

Local Plan Committee

Tuesday, 07 February 2017

Attendees: Councillor Nick Barlow, Councillor Nigel Chapman, Councillor Nick Cope, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Martin Goss, Councillor John Jowers, Councillor Sue Lissimore, Councillor Gerard Oxford, Councillor Martyn Warnes

Substitutes:

96 Have Your Say!

Sir Bob Russell addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained that he regretted the views expressed by representatives from the Campaign Against Urban Sprawl in Essex (CAUSE) in support of the proposed Garden Community in East Colchester. He had attended a further meeting at Tendring District Council and welcomed the approach that was being adopted by that Council. He referred to this Committee's previous consideration of representations made in relation to the protection of Salary Brook when the principle of the formation of a buffer had been accepted and repeated his request for the boundaries of the Country Park to be determined now, prior to development taking place. He couldn't see the point of any delay in determining the boundaries which would enable the other elements of the development to be accommodated around it. He again referred to the previous successful work to protect the Southern Slopes which had precipitated the creation of High Woods Country Park and considered this to be an appropriate model to emulate in respect of Salary Brook.

John Akker addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained that he was representing the Stop 350 Group from Mersea Island which now comprised over 1,000 members. He did not consider that the Local Plan had addressed the substantial in-fill development which had occurred in West Mersea and, whilst welcoming the reduction to 200 proposed units at the sites identified in the Proposed Options exercise, he was of the view that the 100 or so in-fill housing units constructed on Mersea Island should be counted towards this 200 total number. In addition, the number of caravans currently occupied on the Island should also be counted in the Local Plan. He also referred to the proposals for Middlewick Ranges and was of the view that there would be significant consequences in relation to the road network and communications in that part of south Colchester. He was concerned that the developments proposed for the Borough needed to be properly planned.

The Chairman confirmed that in-fill development was considered in Local Plan terms to be 'windfall' development and, as such, was outside the consideration of the Local Plan. The Place Strategy Manager confirmed this status for in-fill development but indicated her interest in the submission of further information about the in-fill sites referred to.

Rosie Pearson, on behalf of Campaign Against Urban Sprawl in Essex (CAUSE), addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She thanked the officers for the full and detailed response which had been sent to CAUSE, following its detailed submission to the Preferred Options consultation. She explained that the Group continued to have concerns particularly in relation to economic capacity and she referred to the assessment of the Garden Communities Project undertaken by Lord Kerslake who had identified that the Project was a complex one with associated difficulties in relation to the successful delivery of the required infrastructure upgrades. There were also potential problems associated with land supply and deliverability. She questioned the suitability of Marks Tey as a location for one of the Garden Community Projects and the impact the expected growth would have on the community. She considered the proposal for East Colchester to be more appropriate given its better transport links and urged the Committee to drop the proposals for West Colchester.

James Marchant addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained that he was representing Colchester East Action Group which had been campaigning for a green buffer for three years. He had attended a workshop where various layouts for the development had been discussed. He asked the Committee to clarify which body would determine the layout for the development and the proposed Country Park and when the decision would be made.

The Place Strategy Manager confirmed that the Local Plan would be the appropriate decision making body and she anticipated that the decision would be made in May 2017.

Paul Knappett addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was representing residents from the land to the south of the proposed development in Dawes Lane West Mersea. He welcomed the reduction in the anticipated number of units from 350 to 200 but was concerned as to why there was still considered to be a need for two sites in West Mersea. In view of the lesser of houses, he was of the view that these could be accommodated at the Brierley Paddock site which would mean Dawes Lane no longer needed to be included. He referred to the view of the Environment Agency that Dawes Lane was subject to surface water flooding and, as such, the site needed to be considered sequentially, meaning that other sites would come forward earlier. He was of the view that the impact on the Coastal Belt and the landscape generally would be significant and he further commented that access to the Dawes lane site was very poor, being a Class 4 road. Nevertheless, he welcomed the inclusion of a geophysical assessment of the site, given its potential archaeological interest.

Manda O'Connell addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She spoke in support of the green wedge proposals in relation to Salary Brook and sought the Committee's approval of a 1.5km demarcation for the Country Park in order to ensure the reduction of urban sprawl in the area.

The Place Strategy Manager confirmed that there would be another consultation exercise to inform the Masterplan concept in order to provide a framework to build on the evidence base. She acknowledged the need to define a boundary for the Country Park but confirmed that this could only be determined based on evidence. She further explained that another Workshop in March would provide an opportunity to influence this issue.

Councillor Barber attended and, with the consent of the Chairman, addressed the Committee. He welcomed that report on the Garden Communities Project by Lord Kerslake and assumed the Committee would be working to respond to the conclusions he had formed. He considered the Kerslake report had provided a much clearer narrative for the proposals for East Colchester and had indicated a need for more detail to be available as to the planned developments. Concerns had been raised regarding the deliverability of the proposals for West Colchester, in terms of financial modelling and prematurity due to the lack of detail on the re-routing of the A120, lack of highway infrastructure and the employment proposals. As such, he was of the view that the West Colchester proposal should be removed from the Local Plan. He also referred to a speculative development application in relation to Bakers lane in Colchester and whether this would be included in the Preferred Sites exercise.

The Chairman confirmed that the conclusions from the Lord Kerslake assessment would be fed into the Local Plan process, the approval of which was ultimately at the discretion of a Planning Inspector and his view as to whether the Council's evidence base to support the contents of the Plan were sufficiently robust. He explained that the Bakers Lane site was not currently included in the Proposed Options document and he was not aware of any plans for its subsequent inclusion. Any formal planning application would be determined in accordance with current planning policies, including the site's current land use status.

The Place Strategy Manager explained that the strategic narrative for the whole Garden Communities Project had yet to be prepared. However, work to provide additional information on employment issues was being undertaken. She also confirmed that a transport assessment would be undertaken in order to address the requirements identified by the Highway Authority in relation to the Garden Communities Project.

97 Minutes of 7 November 2016

The minutes of the meeting held on 7 November were confirmed as a correct record,

subject to the reference to Councillor Liddy in minute no. 89 being amended to read Councillor Lilley.

98 Minutes of 19 December 2016

The minutes of the meeting held on 19 December were confirmed as a correct record.

99 Local Development Scheme

Councillor Jowers (in respect of his Membership of Essex County Council's Development and Regulation Committee declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Lissimore (in respect of her membership of Essex County Council's Development and Regulation Committee, her responsibility as Essex County Council's Deputy Cabinet member for Lifelong Learning and her Vice-Chairmanship of Visit Essex) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Chris Hill addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained that he had lived in the Greenstead ward for 34 years and he wished to speak in support of the protection of Salary Brook. A petition, signed by 732 people had been produced and it had been part of a recent Masterplan Workshop which demonstrated the popular support for the protection of the land by significant members of the community. He sought clarification on the revised timescales associated with the Local Plan and how far this would impact on the proposals for Salary Brook.

The Committee considered a report by the Head of Commercial Services giving details of changes to the Local Development Scheme (LDS).

Karen Syrett, Place Strategy Manager presented the report and responded to Councillors questions. She explained that the LDS was an essential tool used to keep the Local Plan up to date and provide details of consultation periods, public examinations and expected dates of adoption and publication for each document. The Council had previously reviewed the LDS in August 2016 for work up to 2019 but the scheme now needed to be updated to adjust the timings of the Local Plan and the Community Infrastructure Levy preparation stages to reflect the latest timetable for joint work with neighbouring authorities on the Local Plan. The new timetable reflected the findings of the Kerslake report and retained the same adoption date of September 2018 for the full plan, but provided for a longer period leading up to the submission of the plan with a shorter timeframe for the examination process, reflecting the Planning Inspectorate's current rate of delivery on plan examinations.

The LDS set out which documents would be prepared and in what time frame, as summarised below:

Local Plan Review;

- Member approval of Submission Draft – May 2017
- Submission Draft consultation - June/July 2017
- Submission – October 2017
- Examination of Part 1 - December 2017
- Examination Part 2 – April 2018
- Adoption of Part 1 (if possible) – April 2018
- Adoption of full plan – September 2018

Community Infrastructure Levy Charging Schedule and Planning Obligations DPD, to be prepared in tandem with the Local Plan (Part 2)

Joint Development Plan Documents for Garden Communities;

- Preferred Options consultation – Oct/Nov 2017
- Submission version consultation – June/July 2018
- Submission – October 2018
- Examination – December 2018
- Adoption March 2019

Neighbourhood Planning;

- Boxted – Neighbourhood Plan adopted December 2016
- Myland – Neighbourhood Plan adopted December 2016
- West Bergholt – Plan Area adopted in July 2013
- Wivenhoe – Plan Area adopted in July 2013
- Stanway – Plan Area adopted in June 2014
- Tiptree – Plan Area adopted in February 2015
- Eight Ash Green – Plan Area adopted in June 2015
- Marks Tey – Plan Area adopted in September 2015
- West Mersea – Plan Area adopted in November 2016

Supplementary Planning Documents – un-adoption of two documents (subject to approval by Committee)

Evidence base documents and updates which will be necessary to support the Local Plan Review

Changes to the text of the LDS to reflect the range of documents outlined above.

Supplementary Planning Documents (SPD) were no longer required to be included in the LDS however the Planning Obligations SPD had been included to demonstrate the links between all the documents which contribute to the Colchester Local Plan. Future additional SPDs as well as further guidance notes and development brief documents may be produced by the Spatial Policy Team without formal modification of the LDS because of their non-statutory status.

In response to the comments made by Mr Hill, the Place Strategy Manager confirmed that the revisions in the LDS would mean that the formal process for determination of the

Salary Brook proposals would be returning to the Committee for consideration and a further consultation exercise would be undertaken, in all likelihood in the summer of 2017.

Members of the Committee acknowledged the need for the timetable associated with the Local Plan to be adjusted as a consequence of the joint working with Braintree and Tendring Councils and reflecting the Kerslake report recommendations. Reference was also made to potential need for the timetable to be adjusted further in the light of circumstances.

RESOLVED that the changes to the Local Development Scheme be approved.

100 Un-adoption of Out of Date Supplementary Planning Documents

The Committee considered a report by the Head of Commercial Services providing details of the Extending Your House? and Planning Out Crime Supplementary Planning Documents (SPDs) which were now out of date.

Chris Downes, Planning Policy Officer, presented the report and responded to Councillors' questions. Chris explained that the Extending Your House? SPD was a planning guide for applicants with little or no planning experience which described the principles of domestic development which might make proposals acceptable to the Council in planning terms. Changes within the planning system since the guide was first published had increased the types of development that could be carried out without planning permission and, as such, parts of the guide had become out-of-date. In addition the Essex Design Guide, a comprehensive guidance document covering all areas of development design and used throughout the county to inform planning proposals was now freely available on the internet. The Planning Out Crime SPD promoted good urban design to reduce the scope for criminal activity in new development including through the well-accepted principles of passive surveillance and good maintenance of public spaces. Many of the references contained in the document were out of date whilst the principles of design in the document had been absorbed into later guidance documents such as the Essex Design Guide and the relationship between crime and good urban design was recognised in existing national policy. Updated planning guidance will be produced in conjunction with the emerging Local Plan, ensuring applicants are signposted to relevant local planning policies where necessary.

Members of the Committee acknowledged the usefulness of the guidance in the past and the advice that the documents were now considered to have exceeded their usefulness. The intention to keep members of the public fully and accurately informed on an ongoing basis was welcomed.

RESOLVED that, to ensure consistency with national policy and regional guidance and to provide clarity for applicants by removing the conflict currently contained between

existing guidance, the Extending Your House? and Planning Out Crime Supplementary Planning Documents be un-adopted.

101 Retail and Town Centre Study

The Committee considered a report by the Head of Commercial Services giving details of the Retail and Town Centre Study which was intended to be added to the Council's Local Plan Evidence Base and used to inform the Submission version of the Local Plan.

Karen Syrett, Place Strategy Manager presented the report and, together with Laura Chase, Planning Policy Manager, responded to Councillors questions. Karen explained that, in order to provide the evidence base for new Local Plan policies and allocations in this area, the Council had commissioned Cushman and Wakefield (CW) to prepare a new and up-to-date Retail and Town Centre Study. The Study would replace the Retail Update 2013 prepared by Nathaniel Lichfield and Partners and would also guide planning policies and decisions on planning applications.

The Study made a number of key policy and allocation recommendations in relation to Retail Hierarchy, Capacity Forecasts, Future Town Centre Development Needs and Primary Shopping Area and Primary and Secondary Retail Frontages.

The report recommended that the Council adopt a three-tier hierarchy of centres with Colchester Town Centre at the top of the hierarchy given that it is the principal shopping destination in the Borough supported by an extensive range of related town centre uses. It was considered relatively healthy at present, although the Study research and analysis identified some weaknesses and areas for improvement to ensure its vitality and viability over the plan period. The Urban District Centre category had been removed in the Preferred Options version of the plan, but the Study recommended that Tollgate, Turner Rise, Peartree Road and Highwoods should all be considered for reclassification as district centres in the new Local Plan. The Rural District Centres would also be retained as district centres and this would ensure that the Borough has a network and hierarchy of centres, as required by the National Planning Policy Framework, capable of serving their respective areas of the Borough. It will further help to ensure that the Council, as local planning authority, can effectively plan for these centres and formulate an appropriate policy response through the new Local Plan. The Study also recommended further consideration be given as to whether Greenstead should serve as a District or Local Centre. The Preferred Options version of the plan identified two Proposed District Centres as part of the Garden Communities in East Colchester and West Colchester respectively. These would be retained in the Submission version of the plan. The Study did not undertake a full review of the Borough's local centres but considered that they performed an important role in terms of providing small scale retail and service uses to meet the basic needs of local communities.

The Study provided retail capacity forecasts for new convenience and comparison goods floorspace as well as considering future leisure requirements. For convenience goods (ie supermarkets) it was concluded that there could be capacity for one new medium-sized foodstore by 2028. The preferable location for this would be in or on the edge of Colchester Town Centre in accordance with the sequential approach, and where a lack of main foodstore provision had been identified. For comparison goods (i.e. clothing, furniture etc) the Study considered two scenarios, one a continuation of existing shopping patterns (i.e. market shares) and the other assuming Colchester Town Centre increased its market share as a result of committed and planned development.

Cushman and Wakefield had identified and assessed four sites in and on the edge of Colchester Town Centre as suitable for and capable of accommodating the full extent of future town centre floorspace needs to 2033. Vineyard Gate represented the most significant opportunity to offer larger format shop units, which would be suitable for modern, high quality retailers seeking to locate or relocate within the town centre. In turn, this would help with the objective of enhancing the town centre's attractiveness to consumers and clawing back expenditure from competing shopping destinations. There was considered to be substantial potential to improve Priory Walk's public realm and retail offer, either through extensive reconfiguration and refurbishment, or by redevelopment which meant it could potentially accommodate some of the forecast capacity for comparison goods retail floorspace in the Town Centre. Mixed use redevelopment of the St Botolph's site, with a focus on leisure uses was considered to have the potential to significantly and positively transform this important part of the town centre. The qualitative assessment of Colchester Town Centre had identified a need for a focused critical mass of food and drink uses, and in the consultant's view, the St Botolph's site represented the most suitable opportunity for such development. The area of land on the northwest edge of Colchester Town Centre, to the north of Colchester Retail Park (Middleborough/North Station Road) was considered to be an appropriate location for further office development supported by residential. Based on the assumption that amenity/infrastructure enhancements would be required and that the developable area would not exceed 40% in order to allow for access, car parking and amenity, the site was considered to have the physical capacity to accommodate two-thirds commercial uses with the remainder dedicated to residential uses and other ancillary provision.

The Study illustrated the Primary Shopping Area and Primary and Secondary Retail Frontages and provided the Council with clear direction on the approach to safeguarding retail uses in key areas. Within the primary areas, which included the key areas of Lion Walk, Culver Square and Fenwicks, it was recommended that the Council should take a restrictive approach to non-retail uses, with a policy seeking to maintain up to 70% A1 retail uses. Within the secondary frontages the Council was recommended to afford greater flexibility for changes of use within Classes A1-A15 in order to maximise the number of occupied units and sustain a more diverse composition of uses.

Councillor T. Young attended and, with the consent of the Chairman, addressed the Committee. He welcomed the Study on the basis that it was comprehensive, intelligent and well researched and, in particular he supported the identification of a retail hierarchy. He was also pleased to see that Greenstead ward had been identified in the Study. He considered the town centre's independent shops needed to be protected as they provided so much character to the town centre. He was encouraged that the number of empty units was now below those recorded in many other town centres. He emphasised the success of Fenwick's and welcomed the considerable investment the company had made in the town. He hoped this would lead to rival shops seeking to match Fenwick's aspirations. He agreed that the primacy of the town centre in the retail hierarchy was really important and highlighted recent developments such as the Creative Business Centre with high-speed broadband and the forthcoming arrivals of the Primark store and the Curzon cinema. He considered the town centre was making real progress and, on behalf of the Cabinet, welcomed and congratulated the consultants on a thorough piece of work.

Members of the Committee discussed the report at length and generally welcomed the thorough and comprehensive report compiled by Cushman and Wakefield, together with its recommendation for a retail hierarchy, providing for a 'town centre first' approach, to be adopted. In particular, comments were made, as follows:

- The implications of the outcome of the appeal in relation to Tollgate Village and the implications of any future revisions to be made, depending on the Inspector's decision;
- Various comparisons were drawn between the perceived vibrancy of Colchester in relation to towns such as Chelmsford, Ipswich, Norwich and Bury St Edmunds;
- Awareness of a list of preferred retailers who were seeking to move to or expand in Colchester – whether the list continued to exist and, if so, how many retailers were included in it;
- The existence of a free town centre circular bus service in Ipswich and whether there was potential to provide something similar in Colchester;
- Support for Dedham as a District Centre and its desire to make provision for an additional visitors car parking facility;
- The importance of ensuring employment opportunities existed near to and in the town centre as this provided a welcome source of foot fall to shops, restaurants and cafes at lunchtimes and other times of the day;
- Support for Highwoods to be included as an Urban District Centre but to bear in mind that the facilities extended beyond just a supermarket, post office and dry cleaners;
- The importance of the independent sector of shops in Colchester which provided a distinctive character which many other 'clone-like' town centres lacked and the importance of protecting this sector, potentially through incentives within the Business Rate regime, and the need to acknowledge that the existence of major retailers was not necessarily an essential factor to achieve a vibrant town centre;
- The ability of office space to be converted to residential use under permitted development rights and the need to acknowledge that much current office space did not

provide sufficiently contemporary office space;

- In terms of attracting people into the town centre, the importance of the cultural offer in Colchester in terms of the Mercury Theatre, First Site and the Castle as well as the fact that the town centre was bounded by residential areas on at least three sides;
- The benefit of including information about Bury St Edmunds and Norwich to the report in order to extend the detail within the evidence base;
- The opportunity to improve Colchester's retail reputation through the implementation of the Vineyard Gate development;
- The importance of maintaining Colchester as a visitor destination as well as a shopping destination and noting the recent significant improvement in the hotel accommodation in Colchester;
- The benefit to Colchester of the existence of a second town centre located rail station and the need for it to be given greater prominence, potentially with the introduction of a rapid transport system to link it with North Station and the town centre;
- The potential to look again at the proposed District Centre designation in relation to the Monkwick area where there were three neighbourhood shopping areas which could potentially be grouped rather than just viewed as individual shopping parades.

The Chairman stated his view on the relative popularity of neighbouring town centres from his experience working previously in Ipswich and currently in Chelmsford. He considered Ipswich residents were concerned about the impact of out of town retail on the town centre, given that the number of empty units in the town centre had increased whilst in Chelmsford, the new Bond Street retail area had opened with John Lewis but a number of units had not been occupied. He considered car parking charges to be similar in all three towns, whilst the number of park and ride facilities in Ipswich had recently decreased from three to two and he was aware of a number of Ipswich residents who travelled to Colchester to shop.

RESOLVED that –

(i) The findings of the Retail and Town Centre Study be noted and used to inform policies and allocations in the emerging Local Plan;

(ii) Consideration be given to including additional information to the Study relating to Bury St Edmunds and Norwich in order to further enhance the evidence base;

(iii) That the approach to the Retail and Town Centre chapter to be included in the emerging Local Plan be as set out below:

- A three-tier hierarchy of centres for Colchester Borough as follows:
 1. Town Centre - Colchester's historic Town Centre
 2. District Centres - Highwoods, Peartree Road, Tiptree, Tollgate, Turner Rise, West Mersea and Wivenhoe
 3. Local Centres - Specific sites to be identified in Adopted Proposal Maps;

- Colchester Town Centre is the principal shopping destination in the Borough supported by an extensive range of non-retail facilities such as day-to-day services and leisure, cultural and community uses;
- Policies will set out the role and function of each centre in the hierarchy;
- Policies on such centres will include the development management tests set out in paragraphs 24 (sequential test) and 26 (impact tests) of the National Planning Policy Framework;
- Policies will make it clear that within District Centres new retail and leisure proposals will only be supported where:
 - (a) The proposal is of a type and scale appropriate to the role and function of the particular centre and would not threaten the primacy of Colchester Town Centre at the apex of the retail hierarchy,
 - (b) Proposals to vary/remove conditions, including change the types of goods sold and the size of units, would not alter the centre's role as a district centre,
 - (c) The proposal would not have a significant adverse impact on the vitality and viability of Colchester Town Centre and/or any other centre,
 - (d) The proposal would not have a significant adverse impact on public or private investment in Colchester Town Centre and/or any other centre,
 - (e) Proposals will need to meet accessibility and design criteria;
- Although the Council will seek the enhancement of district centres through non-retail uses (including services and community facilities): support for such uses will only be forthcoming where the concentration of such uses would not prejudice the viability of the centre's main retail function;
- Development, including extensions to existing facilities, for main town centre uses outside of the district centres will only be permitted if, following a sequential assessment, it can be demonstrated that the development could not be accommodated more centrally having demonstrated flexibility in the format and scale of the proposal;
- The Primary Shopping Area, Primary Shopping Frontage and Secondary Shopping Frontage for Colchester Town Centre be as illustrated in Appendix G to the Retail and Town Centre Study;
- A Primary Shopping Area for the district centres will also be identified in the Local Plan.
- In defining primary and secondary frontages and thus a Primary Shopping Area, it is prudent to take into account the following principles:
 - composition of uses;

- key anchors/ attractors;
 - vacancies;
 - pedestrian footfall; and
 - levels of accessibility/ connectivity.
- Within the primary frontages the Council will take a more restrictive approach to further changes of use to non-retail / service uses. The policy will seek to maintain up to 70% A1 retail use. However, it is considered that A3 (food and drink) uses would be preferable to long term vacancies, if after extended marketing A1 retail use cannot be secured;
 - Within the secondary frontages the Council will afford greater flexibility for changes of use within Classes A1-A5, in order to maximise the number of occupied units and sustain a more diverse composition of uses. The Policy will seek to maintain 50% A1 retail use within the secondary frontages;
 - The following sites will be identified in the Local Plan as potential development opportunities to accommodate future comparison retail space and other town centre uses:
 - Vineyard Gate,
 - Priory Walk,
 - St Botolph's (principally leisure and mixed use) and
 - Town Centre North West (predominantly office and residential based mixed use scheme);
 - Policies will set out the detail for each site;
 - In accordance with the National Planning Policy Framework, when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, an impact assessment will be required if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold will be 2,500 sq m);
 - Further work will be undertaken to determine what local thresholds should be set for impact testing, when planning applications for retail development are submitted to make sure they are appropriate for Colchester.

102 Coastal Protection Belt Review

Peter Hill, on behalf of the Wivenhoe Neighbourhood Plan Group, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained his concerns regarding the proposed removal of the Coastal Protection Belt (CPB) designation of the area of land at Bowes Lane, behind Millfields School, Wivenhoe and the potential for it to be vulnerable to speculative development proposals

as a consequence. He explained that the land afforded important views along the river and its estuary whilst, by the same token, the river afforded important views of the land. Accordingly it had been designated within the Colne Protection Belt but he considered its designation as part of the CPB should be continued. He was of the view that a change in CPB designation would undermine the Colne Protection Belt policy and may leave the land vulnerable to exploitation by a developer in the future. He further questioned why the designation needed to be changed and asked the Committee to support the land's continued CPB designation.

Councillor Liddy attended and, with the consent of the Chairman, addressed the Committee. He supported the views expressed by Mr Hill and the proposal for the CPB designation of the land at Bowes Lane to be continued, given the important amenity value of the views. He sought clarification on the reasoning behind the proposed change in designation as he felt there was insufficient information contained in the review document to justify this conclusion. He considered the criteria used to define the areas of land to be included in the CPB were somewhat vague although he was of the view that the Coastal Character definition could be satisfactorily applied to the land at Bowes Lane. He was also concerned about the vulnerability of the land to predatory development should the current protection be removed.

The Committee considered a report by the Head of Commercial Services giving details of the changes as a result of the review of the Coastal Protection Belt policy and map which would form part of the evidence base for the emerging Local Plan for Colchester.

Karen Syrett, Place Strategy Manager presented the report and, together with Beverley McClean, Coast and Countryside Planner, responded to Councillors questions. Karen explained that the Coastal Protection Belt had been originally defined in 1984 by Essex County Council in the Essex Coast Protection Subject Plan and included as policy in subsequent County Structure Plans for Essex until their abolition. A Coastal Protection Belt policy was also included in successive Local Plans for Colchester from 1984 onwards and it was still a valid policy in the current Local Plan for the Borough. The Subject Plan recognised the rural and undeveloped character of the Essex coastline as a unique, finite and irreplaceable resource in its own right. A coastal protection policy was also set out, the main objective of which was to protect the coast outside built-up coastal areas from development that would adversely affect the open and rural character or wildlife within the area known as 'The Coastal Protection Belt' (CPB).

The inland extent of the CPB was delineated using the tidal influence of the river estuaries as the inland cut off point. The boundary was also delineated using permanent physical features on the ground i.e. roads, field boundaries and Public Rights of Way as these were readily identifiable and defensible features. The criteria below were also used to determine what land to include within the CPB policy:

- Areas of open, undeveloped and rural character with coastal/estuary views
- Areas of high landscape value

- Areas of designated nature conservation value

A review of Colchester's CPB had been commissioned because the supporting documents underpinning the current CPB designation were no longer valid and to ensure that a CPB policy based on up to date evidence could be included in the new Local Plan for the Borough. The approach used to re-define the extent of the CPB built on the principles and criteria used in the original Essex Coast Subject Plan whilst also being informed by various legislative and policy changes.

The criteria and factors used to define which land to include and which to exclude from the CPB had also been reviewed, as follows, with greatest weight being given to criterion A in line with the main objective to protect the open, undeveloped and rural character of the coast:

- A. Coastal Character – inclusion of open, undeveloped and rural areas (terrestrial and inter-tidal) that had a distinctive coastal/estuarine character and sense of place as defined by the Colchester Borough Landscape Character Assessment, in line with National Planning Policy Framework (NPPF) objectives to protect the open, undeveloped and rural character of the coast;
- B. Coastal Designations – inclusion of designated sites of nature conservation value associated with coastal habitats such as saltings, marshes and mudflats; and designated sites of cultural heritage value associated with the Borough's coastal/maritime history, in line with NPPF objectives to protect natural and historic environment designated assets in coastal areas;
- C. Coastal Change Areas – inclusion of coastal areas that are likely to experience significant physical changes as a result of permanent or temporary inundation, in line with NPPF objectives for management of coastal change.

Whilst the main policy objective to protect open, undeveloped areas of the coast remained unchanged, the difference was the extent of the land designated as falling within the CPB. As such four new areas of land were proposed for addition and four areas were proposed for deletion. The Review had been split into five zones as set out below;

Zone 1, covering the Mersea Flats on the seaward side of Mersea Island, with the CPB amended to include a coastal Scheduled Ancient Monument in compliance with criteria B, whilst the sea area below low water mark was to be deleted as it did not meet any of the revised criteria;

Zone 2, covering the Blackwater Estuary where no amendments were proposed;

Zone 3, where three linear areas were added along the western boundary of the existing CPB, located around Abberton, Peldon and to the north - west of Great and Little Wigborough and lying within the Northern Coastal Farmland Landscape Character Area;

Zone 4, covering land around Wivenhoe and Rowhedge in the vicinity of the Upper Colne Estuary, with an area of coastal grazing marsh land and designated Local Site and a previously excluded part of the Drained Estuarine Marsh Landscape Character Area to be added, whilst an area of land to the south of Rowhedge, land to the north west of Wivenhoe and another plot to the south east of Wivenhoe were to be deleted;

Zone 5, covering the lower Colne Estuary where no amendments were proposed.

Members of the Committee acknowledged the concerns expressed by speakers and questioned the basis for the proposed removal of land at Wivenhoe which provided rare estuary views which were highly valued by residents and had benefited from the protection afforded by CPB designation previously. It was, however, also noted that other policies existed which would protect such areas of land from speculative development considerations. Concerns were also expressed, although to a lesser extent, regarding proposed changes affecting land at Rowhedge.

The Place Strategy Manager acknowledged the concerns expressed about the proposed removal of land from the CPB and, whilst not being of the view that the proposal would entirely remove protection measures available, she agreed that the evidence base supporting the proposals within the review document presented to the Committee needed to be explained in more detail.

The Coast and Countryside Planner explained that the land the subject of proposed removal from the CPB had not met the Coastal Character criteria which had been used to define those areas meriting inclusion. She went on to explain that the Council was working with the Wivenhoe Neighbourhood Plan Group to identify an alternative approach for protecting the land to the south east of Wivenhoe to avoid inconsistencies between the Coastal Protection policies in the Local Plan and the Wivenhoe Neighbourhood Plan.

RESOLVED that –

- (i) The Coastal Protection Belt Review, including the four proposed additions but excluding the three proposed deletions in Zone 4, be approved and used to inform the designation of a new Coastal Protection Belt and revised policy wording in the Submission draft of the Local Plan;
- (ii) The three proposed deletions in Zone 4 be the subject of further consideration and determination by the Committee at a future meeting with the benefit of additional information to amplify the evidence base in support of the proposals contained in the Review.

