

# **Local Plan Committee**

**Grand Jury Room, Town Hall  
3 February 2014 at 6.00pm**

**This committee deals with**

the Council's responsibilities relating to the Local Plan.

**COLCHESTER BOROUGH COUNCIL  
LOCAL PLAN COMMITTEE  
3 February 2014 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)

	<b>Pages</b>
<b>1. Welcome and Announcements</b>	<b>1</b>
(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:	
<ul style="list-style-type: none"><li>• action in the event of an emergency;</li><li>• mobile phones switched to silent;</li><li>• the audio-recording of meetings;</li><li>• location of toilets;</li><li>• introduction of members of the meeting.</li></ul>	
<b>2. Substitutions</b>	
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.	
<b>3. Urgent Items</b>	
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.	
<b>4. Declarations of Interest</b>	
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**

**2 - 5**

To confirm as a correct record the minutes of the meeting held on 16 December 2013.

- 7. Messing-cum-Inworth Neighbourhood Plan Area** **6 - 11**  
See report of the Head of Commercial Services (attached).
- 8. Magdalen Street Development Brief** **12 - 29**  
See report of the Head of Commercial Services (attached).
- 9. Tendring District Council Draft Local Plan** **30 - 36**  
See report of the Head of Commercial Services (attached).
- 10. Amendment Sheet** **37**  
See Amendment Sheet (attached).
- 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).

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

## LOCAL PLAN COMMITTEE 16 DECEMBER 2013

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

### 19. Have Your Say!

Councillor Hazell attended and, with the consent of the Chairman, addressed the Committee in respect of parking standards policy, DP19. The issue had been brought to her attention in relation to a planning application to convert a garage into a fifth bedroom, which was approved despite having, in her opinion, insufficient parking. She suggested that the current policy was too inflexible, providing for two spaces for each two or more bedroomed house, two and a half spaces including visitors. She requested that a sentence be added to the policy stating that for dwellings of five bedrooms or more it was expected that additional spaces would be provided.

Mr Martin Mason, Essex County Council Highways Strategic Development Engineer, advised that this was a minimum standard of parking and that additional spaces could be provided.

Ms Karen Syrett, Place Strategy Manager, stated that the nature of the policy as a minimum standard would be clarified with Planning Officers tomorrow.

### 20. Minutes

The Minutes of the meeting held on the 25 September 2013 were confirmed as a correct record.

### 21. Stanway Southern Sites Access Development Brief

**Councillors Jowers (in respect of his being an Essex County Council Cabinet Member with Strategic Plan responsibility and a Statutory Strategic Plan Consultee) and Naish (in respect of his role on the Anglian Trust and 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 asking the Committee to agree the Stanway Southern Sites Access Brief as a planning guidance note which would be a material planning consideration. The Committee had before it a report in which all information was set out. The Stanway Southern Sites Access Brief was attached as an appendix to the report.

The report identified that the Council's adopted Core Strategy provided for a Growth Area in Stanway incorporating a minimum of 800 residential units in the 2016 – 2023

period. The Access Brief formed an initial part of the masterplanning work identified in the Local Plan and focused on the southern end of the Growth Area. The Brief detailed proposed access points and a proposed spine road, which would provide links to the local and wider area. Pedestrian and cycle opportunities would need to be considered and early discussion regarding bus routes were recommended.

Ms Laura Chase, Planning Policy Manager, Ms Rachel Forkin, Transportation Officer, and Mr Martin Mason, Essex County Council Highways Strategic Development Engineer, attended to assist the Committee with its deliberations. It was explained that the document was not final and that, if agreed, may be subject to minor amendment by Officers.

Mr Graeme Collings addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He highlighted several roads and junctions in the area that were problematic and would require, in his opinion, further consideration. He suggested that the Warren Lane / Maldon Road junction was already poor and additional traffic would exacerbate the problem. He also claimed that the Dugard Avenue / Straight Road junction was already functioning at full capacity and simply hoping it would continue to cope with additional traffic was insufficient. He believed the idea of introducing a roundabout at the Fiveways junction would be most favourable. In his view, introducing junctions to this road may cost less but would not be as beneficial. He suggested that traffic problems were simply being pushed from one road to another.

Mr Clive Swift addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He shared Mr Collings' concerns and claimed that the Warren Lane / Maldon Road junction was a nightmare, especially with the amount of heavy goods vehicles (HGV's) that used the road. Although he was pleased to see a road connecting to Fiveways, he suggested that the large vehicles that would use this road were inappropriate for a residential area. He believed that the traffic would worsen considerably with vehicles using them as short cuts. He hoped that these issues would be taken into account.

Councillor Scott-Boutell attended and, with the consent of the Chairman, addressed the Committee. She congratulated Officers on their pro-active approach. She agreed that the issue of HGV's using the roads needed to be considered. She also thanked the media for bringing the plans to the attention of the public as she had received considerable positive feedback on the scheme. She highlighted that she would like to see the infrastructure in place before any residences were occupied.

In response to the issues raised the Highways Strategic Development Engineer suggested that the Western Relief Road, which would hopefully be pre-spring, would provide significant relief to Stanway. He also explained that new Transport Assessments were expected with new development. In relation to the Fiveways junction roundabout proposal, other junctions types were considered more appropriate as roundabouts were known to be cycle and pedestrian unfriendly. He informed the Committee that the developers do not have control of the land in Dyers Road and Warren Lane to facilitate widening. As such Dyers Road would be split in two to make two cul-de-sacs. He emphasised that existing problems with HGV's could not be

rectified by developers as they were only obliged to mitigate the impact of their own development. He added that infrastructure would be implemented via a phased approach.

Although the Committee were pleased with the scheme itself they recognised that the Warren Lane / Maldon Road junction was a problem and that when considering future development in the area as a whole, traffic would certainly increase. The Committee urged consideration of the bigger picture and were keen to ensure past mistakes were not repeated by looking further into the future.

Questions were raised as to how walking and cycling were to be encouraged and what the nature of the funding was for these highways improvements. It was explained by the Highways Strategic Development Engineer that Essex County Council were aware of the problems with the Warren Lane / Maldon Road junction and that it would definitely need to be included within the scope of any Transport Assessment. He explained that Section 106 financial contributions were to be used to encourage cycling, walking and use of public transport and Travel Plans and Travel Plan Co-ordinators were to be utilised. Additionally, a comprehensive network of cycleways and footpaths would to be integrated into the developments. He further explained that funding for the proposed improvements was to be generated from the developers of the various schemes.

Concern was raised about the previous issues encountered with phased developments and work discontinuing before any improvements were made. The Committee were assured that past mistakes had been learnt from to insure that improvements would be completed if development halted.

The Committee thanked Mr Mason for his attendance, stating that it was helpful for Essex County Council Highways Officers to attend such Committee meetings.

*RESOLVED* that the Stanway Southern Access Brief, which provided a guiding framework for future access arrangements to new residential development in the Stanway Growth Area, be agreed, subject to further minor amendments to be made by Officers.

## 22. Annual Monitoring Report

**Councillors Jowers (in respect of his being an Essex County Council Cabinet Member with Strategic Plan responsibility and a Statutory Strategic Plan Consultee) and Naish (in respect of his role on the Anglian Trust and 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 requesting that the Committee approve the Annual Monitoring Report (AMR). The AMR was attached as appendices to the report.

The report explained that the AMR provided key information on the Borough and identified how the Council was meeting targets arising from the adopted policies in the



Local Plan. The various changes within the planning system were also identified, such as the National Planning Policy Framework (NPPF) and the Localism Act, and successful guidance had been adopted. The key themes provided for in the AMR were set out in the report.

Ms Laura Chase, Planning Policy Manager, attended to assist the Committee with its deliberations. She clarified that references on pages 29 and 38 to the previous year's net figure for built homes should read 1012, not 1036 and that the reference on page 79 paragraph 6.3.6 to the increase in rural jobs should read 23%, not 31%. She drew attention to the five year housing plan, the town centre and rural employment.

The Committee raised the issue of affordable housing in rural areas, suggesting that the Council was a purely urban based planning authority. Concern was raised about the amount of young and elderly people having to move away from rural areas in order to afford housing. It was also questioned whether there was a way to provide housing people could afford to buy rather than delivering social rented properties.

The Place Strategy Manager explained that the NPPF permitted private development to fund and deliver affordable housing in rural areas. The Council was proposing changes to its policies as part of the Focused Review to accord with the new national policy and that a scheme was likely soon. She also clarified that low cost market housing wasn't 'affordable housing' and was not included in the NPPF affordable housing definition.

The subject of Zero Carbon Homes was discussed and it was suggested that requirements for Code 6 by 2016 would increase prices and place too high a burden on future house buyers. The Place Strategy Manager suggested that the future of the Code for Sustainable Homes was unclear and that the sale of previous high standard developments did not reflect the cost of building them.

The Place Strategy Manager clarified that, within the Housing Trajectory document, the planning permissions 'not yet applied for' resulted from previous permission expiring, indications from landowners and other evidence based information.

*RESOLVED* that the 2012 – 13 Annual Monitoring Report be approved for publication on the Council's website.



## Local Plan Committee

Item  
**7**

3<sup>rd</sup> February 2014

<b>Report of</b>	<b>Head of Commercial Services</b>	<b>Author</b>	<b>Christopher Downes</b>
<b>Title</b>	<b>Messing-cum-Inworth Neighbourhood Plan Area</b>		
<b>Wards affected</b>	Messing-cum-Inworth		

**The Local Plan Committee is asked to formally approve the Messing-cum-Inworth Neighbourhood Plan Area**

### 1. Decision(s) Required

- 1.1 To formally approve the Messing-cum-Inworth Neighbourhood Plan Area.

### 2. Reasons for Decision(s)

- 2.1 Messing-cum-Inworth Parish Council is considering developing a Neighbourhood Plan for their area. 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 Messing-cum-Inworth Parish 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 Messing-cum-Inworth Parish Council not to prepare a Neighbourhood Plan or to prepare one with an alternative boundary.

### 4. Supporting Information

- 4.1 The Localism Act 2011 was introduced in part to strengthen community involvement in the planning process. To deliver this the Localism Act and the National Planning Policy Framework (NPPF) introduced the concept of Neighbourhood Planning. 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 or 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 An application for the proposed Neighbourhood Plan Area for Messing-cum-Inworth was received by Colchester Borough Council on 24 July 2013. The area directly corresponds with the administrative ward area of Messing-cum-Inworth. This is considered to be an appropriate area as it will include the whole of Messing and Inworth and their surrounding localities thereby enabling all potential planning needs in both villages to be fully considered. Furthermore by following the existing ward boundary this will ensure that adjacent areas of the Borough are not left out of the Neighbourhood Plan process because the proposed area is co-terminus with other local government administrative boundaries.
- 4.4 As required by the Regulations, the proposed Neighbourhood Plan Area was published on Colchester Borough Council's website; made available in the town library and the Council's Customer Service Centre; and details emailed to everyone on the Spatial Policy consultation list. The website included the following information;
- a copy of the area application;
  - details of how to make representations; and
  - the date by which those representations must be received.
- Furthermore a press release was issued by the Borough Council with accompanying messages broadcast on social media for the duration of the consultation period. This approach has ensured that the proposed Neighbourhood Plan Area application has been brought to the attention of people who live, work and carry out business in Messing-cum-Inworth.
- 4.5 The consultation ran for six weeks from 19th August to 2nd October 2013 in accordance with the 2012 Regulations. There were no substantive comments received during the consultation period with only Essex County Council responding without specific comment but in support of the general Neighbourhood Plan process.

## **5. Proposals**

- 5.1 The Neighbourhood Plan Area for Messing-cum-Inworth is considered to be most appropriate for the reasons set out above. It is therefore proposed that the Committee approve the Plan Area.

## **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 businesses 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 Messing-cum-Inworth 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. Publicity Considerations**

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

## **9. Financial Implications**

- 9.1 Colchester Borough Council is responsible for providing support to Messing-cum-Inworth Parish Council, consultation costs and for organising both the examination and community referendum for the Messing-cum-Inworth Neighbourhood Plan. The Department for Communities and Local Government (DCLG) have made a grant 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 if the Neighbourhood Plan Area is approved by the Committee.

## **10. Equality, Diversity and Human Rights Implications**

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

## **11. Community Safety Implications**

- 11.1 None.

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

- 12.1 None.

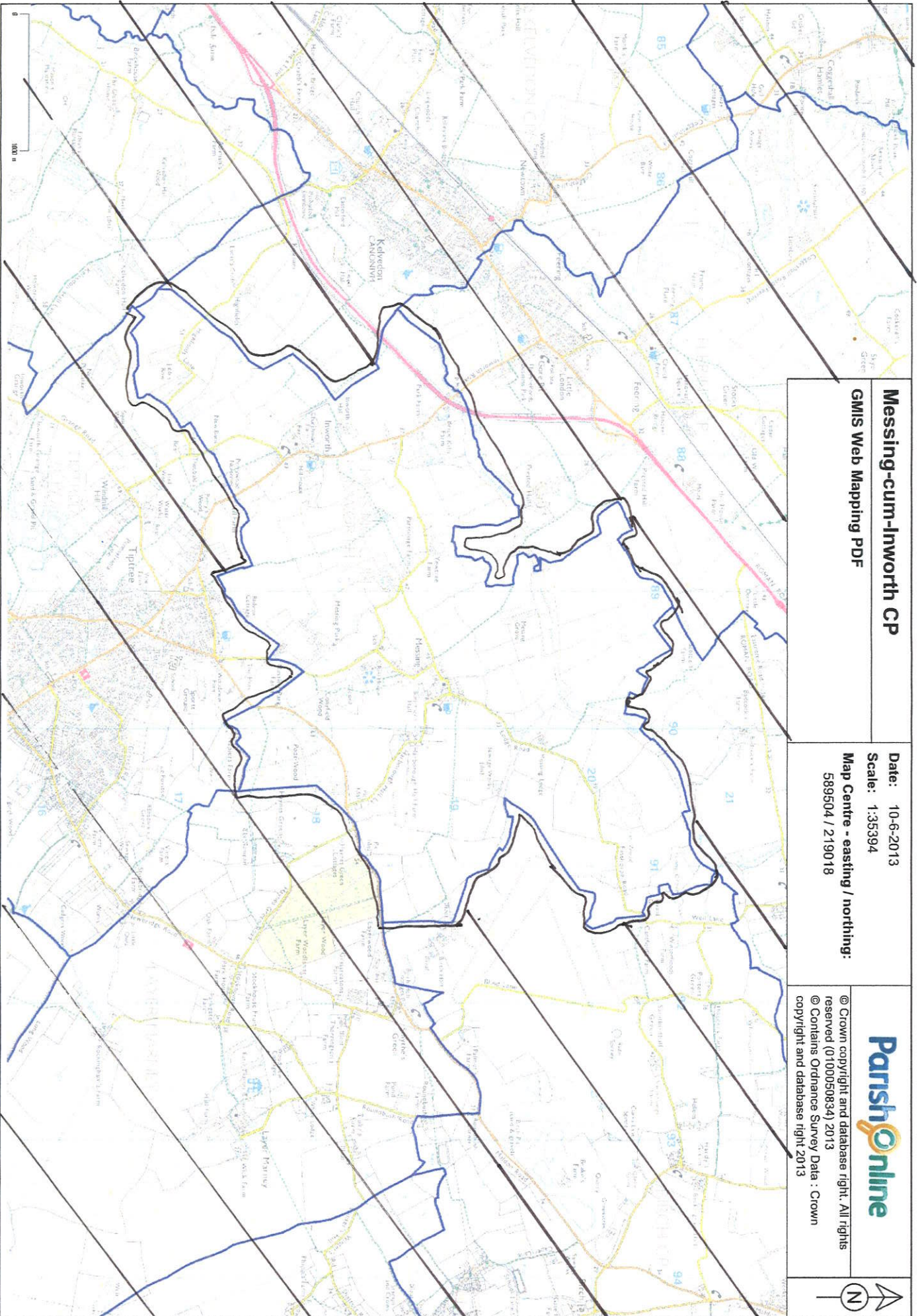
## **13. Risk Management Implications**

- 13.1 The preparation of the Neighbourhood Plan for Messing-cum-Inworth will ensure that the views and needs of all residents or those with an interest in the area are thoroughly considered in local planning processes, reducing the risk of decisions being made against local wishes.

## **Appendices**

Appendix A – Map of proposed Messing-cum-Inworth Neighbourhood Plan Area.

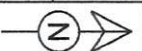
Appendix B – Messing-cum-Inworth Parish Council Neighbourhood Plan Area application letter.



**Messing-cum-Inworth CP**  
**GMIS Web Mapping PDF**

**Date:** 10-6-2013  
**Scale:** 1:35394  
**Map Centre - easting / northing:**  
 589504 / 219018

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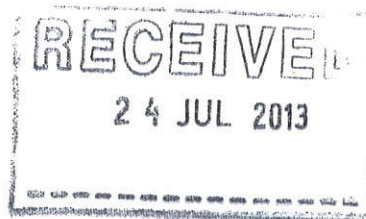
**MESSING  
CUM  
INWORTH  
PARISH COUNCIL**



**Chairman:** Councillor Carol Baxter

**Parish Clerk:** Peter Studd, 7 Wagtail Place, Kelvedon, Essex, CO5 9LW  
Telephone 01376 571256  
Peter@pstudd.fslife.co.uk

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



21/7/13

Dear Karen

**Messing cum Inworth Parish Council- Application to designate a Neighbourhood Plan Area.**

Under the Neighbourhood Planning Regulations 2012 (part 2 section 6) please accept this letter and the accompanying map as the Parish Council's formal application to designate a Neighbourhood Plan Area.

Turning to the regulations, and in particular to Part 2, regulation 5, we:

- a) include a map which identifies the area to which the area application applies- the parish of Messing cum Inworth is marked with a blue line reinforced by a black line and is the only unshaded area on the map.
- b) The area is considered appropriate to be designated as the neighbourhood area because:
  - i) it is co-terminus with existing local government administrative boundaries
  - ii) it is inclusive and will enable the designated neighbourhood to reach all potential areas of development
  - iii) likewise, it will enable a fuller range of consultation within the designated area
  - iv) it permits the local authority to operate this plan together with other potential adjoining neighbourhoods and does not leave any 'gaps'.
- c) Within the meaning of Section 61 G (a) Messing cum Inworth Parish Council is a relevant body.

I trust that I have enclosed all of the required information but should anything further be required please do not hesitate to contact the Parish Clerk at the address shown above.

I look forward to receiving your formal response in due course.

Yours sincerely

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

Peter Studd  
Parish Clerk  
Messing cum Inworth Parish Council



## Local Plan Committee

Item  
**8**

3 February 2014

<b>Report of</b>	<b>Head of Commercial Services</b>	<b>Author</b>	<b>Sarah Pullin 01206 282596</b>
<b>Title</b>	<b>Magdalen Street Development Brief</b>		
<b>Wards affected</b>	<b>Castle and New Town Wards</b>		

**The Local Plan Committee is asked to adopt the Magdalen Street  
Development Brief**

### 1. Decision(s) Required

- 1.1 The Local Plan Committee is asked to adopt the Magdalen Street Development Brief as a planning guidance note which will be a material planning consideration used in the determination of planning applications relating to the site.

### 2. Reasons for Decision

- 2.1 This Development Brief provides details of the Council's expectations with regards to the future re-development of an area in Magdalen Street. When adopted as a Planning Guidance Note it will add further local detail to the existing planning policies already contained in the Local Plan and consequently help inform decision-making related to planning applications in that particular area.

### 3.0 Alternative Options

- 3.1 The Local Plan Committee could decide not to adopt the Development Brief as a planning guidance note. To operate without the site specific guidance would mean that the Council will have to rely on the adopted Local Plan Policies and the National Planning Policy Framework (NPPF) to guide the future redevelopment of the area.
- 3.2 Under this option the area may not be brought forward in a comprehensive manner and there will be less certainty for the Council and potential developers with regards to expectations for the site.
- 3.3 The Committee could make changes to the document prior to adoption.

### 4. Supporting Information

- 4.1 Council officers from across the organisation including Planning Projects, Spatial Policy, Estates and Regeneration Teams have combined to produce a comprehensive Development Brief for an area which is likely to experience significant redevelopment in the future. Utilising expertise from a variety of departments ensures that a comprehensive and realistic Development Brief is produced which ensures that a high standard of development is delivered.
- 4.2 The Council has a strong record in the production of Development Briefs for sites across the Borough. A Development Brief adds detail to sites allocated for development and



provides a framework for officers, members, stakeholders and potential developers to consider as part of future planning applications.

- 4.3 A Development Brief for Magdalen Street was first adopted by the Council in 2005. Following the original brief, a number of developments have been delivered in this area but the guidance needs to be updated to reflect current Council priorities, planning policies and government guidance including the National Planning Policy Framework. An updated guidance note also allows the Council to focus on the part of Magdalen Street which has not been subject to development in recent years.
- 4.4 A copy of the Development Brief can be found in Appendix A of this report.

## **5. Proposals**

- 5.1 The Development Brief covers an area of land (approximately 1.4ha) on the edge of the Town Centre which over time has in part become redundant as original users and businesses have moved out of the area. With various operations moving away, the street scene has become run down and redundant in parts which provides redevelopment opportunities.
- 5.2 The Local Plan Policies Map shows that the area (subject of the Development Brief) is found within the East Colchester Growth Area, East Colchester Regeneration Area, East Colchester Special Policy Area 3 and is a mix of Predominately Residential and White Land (land with no allocation). Alongside these allocations, the site is considered to be on the edge of the Town Centre with excellent public transport connections such as Colchester Town Station and the Osborne Street Bus Station in close proximity.
- 5.3 The Council envisages that the site will be developed to provide a high quality mixed use development that reflects the edge of Town Centre location and compliments the other recent developments in the area. A mix of uses including commercial opportunities on the ground floor street frontages and residential properties on upper floors is proposed by the Development Brief. The mix of uses and appropriate open space provision throughout the site will deliver a high quality development and sustainable community to the East of the Town Centre which accords with the locally adopted policies and the National Planning Policy Framework.
- 5.4 The Development Brief details a number of constraints which any future development will have to take account of and justify as part of the planning application process. Constraints include issues such as:
- Historic Environment – Within the Development Brief area there are numerous Listed Buildings and Locally Listed Buildings which need to be respected with sympathetic redevelopment.
  - Air Quality – Magdalen Street is part of the Air Quality Management Area (AQMA) which has been adopted by Colchester Borough Council. Any future development within the AQMA needs to integrate mitigation measures into the scheme.
  - Ground contamination – Part of the land was previously used as a Bus Depot and various other industrial type uses have taken place in this area. As a result it is likely that the site is contaminated and will require remediation measures which need to be investigated and justified.
  - Density – The edge of Town Centre location promotes a high density scheme in an area with excellent public transport links.
  - Building Height – Building heights should be in context with the surrounding area and respect the character of the street scene whilst promoting a mixed use redevelopment.

- 5.5 The Development Brief shows an indicative site layout which the Council believes will deliver a comprehensive redevelopment of the site that takes into account the numerous constraints and policy considerations (such as density and parking standards) whilst being sympathetic to the surrounding historic environment and existing street scene. The commercial floor space and number of residential units are not prescribed within the Development Brief as these will be subject to individual site design and interpretation by applicants. It is expected that the level of affordable housing will reflect the policies found within the Colchester Local Plan to ensure that a balanced and sustainable community is delivered.
- 5.6 Future developers of the site will be expected to provide the required standard of Open Space across the development as detailed within Local Plan policies. Providing the required level of Open Space as part of the development will ensure that the needs of future residents are met. Opportunities to provide walking and cycling links through the site can also be achieved between Military Road and Magdalen Street to promote the creation of a sustainable community in this area.
- 5.7 The Council expects that the area will be delivered in various stages with different parcels of land coming forward at different times. Housing market conditions are likely to dictate the timescales of implementation but the Development Brief provides a comprehensive overview and vision for the area which can be considered during the planning application process.

## **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 Magdalen Street Development Brief will help the Council meet these strategic objectives.

## **7. Consultation**

- 7.1 The Development Brief has been prepared by Council Officers and involvement with the relevant ward councillors. When future development is brought forward through a planning application, the Council is required to consult with neighbouring properties and a wide range of statutory and non statutory consultation bodies.

## **8. Publicity Considerations**

- 8.1 The Development Brief may generate publicity for the Council as it is proposing significant redevelopment in a part of the Town which is highly visible.

## **9. Financial Implications**

- 9.1 The Development Brief has been prepared by officers as part of normal work programmes, duties and responsibilities. Any financial costs during the production of the Development Brief have been met within existing budgets.
- 9.2 The Council is the landowner for part of the land included within the Development Brief area and therefore any funds raised through the sale of Council owned land assets will be received by this authority as a capital receipt.

## **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 Development Brief will help ensure that the area is comprehensively redeveloped in line with adopted policies when applications for planning permission are being considered by the Council.

## **Appendices**

Appendix A – Magdalen Street Development Brief, January 2014.



## **Magdalen Street Development Brief**

**DRAFT**

**Colchester Borough Council**

**January 2014**

# MAGDALEN STREET DEVELOPMENT BRIEF

## 1 INTRODUCTION

- 1.1 This development brief focuses on land at the western end of Magdalen Street on both sides of the road and includes vacant sites and large inefficient land uses, along the southern side. The extent of the brief extends south to Military Road to provide opportunity for comprehensive redevelopment of the area.
- 1.2 Colchester Borough Council has a strong record in producing development briefs and guidance notes to inform development proposals on a variety of sites across the borough. These documents provide a greater understanding of the issues and constraints the Council has identified for the site as well as an indication of how adopted policies will be interpreted.
- 1.3 The purpose of the document is to:
- Provide a sustainable and coherent development framework for the area that promotes comprehensive redevelopment of the sites;
  - Provide details of the local and national policies relevant to this area;
  - Outline the key constraints in the area and the opportunities that exist;
  - Promote a mix of uses that can co-exist and complement uses elsewhere in the vicinity;
  - Outline the Council's expectations of delivering improvements to accessibility of the area by walking and cycling, community infrastructure, the public realm and streetscape, and improving the air quality through the redevelopment of the area; and
  - Outline the design and development principles and the parameters of expected design quality.
- 1.4 The development brief will provide the basis for a coordinated and comprehensive approach to future development that can achieve greater economic, social and environmental value in the area. Prospective developers should use this document alongside adopted local and national policies to guide their proposals, and as a starting point for pre-application discussions with the local authority.
- 1.5 This brief is not intended to be prescriptive, but is to be used to guide future development in the area. The development brief will become part of the decision making process and weight will be given to the details during the determination of relevant planning applications.
- 1.6 This document will also provide general information for members of the public about possible future changes in the area and what type and form development may take.

## 2. POLICY CONTEXT

### 2.1 National Planning Policy Framework

Any development at the site should have regard to relevant national planning policy, primarily found within the National Planning Policy Framework (NPPF) which was published in March 2012.

2.2 The NPPF promotes social, environmental and economic objectives to respond to the different opportunities for achieving sustainable development in different areas.

2.3 Within these roles outlined in the NPPF, a set of core land use planning principles underpin plan making and decision making. In total the NPPF contains 12 core planning principles and the ones most relevant to this development brief are outlined below:

- Planning should be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- It should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Planning should proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places.
- Take account of the different roles and character of different areas, promoting vitality of main urban areas;
- Support the transition to a low carbon future in a changing climate, and encourage the reuse of existing resources, including conversion of existing buildings and encourage the reuse of renewable resources;
- Encourage the effective use of land by reusing land that has been previously developed;
- Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas,
- Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

2.4 All planning applications should have regard to the NPPF and the guidance contained within it.

2.5 At the local level, the Colchester Local Plan provides further policy guidance for the redevelopment of the area and should be considered

fully as part of any future planning application(s). The most relevant sections are detailed below;

## 2.6 **Core Strategy**

Within the adopted Core Strategy (December 2008) Policy SD1 (Sustainable Development Locations) identifies the “East Growth Area” (which includes land the subject of this development brief) as a strategic area for new development. Policy H1 (Housing Delivery) confirms that housing development will be focused in strategic areas, to meet the borough’s housing target – with 2,600 new homes to be provided in the East Growth Area up to 2021. Under Policy SD2 (Delivering Facilities and Infrastructure), new development will be required to provide relevant infrastructure, community facilities, and open space, as appropriate.

## 2.7 In addition to the overall strategic objectives of the Core Strategy, the following planning policies are also relevant to consideration of this site:

- Policy CE1 (Centres and Employment Classification and Hierarchy) encourages employment and economic diversity throughout the borough, as structured by a Centres and Employment Classification and Hierarchy;
- Policy H2 (Housing Density) indicates that a housing density of over 75 units would be appropriate for an accessible town centre site;
- Policy H4 (Affordable Housing) sets a target of 35% of new dwellings on sites of 10 or more dwellings in Colchester Town;
- Policy UR1 (Regeneration Areas) identifies East Colchester, which includes Magdalen Street, as a priority area for regeneration where new developments will be encouraged;
- Policy UR2 (Built Design and Character) – provides for high quality and inclusive design in all developments;
- Policy PR1 (Open Spaces) – provides that new development should ensure access to public and private open space;
- Policy TA1 (Accessibility and Changing Travel Behaviour) – Future development in the borough will be focused on highly accessible locations and travel behaviour change towards sustainable modes will be encouraged;
- Policy TA2 (Walking and Cycling) – provides that development shall contribute to walking and cycling improvements as appropriate;
- Policy TA3 (Public Transport) – states that the Council will work with partners to deliver the East Transit Corridor;
- Policy ER1 (Energy, Resources, Waste, Water and Recycling) – encourages new development to incorporate measure to reduce carbon emissions.

## 2.8 Site Allocations

The Site Allocations Development Plan Document was adopted in December 2010 and provides further detail to support the Core Strategy Policies. East Colchester is identified as a Regeneration Area because the area has experienced considerable change in recent years with regards to both residential and commercial developments. The policy which is most relevant to this development brief is:

- Policy SA EC5 Area 3: Magdalen Street - This policy provides that to the north of Magdalen Street, housing areas will be extended and consolidated, but other small-scale uses will be permitted provided they are compatible with the overall housing proposals. New development on the south side of Magdalen Street shall continue the existing mix of commercial, industrial, service and retail uses. Proposals must not adversely affect the amenity of neighbouring housing areas. The policy refers to the more detailed guidance set out in the Magdalen Street SPD adopted in 2005.

## 2.9 Development Policies

The Development Policies DPD also adopted in December 2010 provides detail to guide the determination of planning applications and the following policies are relevant for this site:

- Policy DP1 (Design and Amenity) - all development to be designed to a high standard, with regard to social, economic and environmental sustainability;
- Policy DP3 (Planning Obligations and the Community Infrastructure Levy) - planning obligations will be sought where appropriate, in accordance with details set out in supporting policy documents
- Policy DP12 (Dwelling Standards) – Residential development will be guided by high standards for design, construction and layout
- Policy DP16 (Private Amenity Space and Open Space Provision for New Residential Development) – sets standard for the provision of private amenity space and public open space.
- Policy DP17 (Accessibility and Access) – development should enhance accessibility to sustainable modes of transport
- Policy DP19 (Parking Standards) - sets minimum parking standards for residential development of 1 space for every 1-bed dwelling and 2 spaces for every 2-bed or more dwellings with 0.25 visitor spaces per unit (lower standards may be accessible in highly accessible locations)



- Policy DP25 (Renewable Energy) - applicants are encouraged to incorporate renewable energy technologies into development

## 2.10 Local Plan Review

The Council is undertaking a two-stage review of its Local Plan. The first stage is a partial Focused Review of those selected policies that can be brought into compliance with the National Planning Policy Framework without the development of an extensive evidence base. This will then be followed by the development of a new Local Plan including new policies and site allocations based on an update evidence base.

The Council submitted the Local Plan Focused Review to the Planning Inspectorate in October 2013. A Public Examination is expected in 2014 which is expected to result in a number of revised policies being adopted by the Council. The revised policies within the Local Plan Focused Review and subsequent new Local Plan will be relevant to the Magdalen Street area once formally adopted.

## 2.11 Magdalen Street Development Brief

A Development Brief for Magdalen Street was adopted as a Supplementary Planning Document in 2005. While that document was linked to policies within the 2004 Local Plan which have since been updated by the Local Development Framework, the general design and planning issues set out in the document remain relevant. The earlier brief established the aspiration for new pedestrian links between Magdalen Street and Military Road through the site along with the desire to keep the existing retaining walls.

## 2.12 Other Adopted Guidance

The Council has developed a series of topic based Supplementary Planning Documents and Guidance Notes which have been adopted and are material planning considerations.. These documents build on the policies contained within the Core Strategy, Site Allocations and Development Policies documents and provide more detail on various subjects. A full list of the Supplementary Planning Documents and Guidance Notes that have been adopted to date can be found on the Council's website but specific focus should be given to the following documents:

- Street Services SPD, adopted October 2012,
- Air Quality Management Guidance Note, adopted August 2012,
- Colchester Cycling Delivery Strategy SPD, adopted January 2012,
- Affordable Housing SPD, adopted August 2011,
- Sustainable Construction SPD, adopted June 2011,
- Backland and Infill SPD, adopted December 2010,

- Community Facilities SPD, adopted September 2009 and revised in July 2012,
- Vehicle Parking Standards SPD, adopted September 2009,
- Provision of Open Space, Sport and Recreational Facilities SPD, adopted July 2006.

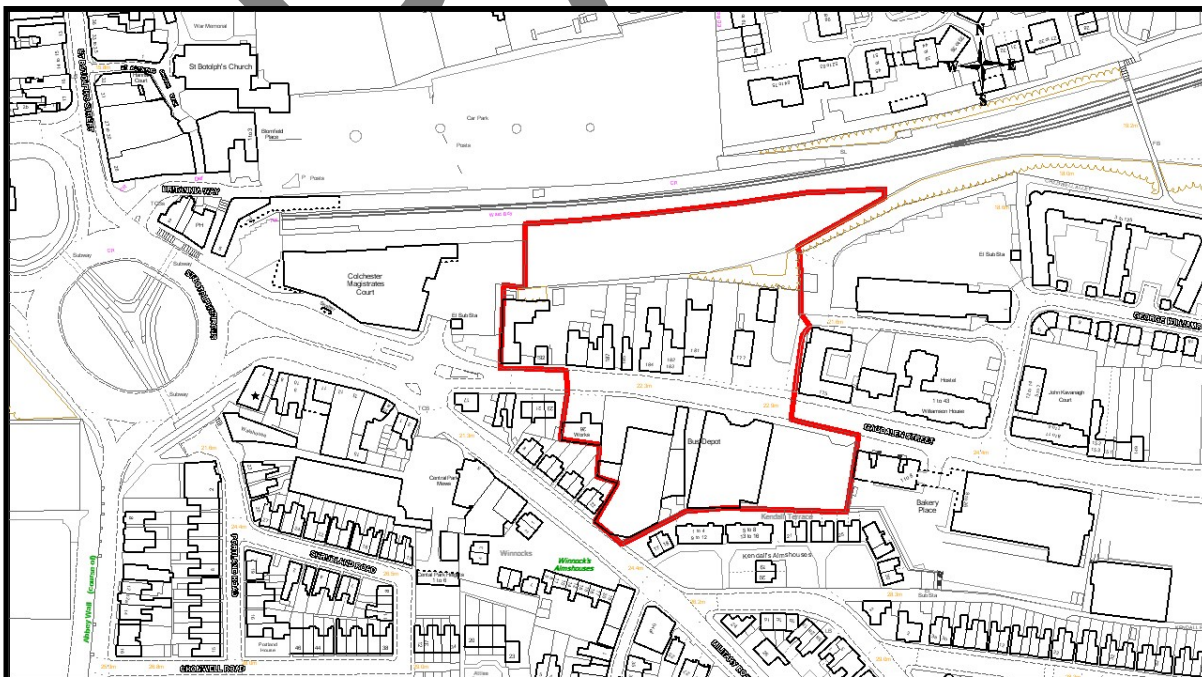
### 3. SITE AREA and AREA ANALYSIS

#### 3.1 Site and Surroundings

The first area subject to this development brief is located at the western end of Magdalen Street, just before it joins the south eastern corner of the town centre at St. Botolphs roundabout. Since medieval times it has served as a primary route into the town from the Hythe and towns and villages to the east of Colchester. The land adjacent to the railway line is significantly lower than the gardens of the properties on the north side of Magdalen Street. The bus depot on the south side of Magdalen Street was built on a site which sloped up to the south, resulted in a retaining wall up to approximately 3m high between it and the higher land behind containing the almshouses on Military and Kendall Roads.

The Development Brief considers sites on the edge of the town centre which currently have relatively inefficient land uses and considered suitable for regeneration. This is largely because the edge of centre sites can be of great benefit if redeveloped as mixed use sites.

#### Map of area subject to this Development Brief:



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In recent years Magdalen Street has become a key centre for community facilities and community support organisations such as the YMCA and Emmaus as well as the Wilson Marriage Centre further to the east in Barrack Street. The Bus Depot building has been used on occasions for a number of community events organised by local groups which have proved popular and further promotes the strong community focus within this area.

### 3.2 **Movement and Accessibility**

#### Vehicles

Magdalen Street is a key route into Colchester from the east. It experiences heavy traffic volumes and movements which are typical of locations such as this on the edge of the town centre. Vehicular access to the sites within the brief area is currently via Magdalen Street and it is expected that these arrangements will continue following the redevelopment of these sites.

#### Walking and cycling

Pedestrian and cycle access to the site from the town centre and bus station is poor due to the narrow and busy footways as well as the busy St Botolph's roundabout and heavily trafficked Magdalen Street. However there are opportunities to improve pedestrian and cycle accessibility from all directions as outlined in the Colchester Cycling Delivery Strategy SPD (adopted January 2012). Within the development measures should be taken to ensure that cycle links are created to encourage the link to this network and any future links which are brought forward between the site and the surrounding network.

#### Public transport

The development brief area is well served by public transport as it is within short walking distance of Colchester Town rail station and the recently opened bus station at Osborne Street which are both within walking distance. Regular bus services which stop in Magdalen Street serve the east side of Colchester and the University which provides good connections with the town centre.

#### Sustainable Location

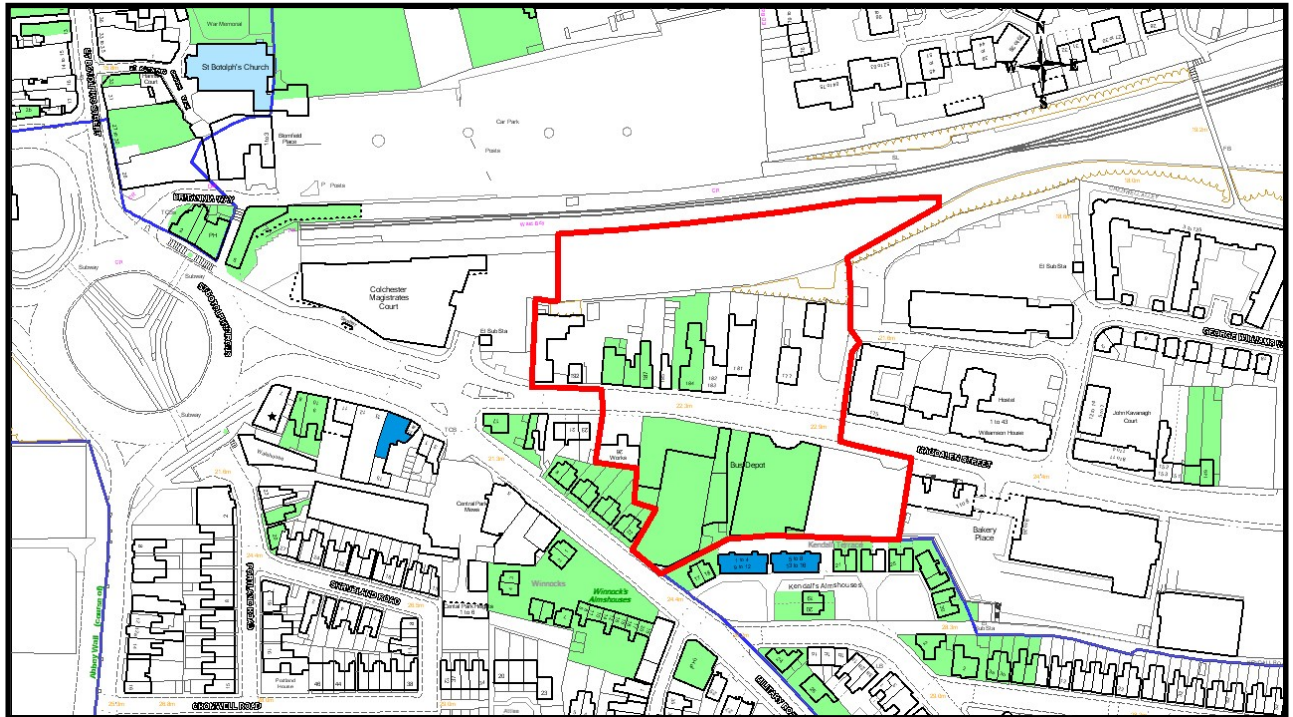
The edge of centre location together with the range of local facilities and existing uses makes this part of the borough a sustainable location. As the whole area falls within the Air Quality Management Zone it will be necessary to consider a reduced parking standard for all uses that come forward

### 3.4 **Context**

The area is located in a mixed-use area of predominantly commercial buildings interspersed with some residential units. Building styles at the western end of Magdalen Street largely reflect its development in the late 19<sup>th</sup> and early 20<sup>th</sup> century and are of primarily red brick construction. Various nationally and locally listed buildings are found

within this area which provide an important historical context that should be enhanced and incorporated into any future design and site layout.

### Map of the area covered by the Magdalen Street Development Brief



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- Nationally Listed Building
- Locally Listed Building
- Development Brief Area
- Conservation Area

#### 3.5 Access to facilities and shopping

The area is well located in relation to a wide range of facilities and services within a short walking distance into the town centre. The development brief area is also within close proximity to a range of other facilities found within the Garrison and East Colchester Growth Areas.

#### 3.6 Constraints

An Air Quality Management Area extends along Magdalen Street, which reflects high levels of traffic congestion in the area. Applications for development adding to traffic levels in the area accordingly will need to be accompanied by an Air Quality Assessment which establishes how the development will mitigate negative effects on air quality. The designation of the AQMA places greater emphasis onto the consideration and removal of the impacts any proposed development will have on air quality. Measures to reduce emissions and improve air quality within the Magdalen Street area will be

expected as part of any future development.

The southern boundary to Winnock Road and Kendal Foley has a height difference which will make additional connections difficult to achieve without stairs or ramps. In certain locations providing open access to Kendal Foley is desirable as the increased permeability will benefit users and provide a better perception of the currently enclosed length of the Foley.

The most topographically challenged part of the site is the former Station car park. This piece of land is much lower than the land to the south and being at the same level as the railway line is not considered suitable for residential uses where good quality amenity space cannot be provided.

#### **4. DESIGN RESPONSE and DEVELOPMENT PROPOSALS**

4.1 The vision for Magdalen Street is to regenerate this street as a 21<sup>st</sup> century gateway to the town centre. In virtually every town and city there is a pattern of small scale mixed use environments combined with houses and flats. For Magdalen Street we see the opportunity to create a vibrant community and small scale, compatible uses associated with an edge of centre gateway. Architecturally the council will seek contemporary responses to the existing character and densities appropriate to the edge of centre location. In most sites the expectation will be for three storey development with ground floors that offer a robust range of small scale use opportunities.

4.2 The AQMA designation will require mitigation and the council will expect development to be set back from the carriageway with large scale forecourts and tree planting. Servicing for commercial uses should be provided in laybys and private parking provided at not less than 100%.

4.3 **Principle of use**  
The adopted Core Strategy and Site Allocations Documents provide for the ongoing regenerations of Magdalen Street primarily in Policies SD1 and SA EC3. Policy SA EC3 included the intention to retain the current mix of commercial, local service and residential uses. Currently there is a range of inefficient and inappropriate uses in this area which provide opportunity for comprehensive and sustainable redevelopment.

4.4 **Level of development**  
The specific density for any proposal would need to be governed by policy objectives such as achieving high quality design and an appropriate mix of tenures and housing types, balanced against individual site constraints and viability issues. The 2005 Magdalen Street Development Brief proposed large scale block type development along the road frontage which resulted in developments such as the

Aldi food store and the Emmaus building being brought forward in recent years. This revised brief takes account of those already established principles but introduces new policy constraints such as air quality, density and residential amenity to provide a comprehensive development. Density will be governed by the provision of appropriate levels of amenity space and car parking. These factors together with design, scale and massing which is sympathetic to the context of the area should dictate the amount of development appropriate.

#### 4.5 **Design Issues**

The adjacent areas provide a valuable context which future developments must take account of and be sympathetic towards as part of any future proposals. A number of nationally and locally listed buildings have been identified and these are important assets to retain and be sympathetic towards.

The air quality within this part of the borough is a concern and needs to be addressed through appropriate design and other mitigation techniques. In order to overcome these issues the Council will expect to see air quality improvement measures at the heart of any design layout. Setting the buildings back from the road edge will help to improve the air quality as well as reducing the “tunnel effect” of Magdalen Street. Moving buildings back also allows space for a series of street trees to be introduced on both sides of the road and thus improve the environment and make this area more attractive with a unique character.

#### 4.6 **Affordable Housing**

The delivery of Affordable Housing across the borough is a key strategic priority for the Council. The level of Affordable Housing required on each development is outlined within Core Strategy Policy H4 which is subject to revision as part of the Local Plan Focused Review.

Future redevelopment of sites within the Brief Area will be expected to deliver the required level of Affordable Housing as outlined within the adopted policies. Affordable Housing should be brought forward in partnership with the developer, Registered Providers and the Council to ensure that provision is made. The Council’s Housing Officer’s should be involved with pre application discussions to determine the most appropriate way to deliver the required provision as part of any future developments.

#### 4.7 **Access**

Vehicular access to the sites will only be available via Magdalen Street. No vehicular access will be allowed between Military Road and Magdalen Street through the site. Pedestrian and cycle access will also be provided via Military Road and the east west cycle link which is planned to run from east Colchester to the town centre.

The Council believe there is an opportunity to introduce an access road between Magdalen Street and the railway line adjacent to 175 Magdalen Street (Emmaus building) which will open up the part of the site adjacent to the railway line. Any new access road will have to be designed to meet the required highway design standards through consultation with Essex County Council Highways Department as part of any pre-application discussions.

Pedestrian and cycle opportunities also need to be addressed as part of any future design and site layout. The creation of a walking and cycling entrance point will be required to access to the site from Military Road which will improve the accessibility and connectivity of the site. The site also has the opportunity to link into the wider East Colchester transport improvements by providing off road walking and cycling routes adjacent to the railway line as detailed within the Development Policies Development Plan Document and the Cycling Delivery Strategy SPD.

#### 4.8 **Parking**

The Council will expect all parking provision to be provided in accordance with the relevant CBC/ECC parking standards as outlined primarily within the Essex County Council Vehicle Parking Standards document. The area is in very close proximity to the town centre and public transport connections so opportunities for no or low car developments should be explored and are justified accordingly. The introduction of a car club should also be considered and justified as appropriate in an AQMA and sustainable location.

Cycle parking will also be required as set out within the Vehicle Parking Standards document and must be suitably located and suitably accessible to encourage this form of transport.

#### 4.9 **Open Space and Public Realm**

The areas location on a key route adjacent to the town centre supports careful attention to the provision of open space and enhancement of the public realm. Providing open space as part of future development proposals will promote a good design and an attractive place to live and enjoy as supported by the NPPF and the Colchester Local Plan. Open Space is an important aspect in urban areas and along with the street trees, required under AQMA arrangements will result in a good standard of amenity.

Comprehensive redevelopment of this area will provide opportunity to improve the public realm in this part of Colchester. Improving the attractiveness through improved open space alongside new development will create an exciting addition to the town centre which will encourage greater use of the area through a mix of opportunities and the creation of a sustainable community.



#### 4.10 Indicative Site Layout

A number of design issues and site constraints have been identified by the Council which has dictated the indicative site layout as seen below. The layout sketch takes into account the derelict sites and vacant land found in this area as well as other buildings which provide opportunity for comprehensive redevelopment.

#### Indicative Scheme Layout



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The Council is considering an adjacent site at the Magdalen Street Railway Sidings as part of a separate Development Brief. Opportunities may exist in the future to link these two areas as future development comes forward within east Colchester.

### 5. APPLICATION PROCESS

#### 5.1 Pre-application discussion

Developers are encouraged to take advantage of the Council's pre-application advice procedures at an early stage. Advice on this is available on the Council's website. ([www.colchester.gov.uk](http://www.colchester.gov.uk))



## 5.2 **Supporting documentation**

Any planning application for the re-development of these sites should be accompanied by a range of supporting documents, which may include:

- Design & Access Statement
- Topographical Survey
- Transport Assessment or Transport Statement
- Archaeological Assessment
- Air Quality Assessment
- Ground Quality Assessment/ Contamination report
- Noise Survey.

## 5.3 **Developer contributions**

Any future developments may be required to make a financial contribution towards the provision of additional infrastructure, educational facilities and affordable housing. The precise details will be negotiated between the future developer/applicant and the Council, taking into account the economic and site circumstances at the time of the application. Colchester Borough Council is considering introducing a Community Infrastructure Levy which will apply to most new developments across the borough. Should development of this site come forward following the adoption of the Colchester Community Infrastructure Levy a payment will be required in line with the adopted charges at that time.

## 5.4 **Contact**

Further information about the details of this Development Brief or any aspect of developing on this site can be obtained from Planning Services on 01206 282424 or via email to

[planning.services@colchester.gov.uk](mailto:planning.services@colchester.gov.uk)



## Local Plan Committee

Item  
**9**

3 February 2014

<b>Report of</b>	<b>Head of Commercial Services</b>	<b>Author</b>	<b>Karen Syrett</b>
<b>Title</b>	<b>Tendring District Council Draft Local Plan</b>		
<b>Wards affected</b>			

**The Local Plan Committee is asked to consider the content of the Draft Tendring Local Plan and the implications for Colchester and provide comments to inform the response to be sent by the Portfolio Holder for Planning, Community Safety & Culture.**

### **1. Decision(s) Required**

- 1.1 Members are asked to consider the content of the Draft Tendring Local Plan.
- 1.2 The comments made by the Committee will form the basis of a recommendation to the Portfolio Holder for Planning, Community Safety & Culture, who will consider and finalise the formal Council response.

### **2. Reasons for Decision(s)**

- 2.1 The consultation provides the Council with the opportunity to influence future strategic planning in the neighbouring district. The Localism Act and the National Planning Policy Framework set out a 'duty to cooperate' that requires councils and public bodies to 'engage constructively, actively and on an ongoing basis' to develop strategic policies and also requires councils to consider joint approaches to plan making.

### **3. Alternative Options**

- 3.1 The Local Plan Committee could decide not to comment on the Consultation Paper and leave the formal response to the Portfolio Holder.
- 3.2 The Council could decide not to respond to this consultation. However, this would not comply with the duty to cooperate. Additionally, it would mean that the Council's considerations are not taken into account as part of the Examination into the soundness of the document.

#### 4. Supporting Information

- 4.1 The original Proposed Submission Draft Local Plan was published in November 2012. Tendring District Council has subsequently made changes to this document and is now consulting on the changes for a 6-week period running from 6 January – 17 February 2014. There are now a complex set of documents including the following;
1. TDC Local Plan Proposed Submission Draft 2012
  2. TDC Local Plan Proposed Submission Draft (Proposals Maps) 2012
  3. Major Changes 2014
  4. Minor Changes 2014
  5. Changes to the Proposals Map 2014

All the documents can be viewed in full on the TDC website;  
<http://www.tendringdc.gov.uk/planning/local-plans-and-policies/view-our-local-plan/pre-submission-focussed-changes-local-plan>

- 4.2 There are a number of significant changes to the document from the 2012 version which are detailed below;

**Timeframe** - The original Submission Draft received objections concerning its short time frame to 2021 and consequential limited allocation of addition sites for housing. The plan is now proposed to run for a 15 year period from 2014 to 2029.

**Housing Supply** – The changes reflect the extension of the plan period from 10 to 15 years and also the production of an updated evidence base. The approach involves ‘identifying specific housing sites’ for years 1-10 (although in reality not all sites are shown and instead they seem to rely on 6% coming forward in each settlement) and ‘broad locations’ for longer-term growth in years 11-15.

An update to the Strategic Housing Market Assessment was undertaken in 2013 to determine how many new homes are likely to be needed. The assessment concluded that the total ‘objectively assessed’ requirement for housing was approximately 685 dwellings per year. This compares with an average completion rate of 378 dwellings per annum during the period 2001 to 2013.

A Strategic Housing Land Availability Assessment was also undertaken in 2013, and this, other ‘relevant evidence’ and consultation responses, the Council is proposing a strategy which will deliver approximately 362 dwellings per year, between 2014 and 2024. For years 11-15 (2024-2029) TDC have assumed they will be able to achieve 400 dwellings per annum.

In total the changes propose an expected dwelling stock increase of 5,625 dwellings over the plan period. In addition the NPPF requires an additional 20% buffer in the first five years – sites moved forward from

later in the plan. So the first 5 year target is 2250 homes. This, proposal leaves a shortfall in meeting objectively assessed need of 4650 units or an average of 310 dwellings per annum. The NPPF requires Councils to co-operate with neighbouring authorities to try and address any unmet need but as this Council has made clear previously it is not in a position to allocate additional sites to meet a need in Tendring. This is reflected in the Draft Plan.

Tendring District Council will attempt to defend its approach by using findings of the Strategic Housing Land Availability Assessment to defer higher delivery rates to the 11-15 year period. This they say will allow sufficient time to plan for the infrastructure required for larger sites adjacent to urban areas.

**West Tendring** – sites straddling the Colchester/Tendring boundary are shown as a broad area of search for post-2024 growth, which would be considered in more detail through a review of the Local Plan. 60% of the site is Tendring, and 40% in Colchester. One of the changes proposes ‘in principle’ support for a north/south link between the A120 and the A133 to improve connectivity and support new growth in the area.

**Spatial Strategy** – Changes have been made to how development will be distributed between different parts of the district. Policies have been amended and a new Key Diagram added. For the first 10 years, the plan will aim to deliver a ‘fair and proportionate’ spread of development across all parts of the district which will result in an approximate 6% increase in housing stock for most settlements. The broad locations for growth for the last 5 years include land in and around Clacton, Harwich and the West Tendring area noted above. A copy of the new key diagram is attached as Appendix 1.

**Economic Development** – The Council has developed a new Economic Development Strategy focusing growth on the sectors of the economy most likely to grow and on the main urban locations. Officer recommendations to remove the Horsley Cross site were overturned by members so it remains in the plan even though it is in a countryside location.

#### 4.3 **Issues for Colchester**

There are some areas of the Plan which are of particular relevance to Colchester. These are summarised below;

**Duty to Co-operate** – The issues below need to be considered within the overall requirement on both authorities to demonstrate they have satisfied the duty to co-operate with relevant authorities in the preparation of their local plans.

**Housing numbers** – The 4650 unit gap between programmed delivery and objectively assessed need clearly threatens the plan’s soundness

and any Inspector would be expected to consider this a fundamental flaw. Under-delivery in Tendring could affect Colchester (under the Duty to Co-operate) meaning that additional sites in Colchester would be required even if development East of Colchester is justified.

**Timing** – The Colchester Fringe is identified as a new Urban Settlement (along with Clacton, Harwich etc). These areas are expected to be the focus for the majority of the District’s economic growth (Policy SD2). The policy wording is unclear however in relation to housing: it talks about ‘these settlements accommodating housing stock between 2014 and 2024’ but the next paragraph states that growth in West Tendring/Colchester Fringe, will be beyond 2024 and subject to a review of the Local Plan.

**Transport** – a potential new link is proposed between the A133 and A120 to the east of Colchester. It is not clear what the evidence base for this is, if the cost is justified and if there are alternatives. It could be preferable to invest in other more sustainable transport measures, ie an East Colchester Transit link.

**Other infrastructure** – The spatial strategy, which still disperses growth around the district, may not result in the critical mass necessary in one location to support new community infrastructure. This is more of an issue for ECC, who will have concerns around incremental growth putting pressure on school places. Development East of Colchester will impact on existing infrastructure in Colchester, i.e. roads and hospital.

**Holiday Parks** – the Policy on occupation is proposed for change in line with recent planning decisions and reflects the situation in Colchester.

**Gypsy and Travellers** – there are no additional sites proposed.

**Rural Exception Sites** – the policy should reflect the changes proposed by Colchester for consistency.

4.4 The Local Plan is due to be submitted to the Secretary of State for examination by a Planning Inspector, who will consider if the plan is ‘sound.’ The tests of soundness are set out in the National Planning Policy Framework (NPPF) (para 182): “The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound based on the following tests;

1. **Positively Prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements. This means that the Development Plan Document (DPD) should be based on a strategy which seeks to meet objectively assessed

development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

2. **Justified:** the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence.

This means that the DPD should be based on a robust and credible evidence base. The DPD should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal.

3. **Effective:** deliverable over its period based on effective joint working on cross-boundary strategic priorities. This means the DPD should be deliverable, requiring evidence of:

- Sound infrastructure delivery planning;
- Having no regulatory or national planning barriers to delivery;
- Delivery partners who are signed up to it; and
- Coherence with the strategies of neighbouring authorities.
- The DPD should be flexible to deal with changing circumstances and able to be monitored.

4. **Consistent with national policy:** enabling the delivery of sustainable development.

4.5 If the Council wishes to object to any of the proposed changes, it would need to make clear which test of soundness it fails to meet or if it considers the Duty to Co-operate or legal compliance requirements have not been met.

## 5. Proposals

5.1 The Local Plan Committee are asked to consider these issues and any others they may have identified. Formal comments will be used to inform the response to Tendring District Council which will be signed off by way of a Portfolio Holder report, in accordance with the Scheme of Delegation.

## 6. Strategic Plan References

6.1 Effective strategic planning supports the Strategic Plan Vision for Colchester as a place to live, learn, work and visit, and in particular informs the priorities of leading for the future, being cleaner and greener, and inspiring and innovating.

## 7. Consultation

7.1 Consultation is being undertaken by Tendring District Council

## 8. Publicity Considerations

- 8.1 There is likely to be continued interest in development on the edge of Colchester resulting in publicity for the Council. Working collaboratively with Tendring District Council should reduce the risk of misunderstanding resulting in negative publicity.

## **9. Financial Implications**

- 9.1 N/A

## **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 by clicking on this link:-

<http://www.colchester.gov.uk/article/4962/Strategic-Policy-and-Regeneration>

or go to the Colchester Borough Council website

[www.colchester.gov.uk](http://www.colchester.gov.uk) and follow the pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Equality and Diversity > Equality Impact Assessments > Strategic Policy and Regeneration and select Local Development Framework from the Strategic Planning and Research section.

- 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.

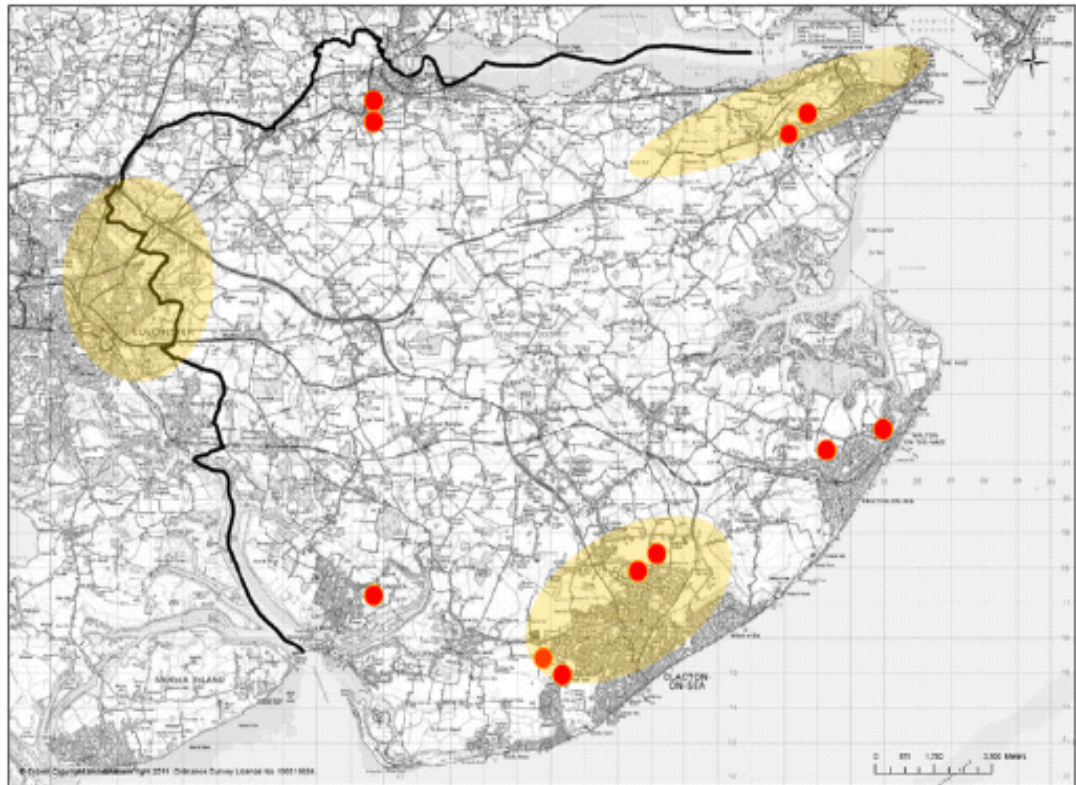
## **14. Disclaimer**

- 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.

## **Appendices**

1. Key Diagram

### Spatial Strategy Key Diagram



#### Key:

- Location of main housing & mixed-use developments 2014-2024 (schemes involving 100 homes or more and subject of specific sites allocated in this Local Plan).
- Broad areas for possible longer-term growth post 2024 (to be considered in more detail, along with other areas, through a review of the Local Plan).



# AMENDMENT SHEET

Local Plan Committee  
3 February 2014

## Agenda Item 8 – Magdalen Street Development

### **4.9 Open Space and Public Realm**

The areas location on a key route adjacent to the town centre supports careful attention to the provision of open space and enhancement of the public realm.

It is important that open space provision is appropriately tailored to the proposed development, to reflect the way that the likely occupiers would want to use the open space. For example, while unfenced open space / gardens may be appropriate where the development is targeted at older people, this will not be appropriate for development targeted at families. Family housing will require the provision of space that can be used by children of all ages; this includes the ability to play ball games safely, without negatively impacting on neighbours.

Providing open space as part of future development proposals will promote a good design and an attractive place to live and enjoy as supported by the NPPF and the Colchester Local Plan. Open Space is an important aspect in urban areas and along with the street trees, required under AQMA arrangements will result in a good standard of amenity.

Comprehensive redevelopment of this area will provide opportunity to improve the public realm in this part of Colchester. Improving the attractiveness through improved open space alongside new development will create an exciting addition to the town centre which will encourage greater use of the area through a mix of opportunities and the creation of a sustainable community.

