the Site). If extended, this conservation area would become an ‘onsite heritage asset’. As the DIO has already taken part in an earlier informal consultation process concerning the Draft DB, its team was already aware of the Council’s intentions to extend the conservation area boundary. Therefore, the current Concept Masterplan has been prepared to be mindful of this context, and we consider that it is fully compatible with (and respectful/sensitive to) the Garrison Conservation Area even in the event that its boundary is extended</p>	<p>Noted</p>	<p>None</p>
<p>We note that archaeology is a key consideration concerning redevelopment of the Site (and relevant archaeological investigations will be key to fully unlocking the Site’s redevelopment potential).</p>	<p>Noted</p>	<p>None</p>

<p>An assessment has been undertaken by Capita to identify the amount of traffic potentially to be generated by the DIO's masterplan proposals. We do not consider there to be any insurmountable transport consideration at this stage</p>	Noted	None
<p>It is not considered that there are any insurmountable ecological constraints at the Site which would prevent its redevelopment</p>	Noted	None
<p>The DB suggests that some trees on site may be subject to Tree Protection Orders. The submitted Concept Masterplan is sensitive to this, with trees proposed to be retained where possible</p>	Noted	None
<p>The DIO's masterplan includes the potential to incorporate or divert the Public Right of Way to ensure that the masterplanning approach is flexible. It is also noted that Artillery Barracks Folley is a Public Right of Way; the proposed masterplan increases permeability to this link which is considered to be a benefit.</p> <p>We highlight that there is a disparity between Figures 8 and 9 within the DB. 3.54 Figure 8 (Key Principles Plan) shows the south western part of the Site to be within a 'greened character area'. However, this approach is incongruent with the spirit of the wider DB's vision, which seeks to optimise residential use on the Site whilst ensuring 10% open space is provided (focussed around the Roman Circus). 3.55 Figure 9 (illustrative Plan) is more accurately representative of the DB's wider vision. This shows the majority of the Site falling within an 'Urban Character</p>	Noted	None

<p>Area', with 'Green Space' focussed around the Roman Circus. 3.56 Given the above, we strongly recommend that Figure 8 within the DB be updated to more closely align with Figure 9 (and with the DB's wider vision for the Site)</p> <p>Overall, the DIO and its team broadly support the vision and development principles outlined within the Draft DB, subject to the refinements recommended within above sections of this representation</p>		



# ABRO Site Development Brief, Colchester

Colchester Borough Council  
August 2021





---

## CONTENTS

- 1 Introduction
- 2 Policy Context
- 3 Site and Context Analysis
- 4 Development Framework
- 5 Development Process

DRAFT



# 1 INTRODUCTION

## The Vision

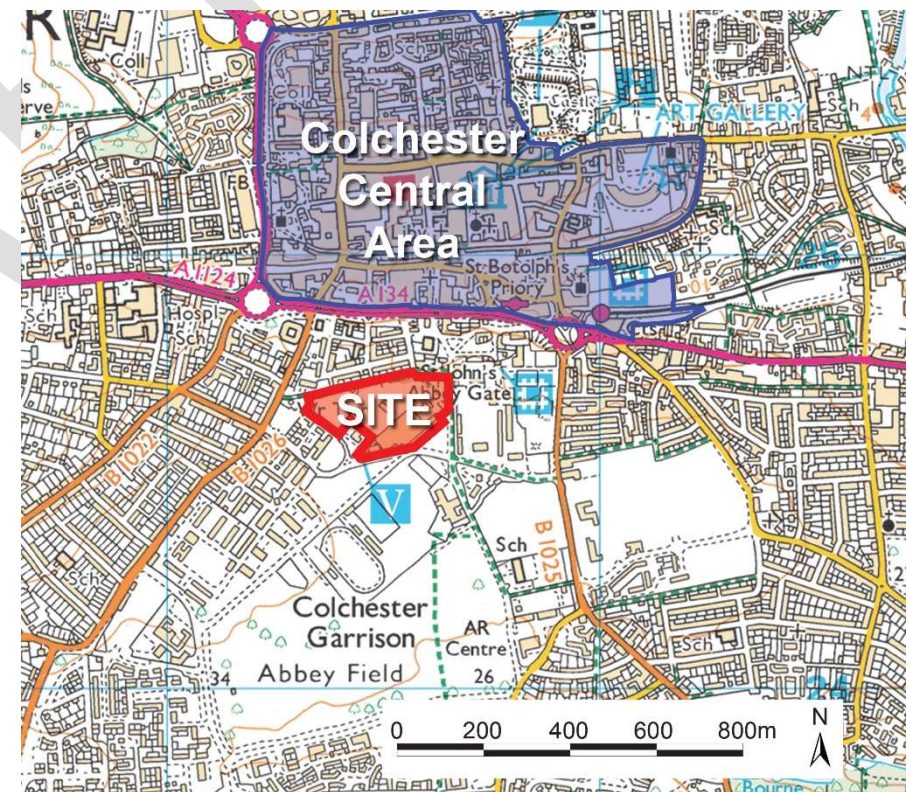
- 1.1 The Council's vision for the site is for a genuinely high-quality residential scheme which is clearly of the 21st century, complementing the area's rich heritage, strong in urban and landscape character, and promoting sustainable travel.

## Background & Purpose

- 1.2 The ABRO site forms part of the Defence Estate albeit was previously leased to Babcock International under a contract with the Ministry of Defence relating to its army vehicle servicing. The site is currently held by Defence Equipment and Support (DE&S).
- 1.3 This development brief has been produced by the Planning Team at Colchester Borough Council, working in consultation with key stakeholders and has been the subject of a public consultation exercise.
- 1.4 The purpose of this document is to provide guidance on issues and opportunities and sets out the Council's aspirations for the redevelopment of this important site. The document provides a clear and robust development framework, which is intended to help for the smooth delivery of a suitable scheme.
- 1.5 The brief does not provide a full assessment of all the potential site constraints. It does, however, provide a framework for the site's redevelopment whilst identifying areas that would benefit from further investigation.

- 1.6 The brief is structured as follows: The planning policy context is set out in Section 2, which is followed by the site and context analysis (Section 3). Section 4 describes and illustrates key principles in response to identified issues and opportunities. The document concludes with Section 5 which considers development delivery.

## Location & Study Area



© Crown copyright & database rights 2019 OS 100023706

Figure 1: Site Location

1.7 The site is 4.26 hectares, including a 3.80 hectare area allocated for residential use in Part 2 of the Emerging Local Plan. Now vacant, the site was previously part of the Royal Artillery Barracks (latterly known as Le Cateau Barracks), forming a northern most part of the old Colchester Garrison. The site comprises large areas of flattened hard surfacing, with some buildings of mixed size and architectural/historic significance. The northeast corner of the site is former green space converted to car parking in recent times. The Roman Circus Scheduled Ancient Monument (SAM) extends over the 0.46 hectare southern part of the site and is allocated as open space in the Emerging Local Plan.



Figure 2: Aerial Photograph

1.8 There is a predominantly Victorian urban residential area to the north and west of the site. The more historic St John's Green area lies to the north-east. To the east of the site is the Arena Place development that includes restored Garrison buildings and is covered in part by the remains of St John's Abbey. Both the St John's Green and Arena Place benefit from generous landscaping, including greens and tree-lined avenues. To the south of the site lies the Roman Circus SAM alongside Abbey Field which is the focal green space in the area. A public car park adjoins the site to the south-west, beyond which is Butt Road, a major route leading to the town centre.

1.9 The site is well located in terms of its proximity to the town centre and is therefore able to take advantage of the local services and facilities found within the central area of Colchester.



Examples of developments on the old Garrison:  
Former Sergeants Mess (left) and Circular Road North (right)



---

## 2 POLICY CONTEXT

- 2.1 In accordance with the requirements of the section 38(6) of the Planning and Compulsory Purchase Act 2004 any planning application for the redevelopment of this site will be determined in accordance with planning policies set out in the adopted local plan unless material considerations indicate otherwise. The following highlights key local policies and guidance relevant to the site's development:

### **Adopted Local Plan**

#### Core Strategy (amended 2014)

- 2.2 The site is within the Garrison Growth Area and Regeneration Area. Redevelopment of the Garrison is identified as a key project and reference is made to the approved masterplan. The most relevant policies are:

- SD1: Sustainable Development Locations
- SD2: Delivering Facilities and Infrastructure
- SD3: Community Facilities
- CE1: Centres and Employment Classification and Hierarchy
- H1: Housing Delivery
- UR1: Regeneration Areas

#### Site Allocations DPD

- 2.3 Policy SA GAR1: Development in the Garrison Area advises on land uses having reference to the Garrison Masterplan. It also identifies the need for a north-south green link, which, as

shown on the proposals map, includes Flagstaff Road adjoining the site.

- 2.4 Land to the east and south-east of the site is identified as a Mixed Use Redevelopment allocation named Napier Road (including the former Arena site). Within this area, 'Arena Place' to the east been developed, but the former vacant Arena site (off Circular Road East) remains to be redeveloped.

- 2.5 Paragraphs 5.10 and 5.102 of the Site Allocations DPD discuss the need to protect and preserve the Roman Circus SAM.

#### Development Policies SPD (amended 2014)

- 2.6 The most relevant policies are:
- DP1: Design and Amenity
  - DP3: Planning Obligations and Community Infrastructure
  - DP5: Community Facilities
  - DP12: Dwelling Standards
  - DP14: Historic Building Assets
  - DP16: Private Amenity Space and Open Space Provision for New Residential Development
  - DP17: Accessibility and Access
  - DP19: Parking Standards

### **New / Emerging Local Plan.**

- 2.7 The Council is developing a new local plan (Submission Colchester Borough Local Plan 2017-2033). The whole of the emerging Local Plan was submitted to the Secretary of State in October 2017; however, the examination of the two

sections has taken place separately. Section 1 of this Plan has been found sound and was adopted by the Council on 1 Feb 2021. The examination of Section 2 of the emerging Local Plan was undertaken in spring 2021 and the Council is now waiting for the Inspector's letter.

### Adopted Local Plan (Part 1)

#### 2.8 The most relevant policies are:

- SP6: Place Shaping Principles – encourages development briefs, promotes the highest standards of design and outlines a range of key principles;
- ENV3: Green Infrastructure - supports the Colchester Orbital initiative which identifies Flagstaff Road as a key 'spoke' to the town centre;
- ENV5: Pollution and Contaminated Land – outlines requirements covering assessment and mitigation;
- PP1: Generic Infrastructure and Mitigation Requirements – requires financial contributions for appropriate infrastructure and/or community facilities, and issues and opportunities to be addressed;
- TC4: Transport in Colchester Town Centre – contributions will be sought for the enhancement of Southway / St Botolph's Roundabout

### Emerging Local Plan (Part 2)

#### 2.9 The Local Plan Policies Map identified the majority of the Site for residential use. The southern part of the site is covered by the Roman Circus SAM and is allocated for open space.

#### 2.10 The most relevant policies in the emerging plan are:

- DM1: Health and Wellbeing – developments need to promote healthy lifestyles and avoid adverse impact on public health, with Health Impact Assessments (HIA) required for development in excess of 100 units;
- DM2: Community Facilities - new development will be required to provide or contribute towards the provision of community facilities including education;
- DM8: Affordable Housing - 30% of new dwellings should be provided as affordable housing (normally on site);
- DM9: Development Density – promotes densities which support sustainable transport and helps sustain local amenities, though having regard to existing built and landscape character, accessibility, parking, housing mix and residential quality;
- DM10: Housing Diversity – seeks an appropriate range of housing types and tenures, whilst realising opportunities presented by accessible locations;
- DM12: Housing Standards – promotes liveability through a range of standards, including the Nationally Described Space Standards (DCLG, 2015);
- DM15: Design and Amenity – the key urban design policy covering process, functionality, context responsiveness, characterisation, community liveability and sustainability;
- DM16: Historic Environment – expects new development to understand, enhance and help reveal historic assets, remove detrimental features and provide interpretation where appropriate;
- DM17: Retention of Open Space and Recreation Facilities – seeks to protect and enhance the existing network of green links and open spaces, and secure additional areas where deficiencies are identified;

- DM18: Provision of Public Open Space – requires at least 10% of the gross site area to be provided as useable open space;
- DM19: Private Amenity Space – outlines default minimum usable space requirements, and possible exceptions relating to accessible locations and where higher densities may be appropriate;
- DM20: Promoting Sustainable Transport and Changing Travel Behaviour – seeks to increase modal shift towards sustainable modes including through improved walking and cycling accessibility and traffic management;
- DM21: Sustainable Access to Development – seeks to encourage walking, cycling and public transport through improved networks and public realm, increased prioritisation, and facilities to support electric and other ultra-low emission vehicles;
- DM22: Parking – parking requirements will consider the Essex Parking Standards alongside levels of local accessibility, car ownership levels, housing mix and types of parking (possibly including car-sharing, a car club and car-free development if appropriate);
- DM24: Sustainable Urban Drainage Systems – requires development to incorporate SuDs in accordance with the Essex Sustainable Drainage Systems Design Guide (2016); and
- DM25: Renewable Energy, Water, Waste and Recycling – encourages development which helps reduce carbon emissions, uses sustainable construction techniques, increases water efficiencies and promotes recycling.

## Statutory Legalisation

- 2.11 The Ancient Monument and Archaeological Areas Act (1979) provides statutory protection to monuments that are designated as a Scheduled Ancient Monument (SAM). All works affecting a SAM require the consent of the Secretary of State, which is issued through Historic England.

The Planning (Listed Buildings and Conservations Area) Act (1990) provides statutory protection to listed building and their setting and requires new development to preserve or enhance the character and appearance of a designated conservation area.

## Local and National Planning Policy Guidance

- 2.12 Proposals for the redevelopment of site will also need to have regard to the following local and national planning policy guidance:

- 2.13 The National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG)

### Colchester Garrison Urban Village Master Plan (2001)

- 2.14 The Garrison Master Plan, although now nearly 20 years old nevertheless still contains useful background information and many principles inform the new brief including:
- An attractive and sustainable mixed-use urban community;
  - Highest densities and finer urban grain nearest the town centre;
  - Using historic buildings and landscape features to help instil character;

- Enhancement of Abbey Field at the heart of a green link and open space network, and including a north-south link (involving Flagstaff Road) with the town centre;
- Continuous frontage to enclose and self-police the public realm;
- Designs informed by the Essex Design Guide and offering opportunities for good modern innovative design;
- Traditional materials, though consideration will be given to other high-quality materials on contemporary designs;
- Enhanced walking and cycling networks and priority, including car-free development nearest the town centre and some home zones;
- Improvements and repair to barrack folleys to enhance safety and permeability; and
- Preservation of archaeological remains (in-situ where possible).

Colchester Garrison Development Brief: Le Cateau and Cavalry Barracks SPG (2002)

2.15 Following on from the Garrison Master Plan, this site specific brief provides more detailed guidance on how these former Barracks should be redeveloped. Like the Master Plan, the SPG provides useful background information and some principles inform the new brief including:

- Densities of 45-50 dwellings per hectare;
- Domestic scale - predominantly 2-3 storeys;
- Buildings overlooking Abbey Field to be served by rear parking;
- For the ABRO site, a home zone with pocket park including LEAP at the heart;

- Diversion of the Public Right of Way currently cutting diagonally across corner of Walsingham Road and Flagstaff Road;
- Public art in key locations;
- Reuse of Infirmary Stables;
- Preservation of the Garrison boundary wall where possible, though breached by new gateways to improve access and safety; and
- Compliance with Anglia Water requirements for the 'camp sewer' ensuring, if it is retained, no buildings are constructed within 3m either side of the outside face.

This brief supersedes the guidance set out in the SPG in respect of the ABRO site.

Colchester Roman Circus Management Plan (2021)

2.16 This management plan has recently been updated and adopted as a planning guidance document. The aim of the plan is to ensure the appropriate conservation and interpretation of the Colchester Roman Circus. It seeks to inform development proposals, establish a process for interpretation, enhance understanding of the circus and encourage learning.

2.17 Key principles in relation to the ABRO site (referred to as 'Site LEC' in the management plan) are:

- No new development or tree planting of any kind on top of the remains of the Roman circus (with the potential exception of a purpose-built cover building and / or associated interpretation items);
- A buffer zone of 10m from an invisible line from the edge of the monument (across the ends of circus

- buttresses) to ensure no new development including service trenches and vehicle movements;
- Future proposals for new development in the vicinity will be subject to requests for Section 106 agreements to enable the proper public presentation of the circus remains;
- The site of the circus and buffer zones shall be either grassed (in public or private ownership) or existing adopted roads needing to be retained: and
- A detailed interpretation scheme will be drawn up which may include a cover building over part of the exposed remains, interpretation boards, and marking out of as much of the circus course as possible.

#### **Other Relevant Policies and Guidance**

##### **2.18 Other relevant policies and guidance include:**

- Essex Design Guide (1997);
- The Essex Design Guide (concurrent) – this new internet-based guide launched in 2018 is not adopted though is referred to in the Emerging Local Plan and includes up-to-date Highway Authority design standards;
- Essex Parking Standards (2009);
- Essex Coast RAMS (2020)
- Essex Sustainable Drainage Systems Design Guide (2016);
- Colchester Affordable Housing SPD (2011);
- Colchester Cycling Strategy SPD (2012);
- Provision of Open Space, Sport and Recreational Facilities SPD (2006);
- Provision of Community Facilities (2013)
- Street Services Delivery Strategy (2016)
- Managing Archaeology in Development (2015)

- Colchester Green Infrastructure Strategy (2010) - not adopted though referred to in the Emerging Local Plan; and
- Townscape Character Assessment of Colchester,
- Land Affected by Contamination Technical Guidance for Applicants & Developers;
- Colchester Air Quality Action Plan 2016-2021

#### **Other Documents**

- National Design Guide
- Manual for Streets
- Manual for Streets 2 LTN 1 /20 Cycle Infrastructure Design LTN 1/20
- The Essex County Council Developers' Guide to Infrastructure Contributions (2020)



### 3 SITE & CONTEXT ANALYSIS

#### Heritage

- 3.1 In 2005, the only known Roman circus in Britain was discovered on the southern outskirts of Colchester town centre. Now a protected Scheduled Ancient Monument (SAM), part of its remains lie at the southern edge of the ABRO site. The circus dates from the early 2nd century. It was about 450 metres in length, with eight starting gates and could accommodate some 8,000 spectators. The long-term plan for the SAM is to mark-out (as far as possible), open-up and interpret the circus as part of a key visitor attraction for the town. The delivery of this is ongoing and is informed by Roman Circus Management Plan (outlined in Section 2).



CGI of Colchester Roman Circus  
(source: <https://www.youtube.com/watch?v=4Yl6vnmWAjs>)

- 3.2 A Historic Building Assessment Report was produced by Ingram Consultancy in 2000 as part of the now approved outline planning application for the redevelopment of the old Garrison (planning ref: O/COL/01/0009).

- 3.3 The Ingram Report and historic mapping forms the basis for the following analysis; building reference numbers in brackets refers to those in the Ingram report:

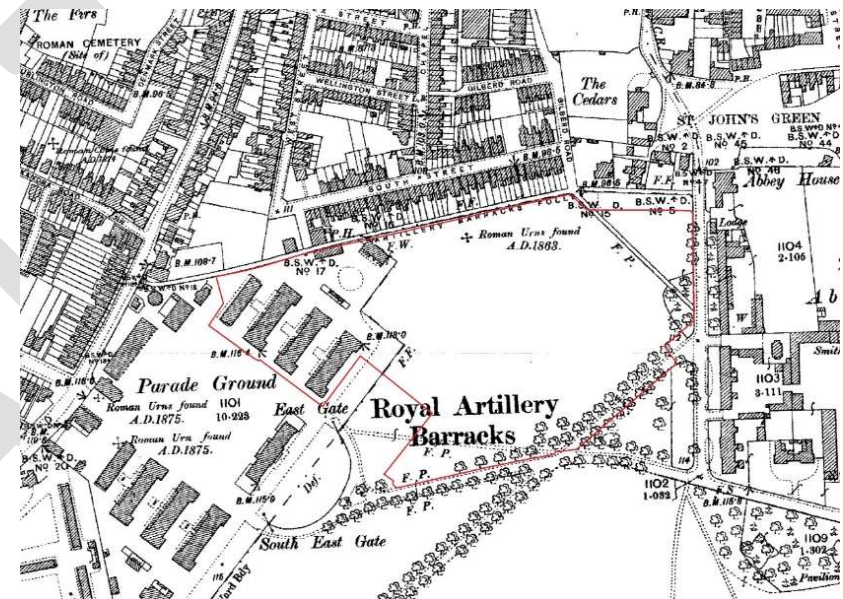


Figure 3: Historic Map (circa 1897-1904)

- 3.4 Royal Artillery Barracks (later known as Le Cateau Barracks) was initially constructed in 1874-75 and enclosed by a 9-10 feet high brick boundary wall with entrance gates on Butt Road and on the south-east side by an iron paling fence with two pairs of gates opening to Abbey Field. One of these gates (East Gate) was located at the end of the existing road serving the Roman Circus Visitor Centre. This initial phase of construction still left much of the ABRO site as part of Abbey Field. The Royal Artillery Barracks centred on a parade ground and included: stable blocks with living quarters



above; officers' quarters; gun sheds; a canteen; a guard house; offices; and a water tower.



Officers' Quarters

- 3.5 Immediately outside the iron paling fence and facing the main façade of the landmark Officers' Quarters was a semi-circular lawn (originally for tennis) and carriageway road. To the north-east were two maneges and lunging circles. The Officers' Quarters which was central and prominent to the barracks complex, adjoins the current ABRO site (to the south-east). The Officers' Quarters is listed grade II and has recently been converted into housing. The semi-circular garden area to the front this building is being retained as amenity space and for the interpretation of the circus.
- 3.6 Within the ABRO site, from the first phase of the garrison development, the Infirmary Stables (IC3), on the northern site edge survives along with the boundary wall to the folley which is distinguished by a white brick semi-circular coping. Artillery Barracks Folley also appears to date from this time and the original paving survives, albeit in a poor condition. The Infirmary Stables, which sits on the boundary wall, shows

seven open boxes with entrances and masonry detailing that reflects the other original Royal Artillery buildings.



Infirmary Stables (left)

- 3.7 The barracks were subsequently expanded to cover the remainder of the main ABRO site. Remaining buildings on or adjoining the site from this period include:
- The Carpenters and Telecommunications Shop (IC4), dating from c.1900, which was built onto the boundary wall and divided by two party walls to form three spaces, with the front elevation rebuilt except to the eastern 2-storey space which includes architectural detailing similar to that found on the Barracks' initial period of construction;
  - The Store (IC5), dating from c.1904, is a large open plan building built on the boundary wall. It appears to offer scant architectural value;

- The Dining Room and Cook House (IC6), dating from c.1935. This building has been modified, with modern extensions on the north elevation.
- The Restaurant/Canteen (IC7), is of the same date (1937) and design as the Regimental Institute of the Cavalry Barracks. It is a strongly formed building and it exhibits a design that is typical of a building from this period. Building IC7 houses the Colchester Archaeological Trust and Roman Circus Visitor Centre.

Buildings IC3, IC4 and IC7 together with the boundary wall and folley are considered to constitute non designated heritage assets.

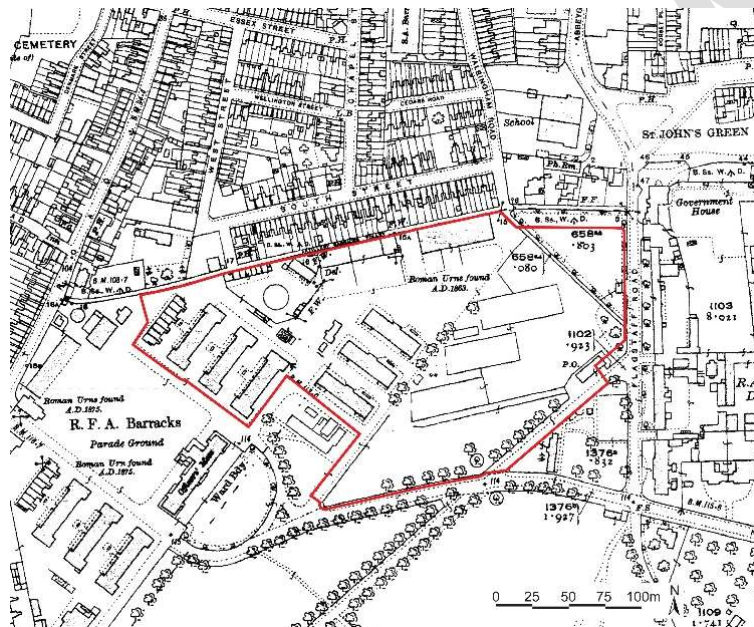
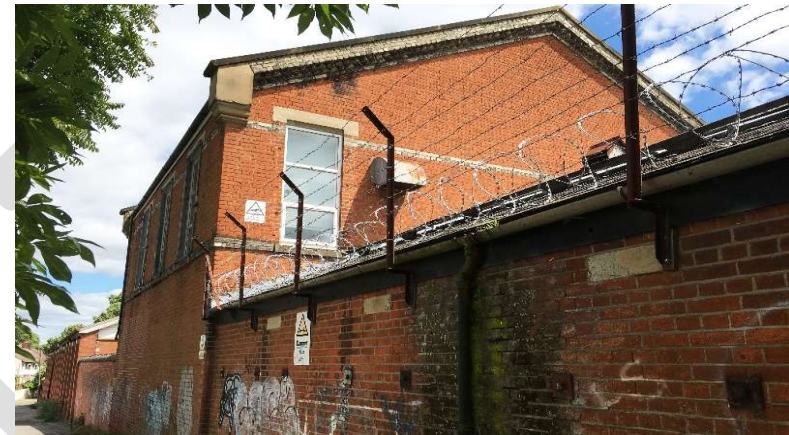


Figure 4: Historic Map (circa 1922-23)



Carpenters and Telecommunications Shop

### Protected Historic Assets

- 3.8 The site lies in a historically sensitive area. Following a public consultation exercise the Garrison Conservation Area was extended (June 2021) to include the ABRO site, the Roman Circus Visitor Centre and Artillery Barracks Folley. The Roman Circus is a SAM. To the north / east of the site is Colchester Conservation Area No.1 which includes numerous listed and locally listed buildings. St John's Abbey (to the east of the site) and its precinct is a SAM.





© Crown copyright rights 2019 OS 100023706

Figure 5: Heritage Protections

## Archaeology

- 3.9 The site is within an area of high archaeological importance. The buried remains of the Roman Circus SAM cross the southern part of the site. Scheduled Ancient Monuments are protected under the Ancient Monuments and Archaeological Areas Act 1979. Consent is required from Historic England for all works affecting a SAM. Early consultation is advised with Historic England on any proposals for the future redevelopment of this site.
- 3.10 The Colchester Roman Circus Management Plan (2021) provides details on how the development needs to complement and support preservation and enhancement of the Roman Circus and its setting. This document has been adopted as a planning guidance documents.
- 3.11 The site itself has not been the subject of previous archaeological investigation. There is high potential for encountering (previously unknown) important below-ground archaeological remains across this site, which could not only affect the layout of any development proposals but could also be very costly and time-consuming to deal with.
- 3.12 The following reports will be required prior to determination of any planning application:
- A heritage desk-based assessment (both direct and indirect impacts of designated and undesignated heritage assets);
  - A geophysical survey, comprising ground penetrating radar; and
  - A trial-trenched evaluation. The extent of the trial-trenched evaluation will be determined by the results of the radar survey, although a 5% sample would normally

be expected. This should lead to an archaeological deposit model for the development site.

- 3.13 No development will be permitted within the area of the Roman Circus, or the buffer zone referred to in the Management Plan. In other parts of the site, any developer should be aware that extensive archaeological investigation is likely to be required. Such investigations will ensure that any archaeological assets within the site are safeguarded from impacts relating to any groundworks associated with the development scheme. A decision on the extent of this investigation will be based on the results of the archaeological evaluation and deposit model combined with the level and extent of the new development. As a part of any planning application, proposals should be included for the enhancement, display/presentation, promotion and beneficial management of the circus and any previously unknown archaeological discoveries on the site.

- 3.14 It is advised that the archaeological evaluation is undertaken as soon as possible and should form part of the developer's risk assessment. The evaluation work will establish the archaeological potential / constraints and will inform potential development opportunities.

### Land Use

- 3.15 The ABRO site was formerly part of the Royal Artillery Barracks. It is surrounded by a predominantly residential area offering a mix of house types and tenures. A small range of local shops and services can be found within the immediate walkable neighbourhood, mainly attached to Butt Road and Southway (a major road to the south of the town centre). Other neighbourhood amenities within 400m walking distance

include the neighbouring Roman Circus Visitor Centre, the sports facilities on Abbey Field, The Colchester Officers Club, St John's Green Primary School (split over two sites) and St John's Abbey Gate (visitor attraction). The nearest designated centre is the town centre just 250m from the site's northern edge.

### Accessibility

- 3.16 The surrounding area has good pedestrian accessibility, albeit there is currently no permeability through the ABRO site due to its former military use. Improving the site's permeability is hindered by the historic Garrison wall that runs along the north boundary of the site. Some existing routes such as Le Cateau Road and, in particular, Artillery Barracks Folley suffer from a lack of self-policing due to poor overlooking by existing properties.

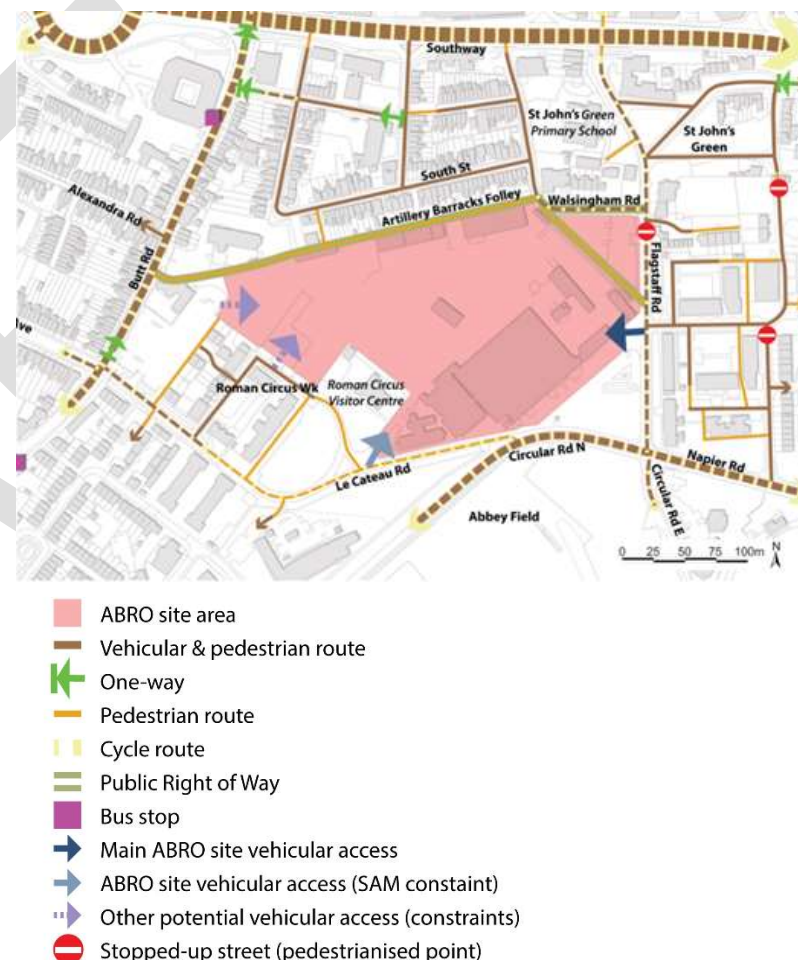
- 3.17 There are two Public Rights of Ways (PRoWs) that cross the site - Artillery Barracks Folley and a path between Walsingham Road and Flagstaff Road sandwiched between the main site enclosure and separate car park. The Artillery Barracks Folley is in a poor state of repair hindering its accessibility and use. As a part of the redevelopment proposals, the folley (including the historic surfacing) will need to be repaired and enhanced.

- 3.18 The area generally benefits from a good local cycle network, including the 'Garrison Cycle Route', referred to in the emerging local plan, which provides a predominantly off-road link through South Colchester to the town centre.

- 3.19 The site is about 450m walking distance from Colchester Bus Station and 675m from Colchester Town Railway Station. Bus stops can also be found on nearby Butt Road and Mersea

Road. The site is therefore well located to take advantage of services and facilities in the town centre.

- 3.20 The existing main access into the site is off Flagstaff Road and crosses a combined footpath / cycleway. Access from St John's Green is filtered allowing pedestrian and cycle access only. This restriction is designed to prevent car traffic 'rat-running' through onto Southway. Access to Flagstaff Road from the south is from Circular Road North. It is understood that there may be capacity issues at this junction, with limited scope for improvement due to the need to protect the Roman Circus SAM, the constraints of landownership and trees protected by Tree Preservation Order (TPO). The potential scope for the improvement of this junction together with the need to safe pedestrian and cycle movements will need to be explored as a part of any future planning application.
- 3.21 A secondary right of vehicular access exists off Le Cateau Road, though part of this route is an adopted foot and cycle way which only allows for restricted vehicular access. There is an expectation that as part of the site's redevelopment, the existing road section will be removed and the Roman Circus SAM enhanced. The need to protect the SAM means direct vehicular access to the site cannot be provided from Circular Road North or Le Cateau Road.
- 3.22 There is the potential to create a new access point from Roman Circus Walk, though this is complicated by ownership, existing car parking and capacity issues.
- 3.23 Given access constraints it is strongly recommended that the developer contacts the Highways Authority at Essex County Council at the earliest opportunity.



© Crown copyright rights 2019 OS 100023706

Figure 6: Access Analysis

---

## Townscape

- 3.24 The main part of the site is currently dominated by hard-standing and large and unattractive vehicle storage/repair 'sheds'. The site has scant townscape qualities, except for remaining small-scale historic buildings (namely the Infirmary Stables, and Carpenters and Telecommunications Block), a strong northern edge in the form of the historic Garrison Wall and perimeter mature tree planting.
- 3.25 Surrounding development is a mix of old and new development. Areas to the south-west and east benefit from the retention of a significant number of listed and locally listed former Garrison buildings. New development within the former Garrison site has adopted both traditional and contemporary styles.
- 3.26 All recent developments have been positively informed by the historic setting, for example relating to the regimented layout and/or use of materials. A common trait in both new and old is the continuity of built frontage with few breaks for car parking, which instils a pleasing sense of spatial enclosure, legibility and activity to the public realm. Building heights within this part of the former Garrison are typically 2-3 storeys, with some discreet 3rd floor penthouses to new apartment blocks.
- 3.27 Outside the old Garrison, the local area is predominantly characterised by early-mid 19<sup>th</sup> terraced housing. Notable exceptions include some surviving earlier development in the St John's Green area including the landmark Abbey Gate. Two post-war office blocks (Crown Office Buildings at 6 storeys and Wellington House at 8 storeys) appear as unfortunate anomalies amidst the fine-grain low-rise local townscape.

## Landscape and Landform

- 3.28 The landscape context is heavily influenced by Abbey Field which the site abuts to the south. Abbey Field is enclosed principally by remnants of Victorian tree planting laid out as avenues and linear features. Given the former use of the ABRO site (essentially larger scale functional buildings enclosing a large hard landscaped vehicle storage compound), the site has retained an openness when viewed from within and the perimeter tree planting helps the site integrate with the surrounding area and reinforce the site's historic setting. From Circular Road East, there is a view of Jumbo, the town centre water tower (listed grade II \*).
- 3.29 Some of the Victorian tree planting around the site edges has been lost over time and, where possible, this should be replaced. The majority of the existing tree planting is protected by Tree Preservation Order (TPO) and there will be a strong presumption in favour of retaining the existing trees.
- 3.30 The site naturally gently slopes, most noticeably towards to the north. The site also appears to have been levelled in the past to suit the former military use. This results in some moderate changes in level change, particularly with Artillery Barracks Folley to the north.





- Emerging housing allocation
- Designated open space
- Other open space
- Roman Circus SAM
- Designated green link
- Tree Preservation Order (TPO)
- Sports facilities
- Locally Equipped Area of Play (LEAP)

© Crown copyright rights 2019 OS 100023706

**Figure 7: Landscape Analysis**

## Other Possible Constraints

3.31 The site is likely to be subject to other constraints that have not been highlighted in the brief and these may affect detailed design, costings and delivery of any future scheme. Other constraints that will require further investigation include:

- Contamination – given the former use of the site, there is potential for the site to contain levels of contamination that will require mitigation.
- Air Quality – The site is located near an Air Quality Management Area; measures are therefore likely to be required to mitigate impact on air quality.
- Anglian Water has advised that there are several foul sewers in the vicinity of the site and a water main runs parallel to Circular Road North (outside of the road). Anglian Water has recommended that they are consulted early on any proposals that affect their assets.
- Other Underground Utilities – it is not known whether the site is affected by other service runs; and
- Ecology

---

## 4 DEVELOPMENT FRAMEWORK

### Site Area and Principle of Use

- 4.1 The northern main portion of the site is 3.80 hectares and allocated for residential use in the Emerging Local Plan. The redevelopment of the ABRO site also provides a unique opportunity to expand the offer at the Roman Circus Visitor Centre which will assist with the desire of the Council and Colchester Archaeological Trust to create a significant visitor attraction. The aspirations for the expansion and enhancement of the facilities associated with the Roman circus are not seen as being prejudicial to the delivery of housing on the ABRO site and it is considered important that any new development integrates well with the existing surrounding uses. Early engagement with the Council and Trust is recommended to ensure that the respective proposals are mutually compatible.
- 4.2 The 0.46 hectare southern portion of the site, which is covered by the Roman Circus Scheduled Ancient Monument (SAM), is allocated for open space in the Emerging Local Plan. The allocation of this land (which includes the buffer zone of the SAM) as open space will assist with the desire to develop the SAM as an important visitor attraction.

### Quantum of Development

- 4.3 It is envisaged a net residential density area of between 45-80 dwellings per hectare (equating to 171-304 dwellings) could be accommodated; this is a reflection of the site's

urban context and its close proximity to the town centre and public transport hubs. Densities will however need to be moderated by the specific local context including the site's heritage (above and below ground), potential highway constraints (including the need to safeguard and enhance adjoining pedestrian and cycle routes) and the need for the development to be of a high-quality design and adherence to other adopted policies and guidance. A mix of dwelling types (size and format) must be provided in line with housing need, including a good proportion of family homes, homes that are suitable for people with disabilities and homes that area capable of adaption over the long term.

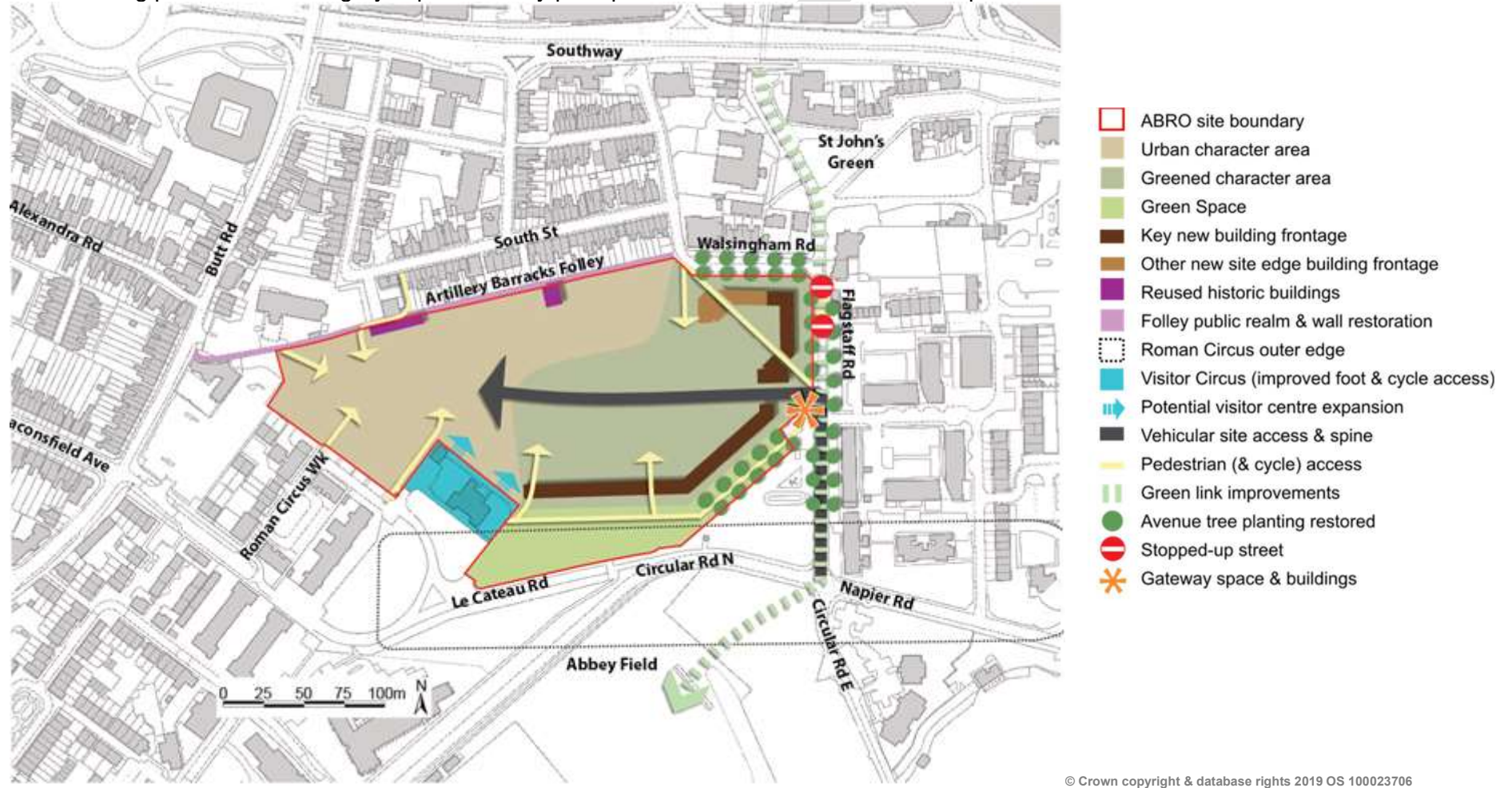
### Sustainability

- 4.4 Good urban design and sustainable design and construction are mutually inclusive. Integrating the two concepts will maximise the opportunities for creating sustainable forms of development.
- 4.5 To support the achievement of sustainable development, the redevelopment of the ABRO site must be undertaken in the most sustainable way possible, delivering the Council's social and economic aspirations without compromising the environmental limits of the area for current and future generations. The development should seek to fully integrate sustainable design and construction with urban design to ensure the delivery of a high-quality new development and maximise the opportunities to enhance the environmental performance of new development, including through the use of micro generation equipment (solar panels, heat pumps), and by increasing water efficiency.



## Key Principles

4.6 The following plan, text and imagery explain the key principles needed for the site's redevelopment:



## Roman Circus Setting

- 4.7 In accordance with the Emerging Local Plan allocation and as a condition for any housing development on the former ABRO site, public parkland will extend into the site to incorporate the Roman circus SAM and 10m minimum buffer zone from the circus's outer buttresses. This means no new development within the SAM or its buffer zone and the removal of all existing built form including roads from within this area. The resulting new open space will contribute towards the requirement for a minimum of 10% (gross) of the residential development area to be open space.



Roussillion Barracks, Chichester – attractive development frontage onto green space

- 4.8 The southern development edge to the SAM will be entirely pedestrianised to protect its setting and a new path networks

to the southern edge of the 'parkland' development should be provided to serve and to improve foot and cycle access to the Roman Circus Visitor Centre (and beyond). The development proposals must also seek to maximise the potential of the Roman Circus as a heritage attraction in line with and complementing the Colchester Roman Circus Management Plan.

## Local Open Space

- 4.9 The development proposals must provide functional open space (greenspace and/or public realm) within the residential areas that allows for and facilitate outdoor social space and connectivity as part of the green infrastructure network. Open spaces should maximise opportunities for the integration of drainage (SuDs), ecology and shading as well as biodiversity net gain. Adequate provision must also be made for local areas for play within 100m of each dwelling and that a Locally Equipped Area for Play (LEAP) within 400m of each dwelling. In addition to public areas of open space, new street and parkland trees should be planted to articulate space, frame views, soften built form and provide air quality mitigation. The Garrison Green Link must be retained and enhanced as a part of the proposed development. Open spaces must be of a high-quality design and be robust and adaptable so that they can be managed and maintained for continual use.

## Contributing to Local Character

- 4.10 Development needs to have design integrity that complements and reinforces the best elements of the Colchester's built and natural environment to provide a distinctive development that contributes positively towards local character. The new development must be carefully sited



and designed and be demonstrably based on an understanding of the townscape of the existing area. The form, scale, appearance, details and materials of the new development must be informed by, though not necessarily replicate, local characteristics, including patterns of built form, fenestration, detailing, materials, landscaping, history and contemporary living. Befitting the Garrison setting, the layout will be predominantly regimented into distinct continuous lines of buildings, rather than rely on organic layouts. Housing development in the southern and eastern parts of the site must have a verdant (parkland) character so that it integrates with the surrounding landscape and creates an increased sense of landscape buffering between the Roman Circus and built development.

- 4.11 Building frontages will generally be uninterrupted by allocated side parking which should instead be predominantly provided to the rear, with landscaped parking squares being another option where this is not possible. Where on-street parking is provided for visitors, measures will need to be taken to mitigate impact of the parked car on the street scene. The interface between building and public space (the street) must be carefully designed so that it is positive and appropriate to its context.
- 4.12 The redevelopment proposals must be informed by townscape and landscape assessment; any redevelopment proposal should seek to retain the view of Jumbo from Circular Road East. The development should also seek to integrate Crime Prevention Through Environment Enhancement Design (CPTED) and to this end, early engagement with Essex Police is recommended.



Brentwood School, Essex – contemporary architecture relating to historic buildings.

### Sustainable Densities

- 4.13 In accordance with Policy DM9: Development Densities in the Emerging Local Plan, higher densities are promoted within walking distance of the town centre and public transport hubs, subject in this instance to meeting design requirements, heritage considerations and possible highway constraints (see Site and Context Analysis – Accessibility). Densities might be maximised in various ways, including through roof gardens and balconies, efficiently integrated parking in response to the

‘urban context’, and reduced private amenity space if mitigated by adjoining spaces and pedestrianised streets offering equivalent compensatory spill-out amenity.



Accordia, Cambridge - Compact townhouses

### Context Responsive Building Heights and Forms

- 4.14 In response to the historic setting and local character, building heights should be a mix of 1-4 storeys, unless townscape and visual impact analysis demonstrates that taller buildings would not cause harm to the character of the area and any such building(s) is of an exceptional design. Buildings above three storeys in height should however be used in moderation and positively contribute to townscape punctuation. Buildings fronting the circus parkland should be 3 storeys in height to help strongly define the space and relate to the surrounding built form, notably the listed Officers' Quarters. The

development proposals must, in terms of their scale, height, mass, siting and design, be sensitive to and complement heritage assets both designated and non-designated. Building forms must also positively contribute to the historic setting, including the roofscape and skyline.



Timekeepers Square, Salford – roof forms contributing to local character

### Historic Building Retained and Restored

- 4.15 Buildings (IC3 – Infirmary Stables and IC4 – Carpenters and Telecommunications Shop) and the former garrison wall are considered to constitute non designated heritage asset. The two buildings should be retained and fully integrated into the development proposals for this site. Possible uses include residential or commercial uses that are compatible with the residential setting.





Moray Mews, London – Part-frontage to alley with obscured glazing protecting neighbour privacy

### Artillery Barracks Folley Enhancements

- 4.16 The Artillery Barracks Folley provides an important local connection route however its current condition detracts from its use. As a part of the redevelopment of the ABRO site, the folley must be improved and enhanced (including the repair of the wall and the locally distinctive paving). Consideration should be given to opportunities to improve pedestrian connectivity between the ABRO site itself and the folley. Any alteration to the wall should not however undermine the perception of the wall forming a robust barrier between the former barracks site and the residential areas of the town.

### Promoting Walking and Cycling

- 4.17 Priority must be given to pedestrian and cyclists movements and opportunities taken to improve accessibility as this will allow pedestrians and cyclists to directly access local amenities and freely move through the area in a way that offers a real choice of routes.



Goldsmith Street, Norwich – pedestrianised street offering communal amenity.

Filtered permeability (selective pedestrianisation / cycleways supported by rear/remote parking) and homezone measures, coupled with high quality usable landscaping, must be used to ensure pedestrians and cyclists are afforded priority over cars; this includes the design of the site access on Flagstaff Road.

- 4.18 Artillery Barracks Folley is not currently formally designated as a cycleway. The feasibility of upgrading the folley to an

adoptable cycleway should be explored as a part of the redevelopment of the ABRO site. In the event that it is demonstrated that this is not feasible, a cycle link should be created through the site that provides for a similar east / west connection to the folley route.

## Car Parking

- 4.19 The development will be expected to provide an appropriate level of car parking, which should reflect the guidance as set out in the Council's adopted Parking Standards. The precise parking provision will need to be informed by a clear evidence base (e.g. local car ownership census data etc), a convincing parking strategy and maximising opportunities for sharing and model shift. Should a car free development (with or without secure remote parking) be promoted or a development with a reduced parking allocation (i.e. lower than levels suggested by the adopted parking standards) measures to minimise overspill parking in neighbouring communities will need to be provided. Such measures could include car clubs, shared mobility hubs, increased cycle parking and proposals to guard against new residents using existing residential streets for car parking. All car parking must be designed so that it is attractive, overlooked, well landscaped and sensitively integrated into the proposed built form so that it does not dominate the development or the street scene. The incorporation of tree planting into parking area will also help to improve air quality and biodiversity.
- 4.20 Electric charging points must be provided throughout the development (including within communal parking areas) and should be sited and designed to avoid street clutter.



Roussillion Barracks, Chichester – Rear mews street with flats above car parking.

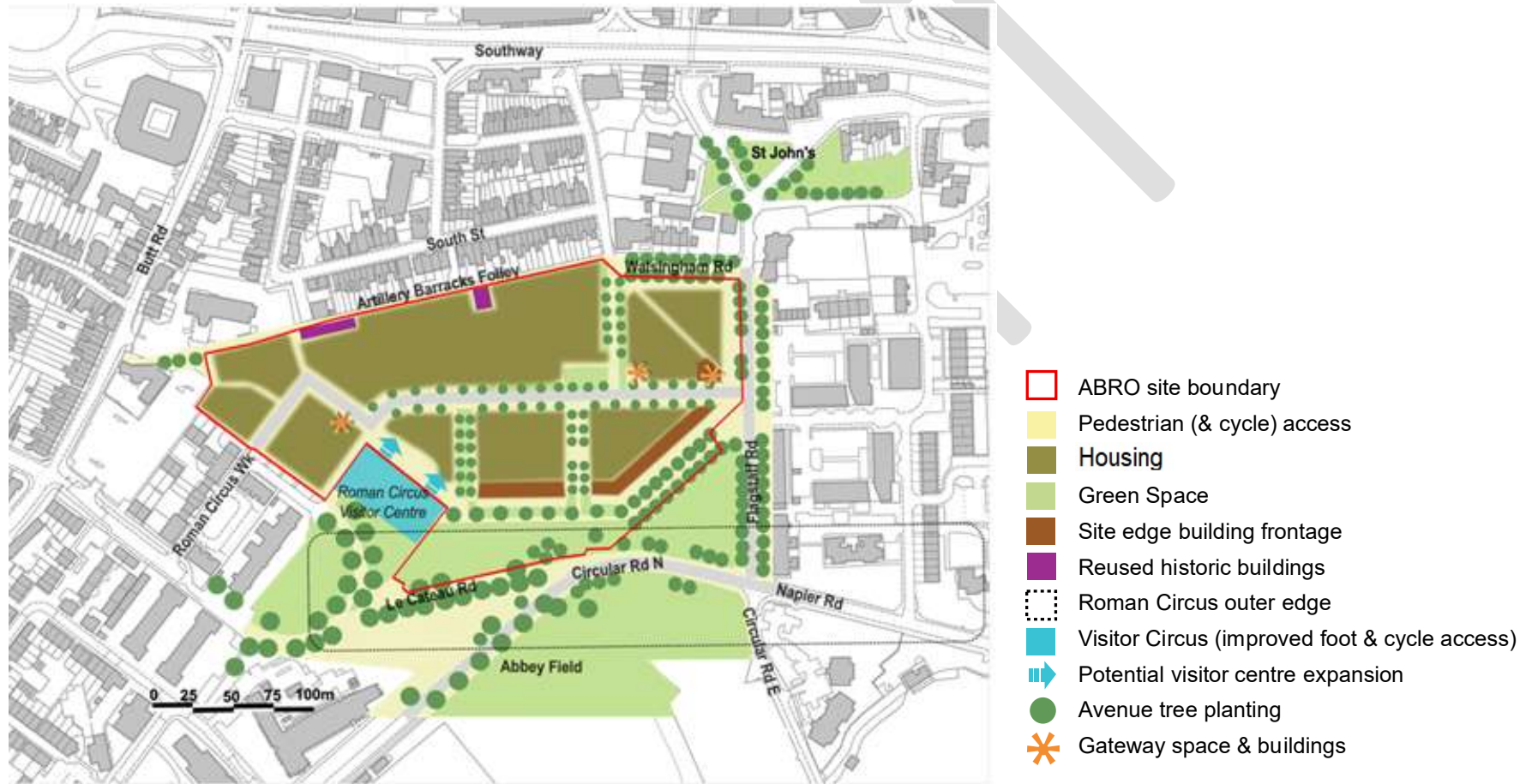
- 4.21 All dwellings must be provided with an appropriate level of cycle parking that is both secure, covered and convenient to use.

## Landscape, Biodiversity and Trees

- 4.22 The development proposal must integrate existing trees (on or adjoining the site) and ensure that they are provided with sufficient space to ensure their protection and long-term survival. The development must also incorporate new natural features (including the reinstatement of the Victorian landscape of tree-lined routes outside the Roman Circus SAM and buffer zone) to create a multifunctional network of spaces that adds to biodiversity, water management and addresses climate change mitigation and resilience. This could also be delivered through the use of features such as roof gardens, green and blue roofs and green walls.

## Indicative Layout

4.23 The following illustrative plan shows how previously outlined key principles might, as an example, suitably translate to a site layout, subject to further consideration of issues and opportunities. It lays down a design quality benchmark for considering future developer proposals even if designs creatively differ in translation and/or in response to further emerging factors.



© Crown copyright & database rights 2019 OS 100023706

Figure 9: Illustrative Plan



## 5 Development Process

### Application Process

5.1 The Council encourages early engagement by submission of Preliminary Enquiry (PE) and Planning Performance Agreement (PPA) to discuss the detailed proposals, the scope of the application as well as contributions towards social and physical. Pre-application advice will confirm the documents required for any application submission, but these are likely to include:

- Design and Access Statement (DAS);
- Air Quality Assessment;
- Affordable Housing Statement;
- Transportation Assessment and Travel Plan;
- Archaeological Assessment and Heritage Statement - see Site and Context: Heritage: Archaeology for further details;
- Townscape / Landscape Visual Impact Assessment
- Sustainable Drainage and Foul Drainage Statement;
- Biodiversity Survey and Report;
- Daylight and Sunlight Assessment;
- Contamination Survey; and
- Health Impact Assessment

5.3 Please refer to the local validation check list at: [Validation List 2017.pdf \(windows.net\)](#)

### Planning Obligations

5.4 Future developments will be required to make a financial contribution or other obligations towards additional infrastructure facilities to appropriately mitigate the impacts of development. The precise details will be negotiated between the future developer/applicant and the Council. The contributions and/or obligations are contributions a are likely to include:

- Affordable Housing – 30% affordable housing and provide inclusive access;
- Education;
- Sports, Recreation and Open Space;
- The Roman Circus - specific regard needs to be had to the adjacent scheduled monument and appropriate mitigation will be sought in accordance with the Roman Circus Management Strategy;
- Community Facilities;
- Highways and Transportation;
- Health (NHS);
- RAMs (Natural England) – to mitigate impact on the protected coastline; plus
- All other policy requirements

### Contacts

5.5 For further information and advice please contact:

Planning Services, Colchester Borough Council, Rowan House, Sheepen Road, Colchester CO3 3WG | tel: 01206 282424 | email: [planning.services@colchester.gov.uk](mailto:planning.services@colchester.gov.uk) .



2<sup>nd</sup> August 2021

<b>Report of</b>	<b>Assistant Director of Place and Client Services</b>	<b>Author</b>	<b>Catherine Bailey</b> ☎ 503530
<b>Title</b>	<b>Net Gain</b>		
<b>Wards affected</b>	All		

## 1. Executive Summary

- 1.1 This report is for Members' information and provides a summary of the Government's approach to biodiversity 'net gain' which is due to be introduced as a national policy through the Government's Environment Bill<sup>1</sup>, currently undergoing its passage through parliament. The bill is anticipated to be enacted in Autumn 2021.
- 1.2 The potential for mandatory biodiversity net gain was introduced in the Government's 2018 publication, 'A Green Future: Our 25-year plan to improve the environment' (the "25 Year Plan"<sup>2</sup>) and would extend existing policy of providing net gains where possible. Net Gain provides a tool to enable proposed future development to have environment at its heart to create better places for people to live and work.
- 1.3 The Government has identified that to meet the net gain condition for planning permissions, biodiversity gains will need to be measured using a biodiversity metric. An updated metric, Biodiversity Metric 3.0, was launched by Natural England on July 7, 2021, anticipated to be the industry standard once the bill is enacted later this year. Mandatory biodiversity net gain provisions only take effect following a two-year transition period, estimated to be in late 2023.
- 1.4 Colchester Borough Council has identified the principle of measurable biodiversity net gain for development sites, as appropriate, in the emerging Local Plan.

## 2. Recommended Decision

- 2.1 No decision is required since the report is for information only.

## 3. Reason for Recommended Decision

- 3.1 The report provides information on biodiversity net gain.

## 4. Alternative Options

- 4.1 Not applicable

<sup>1</sup> <https://bills.parliament.uk/publications/41447/documents/196>

<sup>2</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/693158/25-year-environment-plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf)

## 5. Background Information

- 5.1 The concept of measurable biodiversity net gain was introduced in the Government's 2018 publication, 'A Green Future: Our 25-year plan to improve the environment' (the "25 Year Plan"), extending existing policy of providing net gains where possible. The 25 Year Plan recognises the existing degradation in the natural environment due to intensive agriculture, pollution, development and climate change, as well as the drive to deliver 300,000 new homes per year.
- 5.2 Net gain provides a tool to enable proposed future development to have biodiversity at its heart to create better places for people to live and work. Net gain could help deliver green infrastructure networks, both on and off site, protecting ecosystem services and creating nature recovery networks for wildlife and biodiversity, as well as accessible natural green spaces for recreation and play.
- 5.3 The Environment Bill (which reached the House of Lords in May 2021) makes provision for biodiversity net gain to be a condition of planning permission in England. It introduces the idea of a Biodiversity Gain site register, whereby sites that are subject to habitat enhancement and/or management for a period of at least 30 years, as a result of either planning obligation or conservation covenant, would be required to be registered, along with details of the site, such as location and size, the baseline biodiversity value of the site, works to be carried out, the landowner and/or developer etc.

## 6. Biodiversity Metric

- 6.1 The Government has identified that to meet the net gain condition for planning permissions, biodiversity gains will need to be measured using a biodiversity metric. The Government has been developing a metric that uses habitat features to calculate biodiversity value. It can be used to:
  - assess the biodiversity unit value of an area of land.
  - demonstrate biodiversity net gains or losses in a consistent way.
  - measure and account for direct impacts on biodiversity
  - compare proposals for a site - such as creating or enhancing habitat on-site or off-site.
- 6.2 The metric calculates the values as 'biodiversity units'. Biodiversity units are calculated using the size of the habitat, its quality and location, and can be used for land and intertidal habitats, including woodland, hedgerows, grassland, rivers and streams. Biodiversity Metric 2.0 was published by Natural England in 2019 and has been tested and refined by the government as well as the development industry and ecological advisers. It is currently not the only Biodiversity Accounting Tool, and there is no existing policy or law requiring the use of the DEFRA Metric. The updated metric, Biodiversity Metric 3.0, was launched by Natural England on July 7, 2021, with the Environment Bill due to identify it as the industry standard once enacted, which is anticipated in Autumn 2021. Mandatory biodiversity net gain provisions only take effect, for Town and Country Planning Act developments, following a two-year transition period, estimated to be in late 2023.
- 6.3 The principles for Biodiversity Metric 3.0, include that:
  - *The metric focuses on typical habitats and widespread species; important or protected habitats and features should be given broader consideration.*

- *Protected and locally important species needs are not considered through the metric, they should be addressed through existing policy and legislation.*
- *Impacts on ... irreplaceable habitats are not adequately measured by this metric. They will require separate consideration which must comply with existing national and local policy and legislation.'*

6.4 The Biodiversity Metric 3.0 User Guide makes clear that the metric is designed to inform decisions but not to override them, and that the biodiversity mitigation hierarchy still applies; namely avoid, mitigate, compensate.

## 7.0 Local Plan Policy

7.1 The Adopted Local Plan identifies conservation and enhancement of biodiversity within development sites within **ENV1 – Environment**, including the following:

*Where new development needs, or is compatible with, a rural location, it should demonstrably...*  
*vi. protect habitats and species and conserve and enhance the biodiversity of the Borough; and*  
*vii. provide for any necessary mitigating or compensatory measures.*

7.2 Within the adopted Section 1 of the emerging Local Plan, **Policy SP8 – Development and Delivery of a New Garden Community in North Essex**, identifies that:

*The design, development and phased delivery of ... new garden community will conform with the following principles:*  
*xi. Secure a smart and sustainable approach that fosters climate resilience and a 21st century environment in the design and construction of each garden community to secure net gains in local biodiversity...*

7.3 In relation to **ENV1 – Environment**, within the emerging Local Plan, the proposed modifications are seeking:

*For all proposals, development will only be supported where it:*  
*(v) Incorporates beneficial biodiversity conservation features, measurable biodiversity net gain (10% minimum) and habitat creation where appropriate.*

7.4 Within **Policy SC2: Middlewick Ranges** of the emerging Local Plan and proposed modifications, is to read:

*.....development will be supported on land within the area identified on the policies map where it:*  
*(vii) Is supported by the submission of appropriate mitigation and net gain plans to enhance the ecology of the remaining areas of the Local Wildlife Site including the provision to provide of compensatory habitat to replace habitat lost to development and a minimum of 10% biodiversity net gain;*

## 8 Next Steps

8.1 Colchester Borough Council currently requires developers to provide biodiversity enhancements in line with Adopted Plan ENV1, based on appropriate recommendations

proposed by the developer's ecological consultant or on advice in relation to landscape proposals by the Council's landscape officer as part of the consideration of landscape and biodiversity within planning applications.

- 8.2 The need for a Biodiversity Net Gain SPD has been recognised in the Council's Climate Emergency Strategy, in order to inform developers, officers and the public of upcoming requirements in the emerging Local Plan once adopted and the Environment Bill when enacted later this year, and ways to achieve this. The Council will work with partners to draw up suitable guidance that can be considered for adoption as SPD in due course.
- 8.3 One of the other likely necessities to successfully deliver net gain in the borough through habitat creation or enhancement, will be identification of sites that can be promoted as sites for delivery of off-site net gain. This is likely to be a necessity, in particular, for smaller development sites or those in urban environments where there isn't room to deliver the gains on the development site itself. This could include sites in The Council's ownership such as existing open space. The Council will work with partners to draw up a provisional list of suitable sites.

## **9. Equality, Diversity and Human Rights implications**

- 9.1 Net gain provides an opportunity to enhance nature conservation close to both existing and proposed communities bringing health and wellbeing benefits to both local communities as well as benefits for biodiversity. A clause relating to net gain has been proposed within the modifications for the emerging Local Plan. An Equality Impact Assessment has been prepared for the emerging Local Plan. It is available to view by clicking on this link:

<https://cbccrmdata.blob.core.windows.net/noteattachment/Equality%20Impact%20Assessment%20June%20202017.pdf>

## **10. Strategic Plan References**

- 10.1 All themes in the Strategic Plan are relevant, in particular 'Tackling the climate challenge and leading sustainability' including the priority of 'Conserve and enhance biodiversity' and the theme of 'Creating safe, healthy and active communities' including 'Tackle the causes of inequality and support our most vulnerable people'.

## **11. Consultation**

- 11.1 A clause relating to net gain has been included within the policy modifications for the emerging Local Plan. If accepted by the Local Plan examiner, the proposed modifications will be consulted on for a six-week period later in the year. The development of a net gain SPD would also be subject to a public consultation by the Council at the appropriate time (for instance, once the emerging Local Plan is adopted and the Environment Bill enacted).

## **12. Publicity Considerations**

- 12.1 No direct implications at this time.

## **13. Financial implications**

- 13.1 Development of net gain guidance forms part of ongoing Local Plan work which is provided for in the Council's budget.

#### **14. Health, Wellbeing and Community Safety Implications**

- 14.1 Development of net gain guidance and identification of potential net gain sites forms part of the ongoing development of the Local Plan in response to evolving Government policy that is intended to support the health, wellbeing and community safety of Borough residents.

#### **15. Health and Safety Implications**

- 15.1 No direct implications.

#### **16. Risk Management Implications**

- 16.1 Development of net gain guidance and identification of potential net gain sites forms part of the ongoing development of the Local Plan in response to evolving Government policy that will help shape future development in the Borough, and which is intended to reduce the risk of inappropriate development. It will provide consistent advice to landowners, developers, officers, Councillors and members of the public, based on the most up to date legislation and technical practice.

#### **17. Environmental and Sustainability Implications**

- 17.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. Development of net gain guidance and identification of potential net gain sites will contribute to supporting several of the actions within the Council's Climate Emergency Action Plan through mitigation, climate adaptation and environmental stewardship.



2 August 2021

<b>Report of</b>	<b>Assistant Director of Place and Client Services</b>	<b>Author</b>	<b>Bethany Jones</b>
<b>Title</b>	<b>First Homes Government Initiative</b>		<b>☎ 282541</b>
<b>Wards affected</b>	All		

## 1. Executive Summary

- 1.1 Following consultation in Spring 2020, the government has introduced a new initiative for discounted market housing for first time buyers, known as the First Homes programme. This came into effect from 28 June 2021 via a Written Ministerial Statement and an update to the Planning Practice Guidance (PPG).
- 1.2 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.
- 1.3 First Homes are a specific type of discounted market housing for first time buyers only. First Homes are to be delivered through the planning system via developer contributions, and exception sites which are not allocated in Local Plans or Neighbourhood Plans.
- 1.4 First Homes are to be delivered at a minimum discount of 30% to market value with the discount to remain in perpetuity. Local Authorities and Neighbourhood Planning Groups have the discretion to require a higher minimum discount of either 40 or 50% if they can demonstrate a need for this.
- 1.5 This report summarises the First Homes programme and outlines this in the context of Colchester.

## 2. Recommended Decision

- 2.1 No decision is required as this report is for information only.

## 3. Reason for Recommended Decision

- 3.1 This report is for information only.

## 4. Alternative Options

- 4.1 N/A

## 5. Background Information

- 5.1 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. The Written Ministerial Statement is available online via <https://questions-statements.parliament.uk/written-statements/detail/2021-05-24/hlws48>. The PPG is an online tool and is split into several categories, with a new section being added for First Homes, this can be viewed via the following link; <https://www.gov.uk/guidance/first-homes>
- 5.2 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.
- 5.3 Local authorities can set lower price caps for the sale. On the first sale, a restriction will be registered on the title at HM Land Registry to ensure the discount (as a percentage of current market value) is passed on at each subsequent title transfer. This will ensure that the discount each time the property is sold is in perpetuity. This will be secured through a Section 106 agreement (under the Town and Country Planning Act 1990). The Government will publish template planning obligations for this purpose which local authorities can use as a basis which will be recognised by HM Land Registry.
- 5.4 The eligibility criteria states that First Homes will be available for first time buyers only (as defined in paragraph 6 of schedule 6ZA of the Finance Act 2003 for the purposes of Stamp Duty Relief for first-time buyers (see appendix 1)). They must not be sold to any household with a combined annual income in excess of £80,000 (or £90,000 in Greater London) in the tax year immediately preceding the year of purchase.
- 5.5 A purchaser of a First Home should have a mortgage or home purchase plan (if required to comply with Islamic Law) to fund a minimum of 50% of the discounted purchase price. A person who can afford to purchase a First Home without a mortgage will not be eligible for the scheme. These national standard criteria will also apply to all future sales of a First Home.
- 5.6 Local authorities have the ability to apply additional eligibility criteria at a local level, including a local connection requirement based on work or residency. Any local eligibility criteria will apply for a maximum of 3 months from when a home is first marketed. If a suitable buyer has not reserved a home after 3 months, the eligibility criteria will revert to the national criteria. It is not yet clear what constitutes “first marketed”.
- 5.7 The PPG states at paragraph 8:

*‘First Homes are designed to allow people to get on the housing ladder in their local area, and in particular to ensure that key workers providing essential services are able to buy homes in the area where they work’.*

Local authorities can also prioritise key workers, however there is no national definition for key workers. The definition of a key worker is to be determined locally and could be any person who works in any profession that is considered essential for the functioning of the local area.



- 5.8 Where local authorities introduce a local connection criteria member of the Armed Forces, divorced or separate spouse or civil partner of a member of the Armed Forces, the spouse or civil partner of a deceased member of the Armed Forces (if their death was caused wholly or partly by their service) or veterans within five years of leaving the Armed Forces, should be exempt from any local connection restrictions. This criteria is already well established in Housing Allocation Policies for social housing and follows national guidance which recognises the transient housing circumstances of service personnel whilst serving.
- 5.9 To qualify as a First Home, the property must be sold at least 30% below the open market value. Local Authorities and Neighbourhood Planning Groups have the discretion to require a higher minimum discount of either 40 or 50% if they can demonstrate a need for this. This specific housing need assessment would form an evidence base document for the Local Plan.
- 5.10 Similarly, to qualify as a First Home, the initial sale cannot be higher than £250,000 (or £420,000 in Greater London). However, Local Authorities and Neighbourhood Planning Groups have the discretion to set lower price caps if an evidenced need can be demonstrated through the plan making process.
- 5.11 As outlined in the PPG paragraph 12, a minimum of 25% of all affordable housing units secured through developer contributions (Section 106), should be First Homes. This is a national threshold and applies across England.
- 5.12 Like other forms of affordable housing, First Homes are expected to be delivered on site, unless off site provision or an appropriate financial contribution in lieu can be robustly justified, in accordance with National Planning Policy Framework (NPPF) paragraph 62.
- 5.13 Plans are required to set out the contributions expected from development and should include setting out the level and type of affordable housing provision required. Policies should reflect the requirement for a minimum of 25% of all affordable housing units secured through developer contributions to be First Homes. For planning purposes, with immediate effect, a home meeting the criteria of a First Home, will also be considered to meet the definition of affordable housing.
- 5.14 The Written Ministerial Statement also outlines that First Homes can be delivered via exception sites. These are housing developments which come forward outside of the Local or Neighbourhood Plan allocations to deliver affordable housing that deliver primarily First Homes. First Homes exception sites cannot come forward in the Green Belt or designated rural areas as defined in Annex 2 of the NPPF.

#### Colchester Local Plan

- 5.15 There are transitional arrangements in place which means that the First Home policy requirements would not apply to Local Plans and Neighbourhood Plans if submitted for examination before 28 June 2021 (Regulation 15 of the Neighbourhood Planning Regulations for Neighbourhood Plans and Regulation 22 of Town and Country Planning Regulations 2012 for Local Plans) or if the Plan reaches publication stage by 28 June 2021 (Regulation 14 of the Neighbourhood Planning Regulations for Neighbourhood Plans and Regulation 19 of the Town Country Planning Regulations 2012 for Local Plans) as long as they are submitted for examination before 28 December 2021.
- 5.16 As the Colchester Local Plan was submitted for examination in October 2017 it will not be required to reflect the First Homes policy requirements. Although the Planning Inspector

is likely to consider through the Examination, whether a requirement for an early update of the Local Plan might be appropriate.

- 5.17 As set out in the Written Ministerial Statement (and PPG paragraph 19), 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. Therefore, First Homes are unlikely to be introduced in Colchester during this Plan period.
- 5.18 For decision making, paragraph 20 of the PPG also outlines transitional arrangements, whereby the First Homes policy requirement does not apply for the following:
- Sites with full or outline planning permissions already in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021;
  - Applications for full or outline planning permission where there has been significant pre-application engagement which are determined before 28 March 2022; and
  - Sites where Local and Neighbourhood Plans are adopted/made under the transitional arrangements. These transitional arrangements will also apply to permissions and applications for entry-level exception sites.

As the Colchester Local Plan will be adopted 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.

#### Neighbourhood Planning

- 5.19 Neighbourhood Plans can support the provision of all forms of affordable housing including First Homes, by including relevant policies and identifying sites within the Neighbourhood Plan for these homes.
- 5.20 Neighbourhood Plan production remains high across the Borough. The Marks Tey and West Mersea Neighbourhood Plans were submitted to the Council for examination before 28 June 2021, and in accordance with the transitional arrangements First Homes policies do not need to be included within these Plans.
- 5.21 Other Neighbourhood Plan Groups who are currently preparing Plans across the Borough including Tiptree, Great Tey, Copford and the Myland and Braiswick Review, should take account of First Homes in accordance with paragraph 18 of the PPG. The Planning Policy Team will continue to support and provide advice to all those who are preparing Neighbourhood Plans within Colchester.

#### Implications for the delivery of affordable housing in Colchester

- 5.22 In recent years, the majority of the affordable housing delivery has been through Section 106 affordable housing. The most recent Objectively Assessed Housing Needs Survey (2015) calculated an annual need of 266 affordable rent homes and 12 shared ownership homes. Colchester Borough Council is taking a pro-active approach to increase social and affordable rented housing delivery through the planning system and its own development and acquisition programme but the number of newbuild affordable homes is not yet meeting the evidenced annual need. The delivery of affordable rent homes is falling below the 266 per annum. The average number of newbuild affordable homes

from 2015 to 2020 has been 138 homes each year. First Homes is likely to impact on the delivery of Section 106 affordable rent and shared ownership homes. The table below sets out the potential impact of First Homes.

**Table 1: Example potential impact on delivery of Affordable Housing Site delivering 100 homes. 30% affordable housing contribution = 30 homes**

	Number of homes	
	Current policy compliant affordable housing delivery	Policy compliant affordable housing delivery after implementation of First Homes
25% First Homes		8
80% rented	24	18
20% shared ownership	6	4

25% of the affordable housing contribution must be First Homes. The remaining 75% of the homes are split between the affordable housing requirement as set out in the Local Plan.

- 5.23 As part of Colchester's response to the consultation paper on First Homes in Spring 2020, the following information was submitted about affordability of First Homes for local residents:

*It is unlikely that a 30% discount will be helpful to First Time Buyers in Colchester because the most affordable newbuild home has an average sale value of £228,852 (according to 2019 sales figures on Land Registry) and the average modal income in Colchester is between £15,000 and £20,000 (2017/2018) so the discount would need to be 65% for households on the average modal income to be able to get onto the ladder. Shared ownership, which could potentially disappear in future, gives households a "foot on the ladder" by offering a share in a property as low as 25% of the value, a discount of 30% does not.*

#### New burdens resulting from the introduction of First Homes

- 5.24 As part of their plan-making process, local planning authorities should undertake a housing need assessment to take into account the need for a range of housing types and tenures, including various affordable housing tenures. As First Homes was not a specific affordable housing tenure when the last assessment was carried out, it did not form part of the housing needs assessment. When the Local Plan is reviewed a new or updated housing needs assessment will need to be undertaken. The assessment will also enable an evidence-based planning judgement to be made about the need for a higher minimum discount level in the area, and how it can meet the needs of different demographic and social groups.
- 5.25 An additional and significant new burden is the requirement for local authorities to be involved in each individual application from prospective buyers for First Homes (See Appendix 2). As these are First Homes in perpetuity this is not a one-off process but will occur every time a property is sold. Concerns have already been raised regarding local authorities having the resources to carry out this process; the expertise, for example to assess that the value of the discount is correct; and whether the process could become overly complex if future valuations of discount are disputed, or if households assert that selling at full discount disadvantages their household (we have seen this when purchasers of homes under the right to buy then wish to sell before the discount repayment period has ended).

5.26 MHCLG has not committed to any new burdens funding until the outcome of the First Homes pilots.

## **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 on our website

<https://cbccrmdata.blob.core.windows.net/noteattachment/CBC.0005%20Equalities%20Impact%20Assessment.pdf>

6.2 There are no particular Human Rights implications.

## **7. Strategic Plan References**

7.1 The Strategic Plan is relevant, in particular in contributing towards priorities under the themes:

- Delivering homes for people who need them
- Creating safe, healthy and active communities

## **8. Consultation**

8.1 N/A

## **9. Publicity Considerations**

9.1 The report is for information only and unlikely to generate publicity.

## **10. Financial implications**

10.1 The financial implications are not yet known.

## **11. Health, Wellbeing and Community Safety Implications**

11.1 N/A

## **12. Health and Safety Implications**

12.1 N/A

## **13. Risk Management Implications**

13.1 N/A

## **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.

## **Appendix 1 – Definition of First Time Buyer**

### Paragraph 6 of Schedule 6ZA Finance Act 2003

In this Schedule “first-time buyer” means an individual who—

- (a) has not previously been a purchaser in relation to a land transaction the main subject-matter of which was a major interest in a dwelling,
- (b) has not previously acquired
  - (i) an equivalent interest in a dwelling situated in a country or territory outside England, Wales and Northern Ireland, or
  - (ii) an interest of a kind mentioned in section 117(2) in a dwelling situated in Wales,
- (c) has not previously been, or been one of the persons who was, “the person” for the purposes of section 71A or 73 in a case where the main subject-matter of the first transaction within the meaning of the section concerned was a major interest in a dwelling, and
- (d) would not have been such a person for those purposes in such a case if the provisions mentioned in paragraph (c) had been in force, and had had effect in the country or territory concerned at all material times (subject, where required, to appropriate modifications).

## Appendix 2 - Local authority involvement in the application process for First Homes

