

Local Plan Committee

**Grand Jury Room, Town Hall
29 July 2013 at 6.00pm**

This committee deals with

the Council's responsibilities relating to the Local Plan.

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**COLCHESTER BOROUGH COUNCIL
LOCAL PLAN COMMITTEE
29 July 2013 at 6:00pm**

Members

Chairman : Councillor Bill Frame.
Deputy Chairman : Councillor Martin Goss.
Councillors Lyn Barton, Elizabeth Blundell, Andrew Ellis,
John Jowers and Kim Naish.

Substitute Members : All members of the Council who are not members of the
Planning Committee.

Agenda - Part A

(open to the public including the media)

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched to silent;
- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

2. Substitutions

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

3. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

4. Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the

registration and declaration of interests. However Councillors may wish to note the following:-

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

5. Have Your Say!

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

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

6. Minutes

1 - 9

To confirm as a correct record the Minutes of the meetings held on 11 March 2013, 22 May 2013 and 3 June 2013.

7. Wivenhoe Neighbourhood Plan Area **10 - 16**

See the attached report of the Head of Commercial Services.

8. West Bergholt Neighbourhood Plan Area **17 - 23**

See the attached report of the Head of Commercial Services.

9. Draft Submission Focused Review of the Adopted Colchester Borough Local Plan **24 - 86**

See the attached report of the Head of Commercial Services.

10. Tollgate Framework Vision **87 - 119**

See the attached report of the Head of Commercial Services.

11. Exclusion of the Public

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).

LOCAL PLAN COMMITTEE 11 MARCH 2013

Present :- Councillor Bill Frame (Chairman)
Councillors Elizabeth Blundell, Andrew Ellis,
Martin Goss, John Jowers and Kim Naish

Substitute Member :- Councillor Lesley Scott-Boutell
for Councillor Colin Sykes

Also in Attendance :- Councillor Tim Young

28. Urgent Items

29. Minutes

The minutes of the meeting held on 28 January 2013 were confirmed as a correct record.

30. Colchester Local List

The Committee had before it a report from the Head of Strategic Policy and Regeneration proposing amendments to the adopted Colchester Local List.

Beverley Maclean, Coast and Countryside Planner, and Simon Cairns, Planning Project Manager, attended to assist the Committee. The Coast and Countryside Planner explained that the Local List for Colchester included buildings, architectural features and historic assets that whilst not of national significance were locally significant for their architectural or historic value. It covered both urban Colchester and Wivenhoe. Procedures for amending the Local List had been agreed at the Local Plan Committee meeting on 28 January 2013. If the amendments to the Local List were agreed these would be reflected on the Council's information systems, such as c-maps and Civica. This would ensure that the inclusion of these buildings on the Local List was taken into account in the Council's decision making processes.

The Planning Project Manager explained that the St John Ambulance Hall was already in the Wivenhoe Conservation Area so enjoyed a measure of protection. However, at a recent appeal against the demolition of the building, the Inspector had commented that the building was not of sufficient value or of intrinsic merit to warrant its retention at all costs. If a proposal of sufficient merit was forthcoming, the building could be replaced. The building was small and many of its original features had been lost. Its inclusion on the Local List was likely to devalue the List and therefore its inclusion on the list could not therefore be supported.

In response to queries from members of the Committee it was confirmed that it was the Council's intention to extend the Local List to rural areas, once the new Conservation Officer was in post. The ethos of the Local List was that it should be

community led and if ward councillors or community groups were aware of assets that they considered should be included they should bring these to the attention of the Conservation Officer. It was also suggested that rural areas could give consideration to including assets on the Local List when preparing Village Design Statements.

It was explained that whilst inclusion on the Local List did not offer the same level of protection as statutory listing, the National Planning Policy Framework did give an increased profile to Local Lists. Inclusion on the Local List was a material planning consideration and some local planning policies gave weight to inclusion on the List. A Planning Inspector would also give some weight to inclusion on the List when considering any appeal.

RESOLVED that the amendments to the Local List proposed at paragraph 5.8 of the Head of Strategic Policy and Regeneration's report be agreed.

31. Consultation on the Focused Review of the Adopted Colchester Borough Local Plan

Councillor Jowers (in respect of his position as Chair of the Rural Community Council) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a report from the Head of Strategic Policy and Regeneration proposing a period of initial consultation on the focused review of the Adopted Colchester Borough Local Plan.

Karen Syrett, Spatial Policy Manager, attended to assist the Panel. She explained that at its meeting on 28 January 2013, the Committee agreed in principle to undertake a focused review of the Local Plan to ensure its compliance with the National Planning Policy Framework. A number of policy areas had been identified which required review. These were set out at paragraph 4.8 of the report. The Site Allocations DPD would not be within the scope of the review. The consultation was due to start on 18 March 2013.

Parish Councillor Pete Hewitt, Vice Chairman of Myland Community Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). At the heart of the Core Strategy was employment generating demand for housing and giving rise to site allocations, but this core basis was not being revisited. It was suggested that widening the review would extend its delivery beyond a year, but it could be argued that the report should have been submitted to the Committee in March 2012 in anticipation of a full review at that point. It was vital that site allocations were reviewed with urgency. The NGAUE site had been brought into the picture to cater for housing demand in the extended Core Strategy period 2021 – 2023, with a proviso that the site could be brought forward in certain circumstances. However, housing targets were being met and the adjacent site at Severalls had received planning permission so in reality there was no case for the NGAUE site to be brought forward. If the site was brought forward it might displace other brownfield sites in the “pecking order”. Concern

had also been expressed at an earlier Committee meeting that the absence of affordable housing was becoming a serious issue in rural areas. A review of site allocations would be a useful first step. It was important to have an up to date plan in place, rather than just tweaking the existing plan to maintain a commitment to old EERA targets. Myland Community Council therefore urged the Committee to review the site allocations together with publication of the evidence that supports the on-going robustness of employment growth and related housing demand.

The Spatial Policy Manager indicated that she did not accept this interpretation of the position in respect of the NGAUE site. She was not aware of any brownfield site being held back so that greenfield sites could be developed instead.

During the Committee's discussion, Councillor Goss expressed a view that the Cabinet had made a commitment to a full review of the Core Strategy to commence in 2012 and that funding had been set aside for this. The scope of the review should be extended to cover site allocations and employment policies. The review would ensure that data from the 2011 census was taken into consideration. If the current review could not be extended to cover these issues, a commitment to a date when this would take place should be made.

However, other members expressed concern about extending the review. It was noted that whilst Cabinet had made a commitment to a review of the Core Strategy, the scope of that review was a matter for the Local Plan Committee. The scope of the review had been debated at the meeting of 28 January 2013 and a focused review had been agreed subject to an understanding that the Site Allocations DPD be reviewed in due course. Any review of site allocations was in any case likely to lead to further sites being allocated, rather than a reduction in sites. If the review were to be extended it would impact on other elements of the Local Development Scheme, particularly in view of the detailed research that would need to be done to underpin such a review. Therefore a focused review was a realistic and sensible way forward at this stage.

A Full Review was scheduled in the Local Development Scheme to commence in 2015. The Committee noted a request from Councillor Goss that this be brought forward.

In respect of rural affordable housing, the Spatial Policy Manager explained that the policy on affordable housing in rural areas would need to be reviewed to bring it in line with the National Planning Policy Framework. The Committee stressed the importance of this issue and the need to focus in particular on rural worker housing and incremental growth in villages. The review would also provide an opportunity to look at the definition of affordable housing and the type of dwelling that the current policy was delivering.

RESOLVED that a period of initial consultation on the focused review of the Local Plan and in particular the Core Strategy and Development Policies Development Plan Document in light of the National Planning Policy Framework be agreed.

32. Revision of the Local Development Scheme

The Committee considered a report from the Head of Strategic Policy and Regeneration on the revised Local Development Scheme. Mark Edgerley, Planning Policy Officer, attended to assist the Committee.

The Committee sought clarification on whether the North Station Masterplan SPD could be brought forward. It was explained that the Council was currently seeking to resolve some issues relating to the Masterplan with Essex County Council. In addition some other elements of work, particularly the Community Infrastructure Levy, would have an impact on the production of the Masterplan and it was sensible to wait for these to be finalised.

Clarification was also sought on the long lead in times for document preparation on the Stanway Masterplan SPD. This was a result of the need to feed in work from the vision and Masterplan for Tollgate. This would need to be completed before the Stanway Masterplan could be prepared.

The Committee noted the amount of work involved in delivering the schemes included in the Local Development Scheme and expressed its appreciation to the Planning Policy team for delivering such a good service from a comparatively small resource.

RESOLVED that the revised Local Development Scheme detailing the programme of work and documents to be produced as part of the Local Plan over the next three years be approved.

33. Revised Statement of Community Involvement

The Committee considered a report from the Head of Strategic Policy and Regeneration proposing the adoption of a revised Statement of Community Involvement. Laura Chase, Planning Policy Manager, attended to assist the Committee.

Parish Councillor Pete Hewitt, Vice Chairman of Myland Community Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He expressed appreciation for the changes that had been made to the Statement of Community Involvement in respect of making representations at Planning Committee. He also queried why the Council was waiting to hold a separate consultation on the arrangements for the Community Infrastructure Levy and that this could be done as part of its regular community engagement processes.

The Committee noted the numbers of responses received to the consultation. It noted that methods of consultation were evolving and that the Council would need to take into account new developments such as social media. It was also suggested that it may be worth exploring new methods of engaging with Parish Councils. The Planning Policy Manager explained that Parish Councils were normally offered a workshop on each consultation. However, the Council needed to be very careful that it did not misrepresent views when recording or summarising views expressed at meetings.

RESOLVED that the Revised Statement of Community Involvement be approved subject to the following amendments:-

- The amendment of the first sentence of the second paragraph of paragraph 5.15.4 to read:-

“Letters will be sent only to those properties directly affected by a proposal, which according to the Development Management Procedure Order 2010 is any adjoining owner or occupier.”

- At paragraph 5.25 clarification of the type of appeals that this paragraph refers to.

**LOCAL PLAN COMMITTEE
22 MAY 2013**

Present :- Councillors Lyn Barton, Elizabeth Blundell, Andrew Ellis,
Bill Frame, Martin Goss, John Jowers and Kim Naish

1. Appointment of Chairman

RESOLVED that Councillor Frame be appointed Chairman for the ensuing Municipal Year.

2. Appointment of Deputy Chairman

RESOLVED that Councillor Goss be appointed Deputy Chairman for the ensuing Municipal Year.

LOCAL PLAN COMMITTEE

3 JUNE 2013

Present :- Councillor Bill Frame (Chairman)
Councillors Lyn Barton, Elizabeth Blundell, Andrew Ellis,
Martin Goss and Kim Naish

Substitute Member :- Councillor Margaret Kimberley
for Councillor John Jowers

3. East Mersea Village Plan and Design Statement

The Head of Commercial Services submitted a report on the East Mersea joint Village Plan and Design Statement. It was requested that the Committee agree to the adoption of the Village Plan and Design Statement as a Planning Guidance Note.

Beverley McClean, Coast and Countryside Planner, and Chris Downes, Project and Research Officer, attended to assist the Committee with its deliberations.

Members of the Committee commented that the report presented was comprehensive, educational and reflective of the East Mersea community. It was queried whether the opening hours of the local Post Office referred to in the report were current or intended. The Committee was pleased to learn of the relatively high number of jobs in East Mersea as well as the planned cycle routes.

In response to several questions raised by the Committee it was explained that it would be difficult to convert a Village Design Statement into a Neighbourhood Plan, as different consultations would be needed. It was confirmed that Village Design Statements would be a material consideration in planning applications and that both Village Design Statements and Neighbourhood Plans were encouraged and provided for within Colchester Borough Council's amended policies.

The Coast and Countryside Planner confirmed that she would investigate the progress of wind generators in the East Mersea area.

RESOLVED that the East Mersea joint Village Plan and Design Statement be adopted as a Planning Guidance Note.

4. Consultation on the Focused Review of the Adopted Colchester Borough Local Plan

Councillor Frame (in respect of his membership on the Board of Colne Housing) and Councillor Naish (in respect of his membership of the Environment Agency and the East of England Fresh Water Forum) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Head of Commercial Services submitted a report on the consultation on the

Focused Review of the Adopted Colchester Borough Local Plan. It was requested that the Committee note the consultation responses received following a statutory six week publication consultation concerning proposal to carry out a focused review of the Borough's Local Plan and that the proposed approach to the focused review set out in section 5 of the report be agreed.

Laura Chase, Planning Policy Officer, and Karen Syrett, Spatial Policy Manager, attended to assist the Committee with its deliberations.

Mr Roger Drury, on behalf of the Dedham Vale Society, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained that the Dedham Vale Society had been instrumental in attaining the 'Area of Outstanding Natural Beauty' designation for the area and had fought to protect the vulnerable vicinity from inappropriate development. He stated that the Society were supportive of smaller projects, which sustained the rural economy and were non-intrusive. He suggested that the proposal to remove the reference to the Partnership Management Plan would be a set back and that the Local Plan was instrumental in protecting the countryside.

Mr Chris Exley, on behalf of Little Horkesley Parish Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He stated that Little Horkesley, as a small Parish, had no desire to complete a Neighbourhood Plan and suggested that Village Design Statements should have greater weight. He put forward that a definition should be provided for the distance from which a major transport node or centre development should be from Little Horkesley. He also stated that major transport nodes should be appropriately identified.

Members of the Committee confirmed that the focused review would be brought back to the Committee at its next meeting on 29 July 2013. A Member of the Committee discussed the opinion that flexibility in relation to development outside of the village envelope was inappropriate. It was clarified that greater flexibility for an element of market housing now needed to be provided for rural exception sites, to ensure compliance with the National Planning Policy Framework, but that their primary purpose would continue to be for the provision of affordable housing.

It was explained that a focused review was being conducted instead of a full review to ensure that the Local Plan was fit for purpose. As Colchester Borough Council had up to date plans, a focused review would help deal with any minor inconsistencies within the National Planning Policy Framework. This focused review would then inform a full review, expected in 2015. It was clarified that several different, evidence based assessments would inform the focused review along with consultation responses and the Sustainability Appraisal.

Provision for the elderly would be considered in the full review, although Government guidance at the moment was to remain as flexible as possible. In relation to affordable housing, the aspiration was to have 35% affordable housing in the Borough but in practice this had not proved feasible in many instances. The Strategic Housing Market Assessment interim report was published on 3 June 2013 and the draft final report would be published at the end of September 2013.

RESOLVED that the consultation responses be noted and the proposed approach to the focused review be agreed.



Local Plan Committee

Item
7

29 July 2013

Report of	Head of Commercial Services	Author	Shelley Blackaby
Title	Wivenhoe Neighbourhood Plan Area		
Wards affected	Wivenhoe Cross and Wivenhoe Quay		

The Local Plan Committee is asked to formally approve the Wivenhoe Neighbourhood Plan Area

1. Decision(s) Required

- 1.1 To formally approve the Wivenhoe Neighbourhood Plan Area.

2. Reasons for Decision

- 2.1 The Localism Act which received Royal Assent in 2011 introduced new rights to strengthen community involvement in the planning process. To deliver this the Localism Act and National Planning Policy Framework introduced the concept of Neighbourhood Planning. Wivenhoe Town Council is developing a Neighbourhood Plan for Wivenhoe, covering two wards. The Local Plan Committee is being asked to approve the proposed Neighbourhood Plan Area to ensure conformity with Part 2 section 6 of the Neighbourhood Planning (General) Regulations 2012 and to enable Wivenhoe Town Council to progress its Neighbourhood Plan to the next stage. A map of the Neighbourhood Plan Area being proposed and the application letter are attached as Appendices A and B with this report.

3. Alternative Options

- 3.1 The alternative is for Wivenhoe Town Council and its residents not to prepare a Neighbourhood Plan or to prepare one for a different area. The production of a Neighbourhood Plan offers Wivenhoe residents the opportunity to influence how Wivenhoe should develop in the future and also get more directly involved in planning its development.

4. Supporting Information

- 4.1 The philosophy behind Neighbourhood Planning is to give local communities a much greater influence over how their neighbourhoods develop and to increase engagement in the local planning decision making process.
- 4.2 The concept of Community Planning is not new in Colchester. The Borough Council has actively encouraged local groups to produce Village Design Statements and Parish Plans since 2006. Whilst Neighbourhood Plans are in effect another type of Community Plan they differ from Village Design Statements and Parish Plans in a number of ways;
1. They are community led by either the Parish/ Town Council or a constituted Neighbourhood Forum;
 2. They are subject to formal examination and referendum; and

3. If adopted they carry weight within the planning system as they form part of the statutory Local Plan.

4.3 A Neighbourhood Plan working group has been set up, which includes Town Councilors, Borough Councilors and local residents. The group's first meeting took place in March 2013 and the group meets monthly.

4.4 An Open Day was held in July 2013 during which resident's views were sought about the key issues to be addressed, community aspirations and needs for the town and development opportunities in Wivenhoe.

5. Proposals

5.1 An application of the proposed Neighbourhood Plan Area for Wivenhoe was submitted to Colchester Borough Council for approval on 25 April 2013. The area includes the wards of Wivenhoe Cross and Wivenhoe Quay. This is considered to be an appropriate area as it will include the whole of Wivenhoe Town and surrounding area, including the University of Essex. This approach will enable all potential planning needs in Wivenhoe to be fully considered.

5.2 As required by the regulations, the proposed Neighbourhood Plan Area was published on Colchester Borough Council's website, made available in the library and the Customer Service Centre and details emailed to everyone on the spatial planning mailing list. A small article appeared in the Essex County Standard on 17 May 2013. This has ensured that the proposed Neighbourhood Plan Area application has been brought to the attention of people who live, work and carry on business in the area to which the area application relates. The website included the following information;

- o a copy of the area application;
- o details of how to make representations; and
- o the date by which those representations must be received.

5.3 The consultation ran for 6 weeks from 9 May to 20 June 2013 in accordance with the 2012 regulations. Seven representations were received within the consultation period and are summarised in the table below. No objections were made to the proposed Neighbourhood Plan Area application. Anglian Water commented after the close of the consultation period that they don't have any comments to make but would welcome the opportunity to comment as the Plan progresses.

Organisation	Comment
Cllr Colin Sykes	The plan area seems entirely appropriate for its proposed Neighbourhood Plan.
Environment Agency	General comments regarding the Plan area: - The River Colne Tidal Reaches, which is designated a 'Main River', is located along the Southern and Western boundary of the proposed plan area. - The associated areas of Flood Zone 2 and 3 are located in the Southern built up area of Wivenhoe. - The Salary Brook, also designated a 'Main River' is located along the North-Western boundary of the proposed plan area. - The Floods and Water Management Act 2010 and the NPPF require developers to include sustainable drainage, where practicable, in new developments. - The Eastern extent of the identified plan area includes the Wivenhoe quarry and landfill. - There are also a number of historic waste disposal sites within the

	<p>plan area.</p> <ul style="list-style-type: none"> - The Colne Estuary Site of Special Scientific Interest (SSSI) is located adjacent to the Southern and Western boundary of the proposed plan area.
Essex County Council	No comments on the proposed boundary, general comments which may inform plan preparation were submitted regarding the historic environment and minerals.
Natural England	<p>General comments regarding the Plan area:</p> <ul style="list-style-type: none"> - The proposed neighbourhood planning area includes the Salary Brook and Colne Local Nature reserves as well as the Upper Colne marshes, Wivenhoe Graveny Pit and Colne Estuary Site of Special Scientific Interest (SSSI) we advise that the Town Council take account of the relevant Management Plans for these areas, and suggests consultation with local Wildlife Trust as well. The Town Council should also be aware of the proximity of the Essex Estuaries Special Area of Conservation (SAC). - You should consider whether the plan or proposal has any impacts on protected species. - Neighbourhood plans and proposals may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community, for example through green space provision and access to and contact with nature. - Opportunities to incorporate features into new build or retro fitted buildings which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes should also be considered as part of any new development proposal.
Colne Housing Society & Icen Homes	Support the Wivenhoe Neighbourhood Plan. As interested parties to the community we would welcome the opportunity to become involved in the formation of the plans so that we can have input into the policies which we anticipate flowing out from the plans and would welcome suitable invitations to facilitate our involvement.
Highways Agency	No comments to make.
Marine Management Organisation	No comments to make.

6. Strategic Plan References

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

7. Consultation

- 7.1 Consultation was undertaken in accordance with the Neighbourhood Planning (General) Regulations 2012 as detailed above.

8.0 Publicity Considerations

- 8.1 The Neighbourhood Plan for Wivenhoe may generate publicity for the Council as it is a fairly new initiative aimed at improving participation in the planning system. An article has already appeared in the Essex County Standard regarding the area application.

9. Financial Implications

- 9.1 Colchester Borough Council is responsible for providing support to Wivenhoe Town Council, consultation costs and for organising both the examination and community referendum for the Wivenhoe Neighbourhood Plan. The Department for Communities and Local Government have made a grant of £30,000 available to local authorities to cover the costs of supporting Neighbourhood Planning groups. This grant is staged with £5,000 being made available following designation of a Neighbourhood Area, which recognises the officer time supporting and advising the community in taking forward a neighbourhood plan. A further £5,000 will be made available when the local planning authority publicises the Neighbourhood Plan prior to examination. This will contribute towards the costs of the examination as well as other staff costs incurred at this stage. The final payment of £20,000 will be made on successful completion of the neighbourhood planning examination. This is to cover costs for the examination and referendum.
- 9.2 An application will be submitted to DCLG for the first part of this grant once the Neighbourhood Plan Area is approved.

10. Equality, Diversity and Human Rights implications

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

11. Community Safety Implications

- 11.1 None.

12. Health and Safety Implications

- 12.1 None

13. Risk Management Implications

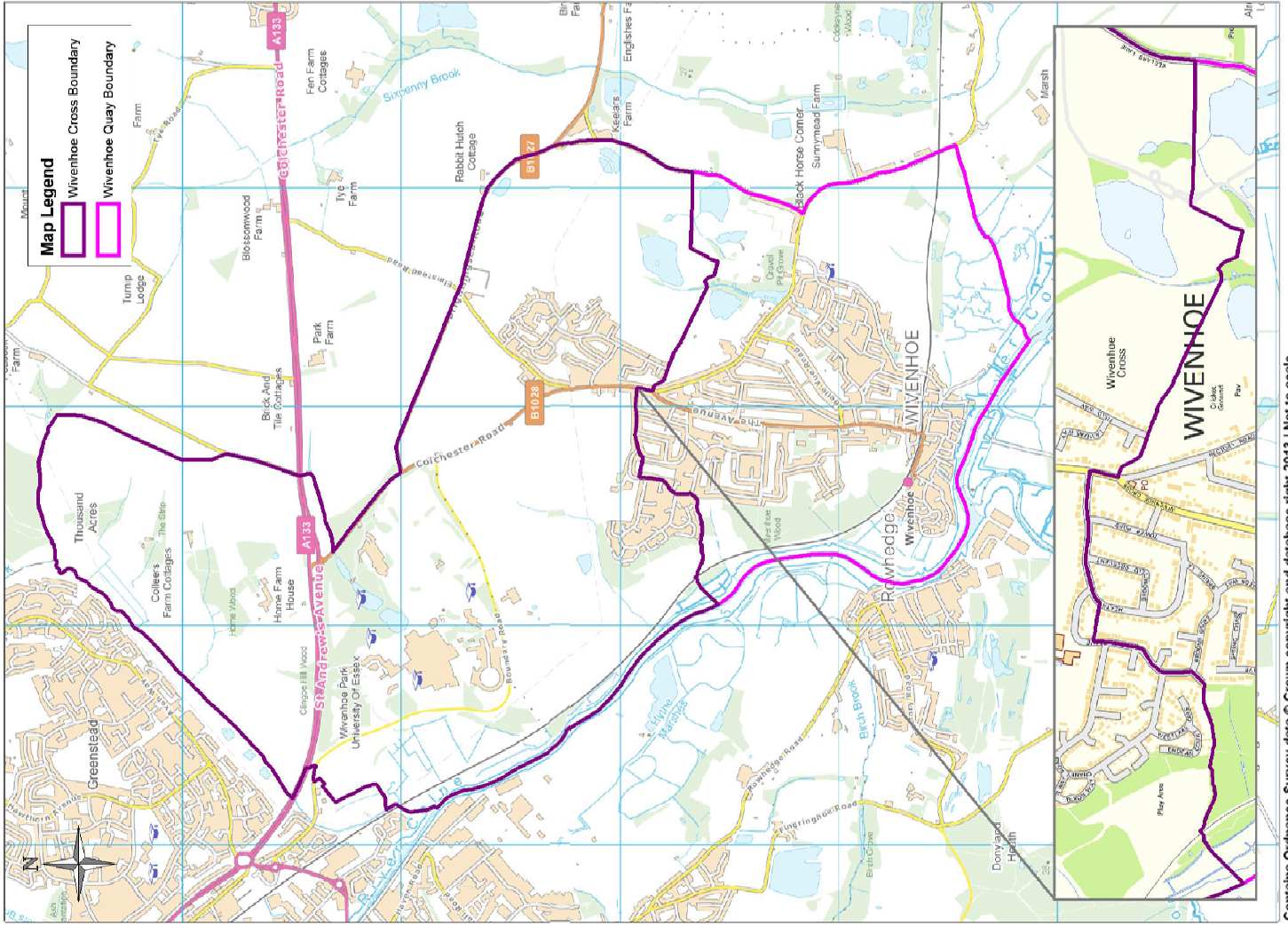
- 13.1 The preparation of a Neighbourhood Plan for Wivenhoe will ensure that the views and needs of all residents in Wivenhoe are thoroughly considered in local planning processes reducing the risk of decisions being made against local wishes.

Appendices

Appendix A – Map of Wivenhoe Neighbourhood Plan Area

Appendix B – Wivenhoe Neighbourhood Plan Area application letter

Wivenhoe Cross/Quay Ward Boundary



Contains Ordnance Survey data © Crown copyright and database right 2013 | Not to scale.

WIVENHOE TOWN COUNCIL

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AS/RN

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

25 April 2013

Dear Karen,

Wivenhoe Town Council - Neighbourhood Plan.

Wivenhoe Town Council has formed a Neighbourhood Plan Group. The formation of this group was sanctioned at an inaugural meeting held at the Council Chamber, 77 High Street, Wivenhoe, CO7 9AB on Thursday 14th March 2013.

One of the first tasks of the Group is to establish the Neighbourhood Area. The Neighbourhood Area was discussed at the first formal meeting of the group on 10th April 2013. (notes of this meeting are attached)

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

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

Wivenhoe Town Council, being a relevant body within the meaning of the Act, wishes to submit the following for consideration and approval as the neighbourhood area.



(1) Those Council Wards designated by Colchester Borough Council as **Quay Ward** and **Cross Ward**. A map which identifies the area is attached. *Appendix 1*

(2) The area is considered appropriate to be designated as the Neighbourhood area because;

- It is co-terminus with existing local government administrative boundaries.
- It is inclusive and will enable the designated neighbourhood to reach all potential areas of development.
- Likewise, it will enable a fuller range of consultation within the designated area.
- It permits the local authority to operate this plan together with other potential adjoining neighbourhoods and does not leave any 'gaps'

(3) Wivenhoe Town Council is a relevant body within the meaning of Section 61G (a)

Yours sincerely,

Antoinette Stinson
TOWN CLERK

cc. Cllr. R. Needham



Local Plan Committee

Item

8

29 July 2013

Report of	Head of Commercial Services	Author	Mark Edgerley 01206 282476
Title	West Bergholt Neighbourhood Plan Area		
Wards affected	West Bergholt & Eight Ash Green		

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

1. Decision(s) Required

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

2. Reasons for Decision

- 2.1 The Localism Act which received Royal Assent in 2011 introduced new rights to strengthen community involvement in the planning process. To deliver this the Localism Act and National Planning Policy Framework introduced the concept of Neighbourhood Planning.
- 2.2 As required by Section 61G of Town and Country Planning Act 1990 (as inserted by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012, West Bergholt Parish Council has submitted a plan of the proposed plan area and the reasons why they consider this area is appropriate to Colchester Borough Council. The Borough Council is then required by the regulations to publicise this proposed area as soon as possible. After consultation with the Portfolio Holder for Planning, Community Safety and Culture the public were invited to submit representations on the proposed area between 9 May and 20 June 2013 (consultation on the Wivenhoe Neighbourhood Plan Area was undertaken at the same time).
- 2.4 This report contains the results of the consultation and recommends that the Local Plan Committee formally designate the proposed plan area. This will then allow the West Bergholt Parish Council to progress their Neighbourhood Plan.
- 2.5 A map of the Neighbourhood Plan Area being proposed and the application letter are attached as Appendix A and B with this report.

3. Alternative Options

- 3.1 The Committee could decide to refuse to designate the proposed Neighbourhood Plan Area suggested by West Bergholt Parish Council. If the Committee decides to refuse to designate the area the regulations require that Colchester Borough Council publishes a statement of the reasons for making that decision. In the event of such a decision it is therefore important that the Committee set out clear reasons why the decision has been made.

- 3.2 Section 61G (5) also requires that if the Council decides to refuse the application because it considers that the specified area is not an appropriate area to be designated as a Neighbourhood Plan Area, Colchester Borough Council must exercise their power of designation so as to secure that some or all of the specified area forms part of one or more areas designated (or to be designated) as Neighbourhood Plan Areas. The effect of this provision is therefore that if the Local Plan Committee were to decide to refuse the application then the Council would need to have alternative proposals for the boundaries of the Neighbourhood Plan Area(s) and must use its powers to designate them.
- 3.3 Such a decision would also be likely to delay the production of the Neighbourhood Plan.

4. Supporting Information

- 4.1 The philosophy behind Neighbourhood Planning is to give local communities a much greater influence over how their neighbourhoods develop and to increase engagement in the local planning decision making process.
- 4.2 The concept of Community Planning is not new in Colchester. The Borough Council has actively encouraged local groups to produce Village Design Statements and Parish Plans since 2006. While Neighbourhood Plans are in effect another type of Community Plan they differ from Village Design Statements and Parish Plans in a number of ways;
1. They are community led by either the Parish Council or a constituted Neighbourhood Forum;
 2. They are subject to formal examination and referendum; and
 3. If adopted they carry weight within the planning system as they form part of the statutory Development Plan.
- 4.3 West Bergholt have to date produced a Parish Plan (adopted by Colchester Borough Council in December 2010) and a Village Design Statement (adopted by Colchester Borough Council in December 2011).
- 4.4 West Bergholt Parish Council has set up a West Bergholt Neighbourhood Plan Steering Group which will drive forward the Neighbourhood Plan Area through a range of volunteers and interested residents.
- 4.5 Section 38B of the 1990 Act (as inserted by the Localism Act 2011) states that only one Neighbourhood Plan may be made for each Neighbourhood area.

5. Proposals

- 5.1 West Bergholt Parish Council submitted a proposed Neighbourhood Plan Area to Colchester Borough Council in March 2013. The proposed area included the whole parish of West Bergholt which is considered to be an appropriate area as it will enable all of the planning needs of the parish to be considered.
- 5.2 The application for a Neighbourhood Plan Area must also be made by a 'relevant body' as required by Section 61G (2) (amended). The Act states that a Parish Council can be considered to be a relevant body if the proposed area consists of or includes the whole or any part of the area of the council. In this case the proposed area includes the whole of West Bergholt. West Bergholt Parish Council is therefore classed as a 'relevant body' to make this application under Section 61G.
- 5.3 As required by Regulation 6 of the Neighbourhood Planning Regulations 2012, the Neighbourhood Plan Area was published on the Council's website, made available in Colchester library and the Customer Service Centre. Details of the consultation were

emailed to the relevant parties on the Spatial Planning Team mailing list. The website included the application letter from West Bergholt Parish Council, a map of the proposed Neighbourhood Plan Area along with the date by which representations must be received and the email and postal addresses of where to send representations.

- 5.4 The Neighbourhood Plan Area Consultation ran for six weeks from 9 May to 20 June 2013. Ten representations were received within the consultation period and these are summarised below. No objections were made to the proposed Neighbourhood Plan Area application.

Organisation or Individual	Comment
Civil Aviation Authority	No comments on the proposed boundary. CAA outline that they do not comment on consultations and only reply to specific questions.
Councillor Colin Sykes	The plan area put forward by West Bergholt Parish Council seems entirely appropriate for its proposed Neighbourhood Plan.
Colne Housing	Support the proposed Neighbourhood Plan and welcome the opportunity to become involved in the formation of the plans in the future.
CPREssex	Support the whole of the parish being included within the Neighbourhood Plan Area.
Environment Agency	Note that the River Colne and St Botolphs Brook are both located in the proposed Neighbourhood Plan Area. The Floods and Water Management Act 2010 and the NPPF require developers to include sustainable drainage, where practicable in new developments and await further progression of the Neighbourhood Plan for West Bergholt.
Essex County Council	County Council raises no comment on the proposed boundary but look forward to engaging constructively, actively and on an on-going basis during the preparation of the Neighbourhood Plan.
Highways Agency	Note that a section of the A12 Trunk Road is within the area. Look forward to the plan progressing and working alongside West Bergholt Parish Council as its impact upon the A12 becomes clearer.
Little Horkesley Parish Council	Would like to be kept informed of developments (e.g new housing allocations) as they could impact on the neighbouring parish and communities of Little Horkesley.
Marine Management Organisation	Marine Management Organisation has no comments as the geographical area it covers does not include any area of the sea or tidal river and is therefore not within remit.
Natural England	The proposed Neighbourhood Plan Area includes several local sites of interest and these should be taken into account. The Plan should also consider whether the plan has any impact on protected species. Neighbourhood Plans may also provide opportunity to enhance the character and local distinctiveness of the surrounding natural and built environment, for example through green space provision and access to and contact with nature.

- 5.5 Each of the representations received above have been summarised for the purposes of this report. Copies of the full representation will be made available to West Bergholt Parish Council.
- 5.6 The Local Plan Committee is therefore asked to formally designate the West Bergholt Neighbourhood Plan Area. Once the area is designated the council is required by Regulation 7 of the Neighbourhood Planning Regulations 2012 to publish the name of the Neighbourhood Plan Area, a map which identifies the area, and the name of relevant body who applied for the designation. If the area is designated by the committee this will be carried out as soon as possible.

6. Strategic Plan References

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

7. Consultation

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

8.0 Publicity Considerations

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

9. Financial Implications

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

10. Equality, Diversity and Human Rights implications

- 10.1 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view on the Colchester Borough Council website by following this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Strategic Policy and Regeneration > Local Development Framework.

10.2 There are no particular Human Rights implications.

11. Community Safety Implications

11.1 None.

12. Health and Safety Implications

12.1 None

13. Risk Management Implications

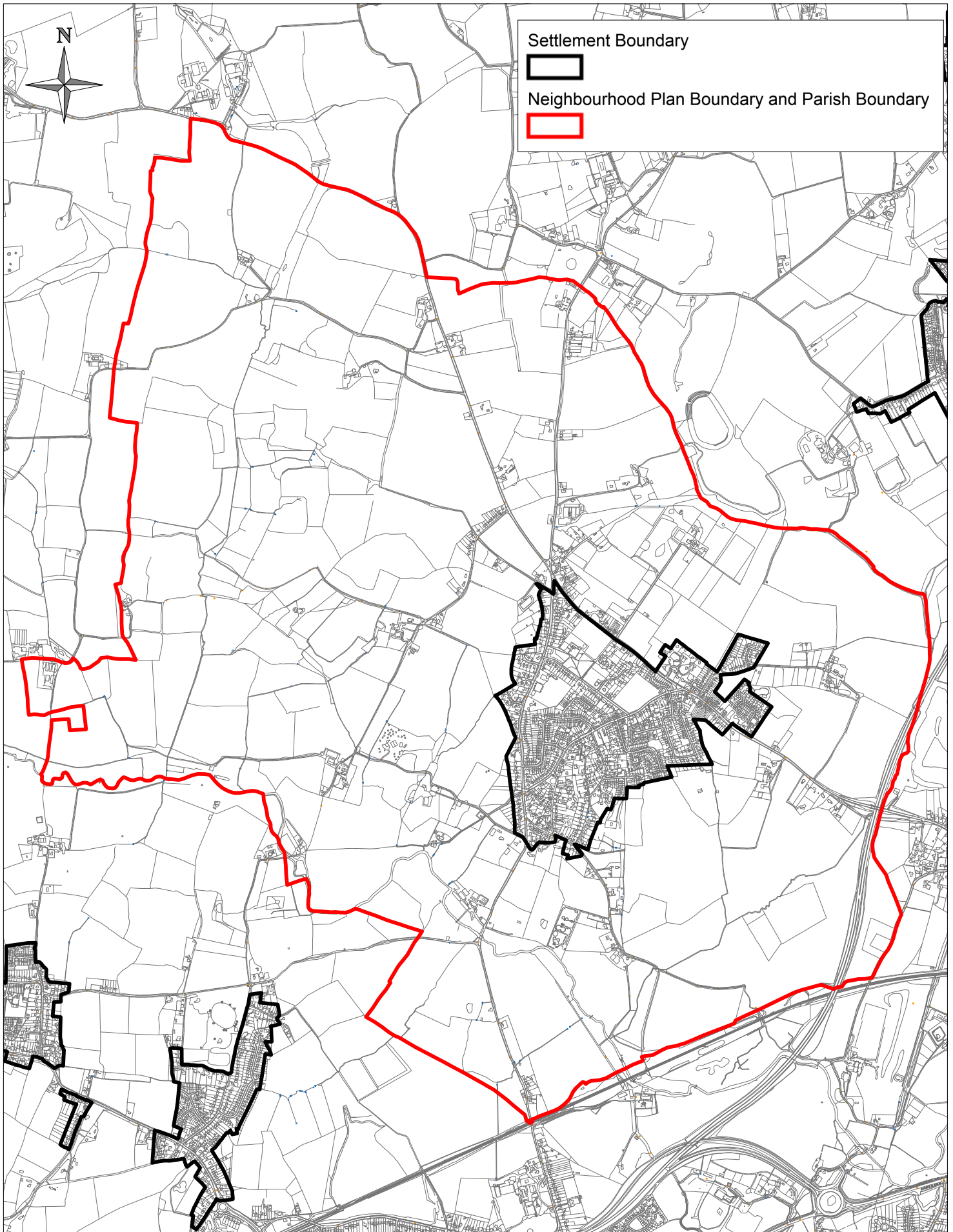
13.1 The preparation of a Neighbourhood Plan for West Bergholt will help ensure that the area will benefit from an up-to-date and comprehensive development plan against which applications for planning permission can be considered.

Appendices

Appendix A – Plan of proposed Neighbourhood Area

Appendix B – Letter of application from West Bergholt Parish Council

West Bergholt Neighbourhood Plan Area





W E S T B E R G H O L T P A R I S H C O U N C I L

Mark Edgerley
Planning Policy Officer
Colchester Borough Council
Rowan House
33 Sheepen Road
Colchester Co3 3WG

Dear Mark

West Bergholt Neighbourhood Plan

The Neighbourhood Planning Regulations require an application for the designation of a neighbourhood area. West Bergholt Parish Council is a relevant body in regard to this application.

We consider that the Parish of West Bergholt, in its entirety should be a designated 'neighbourhood area'. It is logical to conclude that all and any development within the parish should be considered and developed in a coherent and sustainable manner to assist existing and future parish residents and provide guidance to potential developers and CBC as to the strategic planning aspiration of residents and businesses within the parish.

As such the neighbourhood area is defined as the Parish of West Bergholt which is the administrative boundary. Having evaluated possible cross border issues, the Parish Council does not feel there is a need to extend the neighbourhood plan area beyond the parish.

Enclosed is a map which identifies the proposed neighbourhood plan area.

We also enclose a copy of the Neighbourhood Plan Steering Group outline briefing paper that provides more detail on this application.

We trust this information pack will be placed before the Local Plan committee in due course as part of the approval process.

Thank you

Yours sincerely

Cllr John Gili-Ross
Chair - West Bergholt Parish Council



Local Plan Committee

Item
9

29 July 2013

Report of	Head of Commercial Services	Author	Laura Chase ☎ 282473
Title	Draft Submission Focused Review of the Adopted Colchester Borough Local Plan		
Wards affected	All		

The Local Plan Committee is asked to agree the content of the Draft Submission Focused Review of Adopted Colchester Local Plan policies for publication and subsequent submission to the Government.

1. Decision(s) Required

- 1.1 To agree the content of the Submission Draft Focused Review of the Local Plan (attached as an Appendix to this report).
- 1.2 To agree to publish and make available the document and all supporting information, including the Sustainability Appraisal, in order that representations relating to issues of soundness can be made.
- 1.3 To subsequently submit the Submission Focused Review document to the Government for examination.
- 1.4 For the Committee to delegate authority to the Spatial Policy Manager to make minor revisions to the document prior to publication and submission.

2. Reasons for Decision(s)

- 2.1 To ensure the Council's adopted local plan framework for the Borough provides a robust basis for decisions on future planning applications and accords with national policy.

3. Alternative Options

- 3.1 The alternative would be not to proceed with a Focused Review. This, however, would not ensure that the Council has an up-to-date planning framework to guide new development.

4. Supporting Information

- 4.1 At its 28 January 2013 meeting, the Local Plan Committee agreed in principle to undertake a focused review of its planning policies to update them to ensure the compliance of revised policies with the

National Planning Policy Framework (NPPF). National policy continues to highlight the primacy of plans in guiding development, and paragraph 12 of the NPPF states that 'it is highly desirable that local planning authorities should have an up-to-date plan in place.'

- 4.2 Colchester's strategy for maintaining an up-to-date plan entails a two-stage approach. The first stage is the initial limited review of policies which can be readily amended without the need to prepare further evidence in respect of those specific policies. The second stage is the Full Review, which will include amendments to the spatial strategy, housing and employment targets, and site allocations as these issues require the support of updated evidence base work. Evidence base work is now underway, and consultation on the Full Review will follow the Focused Review in 2015.
- 4.3 The policies amended by the Focused Review will replace the previous versions of these policies contained with the adopted Core Strategy 2008 and the Development Policies 2010 documents. All other policies will remain unchanged as they will not be tested through the Examination process until they are reviewed as part of the Full Review process. All existing documents will be replaced by a new Local Plan over the next few years, as shown in the Local Development Scheme.
- 4.4 On 11 March 2013 the Local Plan Committee approved a public consultation about changes to a number of policies in the Core Strategy and Development Policies Development Plan Documents (DPD) as part of the focused review of the Local Plan to update it and ensure conformity with the National Planning Policy Framework. The 3 June 2013 Committee considered a report setting out the responses received to the consultation and how the Council intended to address the issues raised. The Council has now produced a submission version of revised policies for Committee approval which reflects the earlier phases, including analysis of the NPPF, consultation responses, Sustainability Appraisal work, and evidence base findings.
- 4.4 The revised policies are included in the appended document, along with an explanation for why changes are proposed. Policy changes have been proposed for the following areas:

Sustainable development –the Government's model policy has been added in noting the presumption in favour of sustainable development contained in the NPPF (Core Strategy Policy SD1)

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

Centres and Employment – whilst the Centres and Employment policies did not appear on the initial list of suggested policies for focused review, officers agreed with consultation responses that the Centres and Employment policies required review to ensure the NPPF definition of centres is adequately reflected and that policy provides greater flexibility for employment-creating uses. Revised policies will note that the new policies supersede those aspects of Site Allocations policies NGA3 and STA3 in so far as they relate to retail and employment to ensure there is no conflict with the NPPF.

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

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

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

Rural Issues

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

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

Rural employment –the Development Policy on rural employment has been revised to reflect the increased emphasis in the NPPF of the benefits of supporting appropriate and sustainable rural enterprise. (Development Policy DP9)

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

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

- 4.5 The process of undertaking a Focused Review of the Local Plan is underpinned by a Sustainability Appraisal which enables the

environmental, social and economic performance of the Focused Review policies to be assessed against a set of sustainability objectives. In addition, a Habitats Regulations Assessment (HRA) screening opinion has also been prepared to assess the likely significant effects of the Focused Review policies on European Sites in the area. The Scoping Report for the SA and the HRA Screening opinion were published alongside the Focused Review of the Local Plan for comment as part of the Issues and Options consultation.

5. Proposals

- 5.1 It is proposed that the Draft Submission Focused Review of the Local Plan be approved for publication under regulation 27.
- 5.2 The next stage in the Plan process will be to carry out pre-submission consultation under regulation 27 for a six-week period to run from 5 August – 16 September 2013. This provides for the local authority to publish and make available the documents it proposes to submit to the Secretary of State for examination. These include:
- the Focused Review document (as proposed to be submitted)
 - the sustainability appraisal report
 - a statement on consultation and involvement in the plan preparation.

The consultation will include public workshops for interested stakeholders.

- 5.3 Following this consultation stage, the Council must prepare a summary of the representations made and consider if any changes should be made to the document before submission to the Government for Examination, and if found sound, adoption by the full Council.

6. Strategic Plan References

- 6.1 The Strategic Plan Action Plan includes a commitment to regenerating the borough through buildings, employment, leisure and infrastructure. There are also commitments to attract investment and provide more affordable homes. The Focused Review of the Local Plan can help achieve these objectives.

7. Consultation

- 7.1 Public consultation is being carried out in accordance with the Council's Statement of Community Involvement and the Town and Country Planning (Local Planning) (England) Regulations 2012 and entails publication of the document and associated evidence on the Council's website, notification to stakeholders, and ensuring the availability of hard copies of the documents at Council offices and the main Library. The Issues and Options consultation on the Focused Review of the Local Plan was held from 18 March – 29 April 2013 and resulted in 27 written responses which were reported to the 3 June

Local Plan Committee. The second phase of consultation is the submission stage (Regulation 27). Prior to submission of a plan to Government for examination the Council is required to prepare a report describing the consultation carried out at each phase of the Local Plan document development process.

8. Publicity Considerations

- 8.1 There is likely to be continued interest as the Focused Review of the Local Plan progresses resulting in publicity for the Council.

9. Financial Implications

- 9.1 A budget has been allocated for the review which funds the updating of evidence based documents, consultation and examination.

10. Equality, Diversity and Human Rights implications

- 10.1 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view on the Colchester Borough Council website by following this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Strategic Policy and Regeneration > Development Plan.

- 10.2 There are no particular Human Rights implications.

11. Community Safety Implications

- 11.1 None

12. Health and Safety Implications

- 12.1 None

13. Risk Management Implications

- 13.1 Review of the Local Plan will reduce the risk of inappropriate development being permitted.

14. Disclaimer

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

COLCHESTER LOCAL PLAN
FOCUSED REVIEW OF CORE STRATEGY AND
DEVELOPMENT POLICIES
DRAFT SUBMISSION DOCUMENT
AUGUST 2013

Colchester Local Plan Focused Review

Draft Submission Consultation

Non-Technical Summary

This non-technical summary provides an explanation of Colchester Borough Council's Focused Review of its Local Plan.

Introduction

The National Planning Policy Framework (NPPF), published by the Government on 27th March 2012, replaced a considerable amount of planning policy previously contained within a number of national policy documents. The consolidated guidance is intended to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF is a material consideration in the preparation of local plans and also provides guidance in the determination of planning applications. This means that its publication created a need for local authorities to revisit their plans for reviewing and developing their local planning policies.

What is a Focused Review?

Colchester's strategy for maintaining an up-to-date plan entails a two-stage approach. The first stage is the initial limited review of policies which can be readily amended without the need to prepare further extensive evidence in respect of those specific policies. Only those policies that clearly require updating as they do not comply with the advice in the NPPF form part of this stage. The second stage is the Full Review, which will include amendments to the spatial strategy, housing and employment targets, and site allocations as these issues require the support of updated evidence base work. This work is now underway, and consultation on the Full Review will follow the Focused Review in 2014/5.

The policies amended by the Focused Review will replace the previous versions of these policies contained within the adopted Core Strategy 2008 and the Development Policies 2010. All other policies will remain unchanged as they will not be tested through the Examination process until they are reviewed as part of the Full Review process.

Which policies are being reviewed as part of the Focused Review?

- **Sustainable development** –the Government's model policy has been added in noting the presumption in favour of sustainable development contained in the NPPF (Core Strategy Policy SD1)
- **Changes to the system of planning obligations and introduction of Community Infrastructure Levy** –the text has been modified to reflect latest guidance on planning contributions to both on-site and strategic infrastructure improvements (Core Strategy Policies SD2, SD3 and Development Policy DP3)

- **Centres and Employment** – whilst the Centres and Employment policies did not appear on the initial list of suggested policies for focused review, officers agreed with consultation responses that the Centres and Employment policies required analysis to ensure the NPPF definition of centres is adequately reflected and that policy provides greater flexibility for employment-creating uses. Revised policies will note that the new policies supersede those aspects of Site Allocations policies NGA3 and STA3 in so far as they relate to retail and employment to ensure there is no conflict with the NPPF (Core Strategy Policies CE1, CE2b, CE2c, and CE3, Development Policy DP5)
- **Affordable housing** –the policy on affordable housing is being modified to comply with the NPPF’s requirements to pay careful attention to viability and costs in plan-making and decision-taking. Viability also relates to the changing economic circumstances since the policy was adopted in 2008 (Core Strategy Policy H4)
- **Housing density and mix** - tables on density and housing mix are proposed for deletion since they do not adequately reflect particular site constraints and requirements and accordingly may not fully accord with the greater flexibility provided in the NPPF (Core Strategy Policies H2 and H3).
- **Neighbourhood Planning** –policies now include references where appropriate to the new system of Neighbourhood Plans (Core Strategy Policy ENV2)
- **Rural exception sites** – policies have been modified to allow for a limited degree of market housing on rural exception sites to enable the delivery of affordable housing (Core Strategy Policy H4 and ENV2)
- **Rural workers’ housing**–a new Core Strategy Policy on rural workers housing has been included to provide guidance that is no longer provided nationally. (Core Strategy Policy H6)
- **Rural employment** –the Development Policy on rural employment has been revised to reflect the increased emphasis in the NPPF of the benefits of supporting sustainable rural enterprise (Development Policy DP9)
- **Equestrian uses** -The changes to the rural policies noted above are considered to address the issues previously covered in the detailed policy on equestrian uses so the policy (DP24) is proposed for deletion.
- **Minor changes** – Minor changes include updates to ensure consistency with the NPPF; removal of references to superseded Planning Policy Statements and wording clarification (Core Strategy Policy ER1, Development Policies DP1, DP13, and DP15)

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1. Introduction

2. Sustainability Assessment and Habitats Regulations

3. Policies

1. Sustainability;
 - Core Strategy Policy SD1- Sustainable Development Locations
2. Planning Contributions/Community Infrastructure Levy (CIL) and Community Facilities;
 - Core Strategy Policy SD2- Delivering facilities & Infrastructure,
 - Core Strategy Policy SD3 – Community Facilities
 - Development Policy DP3 – Planning Obligations and CIL, and
 - Development Policy DP4 – Community Facilities
3. Centres and Employment;
 - Core Strategy Policies CE1 – Centres and Employment Classification and Hierarchy;
 - Core Strategy Policy CE2b – District Centres;
 - Core Strategy Policy CE2c – Local Centres, and
 - Core Strategy Policy CE3 - Employment Zones
 - Development Policy DP5 – Appropriate Employment Uses and Protection of Employment Land and Existing Businesses, and
 - DP9 – Employment Uses in the Countryside
4. Housing;
 - Core Strategy Policy H2- Housing Density,
 - Core Strategy Policy H3 –Housing Diversity, and
 - Core Strategy Policy H4 – Affordable Housing,
 - New Core Strategy Policy H6- Rural Workers’ Housing
 - Development Policy DP13 – Dwelling Alterations, Extensions and Replacement Dwellings
5. Environment;
 - Core Strategy Policy ENV2- Rural Communities
 - Development Policy DP24 – Equestrian Activities
6. Energy;
 - Core Strategy Policy ER1 – Energy, Resources, Waste, Water and Recycling
7. Design;
 - Development Policy DP1- Design and Amenity
8. Open Space;
 - Development Policy DP15 – Retention of Open Space and Indoor Sports Facilities

1. Introduction

Background

- 1.1 The National Planning Policy Framework (NPPF), published by the Government on 27th March 2012, replaced a considerable amount of planning policy previously contained within a number of national policy documents. The consolidated guidance is intended to make the planning system less complex and more accessible, and to promote sustainable growth.
- 1.2 The NPPF is a material consideration in the preparation of local plans (see Section 19(2) of the Planning and Compulsory Purchase Act 2004) and also provides guidance in the determination of planning applications. This means that its publication created a need for local authorities to consider how they would update their plans to reflect the NPPF.
- 1.3 Since the publication of the NPPF Colchester Borough Council has been reviewing its adopted policy documents against the requirements of the NPPF in order to identify any areas of inconsistency. Initial assessments have found that the NPPF has implications for some of the policies contained within the adopted Core Strategy and the Development Policies document. The Council accordingly is carrying out a two-stage process to review its Local Plan.
- 1.4 **Stage One** is a focused review of its Core Strategy and Development Policies to revise those policies that can be readily amended to be consistent with the provisions of the NPPF without the need to prepare further extensive evidence in respect of those specific policies. Revisions **do not** include any amendments to the spatial strategy or housing and employment targets and allocations.
- 1.5 The NPPF requires that local authorities should 'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%' and to 'identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15'. Our housing monitoring figures establish that the Council can demonstrate an adequate supply of housing land availability to meet the requirement to maintain a 5 and 10 year supply. There is also an additional 3 years worth of housing land. This means that a more fundamental review of policies and sites for large-scale development is not immediately required.
- 1.6 **Stage Two** is a full review of the Local Plan to extend the life of the plan to 2031 and beyond. New site allocations will not be made until this stage. The Local Development Scheme documents that evidence base preparation work on this stage has already commenced and consultation on the Full Review will follow on after adoption of the

Focused Review in 2014/5. The initial work includes addressing the 'duty to co-operate' with adjacent authorities on issues such as strategic site allocations and infrastructure requirements.

- 1.7 While the Site Allocations document is not considered to require review at this time, elements of two Site Allocation policies (NGA3 Employment Uses in the North Growth Area and STA3 Employment and Retail Uses in Stanway Growth Area) would be superseded by proposed changes, and this will be highlighted on the website version of the documents.
- 1.8 The Focused Review includes two consultation periods to allow for widespread involvement in the review process and to comply with the Council's Statement of Community Involvement and procedures in national guidance (Town and County Planning (Local Development) (England) Regulations 2012). The initial Issues and Options consultation stage carried out in March - April 2013 provided an opportunity for the Council to outline the areas which it considered needed to be reviewed. Respondents to the consultation commented on the plan using the following questions as a guide:
 - Which policies in the Core Strategy and Development Policies require change to be in conformity with the NPPF?
 - Is there a need for the deletion or addition of any policies to allow the wider plan to be in conformity with the NPPF?
 - Are any other changes required?
- 1.9 The Council is now consulting on revised policies prior to submitting them to the Government for examination. The policies reflect the following considerations:
 - Guidance within the National Planning Policy Framework
 - Responses to the Issues and Options consultation
 - Council evidence base
 - Findings of a Sustainability Appraisal and a Habitat Regulations Assessment, which ensure the policies are evaluated for their sustainability and screened for any significant effects on one or more European sites.
- 1.10 The initial list of issues to be reviewed included Sustainable Development, Housing, Environment, and Rural Employment policies in the Core Strategy and Development Policies documents. The submission list now also includes revisions to the Centres and Employment and Energy policies, in light of the above considerations.

Structure of the Document

- 1.11 For each policy to be revised, the reasons for the revision are given followed by the revised policy. Words to be deleted are shown as struck out, while additional new text is underlined.

- 1.12 The sections on Discounted Options show the alternative policy options that were considered but discounted for various reasons. Further explanation and assessment of alternatives is given in the Focused Review Sustainability Appraisal Report.

Sustainability Assessment and Habitats Regulations Assessment

- 1.13 Colchester Borough Council is preparing a Sustainability Appraisal and Habitat Regulations Assessment as part of its Focused Review of the Core Strategy and Development Policies documents. These processes will ensure the Council considers the sustainability of its policies and screens them for their likely significant effects on one or more European Sites. These documents are attached as appendices to this document.

Consultation

- 1.14 Submission consultation runs for a six-week period from 5 August to 16 September 2013. There is a standard form to be used for all consultation responses which is available on the Council's website along with the consultation documents. We encourage everyone to use this method of response;
www.colchester.gov.uk/planningconsult.

- 1.15 Copies of the consultation documents are also available to view at the following locations;
- Colchester Borough Council Customer Service Centre, High Street, Colchester, between 9.00am and 5.00pm (Monday to Friday),
 - Colchester Central Library during normal opening hours.

Comments on the Submission Document should be made on the form provided and returned by email to planning.policy@colchester.gov.uk or posted to the following address:

Spatial Policy Team
FREEPOST RLSL-ZTSR-SGYA
Strategic Policy & Regeneration
Colchester Borough Council

- 1.16 This is the final opportunity to make formal representations on the Submission Draft document before it is submitted to Government for examination by an independent Planning Inspector who will assess whether the document complies with legal requirements and is considered to be 'sound'.

2. Sustainability Policies

Core Strategy Policies

SD1 – Sustainable Development Locations

Reasons for Proposed Changes –

2.1 Policy SD1 has been revised to meet the NPPF requirement that all plans should be “based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally” (paragraph 14 & 15). The proposed additional wording is taken directly from the Planning Inspectorate’s model policy, which is promoted as an appropriate way to meet this NPPF expectation.

2.2 Proposed revisions to Policy SD1 (p. 35 in original Core Strategy document) No changes proposed to Explanation

Colchester Borough Council will promote sustainable development and regeneration to deliver at least 14,200 jobs between 2001 and 2021 and at least 19,000 homes between 2001 and 2023.

Throughout the borough, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy below and the Key Diagrams. Development proposals will be expected to make efficient use of land and take a sequential approach that gives priority to accessible locations and previously developed land (PDL). Proposals should seek to promote sustainability by minimising and/or mitigating pressure on the natural, built and historic environment, utilities and infrastructure, and areas at risk of flooding.

In support of Colchester’s aim to be a prestigious regional centre, the Borough Council will promote high quality design and will focus on enhancing the character and quality of the Town Centre, the Regeneration Areas and key Gateways to Colchester. Development in Colchester Town will be primarily focused on the following broad locations (see Key Diagrams):

- Town Centre
- North Growth Area
- East Growth Area
- South Growth Area
- Stanway Growth Area

The Council will also seek to sustain the character and vitality of small towns, villages and the countryside, and development will be expected to achieve a high standard of design, sustainability and compatibility with local character.

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that applications can be approved wherever possible and to secure development

that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole: or
- Specific policies in that Framework indicate that development should be restricted.

Alternative Option/s

2.2 An alternative option would be to make no changes to the existing Core Strategy policy. This was, however, not considered to be an appropriate option, as this would not address the NPPF requirement to reflect the presumption in favour of sustainable development.

2.3 A further option would be to add alternative wording into the policy to reflect the NPPF requirements. However, given that it would be necessary for the thrust of the wording to remain the same, it was considered more appropriate to follow the model policy to ensure that the policy appropriately meets the NPPF requirements.

2.4 An additional option was put forward as a suggestion through the Issues and Options consultation, but it was considered that this option would undermine the sustainability of the policy and would not address the requirements of the NPPF.

3. Planning Contributions/Community Infrastructure and Community Facilities

Core Strategy

Reasons for Proposed Changes

3.1 The adoption of the Core Strategy in 2008 predated the introduction of the Community Infrastructure Levy (CIL) Regulations in 2010. Accordingly, the Council's policies SD2, SD3 and DP3 need to be updated to reflect these changes as well as the NPPF. If the Council adopts a CIL charging schedule,

it will partially replace the system of separately negotiated planning obligations for infrastructure and facilities requirements.

A minor change is proposed to Policy DP4 (Community Facilities) to clarify the wording and make it more positive in line with the pro-active approach supported in the NPPF (see inter alia paras 14, 186-187)

SD2 – Delivering Facilities and Infrastructure

3.2 Proposed revisions to Policy SD2 (pp. 36-37 in original Core Strategy document)

The Borough Council will work with partners to ensure that facilities and infrastructure are provided to support sustainable communities in Colchester. New facilities and infrastructure must be located and designed so that they are accessible and compatible with the character and needs of the local community.

New development will be required to provide the necessary community facilities, provision of waste water treatment plant and sewer network, open space, transport infrastructure and other requirements to meet the community needs arising from the proposal. Development will also be expected to contribute, as appropriate, to strategic projects that support sustainable development and the wider community.

The Council will seek ~~to employ standard charges where appropriate~~ to ensure that new development makes a reasonable contribution to the provision of related facilities and infrastructure. This will either be through a planning obligation (also known as a Section 106 agreement) or, if applicable, and together with a planning obligation, through a Community Infrastructure Levy (CIL) payment, following adoption of a CIL charging schedule.

A CIL charging schedule would set a specified charge for each square metre of gross internal floorspace, related to the use class of the development. CIL payments will contribute to the provision of strategic infrastructure, and Section 106 payments will contribute to site-specific infrastructure. The tariff approach will be based on a comprehensive review of the need, timing and scale of investment and how this relates to the key growth areas set out in the Core Strategy. The viability of developments will also be considered when determining the extent and priority of development contributions.

Explanation

Supporting development with the necessary community facilities and transport infrastructure is essential to creating sustainable communities. The Borough Council does not have the resources or the necessary powers itself to provide all the facilities and infrastructure. Therefore the Council will need to work with partners to collect contributions from development, through Section 106 agreements, and, potentially, CIL payments, ensuring that the contributions requested are necessary to make the development acceptable in planning

~~terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. and collect contributions from development, ensuring that the financial contributions requested are fair, proportionate, and tied in to clear priorities for the overall sustainable development of the Borough.~~

Alternative option/s

3.3 An alternative option would be to make no changes to the policy. The sustainability appraisal shows that neither of the options has more sustainability benefits than the other. This is not the favoured option, as it would not take into account the introduction of CIL regulations.

SD3 – Community Facilities

3.4 Proposed revisions to Policy SD3 (p. 37 in original Core Strategy document) No changes proposed to Table SD3 or Explanation

The Borough Council will work with partners to deliver key community facilities (see Table SD3) to support the Sustainable Community Strategy and to develop Colchester as a prestigious regional centre.

The Council will also provide facilities for the local communities, based upon an analysis of needs, with particular regard to disadvantaged groups. New development will be required to provide, or contribute towards the provision of community facilities to meet the needs of new communities and mitigate impacts on existing communities. Safe, direct routes for walking and cycling and appropriate bus services will be established to serve existing and new pre-school, primary, and secondary school communities.

Community facilities should be located in centres or other accessible locations to maximise community access and build a sense of local community identity. The Council supports the retention and enhancement of existing community facilities and encourages multi-purpose community facilities that can provide a range of services and facilities to the community at one accessible location. Where existing facilities can be enhanced to serve new development, the Council will work with developers and local partners to audit existing facilities and assess the requirement for additional facilities to deliver comprehensive provision of services to serve these extended communities. The Council will work with local partners, such as Parish Councils or Community Associations, to plan and manage community facilities.

Alternative option/s

3.4 An alternative option would be to make no amendments to the policy. The sustainability appraisal shows that both options perform equally in sustainability terms. The alternative option, to make no amendments to this policy is not the chosen option because it would fail to reflect the introduction of the CIL regulations, and the Council's position.

Development Policies

Policy DP3: Planning Obligations and the Community Infrastructure Levy

3.5 Proposed Revisions to Policy DP3 (p. 14 in original Development Policies document)

The Council intends to develop proposals may choose to implement a Community Infrastructure Levy (CIL), further to the enabling provisions in the 2008 Planning Act. The CIL will be a charge used to help fund necessary local and sub-regional infrastructure which supports the objectives of the Core Strategy and the development of the area. ~~It will involve an agreed charging schedule which will allocate the proposed amount to be raised from CIL to each main class of development. The charge will be related to the scale and type of development proposals.~~ A CIL charging schedule would stipulate a charge, per square metre of gross internal floorspace, for each main use class of development. A proportion of CIL funds will be passed to Parish/Town councils. The Council will work with partners to deliver key infrastructure projects, as identified in the Core Strategy. The Council will continue to use planning obligations through Section 106 agreements ~~will continue alongside or in place of CIL and standard charges will be implemented~~ with details set out in Supplementary Planning Documents.

Explanatory text

~~The Planning Act 2008 contains powers for the introduction of a CIL, but detailed regulations have yet to be completely finalised. In the interim period, the Council will continue to develop its understanding of infrastructure needs and overall funding potential from all sectors. The Council has a successful track record in securing and delivering projects using Section 106 funding, and it would be expected to continue to play an important role in the future. The CIL breaks the direct link between the obligation and the development so that a wider range of infrastructure spending can be provided through the planning system. It is noted, however, that while CIL is expected to provide significant additional monies for infrastructure, it will not replace mainstream funding. Community Infrastructure Levy was introduced by the Planning Act 2008 and came into force on 6 April 2010, through the Community Infrastructure Levy Regulations 2010 (as amended). The Council is not required to introduce a CIL charging schedule, but may choose to do so. If this is the case, a standard charge, per square metre of gross internal floorspace, will be set for each main use class of development. CIL funding would contribute to infrastructure and facilities, which would be identified in a Regulation 123 list. In addition to a CIL payment, developments will be expected to address site specific infrastructure requirements including affordable housing through provision on site, or through a Section 106 contribution. In the event that the Council does not to adopt a CIL charging schedule, contributions will continue to be sought through Section 106 contributions.~~ The Core Strategy (Table 6d – Key Facilities and Infrastructure) identified the key infrastructure needed to support Core Strategy objectives, and the Council continues to work closely with other public and private sector

providers to refine the list as necessary and deliver projects. ~~The Council has adopted a number of Supplementary Planning Documents (SPDs) which~~ Supplementary Planning Documents (SPDs) set out standard charges that will be applied to new development in appropriate circumstances. ~~These are based on robust evidence and will continue to evolve and develop.~~

Alternative option/s

3.6 An alternative option is to make no changes to the policy. The sustainability appraisal shows that neither option offers any greater or lesser sustainability benefits than the other. The alternative option to make no changes to the policy is not the chosen option, as it does not reflect the updated national and local circumstances in relation to CIL.

Policy DP4: Community Facilities

Support will be given to the provision of new community facilities, and to the retention and enhancement of existing community facilities, where these positively contribute to the quality of local community life and the maintenance of sustainable communities in accordance with other policy requirements.

The involvement of the local community will be sought in identifying the importance of local facilities. Any proposal that would result in the loss of a site or building currently or last used for the provision of facilities, services, leisure or cultural activities for the community, or is identified for such uses by the Site Allocations DPD/Proposals Map, will ~~only~~ be supported if in cases where the Council is satisfied that:

- (i) An alternative community facility to meet local needs is, or will be, provided in an equally or more accessible location within walking distance of the locality (800 m); or
- (ii) It has been proven that it would not be economically viable to retain the site/building for a community use; and
- (iii) The community facility could not be provided or operated by either the current occupier or by any alternative occupier, and it has been marketed to the satisfaction of the Local Planning Authority in order to confirm that there is no interest and the site or building is genuinely redundant; and
- (iv) A satisfactory assessment has taken place that proves that there is an excess of such provision and the site or building is not needed for any other community facility or use.

Alternative Option(s)

3.7 The policy could be left as it is, but as currently drafted there is some ambiguity as to how the criteria for evaluating the loss of a community facility should be considered and the affected sentence is also insufficiently positive to comply with the NPPF.

4. Centres and Employment Policies

Core Strategy

Reasons for Proposed Change –

4.1 Changes are proposed to Centres and Employment policies to align Council policy with the greater flexibility found in the NPPF for a wide range of employment-generating uses. The planning system is meant to do everything it can to support sustainable economic growth (Para 19). This includes avoiding the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. (Paragraph 22)

4.2 The NPPF definition of centres in the Glossary provides that town, district and local centres are all considered to be centres. This makes it harder to exclude town centre uses from Urban District Centres given that the sequential test for planning applications for main town centre uses only needs to be applied to proposals that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The NPPF does, however, continue to ensure that the Town Centre should be the preferred location for new town centre locations.

4.3 Changes to policy were not suggested in the initial Issues and Options consultation, but Centres and Employment policies have now been included in proposed Focused Review policies in response to the consultation responses submitted by developers in Stanway and North Colchester. The Council also commissioned a Retail Study and further work on centres which supported review of policies to ensure alignment with the NPPF definition of centres. These highlighted the need to revise policy to ensure that the evaluation of new proposals would be based on local policies that were consistent with the NPPF.

4.4 In Colchester, the spatial hierarchy includes an 'Urban Gateway' designation establishing that key Colchester transport hubs serve as sustainable locations for new commercial development. It is proposed to add the new Park and Ride facility in North Colchester to this list.

4.5 The reference to safeguarding local shops and services throughout the borough in CE2c is proposed for deletion on the basis that the NPPF provides for greater flexibility in changes of use to commercial premises, and the retention of community facilities is covered in other policies (Core Strategy SD3 and Development Policies DP4).

Policy - CE1 Centres and Employment Classification and Hierarchy

4.6 Proposed Revisions to CE1 (pp. 39-41 in original Core Strategy document)

The Borough Council will encourage economic development and will plan for the delivery of at least 14,200 jobs in Colchester between 2001 and 2021. The

Council will promote employment generating developments through the regeneration and intensification of previously developed land, and through the allocation of land necessary to support employment growth at sustainable locations.

The Council will promote and maintain a Centres and Employment Classification and Hierarchy (Tables CE1a & CE1b) to coordinate the use and scale of developments with the accessibility and role of the various mixed use Centres and Employment Zones in Colchester. Mixed-use centres will support a wide range of compatible uses, whilst Employment Zones will accommodate other business developments as identified in Table CE1b. Development scales will need to be consistent with the Hierarchy and larger scale development should be focused on the Town Centre, Urban Gateways and Strategic Employment Sites, whereas smaller schemes may be appropriate in residential and countryside locations where it would provide people with good access to their needs.

~~Employment developments that conflict accord with the Centres and Employment Classification and Hierarchy will not normally be supported. Small scale developments may be acceptable in residential or countryside locations if they have low travel needs and low impacts, such as~~

- ~~• Small shops and facilities providing for the daily needs of a local residential catchment,~~
- ~~• Rural businesses, recreation and tourist developments to meet local needs and support rural economies.~~

The Council will seek to protect and enhance employment throughout the borough and will take a flexible approach to proposals contributing to economic growth and job creation. Development that will increase employment capacity in accessible locations will be encouraged. ~~whilst~~ Proposals for development that will result in a loss of employment capacity will not normally be supported need to be supported by evidence that there is no reasonable prospect of a site being used for the allocated employment use.

The Council will also encourage economic diversity and business development to facilitate small and medium enterprises. A mix of business types and premises will be sought in employment developments to provide opportunities for all businesses and create diverse and successful economic environments.

Table CE1a – Centres and Employment Classification and Hierarchy

Centres Classification and Hierarchy

	Centre Type		Indicative Location*
	Hierarchy	Classification	
Mixed Use Centres (Policy CE2)	Town Centre	Town Centre core	Colchester's historic Town Centre
	Edge of Centre <u>and other Accessible Locations</u>	Urban Gateways	North Station Colchester Town Station Hythe Station <u>Northern Gateway (Park and Ride)</u>
		Town Centre fringe	Land surrounding the Town Centre core.
	District Centres	Rural District Centres	Tiptree West Mersea Wivenhoe
		Urban District Centres	Tollgate Turner Rise Peartree Road Greenstead Road Highwoods
Local Centres	Neighbourhood Centres and Local Shops	Specific sites to be identified in Adopted Proposal Maps (Site Allocations DPD) or through master planning within identified growth areas	

*Boundaries to be defined in Adopted Proposal Maps (Site Allocations DPD)

Employment Classification

	Employment Zone Type	Indicative Location*
Employment Zones (Policy CE3)	Strategic Employment Zones	North Colchester Stanway University Research Park
	Local Employment Zones	Specific sites to be identified in Adopted Proposal Maps (Site Allocations DPD)

*Boundaries to be defined in Adopted Proposal Maps (Site Allocations DPD)

In accordance with PPS6 the National Planning Policy Framework, ~~the historic town centre core centres~~ will be the primary location for retail, office, leisure and entertainment uses. The sequential approach will be applied and ~~retail uses proposals for main town centre uses should be located in the town centre.~~ If suitable sites are not available such uses will then be directed to sites in the town centre fringe (within 300 metres of the town centre core) and then to Urban Gateways and Urban District Centres. Sites within 500 metres or those well connected with good pedestrian access to the Urban Gateways and Urban District Centres will also be considered suitable for office and mixed use development. Only if suitable sites are not available should out of centre sites be considered.

Table CE1b – Appropriate Land Uses

	Mixed Use Centres (Policy CE2)	Employment Zones (Policy CE3)
Primary Land Uses	A1 – Shops A2 – Financial and Professional Services A3 – Restaurants and Cafes A4 – Drinking Establishments A5 – Hot Food Take-Away B1a – Offices B1b – Research and Development, Studios, Laboratories, Hi-tech C1 – Hotels D1 – Non-residential Institutions D2 – Assembly and Leisure	B1b – Research and Development, Studios, Laboratories, Hi-tech B1c – Light Industry B2 – General Industry B8 – Storage and Distribution
Secondary Land Uses	C2 – Residential Institutions C3 – Dwelling House B1c – Light Industry Sui Generis	B1a – Offices C1 – Hotels D2 – Assembly and Leisure Sui Generis

Table CE1c – Indicative Employment Delivery 2006 to 2021

		Retail (2006-2021)	Hotels (2006-2015)	B1: Offices etc (2004-2021)	Industry & Warehousing (2004-2021)
Town Centre, Urban Gateways and Town Centre Fringe		67,000sqm (net)	270-390 rooms (2006-2015)	40,000sqm (gross)	
Strategic Employment Zones	University of Essex			36,000sqm (gross)	
	North Colchester			38,000sqm (gross)	45,000sqm (gross)
	Stanway			36,500sqm (gross)	

Explanation

Providing jobs for Colchester’s growing community is a central objective of the Core Strategy and reflects the supporting evidence behind the target in the former The East of England Plan set a target, of approximately 14,200 jobs. ~~although~~ Many of these jobs have already been created since 2001. The Council cannot deliver the additional employment directly, but it can protect existing employment, stimulate new employment developments, and accommodate new developments at the most suitable locations.

The Council commissioned studies of projected growth in retail, business and employment, and used this evidence to plan and facilitate future economic development and employment delivery in Colchester. During the 2006 to 2021 period, Colchester will need to accommodate the following development:

- 67,000sqm (net) of retail floorspace, predominantly in the Town Centre (Retail Study 2007)

- 106,000sqm (gross) of office floorspace (Use Class B1), predominantly in the Town Centre and the Strategic Employment Zones. (Employment Land Study 2007)
- 45,000sqm (gross) of business floorspace (excluding B1), predominantly in the Strategic Employment Zones (Employment Land Study 2007)

Development of Colchester as a regional centre includes the enhancement of its visitor facilities, which also serve as a source of local employment. A study of hotel provision in Colchester found demand for 270-390 hotel bed rooms between 2006 and 2015 to serve the leisure and business travel market in Colchester.

Promoting regeneration, higher densities and mixed use developments in existing Centres will build additional capacity to accommodate employment and economic growth at sustainable locations. Strategic Employment Zones will also be enhanced to improve access to strategic roads, capacity for new development and the quality of the built environment.

The Hierarchy for mixed use Centres and Employment Zones complements the Settlement Hierarchy to help guide both housing and employment development. The Centres and Employment Hierarchy directs employment development towards the most sustainable location within the Borough and within Colchester Town.

Centres provide highly accessible locations that can support a wide mix of land uses. The Town Centre and Urban Gateways are well connected by public transport to the rest of the Borough and the Region. Urban District Centres will support the significant residential development taking place within adjacent areas. The lowest level of the hierarchy is Neighbourhood Centres and Local Shops, which are easily accessible within local neighbourhoods. Land uses that are suited to accessible and mixed use locations, such as shops, services and offices, should be located within Centres.

Employment Zones are located at the fringe of urban areas and are supported by strategic road infrastructure. Employment Zones will accommodate a range of business developments, including developments that are less compatible with mixed use areas, such as warehousing and industry.

Table CE1b outlines the land uses that are suited to Centres and Employment Zones. Primary land uses are generally encouraged, whilst secondary land uses may be supported depending on the circumstances. . Development Policy DP5 provides greater detail on appropriate uses for Employment Zones. Commercial uses not specified in either Table CE1b or Policy DP5 will be considered on their merits.

Policy CE2b – District Centres and Policy CE2c – Local Centres

4.7 Proposed revisions to Policy CE2b (p. 43-44 in original Core Strategy document). No changes proposed to CE2, CE2a

CE2b – District Centres

Rural District Centres will be protected and enhanced to provide shops, services, community facilities and employment to meet the needs of local communities. Additional retail development will be supported in Rural District Centres to provide for the needs of the local catchment. Proposals over 500 sqm should be supported by evidence that they meet identified local needs and do not compete with the Town Centre. The Council seeks to deliver improved retail provision in the Rural District Centre between 2006 and 2021, as follows:

- Tiptree – 245sqm (net)
- West Mersea – 173sqm (net)
- Wivenhoe – 126sqm (net)

Urban District Centres should provide an improved public realm, urban character and a more diverse mix of uses. New retail proposals (including change of use to retail) over 2500 sqm in Urban District Centres will not be supported, unless they should be supported by evidence that they meet identified local needs and do not compete with the Town Centre. ~~Expansion of the Urban District Centres will not be supported, but intensification within the Centre~~ Development within the Centres will be supported where the quality of the public realm and the built character is improved. Development within the Centres should deliver a diverse range of uses, including community facilities, services, and offices to support housing in the surrounding area. Development should be oriented towards pedestrians and present active frontages to the street. Development will be encouraged to make more efficient use of land including alternatives to surface car parking.

CE2c – Local Centres

Neighbourhood Centres will be protected and enhanced to provide small scale shops, services and community facilities for local residents. New housing developments should provide for the enhancement of existing Centres or create new Neighbourhood Centres where appropriate to provide for the needs of existing and new communities. New developments within Neighbourhood Centres should be designed to meet the needs of the local catchment and encourage sustainable travel behaviour.

~~The provision of local shops and services throughout the Borough will be safeguarded to provide for the needs of local residents.~~

Explanation

Colchester's Town Centre incorporates the Town Centre core within the historic wall, as well as surrounding fringe areas and the key rail station gateways. These areas can be accessed from the Borough and the Region by a range of transport modes and can support a wide range of uses. Other Centres, such as Tiptree Town Centre and Highwoods, are moderately

accessible and serve a district catchment. Smaller centres provide predominantly for the local community.

Centres provide the surrounding community with shops, community facilities, employment, recreation and urban living opportunities. Mixed use development in Centres can increase the capacity for housing in accessible locations, which can also improve the viability of delivering new employment floor space. It is important to manage the right mix of uses over time to maintain a vibrant and successful Centre.

The Council will need to promote and facilitate new retailing and office development in the Town Centre to provide for the economic growth of Colchester at the most sustainable and accessible location. The regeneration of key locations, such as St Botolphs and North Station, will help deliver new retail and employment floorspace and reduce the pressure for out-of-centre development at less sustainable locations. The Retail Study carried out for north-east Essex identifies the important role Colchester plays as a Sub-regional retail centre whose catchment area includes adjacent districts. Further retail expansion will be required in the Town Centre for it to maintain its competitiveness.

Increasing the mix of compatible uses in Colchester's historic core will also provide a more robust economic environment and will stimulate a greater diversity of evening activities. The Town Centre core will therefore attract people of various ages and interests at different times of the day and night, and when combined with effective Town Centre management policies, will improve safety and inclusiveness.

There are a number of large format retail centres around the Town Centre and Colchester Town, including Tollgate and Turner Rise. These centres comprise large supermarkets, bulky goods retail, and large surface parking areas that could provide space for intensification. Expanding the retail components significantly could undermine the viability of the Town Centre, however it is important to increase the mix of uses and improve the public realm in these centres. These Urban District Centres need to improve provision of community facilities, the commercial offer and office floorspace, or housing as well as developing accessibility to surrounding housing and enhancing the quality of the public realm and townscape. In accordance with the sequential test set out in the NPPF, out of centre sites will not be the preferred location for town centre uses.

Rural District Centres provide a mix of uses to serve the local residents and the surrounding countryside. The Council is seeking to enhance this important role to protect local businesses and provide services to the community.

Local Centres also play an important role in meeting the needs of local residents in a sustainable way. Accordingly the Council will seek to enhance the viability of Local Centres and protect them from inappropriate development.

Policy CE3 – Employment Zones

4.8 – Revisions to Policy CE3 (pp. 45-46 in original Core Strategy document)

Employment Zones will promote economic growth and job creation, with a focus on ~~accommodate business developments that are not suited to Mixed Use Centres, including~~ business, industry and warehousing (see Table CE1b).

Strategic Employment Zones (SEZ) are identified at North Colchester, Stanway and the University of Essex, which provide ample capacity to accommodate projected business growth during the plan period. The Borough Council will seek to focus business development at these Strategic Employment Zones, and will improve the supporting transport infrastructure.

The Council will seek to deliver approximately 45,100sqm (gross) of industry and warehousing floor space, primarily within the North Colchester and Stanway Strategic Employment Zones. The Council will also support the delivery of existing office commitments in all the Strategic Employment Zones, however further office development will be directed towards the Town Centre in accordance with the sequential approach set out in policy CE2a.

The Council will encourage the provision of incubator units and grow-on space to support the development of small and medium enterprises. Local Employment Zones will be defined in the Site Allocations DPD based on existing and proposed concentrations of rural and local employment in order to support and promote rural enterprise and local employment.

~~Retail, community facility, and leisure developments will not normally be supported in Employment Zones, except for small scale developments that provide for the needs of the local workforce or are ancillary to an industrial use.~~

In accordance with the National Planning Policy Framework, where there is no reasonable prospect of a site being used for an allocated employment use, applications for alternative commercial uses in Employment Zones will be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Explanation

The Employment Zones provide good locations for industry, warehousing and businesses because they are well located in relation to transport infrastructure and minimise impacts on other land uses. Colchester Borough has sufficient employment land to accommodate future business growth, including over 35ha of land available in the Strategic Employment Zones at North Colchester and Stanway.

Employment studies have identified a need to improve the quality of available premises and land in Colchester to meet the needs of modern businesses. The Council is therefore seeking to upgrade the quality of the Strategic

Employment Zones by improving the transport infrastructure and services as follows:

- The North Colchester SEZ ~~will be~~ has been enhanced by the new A12 junction and North Transit Corridor.
- The Stanway SEZ will be improved through the delivery of the Western Bypass.
- The University Research Park will be supported through the East Transit Corridor and improvements to Hythe Station.

New industry, warehousing and businesses will therefore be encouraged to locate at the Strategic Employment Zones, which offer the best road infrastructure and capacity for development. Local Employment Zones will also be maintained to support small to medium scale enterprises, rural businesses and local employment delivery.

Offices and retail developments are less suited to Employment Zones and should be directed towards Mixed Use Centres that provide employees and customers with sustainable transport links and easy access to a range of services. The Borough Council has already supported outline proposals for over 110,000sqm of B1 floor space within the Strategic Employment Zones. The realisation of these existing commitments is supported; however future office development proposals should be directed towards the Town Centre and Urban Gateways in accordance with the sequential approach (see Policy CE2 and PPS6).

Alternative Options for Core Strategy Centres and Employment Policies

4.9 The existing policies are retained.

Retention of the policies as written would not address the objective of the NPPF to provide greater flexibility for a wide range of employment-generating development and to ensure that the planning system does everything it can to support sustainable economic growth. Current policies require revision to align with the NPPF definition of centres.

4.10 More flexibility for different commercial uses is provided in all areas. The suggested revisions are considered to provide an appropriate balance between promotion of economic activity and securing the most sustainable options for new development. Planning policies need to provide direction on appropriate uses in order to support the pre-eminent position of the Town Centre in the spatial hierarchy and to secure a long-term supply of accessible employment land.

Development Policies

Policy DP5: Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

Reasons for Proposed Change

4.11 Policy DP5 (Appropriate Employment Uses and Protection of Employment Land and Existing Businesses) provides useful locally specific

guidance on appropriate uses, but requires modification to avoid duplication with other policies, including the NPPF, DP9 (Employment Uses in the Countryside) and the Local Employment Zones table in the Site Allocations document. In particular, the policy on contributions for loss of employment land and/or training schemes requires modification to compliance with the NPPF and the adequate consideration of viability issues.

4.12 Policy revisions to Policy DP15 (pp.18-19) in original document

Appropriate employment uses within designated employment zones will include:

- (a) Business (B1), general industrial (B2), storage and distribution (B8);
- (b) Display, repair and sale of vehicles and vehicle parts, including cars, boats and caravans;
- (c) Indoor and outdoor sports uses, exhibition centres and conference centres;
- (d) A limited element of retailing where this is ancillary to another main use under (a);
- (e) Services specifically provided for the benefit of businesses based on, or workers employed within, the Employment Zone; and
- (f) Other employment-generating uses, such as those related to leisure, recreation and tourism, which meet local needs and/or promote rural enterprise.

~~In certain employment zones in the rural areas and growth areas some of the above uses will not be appropriate. The Site Allocations DPD sets out site specific issues for local employment sites including sites in rural areas where B8 (distribution) employment uses will not normally be permitted, and includes specific policies setting out appropriate employment uses on strategic sites within the growth areas. In accordance with the Core Strategy B1 office uses will be directed to the town centre and mixed use centres.~~

~~Employment uses in rural local employment zones will need to give special consideration to the context of the site. Development on these sites should seek to minimise impact on the rural landscape and be appropriate in terms of scale, height and built form. Expansion of businesses outside of the local employment zone will be considered in relation to Policy DP9.~~

Sites and premises currently used or allocated for employment purposes will be safeguarded for appropriate employment uses unless there is no reasonable prospect of a site being used for that purpose. ~~Any use that may have an adverse effect on employment generation will only~~ Alternative uses will be permitted where the Local Planning Authority is satisfied as appropriate that:

- (i) The supply, availability and variety of alternative employment land is sufficient to meet borough and local requirements;
- (ii) Evidence can be provided to demonstrate that no suitable and viable employment use can be found, or is likely to be found in the foreseeable

- future;
- (iii) There would be substantial planning benefit in permitting an alternative use, for example in removing a use which creates residential amenity problems such as noise or odours;
 - (iv) There are demonstrable economic benefits to the area that would result from allowing redevelopment, for example by facilitating the retention of a business in the area through funding a new site or premises; and
 - (v) The traditional maritime character of the coastal areas would not be adversely affected.

Where redevelopment of employment land is accepted for a new employment use or an alternative use, particular consideration will be given towards ensuring the future viability of individual businesses (e.g. tenants of an estate or premises) that might be displaced. Planning contributions towards alternative employment, ~~regeneration~~ and training schemes ~~could~~ will be sought where sites are redeveloped for non-employment uses and alternative employment land is not provided. Additionally, new employment-generating schemes will be encouraged to provide training schemes for local employees.

Explanation (revising paras 4.1-4.6 in original Development Policies document)

Table CE1b and Policy CE3 in the Core Strategy sets out the Council's approach to appropriate land uses within the employment zones. The 'B' Use Class has traditionally encompassed the majority of uses considered to constitute employment uses in planning terms, but the NPPF supports an expanded list is required to provide clarity on the associated and ancillary to increase flexibility for a wider range of employment uses in the Employment Zones. set forth in the Core Strategy Centres and Employment hierarchy. Hotels, offices, and assembly and leisure are noted as potential secondary land uses within employment zones.

The uses listed in DP5 are also likely to be appropriate for other sites and premises lawfully used for employment purposes, subject to their impact on residential amenity and other relevant policies in the LDF. New large-scale office development will be directed towards the Town Centre in accordance with the Core Strategy. Employment development proposals within the countryside will also need to have regard to the provisions of Policy DP9, Employment Uses in the Countryside (and DP17 Accessibility and Access).

The loss of employment land, whether in existing employment use or proposed for employment development within the Site Allocations DPD, could affect the LDF's ability to achieve its employment objectives. The Core Strategy establishes the scale and general location of land for employment purposes and states that as a general principle such land should be safeguarded. The NPPF, however, has introduced a provision that planning policies should avoid the long term protection of sites allocated for

employment use if the sites are not being so used. ~~Further detail is however required as it may be that~~ Local circumstances, reflecting a lack of viability of the existing operation, may give rise to proposals to find an alternative use. Where the local need for employment land can be met elsewhere, ~~it may be that~~ alternative uses could be considered favourably (within the context of the other policies in the LDF).

~~Exceptionally,~~ An alternative use may be preferable, providing evidence is submitted of marketing the site for a reasonable period of time. The marketing campaign will need to be agreed between the authority and applicant(s) before it begins, including the length of the campaign; asking, price; sales particulars; and number frequency and source of advertisements. Applicants will also need to demonstrate that the site is no longer usable and viable for another form of employment use, for example where continuation of the employment use would be detrimental to other planning objectives such as regeneration, protecting or enhancing residential amenity or the appearance of the countryside, or where other economic benefits to the area might result. Consideration of overall economic benefits must also extend to include addressing the future of any firms displaced through the redevelopment, including redevelopment for a new employment use.

~~In exceptional circumstances that result in the loss of employment land or employment premises, the Council will require suitable employment land to be provided and/or a contribution towards the Council's business incubation/grow on space needs, employment, training or other regeneration programmes and initiatives in mitigation. Details of what should be submitted with any application for change of use and how commuted sums will be calculated are included as Appendix 3 of this document.~~

~~Change of use of small scale rural commercial schemes to other uses has been given more flexibility under the provisions of Government permitted development regulations. (Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013. The consideration of larger schemes will be governed by other relevant policies including H4, ENV2, DP1, and DP9. ~~very unlikely to be acceptable in the countryside, unless it is for affordable housing in accordance with the requirements of Policy H4 in the Core Strategy and the proposed Affordable Housing SPD (due to be adopted late 2010).~~~~

Discounted options –

4.13 Deletion of policy in its entirety, based on guidance now being provided by the NPPF. The policy, is considered to retain sufficient local distinctiveness to support its retention as modified.

4.14 Retention of the policy as written would not address the objective of the NPPF to provide greater flexibility for a wide range of employment-generating development and to ensure that development viability is not threatened by policy and obligation requirements.

Policy DP9 – Employment Uses in the Countryside

Reasons for Change

4.15 The NPPF provides encouragement for rural enterprise and states that 'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development'. (Para 28) This encouragement, however, does need to be balanced with NPPF's overarching commitment to furthering the three dimensions to sustainable development; economic, social and environmental, as well as the core planning principles concerned with recognising the intrinsic beauty and character of the countryside and contributing to conserving and enhancing the natural environment. Accordingly, the need to support rural businesses and communities through built development are balanced in the proposed changes to DP9 against the environmental aim of protecting and enhancing our natural, built and historic environment as well as the private amenity of those living near to rural business sites.

4.16 Proposed revisions to Policy DP9 (pp, 24-25 in original Development Policies document)

Employment development proposals ~~within the countryside, outside of designated local employment zones, must contribute to the local rural economy and help sustain rural communities.~~ outside settlement boundaries or designated ~~Local e~~ Local e ~~Employment z~~ Employment z ~~Zones~~ will be evaluated to ensure that the local employment benefits they provide ~~of local employment~~ are not outweighed by any environmental or social sustainability considerations. The proposed use should be of a small scale that does not harm the rural character of the area either by the ~~nature~~ type and level of activity (including the amount of additional traffic generation on rural roads) or, any other detrimental effects such as noise and pollution.

The following additional considerations shall also be taken into account where relevant:

(A) Conversion and re-use of existing rural buildings:

Proposals will ~~only~~ be supported where the building is structurally sound and capable of re-use without fundamental rebuilding, and the buildings are deemed to be desirable for retention. In the case of former agricultural or forestry buildings of recent construction (less than 10 years), there will be a requirement for applicants to ~~it will also need to be demonstrated~~ that the original need for the building was genuine ~~and~~ but that it is no longer required for agricultural or forestry purposes.

(B) Extension of existing rural employment buildings:

Proposals will ~~only~~ be supported where these are limited to expansion plans which are essential to the operation of the established business. All

extensions shall be accommodated satisfactorily in terms of design, scale and appearance within the existing employment site boundary.

(C) Replacement rural employment buildings:

Replacement buildings will ~~only~~ be supported where the existing development is visually intrusive or otherwise inappropriate in its context and a substantial improvement in the landscape and surroundings will be secured through replacement. Replacement buildings should not significantly increase the scale, height and built-form of the original building to help protect rural character.

(D) New rural employment buildings:

Well designed new buildings proposed as part of existing businesses
~~Proposals will only be supported in exceptional cases~~ where there are no appropriate existing buildings and the need has been adequately demonstrated.

(E) Expansion of an existing business:

Proposals to expand an existing employment use into the countryside will ~~only~~ be supported ~~in exceptional cases~~ where there is no space for the required use on the existing site, the need has been adequately demonstrated, and the proposals are essential to the operation of an established business on the site. Consideration ~~must~~ should be given to the relocation of the business to available land within strategic or local employment zones.

(F) Planning permission will be supported for equestrian related development if it can be demonstrated that the proposal cannot be located within existing buildings on the site through the re-use or conversion of buildings for any related equestrian use before new or replacement buildings are considered.

Explanation

Policies ENV1 and ENV2 in the Core Strategy support rural communities and set out a flexible approach that maintains a balance between environmental considerations and appropriate business growth. The countryside is viewed as a good location for some businesses, partly due to the pleasant environment and the availability of relatively cheaper premises in comparison with built-up areas. The Borough is also coming under particular pressure for employment based development in the countryside as a consequence of containing a significant number of large agricultural buildings and other rural buildings that are potentially suitable for conversion to employment use, coupled with the high rental values to be found within the built up area. This demand needs to be considered in the context of environmental impacts, accessibility and relation to local economic needs. The diversity of pressures for employment based development in the countryside requires further detailed policy guidance.

The Local Planning Authority is more likely to be supportive of the re-use and conversion of rural buildings that are adjacent to or closely related to country towns and villages. Conversely, the change of use of isolated buildings is unlikely to be acceptable unless they would ensure the retention and preservation of a heritage building and the use does not result in a significant level of activity and traffic generation. Elsewhere, each proposal would be considered on its merits in line with the policy. Schemes involving the re-use of historic rural buildings should also comply with the provisions of DP14. Proposals that are of a scale small-scale appropriate to a rural location in nature are more likely to be supported, whereas those leading to a significant increase in road traffic will not normally be supported.

Preference will always be towards re-use and conversion of existing buildings where this is possible rather than the construction of new buildings. Consequently, where a building is to be replaced, applicants will need to demonstrate to the satisfaction of the Local Planning Authority that any available buildings are not capable of renovation and may be requested to submit a structural survey. Where suitable developments can be identified, support may be given to the provision of workspace or incubator units.

There are a number of well-established employment sites in the rural parts of the Borough, where some important local companies are located. Companies are often seeking to expand their operations within the site and this can be more appropriate than the company seeking alternative premises outside of the Borough, in order to retain the economic and social benefits which can arise from companies located in rural areas. It will be beneficial for applications to expand existing operations to be supported by a business plan, depending on the scale of the development proposed.

In some cases for the purposes of business or employment use replacement buildings can be more appropriate than the continued use of existing buildings. Where new buildings are proposed these should form part of an existing business, be well designed and be of a scale appropriate to the rural area where it is located. There are a number of sites in the rural areas of the Borough which are visually intrusive and where redevelopment could significantly enhance the local environment. In these instances, new buildings, landscaping and planting should be used to aid in the reduction of the impact of the development on the countryside of development. Proposals for new isolated buildings in the countryside will not normally be permitted in accordance with national policies.

All applications for equestrian related developments in the countryside, must demonstrate that there is a lack of alternative buildings on the development site that are suitable for conversion or redevelopment for equestrian uses, before new or replacement buildings can be considered.

Alternative Policy Options

4.17 The existing option is retained -The current policy focuses principally on supporting small scale rural enterprises in rural parts of the Borough. While it does not set out size thresholds for new or expanding businesses, it only

provides policy support for small scale business enterprises and therefore is not entirely in accordance with the objectives paragraph 28 of the NPPF.

5. Housing Policies

Core Strategy

Policy H2

Reasons for Proposed Changes

5.1 Minimum density requirements previously contained within PPS3 have been removed from the NPPF which only makes limited reference to densities. The NPPF allows local authorities to set their own approach to housing density to reflect local circumstances within the context of the surrounding area and scheme design. The indicative housing densities found within Policy H2 and Table H2a of the Core Strategy were adopted at a time when higher density developments were being brought forward by developers. However in recent years, housing sites have been brought forward at varying densities mainly driven by on site constraints and policy considerations such as design and parking standards. In many instances the site constraints and other policy requirements influence the viability of the scheme which then informs the density of the proposed development thus reducing the need for indicative densities.

5.2 It is still considered appropriate to encourage higher densities in more accessible locations and centres where access to services and public transport opportunities exist. Allowing lower density development in the suburban and rural parts of the Borough balances the spread of densities across the borough and encourages the effective use of land as promoted by national policy.

5.3 As part of this review, the Council are proposing to remove Table H2a as the indicative densities found within this table are no longer considered relevant now that national density targets have ceased. A more flexible approach where proposed developments take account of the surrounding area and landscape features is seen as the most appropriate way forward and builds upon the guidance found within the Essex Design Guide and Urban Place Supplement. Development within the villages at a density between 30-40 dwellings per hectare is often seen as over development and out of keeping with the surrounding area. Higher density developments found within the Town Centre tend to be taller, mixed use, flat developments which can be designed in response to the surrounding areas. Policy standards such as parking, amenity space and design principles often dictate the density of a proposed development which allows for greater flexibility and schemes which respond to their context which is considered to be in keeping with the NPPF.

Policy H2 – Housing Density

5.4 Proposed revisions to Policy H2 (pp. 49-50 in original Core Strategy document)

The Borough Council will seek housing densities that make efficient use of
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land and relate to the context. New developments must enhance local character and optimise the capacity of accessible locations.

Locations with good access to centres, particularly the Town Centre and the Urban Gateways, are more suited to higher density development, although a flexible approach will be important to ensure that densities are compatible with the surrounding townscape. Other locations with lesser access to centres and public transport should involve more moderate densities. The density of developments also needs to be informed by the provision of open space and parking, the character of the area, and the mix of housing.

~~Table H2a provides indicative guidance on appropriate densities that relate to the accessibility of a location. A context appraisal will be required to identify the accessibility and local character of a location and therefore inform an appropriate density.~~

Table H2a – Indicative Housing Densities

Accessibility	Indicative Locations	Indicative Housing Densities
Very High	Town Centre and within 400m of Urban Gateways	Over 75 du/ha*
High	Within 800m of the Town Centre, and Urban Gateways	Over 50 du/ha
Moderate	Colchester Town and District Settlements (Tiptree, West Mersea and Wivenhoe)	Over 40 du/ha
Low	The Borough's villages	30 to 40 du/ha

Explanation

The density of housing development can have significant implications for sustainability, local character, travel behaviour, development land take, and residential amenity.

Housing development will be focused on the most accessible locations to reduce the need to travel, promote regeneration and protect greenfield land. Higher density developments can accommodate more people at locations with good access to employment, shops and education, and allow residents to easily access their needs by walking, cycling and public transport. This in turn supports the provision of local business, services and infrastructure. However, high density development that is poorly located or poorly designed can have adverse impacts on the local community, built character, traffic and sustainability. High density developments need to have regard to biodiversity and open spaces provided within urban areas and on brownfield sites.

Densities therefore need to be moderated at less accessible locations and to reflect local character. The provision of open space, parking and a mix of housing will also have moderating affect on densities. Areas with lesser access to centres and public transport, such as villages and outer-suburbs are

suited to lower densities. ~~Lower density developments can provide more open space and large family housing, but developments below 30du/ha are considered to be too inefficient and inconsistent with national planning policy as set forth in PPS3.~~

Discounted Option

5.5 An alternative approach could be to modify table H2a to be more permissive/flexible and change the indicative density targets to be more descriptive through the introduction of phrases such as high rise, flats, larger private gardens, single storey and two storey units. Introducing descriptions to aid understanding of densities across the Borough would add a large amount of subjectivity which is considered unnecessary. Locally adopted documents such as the Essex Design Guide and the Urban Place Supplement provide appropriate information for developers and landowners on which to base scheme design.

Policy H3

Reasons for Proposed Changes

5.6 Core Strategy Table H3a encouraged developers and landowners to make effective and efficient use of land by providing a greater number of units in the most accessible areas through the delivery of flat and maisonette type developments predominately within these locations. In areas which were deemed to have a lower accessibility, houses of various sizes were encouraged to provide a more suburban and rural character type developments. The NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development by delivering a wide choice of high quality homes, widen opportunities for home ownership and create sustainable inclusive and mixed communities across the Borough.

5.7 The Core Strategy adopted in 2008 provided information relating to indicative densities which were considered appropriate across the Borough. To better inform these density requirements, Table H3a provided a guide for the types of dwellings that the Council would expect within various locations and informed developers with regards to the layout of schemes and the type of units expected across the Borough. The guidance in the table is now largely redundant due to the removal of national density requirements and the flexibility provided by the NPPF. In most instances schemes are generally developed to take into account onsite characteristics, constraints and are brought forward to be in keeping with the existing context of an area.

5.8 Proposed Revisions to Policy H3 (pp. 50-51 in original Core Strategy document)

Colchester Borough Council intends to secure a range of housing types and tenures on developments across the Borough in order to create inclusive and sustainable communities. Housing developments should provide a mix of housing types to suit a range of different households, whilst also realising the opportunities presented by accessible locations. The mix of housing types
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should therefore be guided by ~~Table H3a~~ and informed by an appraisal of community context and housing need.

Housing developments will also need to contribute to the provision of affordable housing and homes that are suitable to the needs of older persons, persons with disabilities and those with special needs.

~~Table H3a – Indicative Mix of Housing Types~~

Accessibility	Houses			Flats and Maisonettes		
	1-2 Bed	3 Bed	4+ Bed	1 Bed	2 Bed	3+ Bed
Very High	-	-	-	++	++	±
High	±	±	±	±	++	±
Moderate	++	++	±	±	±	±
Low	++	++	±	-	-	-

++ Important ± Appropriate - Unnecessary, but may be suitable

Explanation

All housing developments in Colchester should be inclusive and accommodate a diverse range of households and housing need to create mixed communities. Housing developments must provide a range of housing types that can accommodate a range of different households, including families, single persons, older persons and low income households.

~~Table H3a illustrates the~~ There is an important relationship between housing diversity, density and the accessibility of the location. Town Centre locations, for example, are highly accessible and can support high density flats, but they also need to accommodate a range of household sizes. Suburban locations have moderate access and should accommodate a range of housing types and household sizes. Rural locations have low accessibility and will suit low density development, but should also still provide for small and low income households.

In ~~2011~~²⁰¹⁴, the average household size was ~~2.33~~^{2.337} persons. Approximately 28% were single person households, roughly 35% were 2 person households, and another 29% of households had dependent children. In 2021, the average household size is projected to shrink to around 2.24 persons, and single person households are likely to grow to about 35% of the total.

In 2001, flats and maisonettes represented about 15% of total housing stock and probably occupied less than 5% of housing land. Between 2000 and 2006, about 31% of new dwellings constructed were flats and maisonettes, whilst 69% were houses or bungalows. In 2006, flats and maisonettes represented about 17% of total housing stock. Although more flats and maisonettes have been constructed in recent years the overall proportion is still relatively low.

Housing Delivery

	Houses			Flats		
	1-2 Bed	3 Bed	4 Bed +	1 Bed	2 Bed	3 Bed +
2000-2006	12%	30%	27%	7%	22%	2%

During the same period, houses with 3 or more bedrooms represented 57% of total completions, whilst 2 bedroom houses represented only 12%. Given that the average price for a 4 bed house was over £300,000 in 2006, there is concern that the mix of housing is not reflecting community need.

All housing developments therefore need to provide a more balanced range of housing types to reflect identified community need. The mix of housing should reflect the housing needs of the community, and therefore higher density developments in the urbanised areas still need to provide accommodation suitable to families and larger households, and low density developments in villages still need to provide housing for small and low income households.

Alternative Policy Option(s)

5.9 The existing policy is retained- The current policy contains reference to Table H3a and provides an indicative mix of housing types in various locations across the Borough. The table is considered to be out of date in light of current building practices and following the proposed deletion of Table H2a it is considered appropriate to also remove reference to the housing mix table.

Policy H4 – Affordable Housing

Reasons for Proposed Changes

5.10 The NPPF seeks to maintain a balance between the delivery of affordable housing and ensuring that overall levels of housing viability and delivery are not compromised by overly onerous requirements for affordable housing. The NPPF replaces nationally set targets for housing delivery with a requirement for all local authorities to develop a local evidence base for the amount of housing required, supported by appropriate allocations. The revised policy wording removes the requirement for 35% affordable housing set by the East of England Plan and replaces it with a target which reflects viability in Colchester. The lower target of 20% arises from research to investigate the impact of providing affordable housing on overall development viability.

5.11 National policy has expanded the definition of acceptable schemes for rural exception sites to include an element of market housing to cross subsidise the delivery of affordable housing. The revised wording reflects this while continuing to ensure that the main function of rural exception sites is the provision of affordable housing units.

5.12 Proposed revisions to Policy H4 (pp. 51-52 in original Core Strategy document)

The Borough Council is committed to improving housing affordability in
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Colchester. The Council will be seeking to secure ~~20%~~^{35%} of new dwellings (including conversions) to be provided as affordable housing (normally on site), as follows:

- In Colchester Town and Stanway, Tiptree, Wivenhoe and West Mersea, affordable housing will be required on housing developments for 10 or more dwellings.
- In the other villages, affordable housing will be required on housing developments for 3 or more dwellings.
- An equivalent financial contribution will also be sought for developments below these thresholds.

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

This level balances the objectively assessed need for affordable housing in the Borough established by the Council's evidence base against the requirement for flexibility to take account of changing market conditions. For sites where an alternative level of affordable housing is proposed below the target, it will need to be supported by evidence in the form of a viability appraisal.

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

Affordable housing development in the villages of rural Colchester Borough will be supported on rural exception sites contiguous with village settlement boundaries, provided a local need is demonstrated by the Town/Parish Council on behalf of their residents based on the evidence gained from an approved local housing needs survey. A proportion of market housing which facilitates the provision of significant additional affordable housing may be appropriate on rural exception sites. Information to demonstrate that the market housing is essential to cross-subsidise the delivery of the affordable housing and that the development would not be viable without this cross-subsidy will be required. At the scheme level, the number of open market units on the rural exception site will be strictly limited to only the number of units required to facilitate the provision of significant affordable housing units on a rural exception site. The number of affordable units on a site should always be greater than the number of open market units delivered in this way. The actual number will be determined on local circumstances, evidence of local need and the overall viability of the scheme. The plot size, scale and general design of the homes should be comparable regardless of tenure within a single integrated development layout.

The Council will require developments to integrate affordable housing and market housing, with a consistent standard of quality design and public spaces, to create mixed and sustainable communities.

Explanation

The need for affordable housing is high in Colchester, as it is elsewhere in the Eastern region. ~~The East of England Plan has set a policy target of 35% affordable housing for planning permissions in the region.~~

The Strategic Housing Market Assessment 2007 (SHMA) identified that the average house price in Colchester was approximately £200,000 in 2006, whilst the gross (median) household income was only £23,874. The SHMA observes that few households aspiring to home ownership have access to enough money to purchase a home in Colchester. The SHMA identified a need for 1,104 affordable homes per year. ~~which is very high given the total housing provision in the EEP is only 830 per year. The SHMA suggests this high need would justify an Affordable Housing target over 35% if the developments were viable.~~

Affordable housing requirements must be balanced with other requirements for transport infrastructure, community facilities, open space and sustainable construction. The viability of housing delivery also needs to be maintained, particularly in regeneration areas. ~~The Housing Viability Report identified that a significant portion of developments would not be viable with an affordable housing requirements of 40%. Even at lower levels of affordable housing, viability was a problem, particularly on previously developed land.~~

As identified in the Affordable Housing Viability Report it is considered that a 35% 20% target maintains a balance between essential housing need and viability, whilst maintaining consistency with the regional target. Where 20% is not considered to be viable applicants will need to submit information on viability as set forth in the Affordable Housing SPD. The Council will expect developers to meet the Council's reasonable costs associated with viability appraisals in instances where the level of affordable housing is disputed. A target of 35% 20% will optimise affordable housing delivery on greenfield land whilst facilitating the regeneration of rundown areas.

In instances where the provision of affordable housing is supported by the delivery of some open market units on a rural exception site, it will be essential to ensure that the number of open market units never dominates a particular scheme. In determining the number of open market units required to facilitate the delivery of affordable units the Council will expect applicants to demonstrate viability calculations starting with 100% affordable housing. The same calculations should then be applied with the introduction of one open market unit at a time until a point is reached where the delivery of the rural exception site becomes viable. The number of open market units on a rural exception site should be less than the number of affordable units delivered.

Alternative Option(s)

5.13 The existing policy is retained

The current policy is not considered to fully comply with national planning guidance in paragraph 50 of the National Planning Policy Framework which

requires policies on affordable housing to be sufficiently flexible to take account of changing market conditions over time. The regionally set target of 35% for affordable housing provision does not provide sufficient scope to support the viability of projects which also need to fund other infrastructure commitments. Retaining the existing 35% affordable housing target could undermine overall housing delivery in the Borough contrary to the aims of the NPPF. The new 20% target set out in the revised policy is considered more realistic and deliverable.

5.14 Policy H4 is also out of date with National Planning Policy Framework as it does not permit the delivery of any market housing on rural exceptions sites. While the current policy would still enable affordable housing to be delivered on Rural Exceptions Sites allowing a proportion of market housing to be built on the same sites could potentially increase the amount of affordable units delivered in Borough at the same time contributing to the overall housing targets set for Colchester.

5.15 – The policy is deleted

The Council could choose to remove the affordable housing policy completely from the Development Plan to further encourage housing delivery across the Borough. Removing all affordable housing requirements would be considered contrary to national policy which supports the provision of affordable housing to meet identified needs. The delivery of affordable housing is also a priority for Colchester Borough Council and therefore the option to remove the policy completely has been discounted.

H6- Rural Workers

Reasoned Justification

5.16 The introduction of the NPPF resulted in the cancellation of much of the previous national policy guidance. PPS7 which set out criteria for rural workers dwellings in Annex A was deleted as part of this process. Colchester's adopted Local Development Framework did not include a policy on Rural Workers Dwellings because the subject was adequately covered by national policy. The introduction of the NPPF created a policy gap in this area. The lack of policy and criteria to guide the provision of Rural Workers Dwellings was further highlighted following a recent appeal (ref. APP/A1530/A/12/ 2181879.) In response in April 2012, the Council produced a Rural Workers Guidance Note. It is proposed to supersede this Guidance Note by incorporating its guidance into a new policy to provide a clear direction for applications for rural workers dwellings and to ensure conformity with national guidance.

5.17 Proposed new Policy H6 (not in original Core Strategy document)

Permanent Rural Workers Dwellings

Planning permission will be granted for new agricultural/rural workers dwellings as part of existing businesses where all of the following criteria are met :

- (i) evidence is provided to show that there is a functional need for a permanent dwelling
- (ii) the need is related to a full time worker who is primarily employed in agriculture, forestry or some other rural based business
- (iii) the size and type of dwelling is commensurate with the needs of the rural business
- (iv) the business has been established for at least 3 years, has been profitable for at least one of them, is financially viable and is likely to remain so in the future
- (v) the functional need cannot be met through the use of an existing building on the site or any other existing accommodation close to the business that is suitable and available for occupation
- (vi) the proposed development satisfies all other Local Plan policy requirements

Temporary Rural Workers Dwellings

Where a new dwelling is essential to support a new activity, whether on newly-created unit or an established one, it will normally, for the first three years, be provided by a caravan or other temporary accommodation. Applications will need to be supported with the following information:

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new buildings is often a good indication of intentions);
- (ii) functional need
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area
- (v) If permission for temporary accommodation is granted, permission for a permanent dwelling is unlikely to be granted within 3 years.

Conditions will be attached to any permissions granted for new rural workers dwellings to remove permitted development rights and restrict the occupancy to that required for the rural business concerned or other agricultural/rural use nearby.

Where a rural dwelling is no longer needed to support a rural business applications to remove the occupancy restrictions will have to meet the following criteria. The applicant will be expected to provide details of instructions to estate agents, and the response to that advertising, demonstrating that:-

- (i) the property has been marketed for rent or sale for at least 18 months and advertised continuously in that period at a price reflecting the occupancy condition; and

- (ii) the advertising should be within both local newspapers and relevant national farmer magazines; and
- (iii) the property has been offered both for sale and to rent on the same basis as above to all farmers, horticulturalists and other rural businesses where a dwelling may be justified in the locality (i.e. having holdings within a two mile radius of the dwelling)

Explanation

The NPPF states that one of the few circumstances where a new dwelling within the countryside may be justified is when accommodation is required to enable agricultural or rural workers to live at or in the immediate vicinity of their place of work. While Colchester Council's preference is for such workers to live in nearby towns or villages, or suitable existing dwellings to avoid new and potentially intrusive development in the countryside, it acknowledges that there will be some instances where the nature and demands of certain rural businesses will make it essential for one or more people engaged in the enterprise to live at, or very close to, their place of work.

Such a need however must be essential to the successful operation of the rural business. Any proposal for a new agricultural/rural workers dwelling will be expected to satisfy all the criteria set out in Policy H6.

The need for a rural workers dwelling could be generated by a range of traditional rural land activities such as agriculture, forestry, fisheries, rural estate management, certain equestrian businesses and horticulture.

Applications will be subject to a functions test to establish whether it is essential for the proper functioning of the business enterprise for one or more workers to be readily available. Such a requirement might arise where a worker or workers need to be available round the clock to respond to situations where livestock/animals or agricultural processes require essential care at short notice or emergencies that could otherwise cause a serious loss of crops or products e.g. by frost or failure of automatic systems.

Given the restrictions on the delivery of new dwellings in the countryside, the scale and design of any proposals for rural workers dwellings should reflect their countryside location and their function as housing for a rural worker.

While many people work in rural areas e.g. in offices, schools, workshops, garages and garden centres it is unlikely that they will have an essential need to live permanently at or near their place of work. Being employed in a rural location is not considered sufficient justification to qualify as a rural worker with an essential housing need.

Changes in the scale and character of agricultural and forestry businesses have the potential to affect the longer-term requirement for dwellings in the

countryside particularly where these had an “agricultural worker occupancy” condition attached when planning permission was granted. In such cases, the Borough-Council recognises that it would fulfil no purpose to keep such dwellings vacant, or that existing occupiers should be obliged to remain in occupation simply by virtue of a planning condition that has outlived its usefulness. Nevertheless, the Borough Council will expect applications for the removal of an occupancy condition to demonstrate convincingly that there is no long-term need for an agricultural dwelling in the locality. Such dwellings could be used by other agricultural and rural workers seeking accommodation within the wider surrounding area, therefore it will need to be demonstrated to the Borough Council that the dwelling tied to an occupancy condition has been effectively marketed to likely interested parties in the area concerned, and that no genuine interest has been shown regarding the purchase or rental of the dwelling for a rural worker with an essential need to live in the local community.

Alternative Policy Option .

5.18 No policy with reliance solely on NPPF

Colchester is a large rural Borough with much of the Council’s area falling outside of urban Colchester and the larger settlements of Tiptree, West Mersea, and Wivenhoe. The Borough Council seeks to protect the intrinsic character and undeveloped nature of the countryside by resisting local pressures for residential accommodation that is not genuinely required in connection with agricultural or other rural based activities. It is therefore considered important to produce a new policy for Rural Workers Dwellings in light of the cancellation of PPS7 to provide a clear policy framework and guidance for applicants and decision-makers. The NPPF guidance on this topic is too general and relying solely on national guidance would not provide an adequate steer for either applicants or decision makers.

Development Policies

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

Reasons for proposed changes

5.19 The NPPF provides greater flexibility to deliver a wide choice of high quality homes and although this policy ensures that other considerations are taken into account and control is retained by the Council it is considered appropriate to make the revisions outlined below to ensure greater consistency with national guidance. The NPPF offers a presumption in favour of re-using commercial buildings for residential purposes but the Council consider it appropriate to have local control over redevelopments in the rural areas to ensure that the right balance is struck between ensuring sufficient employment and commercial land/buildings is available within the rural areas and residential development is not encouraged on isolated sites.

5.20 Two recent appeal decisions have made reference to Policy DP13. The first appeal noted that the policy adopted in December 2012 was broadly in

accordance with the NPPF as it meets the Framework's core principles that planning should be taking account of the different roles and character of an area and should be seeking to ensure high quality design. The second appeal highlighted a grammatical and wording error with regards to an element of the policy being in the wrong paragraph. The Focused Review therefore provides an opportunity to correct this error and ensure that the policy applies to all applicable development.

5.21 Proposed revisions to Policy DP13 (PP. 33-34 in original Development Policies document)

Policy DP13: Dwelling Alterations, Extensions and Replacement Dwellings

Within the Borough's settlement boundaries, residential alterations, extensions and replacement buildings will be supported where they meet other policy requirements, including the adopted SPD 'Extending Your House?'

For annexes, development will be supported only where the need for additional space cannot be met within an existing dwelling or buildings suitable for conversion on the site in the first instance, if the development:

- (i) Is physically attached or closely related to the main dwelling so that it cannot be subdivided from the main dwelling;
- (ii) Retains some form of demonstrable dependence on the main dwelling, such as shared access (including both vehicular access and doorways) and communal amenity spaces;
- (iii) Does not incorporate facilities that make the annexe capable of use as a separate dwelling
- (iv) Respects and enhances both the character of the original dwelling and the context of the surrounding rural area through regard to site characteristics, design, scale, height, form, massing, materials and layout within the wider landscape setting.
- (v) The desire for annexe occupants to remain independent from existing residents will not be considered as adequate justification to allow isolated annexes.

Outside of the settlement boundaries, development will be supported only where all the following relevant criteria can be met:

- (A) For alterations and extensions, including ancillary outbuildings and garden extensions, where the development:
 - (i) Respects and enhances the character of the original dwelling and does not significantly alter its size;
 - (ii) Respects and enhances the landscape character and setting of the site and the wider rural area; and
 - (iii) Avoids a cramped form of development and retains an appropriate level of private amenity space for the occupants of the dwelling.

- (B) For replacement dwellings, when development:
- (i) Is on a one-for-one basis and the property to be demolished is of permanent construction, recently occupied, and is not derelict or abandoned;
 - (ii) Is of a satisfactory design that is appropriate to the rural area and does not significantly increase the scale, height and form, of the original dwelling;
 - (iii) Provides satisfactory landscape value to integrate the new dwelling into the wider rural context with no greater adverse impacts than the existing dwelling; and
 - (iv) Represents the optimum solution to either preserving or enhancing access, siting and dwelling orientation.
- ~~(C) For annexes, when the need for additional space cannot be met within an existing dwelling or buildings suitable for conversion on the site in the first instance, if the development:-~~
- ~~(iv) Is physically attached or closely related to the main dwelling so that it cannot be subdivided from the main dwelling;~~
 - ~~(v) Retains some form of demonstrable dependence on the main dwelling, such as shared access (including both vehicular access and doorways) and communal amenity spaces;~~
 - ~~(vi) Does not incorporate facilities that make the annexe capable of use as a separate dwelling~~
 - ~~(iv) Respects and enhances both the character of the original dwelling and the context of the surrounding rural area through regard to site characteristics, design, scale, height, form, massing, materials and layout within the wider landscape setting.~~
- ~~(iv) The use of ancillary accommodation as a separate dwelling will not be permitted and the desire for annexe occupants to remain independent from existing residents will not be considered as adequate justification to allow isolated annexes.~~
- The use of ancillary accommodation including an annexe as a separate dwelling will not be permitted in any circumstance.

Explanation

Not all extensions and alterations require planning permission. Further guidance on the forms of development that do not require planning permission can be obtained from the Government's planning portal: www.planningportal.gov.uk. The NPPF alongside the criteria of the General Permitted Development Order will be taken into account with regards to size of potential extensions, replacement dwellings and potential changes of use to/from dwelling houses.

This policy together with Policy DP1 and the NPPF sets out appropriate criteria for assessing planning applications for development, including alterations and extensions to residential dwellings, when planning permission

is required. 'Extending Your House?' the Council's adopted SPD gives more detailed guidance for householder development proposals.

Whilst development in the countryside is not encouraged the Council accepts that development relating to existing dwellings may be acceptable. Development must protect and reflect the rural qualities and landscape character of the area. This policy therefore sets out additional criteria that the Council will apply for extensions and other alterations to dwellings which promote sustainable development in the countryside (i.e. outside the settlement boundaries) where planning permission is required.

The Council wishes to retain a balanced mix of dwelling sizes and, in particular, to avoid the loss of smaller, more affordable units. Extensions to existing dwellings and replacement dwellings should not significantly alter the size of the original dwelling. The Council is also keen to ensure that dwellings do not grow by a succession of small extensions, which cumulatively can significantly alter the character of the original building. For the purpose of this policy, the "original" dwelling is defined as the building as existed on 4th November 1993 or as built if later.

Proposals for extension of a domestic garden into open countryside will not be permitted if they have a material adverse impact on the surrounding countryside, or result in the loss of good quality agricultural land, or would set a precedent for unacceptable extensions to gardens at one or more neighbouring properties. Where planning permission is granted, applicants will be expected to relinquish their permitted development rights over the new area of garden.

Alternative Option(s)

5.22 Retain existing policy

It is considered inappropriate to retain the existing policy because its current wording limits its applicability for annexes within settlement boundaries.

6. Environment Policies

Core Strategy

ENV2 – Rural Communities

Reason for change

6.1 The NPPF widens the scope of acceptable schemes for rural exception sites and provides that local authorities should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs. (Para 54) The addition of the word 'primarily' is considered to provide for a level of market housing but to retain the focus on meeting local needs for affordable housing.

6.2 Amendments have also been required to reflect the greater emphasis in the NPPF on rural economic development.

6.3 The final sentence of ENV2 has been modified to include Neighbourhood Plans which were introduced by the 2011 Localism Act and subsequent regulations to provide a mechanism for local communities to programme and guide further growth in their area, subject to its conformity with national and local planning policies.

6.4 Proposed revisions to Policy ENV2 (P. 67 in original Core Strategy document):

The Borough Council will enhance the vitality of rural communities by supporting appropriate development of infill sites and previously developed land (PDL) within the settlement development boundaries of villages. The design and construction of new village development must be high quality in all respects, including design, sustainability and compatibility with the distinctive character of the locality. Development should also contribute to the local community through the provision of relevant community needs such as affordable housing, open space, local employment, and community facilities.

Outside village boundaries, the Council will favourably consider sustainable small-scale rural business, leisure and tourism schemes that are of an appropriate scale and which help meet ~~appropriate to~~ local employment needs, minimise negative environmental impacts, and harmonise with the local character and surrounding natural environment. Development outside but contiguous to village settlement boundaries may be supported where it primarily constitutes an exception to meet identified local affordable housing needs.

Towns and villages are encouraged to plan for the specific needs of their communities by developing Neighbourhood Plans which provide locally-determined policies ~~views on future development needs~~. Communities are also encouraged to continue to develop other plans where appropriate such

as other Community Led Plans Parish Plans and Village Design Statements, where appropriate, for adoption as guidance.

Explanation

Rural communities in Colchester comprise the villages identified in the Settlement Hierarchy (SD1 Appendix B). National evidence indicates that villages in the catchment area of larger towns struggle to retain facilities, even when more housing is built.

~~The East of England Plan noted that “the growth of villages has been unable to halt the closure of village services and commuting has increased dramatically”.~~ Colchester Town is the main provider of shopping, services, employment, and community facilities for the Borough as a whole. Elsewhere in the Borough, only Wivenhoe, Tiptree and West Mersea provide a sufficient level of shops, services and employment to maintain a reasonable level of self containment.

In general, rural communities do not provide sufficient shops, services and facilities to support significant growth. Within rural communities, small scale appropriate development will be supported on PDL and infill sites within the village boundaries. ~~The Site Allocations DPD will provide an opportunity to review the extent of village envelopes previously set through the Local Plan process. This development will need that to optimises~~ the sustainability of villages by increasing rural employment opportunities, and by contributing towards community facilities and open space. ~~and, local employment. a community need assessment .~~ The Council is also seeking to sustain and enhance local employment and rural enterprises. Affordable housing will also be supported on rural exception sites where supported by a Local Housing Needs Assessment.

Towns and villages are encouraged to plan for the specific needs of their communities by developing Neighbourhood Plans, Parish Plans and Village Design Statements. Neighbourhood Plans which were introduced through the Localism Act in 2011, will be adopted as part of the Development Plan for Colchester, if they pass a referendum, while Village Design Statements and Parish Plans will continue to be adopted as planning guidance.

Alternative Policy Option(s)

6.5 Retain existing policy

The current policy focuses principally on supporting small scale rural enterprises in rural parts of the Borough. While it does not set out size thresholds for new or expanding businesses, it only provides policy support for small scale business enterprises and therefore would not help deliver the objectives paragraph 28 of the NPPF as it is worded.

6.6 As it is currently written the current policy does not promote the production of Neighbourhood Plans and while this would be unlikely to result in interested Parish /Town Council's or Neighbourhood Forums not preparing Neighbourhood Plans omitting to mention them in policy leaves the council open to challenge that the Borough's Local Plan policy ENV2 does not accord with National Planning guidance or positively promote the role communities can play in determining how the areas they live develop in the future.

Development Policies

Policy DP24 – Equestrian Activities

Reasons for Proposed Changes

6.7 The NPPF (para 55) while generally restricting the construction of isolated new dwellings in the countryside permits exceptions. One of the exceptions is where a dwelling is required for rural workers who need to live permanently at or near where they work. The current Development Policy DP24 does not allow for the construction of rural workers housing as part of equestrian related developments in the countryside or urban fringe in Colchester. It is therefore out of date in terms of the policy exceptions set out in paragraph 55 of the NPPF regarding the development of isolated rural housing in the countryside. This was also confirmed in a recent appeal **APP/A1530/A/12/2181879**. Following the appeal **APP/A1530/A/12/2181879** the need for rural workers policy was identified. A new Policy H6 has been prepared as part of the Focused Review of Colchester's Local Plan.

Proposals for equestrian related developments will be adequately considered through policies ENV1 and ENV2. Where a need arises for a rural workers dwelling associated with an equestrian business, such applications will also be assessed against Policy H6 and the revised policy.

In response it has been decided that the current Policy DP24 should be deleted.

6.8 Proposed revision (deletion) of Policy DP24 (p. 55 of original Development Policies document):

~~Planning permission will be supported for equestrian related development if it can be demonstrated that the proposal:~~

- ~~(i) Cannot be located within existing buildings on the site through the re-use or conversion of buildings for any related equestrian use before new or replacement buildings are considered;~~
- ~~(ii) Is satisfactory in scale and level of activity, and in keeping with its location and surroundings;~~
- ~~(iii) Will not result in development leading to an unacceptable intensification of buildings in the countryside and urban fringe or have a detrimental impact on the townscape setting or local landscape character.~~
- ~~(iv) Proposals for dwellings associated with the development would need to be justified by the essential need for a rural worker to live permanently at or near their place of work Is related to an existing dwelling within the countryside or will not lead to pressure for the development of a new dwelling.~~

Explanation

~~Equestrian development includes all forms of horse related activities including the erection of stables through to racing stables, sand schools and all-weather gallops. Where a new dwelling is proposed as part of an equestrian development it will be necessary to demonstrate that it is needed for a rural worker and essential to the equestrian business. Proposals for equestrian developments need to be assessed monitored carefully to ensure the cumulative effect of the fencing, stabling, ménage, and ancillary buildings and housing where proposed, does not lead to overdevelopment in countryside areas or create conflicts with other rural uses. An equestrian use will not be considered to justify the erection of a dwelling in a location where permission would normally be refused.~~

Alternative Policy Option

6.9 The alternative option is to not amend policy DP24 to recognise that some equestrian related developments may require staff to live on or close to the equestrian business. This approach however would not be consistent with the approach set out in the NPPF in relation to the provision of rural workers dwellings which could leave the authority vulnerable to legal challenge when planning applications are submitted.

7. Energy

Core Strategy

ER1 Energy, Resources, Waste and Recycling

Reasons for Proposed Changes

7.1 The Council's commitment to carbon reduction includes the promotion of efficient use of energy and resources, alongside waste minimisation and recycling.

7.2 The Council will encourage the delivery of renewable energy projects, including community led initiatives ~~microgeneration~~, in the Borough to reduce Colchester's carbon footprint. New developments will be encouraged to reduce energy usage and provide over 15% of energy demand through local renewable and low carbon technology (LCT) sources.

7.3 Sustainable construction techniques will also need to be employed in tandem with high quality design and materials to reduce energy demand, waste and the use of natural resources. Residential dwellings will be expected ~~encouraged~~ to attain ~~achieve~~ a minimum of level 4 ~~3 star rating in accordance with~~ of the Code for Sustainable Homes (or its successor). Non-residential developments will be expected ~~encouraged~~ to achieve a minimum BREEAM (or its successor) rating of 'Very Good'.

7.4 The Council will support housing developments that reduce carbon emissions by ~~25% from 2010~~, 44% from 2013 and zero carbon homes from 2016 in accordance with national building regulations. The sustainable urban extensions to the north and south-west of Colchester Town are intended to deliver zero carbon homes from 2016.

7.5 The Council is seeking to minimise waste and improve reuse and recycling rates through better recycling services and public awareness programs. To assist this aim, new developments will be expected to provide facilities and employ best practice technology to optimise the opportunities for recycling and minimising waste.

Alternative option(s)

7.6 The existing policy is retained

The policy is out of date with existing government guidance in the NPPF, updates to building regulations and best practice. From October 2013 when planned changes to Building Regulations are expected the Council will expect new residential dwellings to attain level 4 of the Code for Sustainable Homes. Focusing on nationally recognised building standards rather than reducing energy demand by setting a target reduction figure is more comprehensive and consistent with the government's zero carbon buildings policy.

8. Design and Amenity

Policy DP1: Design and Amenity

Reason for change

8.1 Paragraph 96 of the NPPF states that local planning authorities should expect new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. The Council agrees with the Environment Agency submission on that point that Council policy should be amended to reflect this point.

8.2 Proposed Revision to Policy DP1 (p. 12 in original Development Policies document). No changes proposed to Explanation

All development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. Development proposals must demonstrate that they, and any ancillary activities associated with them, will:

- (i) Respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, proportions, materials, townscape and/or landscape setting, and detailed design features. Wherever possible development should remove existing unsightly features as part of the overall development proposal;
- (ii) Provide a design and layout that takes into account the potential users of the site including giving priority to pedestrian, cycling and public transport access, and the provision of satisfactory access provision for disabled people and those with restricted mobility;
- (iii) Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight;
- (iv) Create a safe and secure environment;
- (v) Respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area; and
- (vi) Incorporate any necessary infrastructure and services including recycling and waste facilities and, where appropriate, Sustainable Drainage Systems (SuDS), and undertake appropriate remediation of contaminated land; and
- (vii) Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

For the purpose of this policy ancillary activities associated with development

will be considered to include vehicle movement.

Alternative Option(s)

8.3 The alternative policy is not to amend the policy to account for energy consumption considerations, but this would not reflect the advice in the NPPF.

9. Open Space and Recreation

DP15 – Retention of Open Space and Indoor Sports Facilities

Reasons for change

9.1 Minor changes to the explanatory text are proposed to reflect the fact that Government guidance in PPG17 has now been superseded by the NPPF and that the Council is updating its evidence base on sports and open space.

9.2 Proposed revisions to Policy DP15 Explanation (p. 39, paras 7.1 and 7.2 in original Development Policies document):

Against this background, it is intended to secure the retention of existing facilities unless a case can be made that alternative provision will be provided in a wholly acceptable manner. Alternative provision could comprise existing provision in the locality of the type of open space as defined by the NPPF PPG17 (Planning for Open Space, Sport and Recreation), providing there is not a deficiency in that type of open space in the locality. ~~A full~~ The PPG17 Audit and Assessment of the Borough's public open space and sports and recreational facilities ~~was undertaken by consultants PMP and published in (2007), which along with the Colchester Parks and Green Spaces Strategy (2008), Colchester Green Infrastructure Strategy (2011) and Sports Facility and Playing Pitch Strategy~~ will be used by the Council when assessing planning applications relating to proposed development of open space and sports facilities. Sport England should be consulted on any application that is likely to prejudice the use of or lead to the loss of use of land used as a playing field (whether presently used, or used within the last 5 years, or allocated for such use).

Developments should help contribute to the accessibility, quantity and quality standards ~~set for the different open space typologies defined in PPG17. These standards are set out in Appendices N, P and Q in the Borough Council's PPG17 Open Space, Sport and Recreation study.~~ All open space shall be provided in a timely manner (so as to enable reasonable and appropriate access by new residents to this facility); should be fully equipped in a satisfactory manner as agreed by the Local Planning Authority; and, laid out at the expense of the developer and where appropriate, dedicated to the Council with suitable provision for ongoing maintenance.

Alternative Option(s)

The alternative option would be not to make the minor amendments, but the current text does not reflect the most up-to-date position on the NPPF and Colchester's evidence base.

GLOSSARY

This glossary is neither a statement of law nor an interpretation of the law and its status is only an introductory guide to planning policy terminology and should not be used as a source for statutory definitions. Reference should also be made to the Glossary within the NPPF.

AFFORDABLE HOUSING

Subsidised housing provided to specified eligible households whose needs are not met by the market. The extent of the subsidisation is determined by local incomes and local house prices to ensure housing is set at a cost which is affordable to households who cannot afford market housing.

ALLOCATION

The designation of land in the Plan for a particular use such as housing.

ANNUAL MONITORING REPORT

A report submitted to the Government by the Local Planning Authority assessing progress with and the effectiveness of the Local Plan. The recent planning reforms have changed the requirement of an Annual Monitoring Report to be submitted to Government, instead replacing it with an Authority's Monitoring Report (the Council has however retained the original name for clarity).

BACKLAND DEVELOPMENT

Land located behind a street frontage which is not directly visible from the street and is surrounded by other development, including rear gardens and private yards as well as larger undeveloped sites.

BROWNFIELD SITES/ PREVIOUSLY DEVELOPED LAND

Sites that have been, or currently are, subject to some form of built development. There are exclusions such as land that has been occupied by agricultural buildings and private gardens.

CENTRES – TOWN CENTRE, URBAN DISTRICT CENTRE, RURAL DISTRICT CENTRE

National policy provides that local authorities should define a network and hierarchy of centres that is resilient to anticipated future economic changes. Centres can be defined on a local authority's proposal map in order to establish a hierarchy of sequentially appropriate locations for town centre uses. In Colchester, centres include the Town Centre along with District Centres, which include both five Urban District Centres in the urban area of Colchester along with Rural District Centres in Tiptree, West Mersea and Wivenhoe.

CHANGE OF USE

The change in use of a building or other land for a different purpose. In considering a change of use it is normally necessary to establish whether the change is "material" and whether by virtue of the provisions of the Town and

Country Planning (Use Classes) Order 1987 (as amended) development requiring planning permission is involved. Additional changes of use which do not require planning permission were brought about by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

CODE FOR SUSTAINABLE HOMES

A single national standard developed by the Government to guide industry in the design and construction of sustainable homes. The Code uses a sustainability rating system indicated by 'stars' ranging from one to six.

COMMUNITY FACILITIES

Community facilities are buildings which enable a variety of local activity to take place including, but not limited to, the following:

- Schools, Universities and other educational facilities
- Libraries and community centres
- Doctors surgeries, medical centres and hospitals
- Museums and art galleries
- Child care centres
- Sport and recreational facilities
- Youth clubs
- Playgrounds
- Places of worship
- Emergency services

Privately owned buildings such as pubs and shops can also provide community services and activities.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in the area.

CONSERVATION AREA

An area designated under Section 69 of the Town and Country Planning Act 1990 as an area where it is desirable to preserve or enhance the character of its special architectural or historic interest.

CORE STRATEGY

The Core Strategy is one of the development plan documents forming part of a local authority's Local Plan. It sets out the long term vision (over ten years) for the area, the strategic objectives, and the strategic planning policies needed to deliver that vision.

DEDHAM VALE AREA OF OUTSTANDING NATURAL BEAUTY (AONB)

Environmentally sensitive land designated under the National Parks and Access to the Countryside Act 1949 for its special landscape value.

DEVELOPMENT PLAN DOCUMENT (DPD)

Spatial planning documents that form the development plan for Colchester Borough. They are subject to independent examination and are geographically presented on the Proposals Map.

ENVIRONMENTAL ASSESSMENT

A written evaluation of the effect on the environment of a proposed development (also known as an Environmental Impact Statement).

EVIDENCE BASE

A collective term for technical studies and background research that provides information on key aspects of social, economic and environmental characteristics of the Borough. This enables the preparation of a sound Local Plan meeting the objectives of sustainable development.

GREENFIELD SITES

Land that has not been developed and/or subject to any kind of built development (e.g. currently in agricultural use).

HOUSING DENSITY

Number of houses per acre/hectare.

HOUSING STOCK

Total residential accommodation in the Borough comprising all housing types and tenure.

HOUSING TENURE

The condition land or buildings are held or occupied, predominate tenures include owner-occupied (i.e. freehold, leasehold), privately-rented, socially-rented and shared ownership (part-owned and part-rented).

INDEPENDENT EXAMINATION

The process by which a planning inspector may publicly examine a Development Plan Document (DPD) or a Statement of Community Involvement (SCI), in respect, before issuing a binding report. The findings set out in the report are binding upon the local authority that produced the DPD or SCI.

INFILL DEVELOPMENT

The development of a small gap in an otherwise continuous frontage of built development.

LISTED BUILDINGS

Buildings included and described in the statutory List of Buildings of Special Architectural and Historic Interest published by the Department of Culture, Media and Sport. Listed Buildings are considered worthy of special protection because of their architecture, history or other notable features. Listed Building Consent must be obtained from the Council before they can be altered, demolished or extended.

LOCAL DEVELOPMENT SCHEME (LDS)

The Local Development Scheme sets out the Council's project plan for the preparation of planning documents. It lists the local development documents to be prepared and provides a timetable for producing them.

LOCAL PLAN

A Local Plan (formerly Local Development Framework) is a portfolio of documents which plans for the future development of an area. The main purposes are:

- To develop the policies and general proposals of the Structure Plan and to relate them to precise areas of land;
- To provide a detailed basis for development control;
- To provide a detailed basis for co-ordinating the development and other use of land;
- To bring local and detailed planning issues before the public;

A Local Plan consists of a Proposals Map and a Written Statement.

LOCALISM ACT 2011

The Localism Act has devolved greater powers to councils and neighbourhoods and given local communities more control over housing and planning decisions.

MATERIAL PLANNING CONSIDERATION

A factor to be taken into account when deciding the outcome of a planning application.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

Government planning policy which replaces a large number of Planning Policy Guidance notes and Planning Policy Statements with one single document. It sets out new planning requirements and objectives in relation to issues such as housing, employment, transport and the historic and natural environment amongst others.

NEIGHBOURHOOD PLAN

A plan prepared by a Parish Council, Neighbourhood Forum or other locally constituted community group for a particular neighbourhood.

PLANNING OBLIGATION

Legal agreement made between a developer and the local authority under Section 106 of the Town and Country Planning Act 1990 or a unilateral undertaking by the developer alone, by which the developer undertakes to carry out works, make payments, or agree to certain conditions covering matters which are outside the scope of a planning permission and which may include off-site works.

PROPOSALS/POLICY MAP

Statutory part of the Local Plan showing, in map form, where the policies of the Plan apply.

PUBLIC OPEN SPACE

Outdoor area used for recreation, which is open freely to the public and is owned by a local authority.

RURAL EXCEPTION SITES

Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

SEQUENTIAL TEST

A planning principle that seeks to identify, allocate or develop certain types or locations of land before others. For example, brownfield sites before greenfield sites, or town centre retail sites before out-of-centre sites.

STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

The Statement of Community Involvement sets out how the Council intends to involve the community in the planning system. This includes involvement in the preparation of plans and the determination of planning applications.

STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT (SHLAA)

The purpose of a SHLAA is to identify new housing sites that have a good chance of development. It will include those sites that already have planning permission or are allocated for housing in the Local Plan. In addition, landowners, agents and house-builders, public and private bodies and members of the public may suggest other sites. Only land in the more sustainable locations will be included in the SHLAA.

STRATEGIC HOUSING MARKET ASSESSMENT (SHMA)

A study of the way the housing market works in any particular area. It looks into the type of households living in the area, where they work and what sort of housing they live in. It attempts to estimate future housing needs across the area, broken down by tenure and size of housing.

SUPPLEMENTARY PLANNING DOCUMENT (SPD)

Supplementary material which sets out planning requirements or advice at a greater level of detail than appropriate for inclusion in the Local Plan but which does not set out new policy. Examples adopted by the Council include the Affordable Housing and Better Town Centre Supplementary Planning Documents.

SUSTAINABILITY APPRAISAL (SA)

The consideration of policies and proposals to assess their impact on sustainable development objectives.

SUSTAINABLE DEVELOPMENT

Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

URBAN GATEWAY

Key transport hubs for Colchester which provide accessible locations for new commercial development. They are considered to be next in preference to Town Centres, along with Edge of Centre locations, in the sequential test for new sustainable Town Centre use development sites.

Additional policy for review -

H5 – Gypsies, Travellers, and Travelling Showpeople

Reasons for Proposed Change

Since adoption of the Core Strategy in 2008, guidance on Gypsies and Travellers has been affected by the revocation of the East of England Plan and its single issue review on Gypsies and Travellers which set pitch allocations. In addition, the Government published Planning Policy for Travellers Sites in March 2012. In the absence of regional guidance, the Essex Planning Officers Association (EPOA) has commissioned a Gypsy and Traveller Accommodation Assessment for the period to 2033 which will be completed by autumn 2013. This study will form part of the Council's evidence base to inform the Full Review of its policies. In the interim period, the wording of the original adopted policy requires amendment to reflect the changed context for assessing and delivering gypsy and traveller accommodation.

The Council will identify sites to meet the established needs of gypsies, travellers and travelling showpeople in the Borough. ~~A suitable site for gypsies and travellers is being provided in Severalls Lane, Colchester; and additional sites will be identified (in the Site Allocations DPD) as required to meet future need. Although no need for sites for travelling showpeople has been identified, the matter will be kept under review.~~

The Council will seek to locate sites within reasonable proximity to existing settlements, and with access to shops, schools and other community facilities. Sites should also provide adequate space for vehicles and appropriate highway access. Any identified need for 'transit' (temporary) sites for gypsies and travellers will be met in appropriate locations related to the current working patterns of the travelling community.

In the intervening period up to the adoption of a new Local Plan, the Borough Council will use the national Planning Policy for Traveller Sites and the National Planning Policy Framework as material considerations in the determination of planning applications for gypsy and traveller accommodation.

Explanation

~~At present there is a shortage of sites to accommodate the established needs of gypsies and travellers in the Borough and the wider region. To date, however, there is no identified demand for sites for travelling showpeople in the Borough. A single issue review of the East of England Plan is being~~

~~undertaken to address these issues and its proposals for pitch provision in the Borough will be used to inform the Site Allocations DPD. The Borough Council will seek to provide appropriate sites to meet the needs of the gypsies, travellers and travelling showpeople in the Borough. These sites need to provide gypsy and traveller communities with good access to community facilities, employment and shopping. Additional sites will be identified as necessary through in the Site Allocations DPD process.~~

Following the Government's publication of Planning Policy for Traveller Sites in March 2012, the Essex Planning Officers' Association (EPOA) has commissioned on behalf of all Essex local planning authorities a new Gypsy and Traveller Accommodation Assessment (GTAA) for the period 2013-2033. This new assessment is anticipated to be completed in the Autumn of 2013 and will provide an up-to-date evidence base to inform a Full Review of Colchester Borough Council's adopted development plans.

In advance of the adoption of a new Local Plan, the Council will be able to use national guidance to guide the determination of planning applications for gypsy and traveller accommodation.

Alternative Option

An alternative option is to make no changes to the policy, however this would mean the Core Strategy would not be up-to-date and NPPF compliant in its approach to gypsy and traveller allocations. The suggested wording will clarify how the Local Plan will treat gypsy and traveller applications prior to the adoption of a new Local Plan based on updated evidence.



Local Plan Committee

Item
10

29 July 2013

Report of	Head of Commercial Services	Author	Laura Chase ☎ 282473
Title	Tollgate Framework Vision		
Wards affected	Stanway		

The Local Plan Committee is asked to note the Tollgate Framework Vision

1. Decision(s) Required

- 1.1 To note the Tollgate Framework Vision prepared by landowners in the Tollgate area of Stanway to provide a guiding framework for future development in a key Urban District Centre and Strategic Employment Zone. (attached as Appendix One)

2. Reasons for Decision(s)

- 2.1 The Council is working with landowners in the Tollgate area of Stanway to pursue a co-ordinated approach to future development. At this stage, this entails setting out broad principles of development within the context of current planning policies. Publication of the Framework Vision document is intended to publicly document the results of discussions between the developers and their agents in consultation with the Borough Council.

3. Alternative Options

- 3.1 The Council could have elected not to publish the Framework Vision as it is a non-statutory document that does not form part of the Development Plan, but its publication is intended to ensure the process of policy and site development for this key area of the Borough is carried out in an open and transparent manner.

4. Supporting Information

- 4.1 Ownership of land in the Stanway Strategic Employment Zone and Urban District Centre is divided between four primary landowners. Until recently, developers came to the Council to discuss schemes on an individual basis, limiting the extent to consider area-wide issues such as connectivity, public realm improvements and compatible uses. Three of the landowners, Tollgate Partnership, Churchmanor Estates and West Holdings have now agreed to work together to agree core development principles behind future development.

- 4.2 Policy for the Tollgate area is currently primarily covered by Core Strategy Centres and Employment policies which designate the retail-led part of the scheme as an Urban District Centre (including the Tollgate Centre and Sainsbury's) along with a Strategic Employment Zone (including Tollgate Business Park, former Sainsbury's site, Stane Park and Wyvern Farm). Under current policy, the two designations of Urban District Centre and Strategic Employment Zone provide for a clear demarcation between retail and related uses in the Urban District Centre and employment uses, primarily B use classes, in the Strategic Employment Zone.
- 4.3 Centres and employment policies are currently being considered as part of the Focused Review to ensure they are in compliance with the National Planning Policy Framework (NPPF). The revisions proposed (as discussed in another report to this Committee) provide greater flexibility to support employment growth and begin to blur the edges on the clear distinctions between different types of employment-creating uses. Specifically, they include noting the requirement in the NPPF that employment land should not be safeguarded if there is no reasonable prospect of a site being used for the allocated employment use, and the alignment of the Local Plan's approach to centres with the NPPF's approach. (These revisions are intended to supersede any conflicting advice contained in the Site Allocations Policy STA3, given that the Focused Review does not cover the Site Allocations document.)
- 4.4 In parallel to the Focussed Review, the Council has also initiated work on a Full Review of its planning policies. This will permit a comprehensive analysis of the functions, links and character of the Tollgate area to be undertaken in the context of the gathering of an up-to-date evidence base on the supply of employment and other commercial land in the Borough, as well as changes to wider employment, shopping, transport and leisure patterns. The timetable for this work over the next 2-3 years, however, explains why any agreement on principles at this stage cannot stray far from the current policy framework. Outcomes such as an improved public realm, improved connectivity and high quality design can be agreed in principle, but decisions on the options for uses in the area will need to be considered as part of the Full Review.
- 4.5 The Framework will accordingly help guide consideration of planning applications for the area in terms of their fit with its design outcomes, but proposals and uses which are not in accord with current planning policies will either need to be considered on their merits if supported by evidence or, form part of the longer term Full Review.

5. Proposals

- 5.1 The Framework Vision for Tollgate sets forth general criteria and principles to guide future development in the area. The document 'encourages high quality development proposals that will enhance the quality of the public realm and townscape; that seek to create an interconnected environment; and that contribute towards a vibrant and successful humanised Urban District Centre.'
- 5.2 The document covers around 29 hectares of land which is available for development in the short to medium term within the Tollgate Urban District Centre and adjacent Strategic Employment Zone.
- 5.3 Key principles for the area as a centre for commercial uses complementing plans for the wider growth of Stanway include:
- Need to integrate disparate elements of existing area to promote sustainable travel patterns
 - Need for improvements to public realm and community focus;
 - Need for co-ordinated and joined up approach to future infrastructure delivery; and
 - Need for the flexible and responsible future land use planning of the area.
- 5.4 Consultation responses from the consultation carried out in July/August 2012 highlighted the provision of open space, landscaping and pedestrian areas; improved leisure facilities; a wider variety of shops; and enhanced community facilities. These findings accord with the Stanway Parish Plan and have informed the design principles for the area:
- Enhancing the sense of place for the local community in Stanway as well as for Colchester and the surrounding area
 - Prioritising the linkage of development plots to encourage pedestrian and cycle movement
 - Provision of shared access for pedestrians and cyclists to surrounding residential neighbourhood
 - Provision of routes following pedestrian desire lines to encourage easy movement between destinations
 - Ensuring appropriate levels of access and parking for cyclists
 - Provision of high quality design, way marking and landscaping to promote usage of non-vehicular links
 - Ensure easy access to the existing public transport network
 - Deliver high quality landscaping and design to a consistent theme across the Framework area
 - Ensure opportunities for open space
 - Attain high levels of sustainable design and construction
 - Provide a range of accessible facilities serving both the local area and the wider community.

6. Strategic Plan References

- 6.1 The Strategic Plan Action Plan includes a commitment to regenerating the borough through buildings, employment, leisure and infrastructure. Sustainable development in the Tollgate area can help achieve these objectives.

7. Consultation

- 7.1 A series of exhibition boards showing indicative ideas for the area were produced for consultation in July 2012. A public exhibition was held on Thursday 19 July between 3pm and 8pm at Stanway Victory Hall which 56 people attended. 67 people completed a questionnaire on how people currently use the Stanway and Tollgate area and how this may change in the future. The exhibition boards and questionnaire were available at the public consultation event and were also made available on the Council's website. An additional questionnaire was developed targeted at young people at the Stanway School. Although feedback was limited the results of these consultations helped inform the production of the Vision Framework document.

8. Publicity Considerations

- 8.1 There is likely to be continued interest in developments in Tollgate resulting in publicity for the Council. Working in partnership with landowners should reduce the risk of misunderstanding resulting in negative publicity.

9. Financial Implications

- 9.1 Consultancy work on the Framework Vision was funded by the developers. A Planning Performance Agreement is being agreed to fund further Council work on developing plans and proposals for the area.

10. Equality, Diversity and Human Rights implications

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

11. Community Safety Implications

- 11.1 None

12. Health and Safety Implications

12.1 None

13. Risk Management Implications

13.1 Agreement on development principles will reduce the risk of inappropriate development being permitted.

14. Disclaimer

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

JUL 2013 THE FUTURE OF
TOLLGATE 
A FRAMEWORK VISION

THE FUTURE OF TOLLGATE

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Introduction

PURPOSE OF THE FRAMEWORK

THIS DOCUMENT SETS OUT A FRAMEWORK VISION FOR THE FUTURE DEVELOPMENT OF THE TOLLGATE AREA OF STANWAY. IT ENCOURAGES HIGH QUALITY DEVELOPMENT PROPOSALS THAT WILL ENHANCE THE QUALITY OF THE PUBLIC REALM AND TOWNSCAPE; THAT SEEK TO CREATE AN INTERCONNECTED ENVIRONMENT; AND THAT CONTRIBUTE TOWARDS A VIBRANT AND SUCCESSFUL 'HUMANISED' URBAN DISTRICT CENTRE.

The aim is to create a sustainable and balanced place as the heart of the Stanway Growth Area and to transform the character of the Tollgate area to become a stimulating, attractive and economically vibrant hub for the growing population, building on its success as a retail and commercial destination.

The document provides a framework to help shape a new high quality place, aimed at integrating new development proposals and creating new connections with the existing communities within the immediate area, the wider Colchester urban area and the town centre.







THE FRAMEWORK VISION WILL HELP INFORM FUTURE DEVELOPMENT SO THAT SPACES, BUILDINGS AND ACTIVITY ARE HARMONISED TO CREATE AN ENVIRONMENT THAT PEOPLE WILL WANT TO VISIT, WORK IN AND ENJOY.

In terms of the character of future developments, the vision is expected to provide the framework for quality pedestrian, cycle and public transport connections with adjacent developments/communities and exhibit good 'green' credentials.

The Framework will provide the basis for future development driving economic growth, reflecting the Tollgate area's location within the Stanway Growth Area and as a Gateway to Colchester.

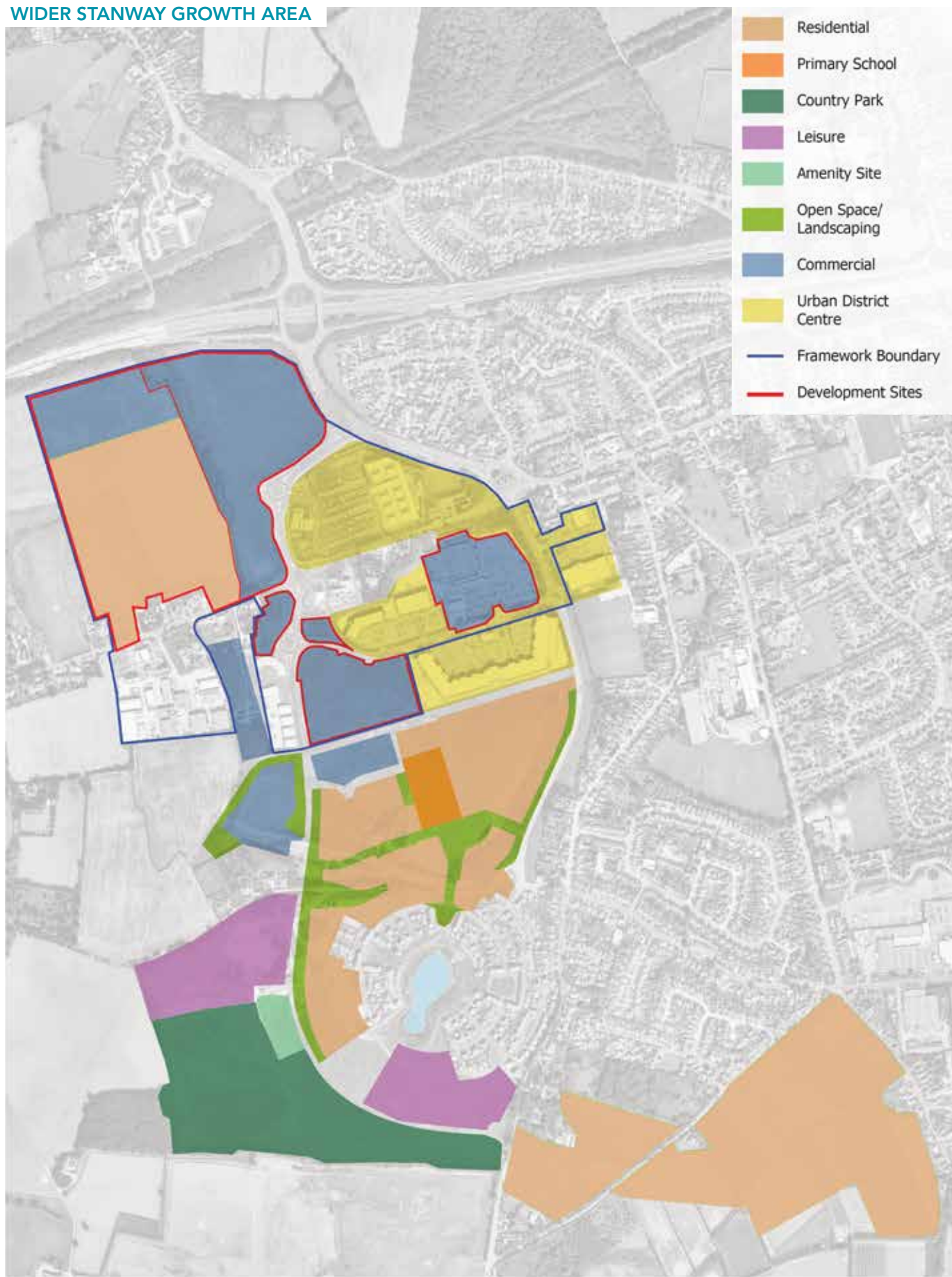
FRAMEWORK AREA

The Framework area includes the extent of the existing Urban District Centre and adjacent land allocated for development. These development sites extend to some 29 hectares (72 acres) and are all in private ownerships. As such they are capable of being brought forward in the short to medium term.



“New developments should be designed to drive economic growth, and deliver benefits and improved life opportunities for local people as well as those in the wider community and Colchester as a whole...”

WIDER STANWAY GROWTH AREA

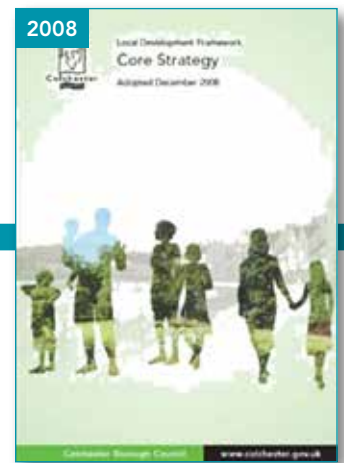


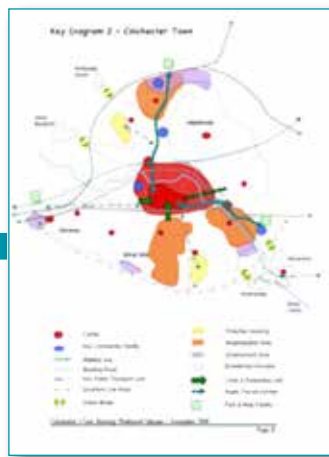
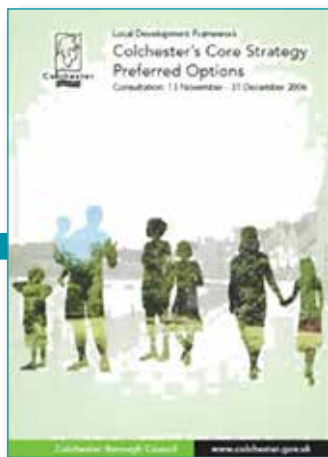
FRAMEWORK OBJECTIVES

The Framework has the following objectives:

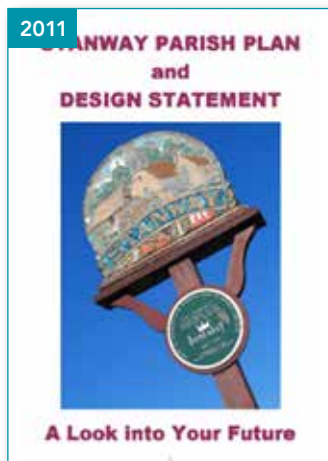
- To define an ambitious framework Vision for Tollgate and the wider growth area;
- To identify the principles which will achieve the high quality design and public realm required to create an effective Framework for the future development of the various sites, including footpaths and cycleways;
- To define a broad Framework as a basis for the development of more detailed proposals;
- To identify opportunities for public transport improvement and increase connectivity with the wider Stanway area and the rest of Colchester;
- To encourage sustainable development founded on delivering economic growth and job creation; and
- To identify clear next steps for the future development of the Tollgate area, involving informing future evidence base material and plan reviews; helping determine planning applications; and assisting delivering the overall Vision.

“...a collaborative approach between the landowners, Colchester Borough Council as the local planning authority and the local community.”





Item	Location	Area	Area	Area
...



OVERVIEW OF PROCESS

The Framework Vision has been documented by Barton Willmore LLP and reflects a collaborative approach between the key landowners and Colchester Borough Council as the local planning authority.

A communication and consultation strategy was undertaken that embraced and encouraged the involvement of ward members, the Parish Council and the local community in the preparation of the Vision and to help guide decision making on related subsequent planning applications.

FRAMEWORK STATUS

Following review by the Local Plan Committee, the Framework will have the status of a material consideration in the determination of future planning applications.





Stanway's Growth & Tollgate Today

THE STANWAY GROWTH AREA HAS SEEN SIGNIFICANT NEW DEVELOPMENT COMING FORWARD OVER THE PAST 30 YEARS, FOCUSSED ON RETAIL-LED COMMERCIAL DEVELOPMENT WITH TOLLGATE AT THE HEART OF THE AREA MEETING MUCH OF COLCHESTER'S GROWTH NEEDS. IN RECENT YEARS EXPANSION HAS BEEN RESIDENTIALLY DRIVEN ALTHOUGH THE AREA HAS CONTINUED TO ENHANCE ITS STRONG RETAIL & COMMERCIAL PRESENCE, EXPANDING FURTHER WITH THE OPENING OF THE SAINSBURY'S SUPERSTORE ALONGSIDE OTHER COMMERCIAL DEVELOPMENTS.

1. TOLLGATE EAST

Tollgate East was developed between 1985 and 1991 and comprises a mix of commercial uses including Fenn Wright estate agents and Seapets pet supplies, alongside a Homebase store.

2. TOLLGATE CENTRE

Opened in 1989 the Retail Park includes tenants such as Allied Carpets, Harveys, Iceland and Next Home. Drive-through McDonalds and Boots are also present as well as Costa which opened in 2012.

3. TOLLGATE WEST

Tollgate West opened in 1995 and contains four large retail units currently occupied by Bennetts Electrical, Currys/PC World, B&M and Staples. Alongside the retail offer at Tollgate West are the Zen Clinic and Tollgate Medical Centre, opened in 2005, and a Frankie & Benny's restaurant opened in 2009.

4. TOLLGATE BUSINESS PARK

The Tollgate Business Park was constructed in 2010, providing Use Class B1, B2 and B8 floorspace.

5. SAINSBURY'S

Sainsbury's have been represented in the Tollgate area since 1985. The new store opened in December 2010. The previous Sainsbury's store site is currently vacant having been cleared in 2011.

6. LAKELANDS

This area to the south of Tollgate comprises the phased residential-led development of an area referred to as Lakelands. 200 homes as part of Phase 1 have been completed whilst planning permission exists for Phase 2, comprising an additional 600 homes (planning permission extended in 2012).





FUTURE DEVELOPMENT IS ALSO EXPECTED TO BE FOCUSED ON NEW HOUSING ON THE SOUTHERN AND WESTERN FRINGES OF STANWAY GROWTH AREA. THE IMPETUS FOR FURTHER DEVELOPMENT ACTIVITY HAS BEEN STIMULATED BY THIS INCREASING LOCAL POPULATION AS WELL AS THE COMPLETION OF THE NORTHERN LEG OF THE STANWAY WESTERN BY-PASS AND THE SIGNIFICANT NEW DEVELOPMENTS ALONGSIDE THE NEW ROAD.

The aim is to encourage a co-ordinated Vision, setting the framework for the subsequent development and re-development of these strategically important sites and to help ensure that those proposals are delivered in a way that is consistent with the approach set out in Colchester's adopted Local Plan. In addition, proposals are intended to identify local infrastructure links and connectivity between existing uses and future developments.

7. STANE PARK

Allocated for commercial employment development and located at a key 'gateway' to the growth area, the site has the potential to accommodate a 'place changing' significant development that will assist in the delivery of transport infrastructure improvements.

8. WYVERN PARK

Allocated for residential and commercial employment development.

9. TOLLGATE WEST

Allocated for commercial employment development and centred between the Western Bypass and Tollgate Centre, the site has the potential to provide key links between the adjacent District Centre, Lakelands and Tollgate Business Park to the West.

10. FORMER SAINSBURY'S SITE

Allocated for commercial employment development, the former Sainsbury's Site sits at the centre of Tollgate. The site provides

the opportunity to consolidate the existing District Centre to create a focused, integrated heart to the growth area.

11. FLORAL ACRES

A smaller site allocated for commercial employment development to provide further facilities to serve the area, complimenting the offer of the District Centre. Development here should include a mix of uses and seek to manage the transition to the wider residential areas beyond.

“A number of development sites have the potential to accommodate the future growth of Stanway, in particular the central Tollgate area. The Vision sets the framework as a guide for the future provision of mixed commercial and residential development with associated community and leisure uses along with car parking. This will provide place changing development that will help drive the economic prosperity of the area through high quality, thoughtfully designed, landscaped and integrated proposals.”



Planning Context

THE PRINCIPLE OF DEVELOPMENT IN THE TOLLGATE AREA IS WELL ESTABLISHED THROUGH ADOPTED PLANNING POLICIES

The wider Stanway area is designated as a Growth Area in the Core Strategy with Tollgate being identified as an Urban District Centre. Several sites have been identified to contribute to the delivery of housing and new jobs and the creation of a compact, mixed use community.

The Core Strategy identifies large areas surrounding the centre for housing (up to 1,800 units) as well as for employment growth up to 36,500 sq.m of B1 business uses and up to 45,100 sq.m of Industry and Warehousing within a designated Strategic Employment Zone. The majority of these allocations have been rolled forward from the 2004 Local Plan.

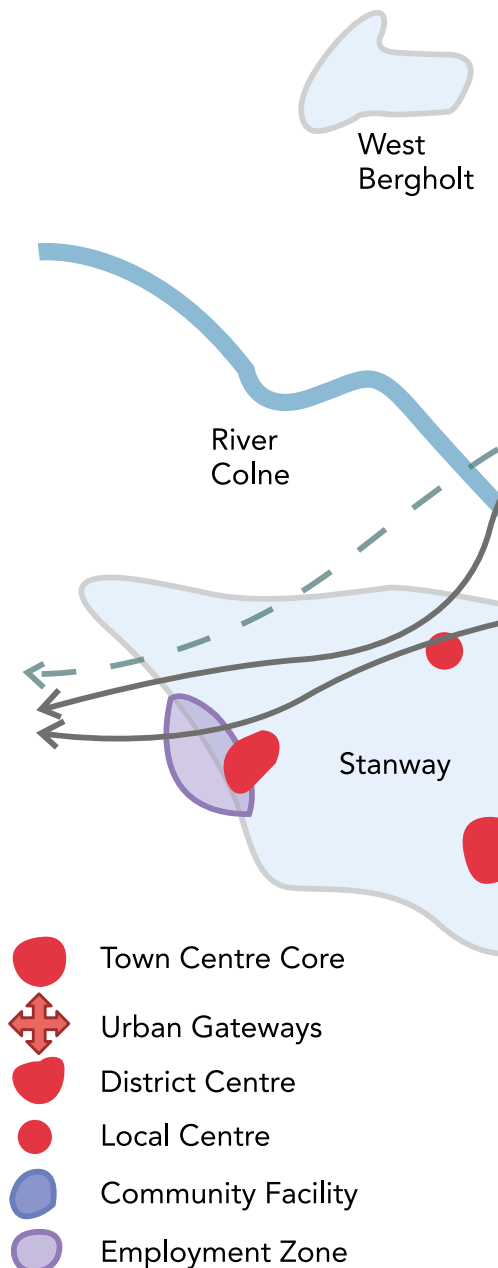
MOVING FORWARD

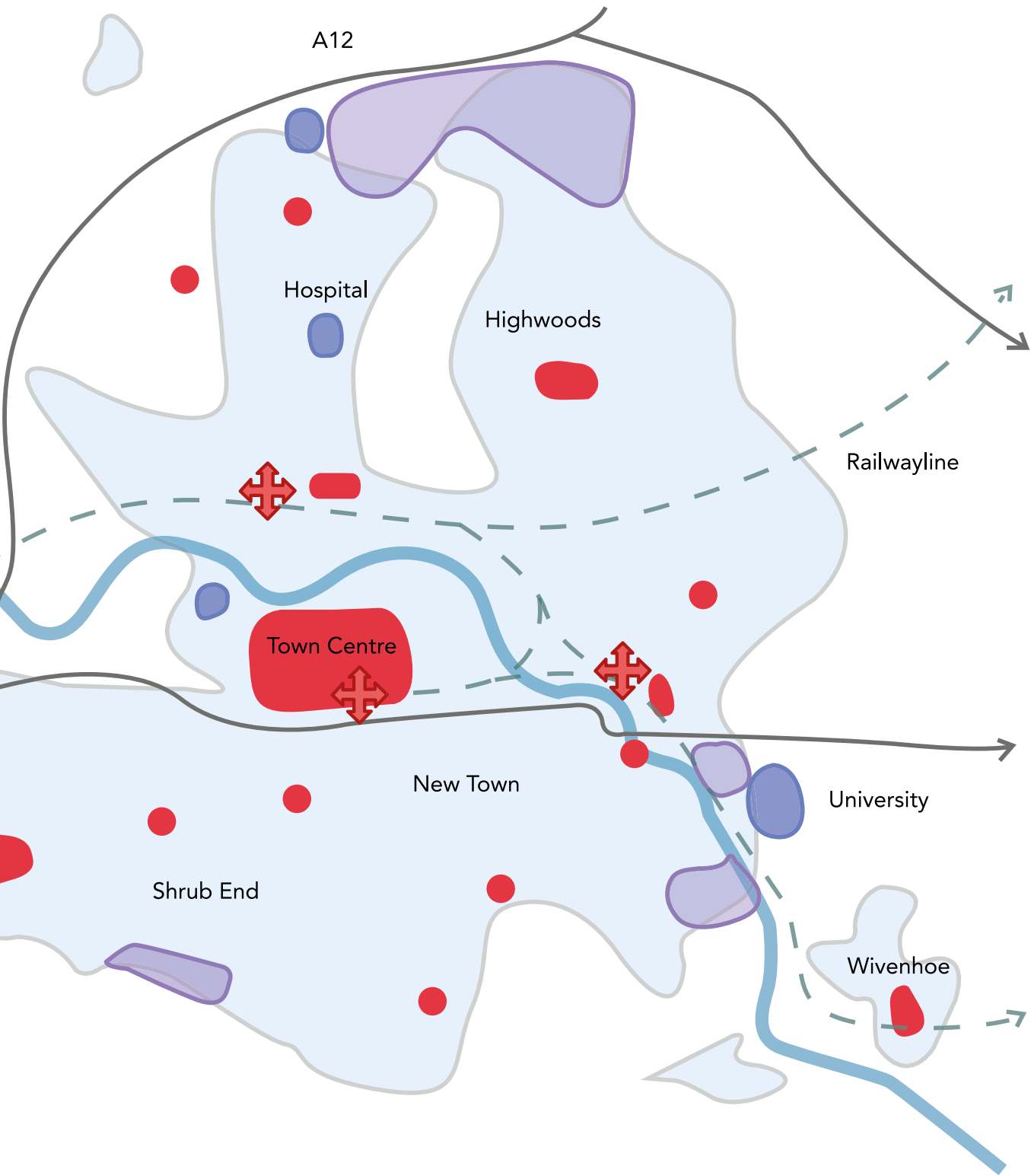
It is now considered to be an appropriate time to begin a review of development opportunities for these sites to ensure their development for commercial purposes responds appropriately to needs for, and changes in patterns of, shopping, transport, leisure, and employment. This will shape the function, activity and design of the urban centre and other places.

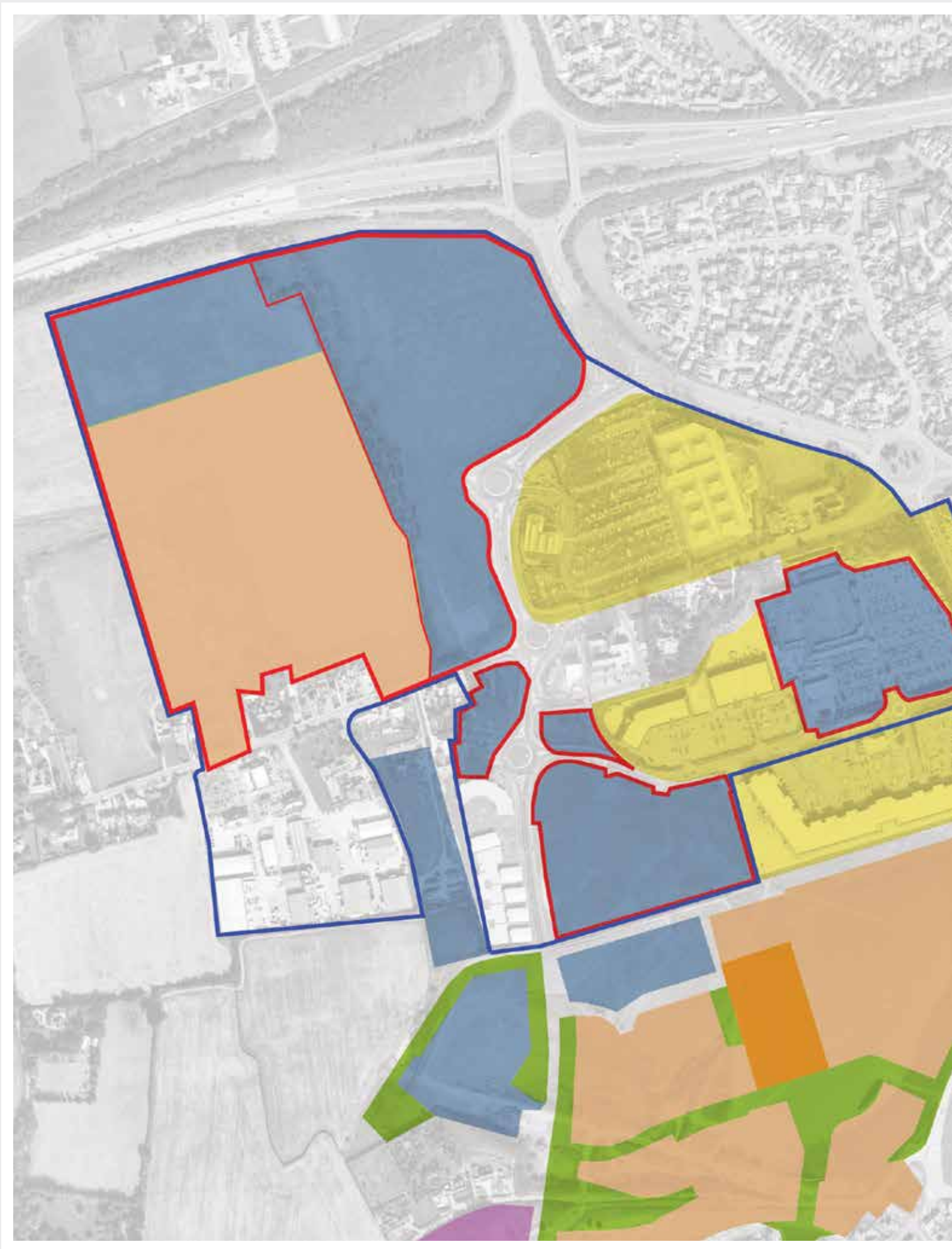
STANWAY PARISH PLAN

In addition to the Borough Council's Local Plan, the Stanway Parish Plan and Design Statement identifies a number of key objectives for the future development of the area, consistent with this Framework. Whilst not forming part of the statutory Development Plan, it does represent views of the local community, has been adopted by the Council and shows a desire to see:

- Public engagement in all major development proposals
- Developments that provide new or improved existing walking and cycling networks to enhance links between Stanway and Colchester
- Appropriate infrastructure to accommodate new development
- New residential development providing a mix of housing type and tenure
- New leisure and community facilities
- Improvements and expansion of shopping choice whilst not conflicting with Colchester town centre
- A range of new commercial developments (including incubator units)









The Vision

THE STANWAY GROWTH AREA WILL BE AN AREA WHERE PEOPLE WANT TO LIVE, WORK, SHOP, PLAY, AND VISIT. TOLLGATE, AT THE CENTRE OF STANWAY, WILL BE AN ATTRACTIVE AND ACCESSIBLE DESTINATION FOR COMMERCIAL USES COMPLEMENTING PLANS FOR THE WIDER GROWTH OF STANWAY

The vision builds on a number of 'key principles' which focus on the integration, links, and accessibility of the vision area. These are the:

- Need to integrate disparate elements of existing area to promote sustainable travel patterns;
- Need for improvements to public realm and community focus;
- Need for co-ordinated and joined up approach to future infrastructure delivery; and
- Need for the flexible and responsive future land use planning of the area.

CONSULTATION

In order to shape the vision, and as a key part of the consultation strategy, Colchester Borough Council ran a consultation event during July/August 2012, including a public exhibition. The results of the exercise enhanced our understanding of how Tollgate is perceived and used today but also what improvements residents would like to see delivered in the future.

The responses showed that the vast majority of people visiting the Tollgate area did so to shop, purchase fuel or for work, with most people visiting by private car. Visitors who did drive and who

visited more than one shop/facility mainly walked between locations albeit a large proportion drive between facilities. Those visitors cited the need for more footways, safer footways, safer crossing points within car parks and over roads as the main factors deterring them from walking between facilities. These improvements form a key plank in the delivery of the Framework.

Looking forward and responding to questions in terms of how Tollgate could be improved, the key areas included:

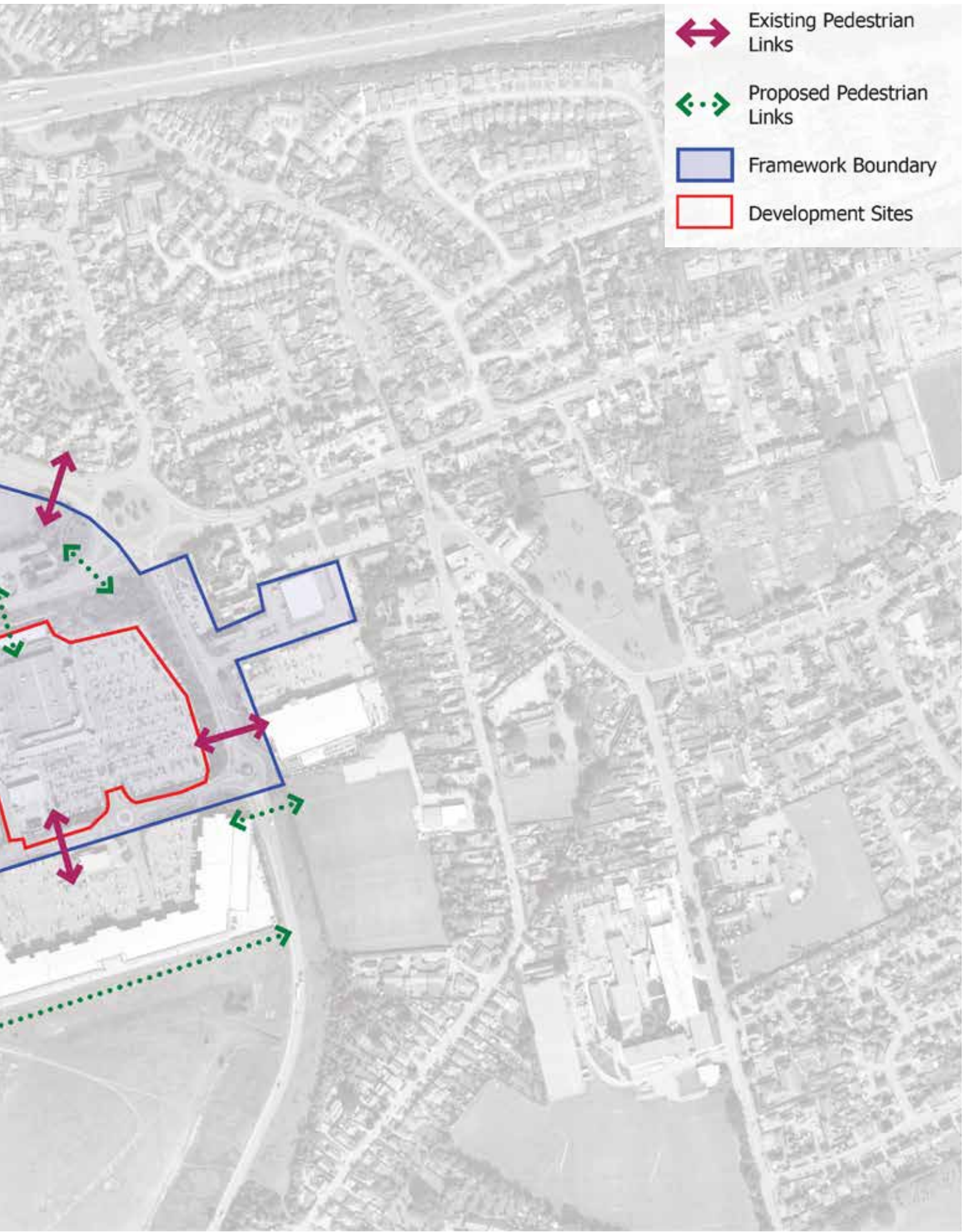
- Provision of open space, landscaping and pedestrian areas
- Improved leisure facilities including a cinema, gym, restaurants and café
- A wider variety of shops and an improved retail offer
- Enhanced community facilities

These improvements accord with and corroborate the findings of the Stanway Parish Plan.

The following plans respond to the key issues raised and make a broad response to the consultation. More detailed work on uses and specific design ideas will follow in tandem with the long-term review of the Colchester Local Plan.

PEDESTRIAN

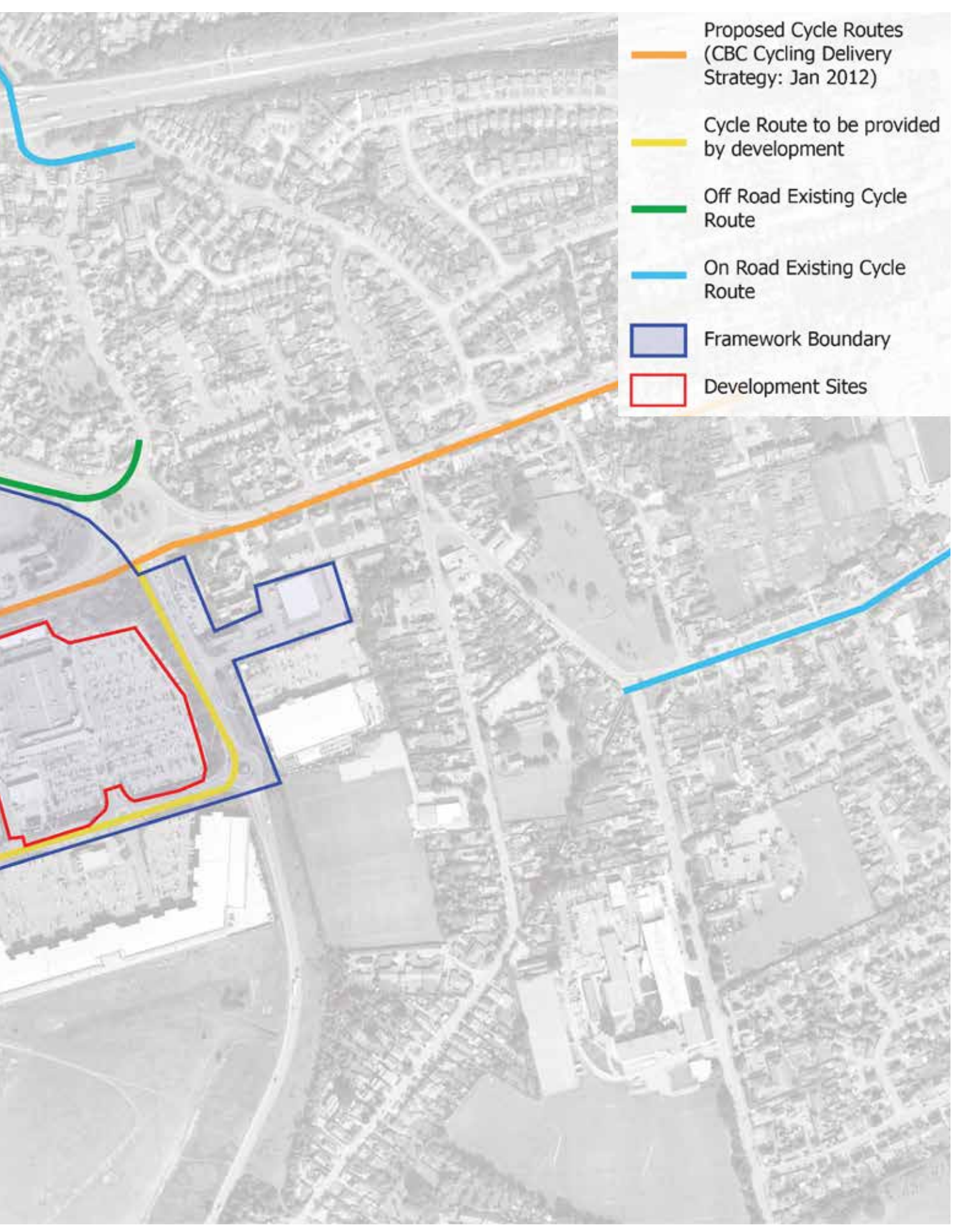




- ↔ Existing Pedestrian Links
- ↔ Proposed Pedestrian Links
- ▭ Framework Boundary
- ▭ Development Sites

CYCLING

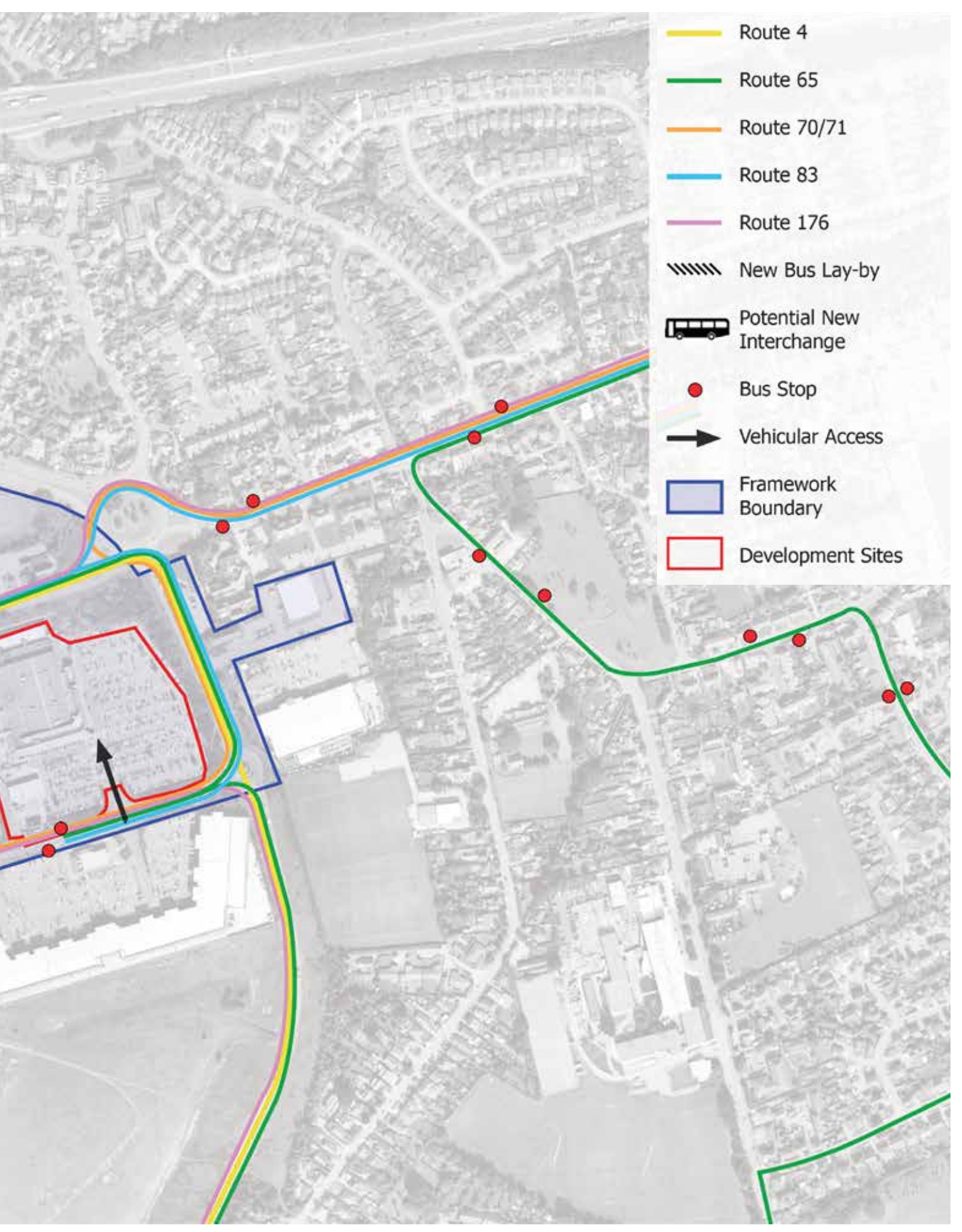




- Proposed Cycle Routes (CBC Cycling Delivery Strategy: Jan 2012)
- Cycle Route to be provided by development
- Off Road Existing Cycle Route
- On Road Existing Cycle Route
- Framework Boundary
- Development Sites

BUSES & VEHICULAR ACCESS





- Route 4
- Route 65
- Route 70/71
- Route 83
- Route 176
- New Bus Lay-by
- Potential New Interchange
- Bus Stop
- Vehicular Access
- Framework Boundary
- Development Sites

Delivery

THE VISION WILL BE DELIVERED THROUGH THE COLLABORATIVE PARTNERSHIP BETWEEN LANDOWNERS AND COLCHESTER BOROUGH COUNCIL

The Framework area has the potential through proper planning and the promotion of sustainable development of delivering economic growth and a wide range of jobs to the overall benefit of the area.

This will require a flexible and tailored approach to development management and policy interpretation and review to encourage a wider range of development opportunities to be delivered.

Development will be led by the private sector and will be required to provide appropriate infrastructure as well as demonstrating consistency with the Vision.

The Framework is adopted by Colchester Borough Council as a key material consideration in determining future planning applications.

DESIGN PRINCIPLES

Development proposals in the Framework area will be expected to enhance its place making qualities and have respect to the following key design principles:

- Enhancing the sense of place for the local community in Stanway as well as for Colchester and the surrounding area.
- Prioritising the linkage of development plots to encourage pedestrian and cycle movement



- » Provision of shared access for pedestrians and cyclists to surrounding residential neighbourhoods
- » Provision of routes following pedestrian desire lines to encourage easy movement between destinations
- » Ensuring appropriate levels of access and parking for cyclists.
- » Provision of high quality design, way marking and landscaping to promote usage of non-vehicular links
- Ensure easy access to the existing public transport network
 - » Creation of a bus hub for Stanway
 - » Easy pedestrian access to public transport from other residential and commercial areas



NEXT STEPS

The Framework identifies the local infrastructure links, connectivity between the existing uses and future development sites which will ultimately drive forward the economic, community and environmental development of the Tollgate area.

It should act as a guide for the future provision of mixed commercial and residential development with associated community and leisure uses along with car parking, helping make the Tollgate area of Stanway a better place.

The Council will continue to review and update its plans and policies for commercial areas to ensure policies and allocations respond to changing national economic and social trends. Currently, the Council is carrying out a limited Focused Review of its adopted policies to ensure the necessary modifications are made to bring the plans into compliance with the National Planning Policy Framework. Over the longer term,

the Council will carry out a review of its policies and allocations. This two-stage process means that while this document is guided by current allocations and policies in the plan, its principles are also intended to be relevant to the Council's future review of its Local Plan policies and allocations which will direct long-term growth and development.

The Council's next steps are to:

- Consider the future planning strategy for the further economic growth and development of the Tollgate Urban District Centre in the context of existing planning permissions and adopted planning policy;
- Review site allocations for specific sites through the Local Plan review; and
- Use the Framework to guide and inform future planning applications in the Tollgate area as well as longer-term allocations and policies.

- Deliver high quality landscaping and design to a consistent theme across the Framework area
- Ensure opportunities for open space.
- Attain high levels of sustainable design and construction.
- Provide a range of accessible facilities serving both the local area and the wider community

“...the Growth Area has the potential through proper planning and the promotion of sustainable development of delivering economic growth and a wide range of jobs to the overall benefit of the area.”

