

# Local Plan Committee

## Monday, 18 December 2017

**Attendees:** Councillor Nick Barlow, Councillor Nigel Chapman, Councillor Adam Fox, Councillor Martin Goss, Councillor Dominic Graham, Councillor John Jowers, Councillor Martyn Warnes

**Substitutes:** Councillor Dennis Willetts (for Councillor Lewis Barber)

**Also Present:**

### 126 Minutes of 6 November 2017

The Chairman proposed an amendment to the minutes of the meeting held on 6 November 2017 regarding a textual change to the Tendring and Colchester Borders Garden Community document in relation to Salary Brook. He explained that it was not possible to change the Issues and Options document as it had already been published for consultation purposes and so the textual change would be made to the next version of the Development Plan Document, to be formulated following the public consultation exercise.

In terms of timescales, the Place Strategy Manager explained that the extended period of consultation would finish towards the end of January 2018, at which time the examination of the Local Plan itself would be taking place. Consultation responses would feed into the next version of the Plan, as such it would seem appropriate for any change to the text to be reflected in the content of the Preferred Options which she was expecting to be published in the summer of 2018. The Chairman further indicated that arrangements for the proposed change in text in relation to Salary Brook to be circulated to the Committee members before the next version of the Plan was published.

Councillor Willetts suggested it would be good practice for the details of matters dealt with by means of the circulation of information to Committee members for that information to be subsequently appended to the minutes of the meeting.

In response to a request for clarification from Councillor Jowers, the Place Strategy Manager confirmed her view that the change in text would not mean that part of the Plan had been determined in its final form.

RESOLVED (SIX voted FOR and TWO ABSTAINED) that the minutes of the meeting held on 6 November 2017 be approved as a correct record, subject to the resolution in Minute 121 being amended so that the phrase 'Issues and Options document' is

changed to 'Development Plan Document'.

## 127 **Have Your Say!**

The Chairman took the opportunity to clarify and challenge certain issues in relation to numbers, process and timescales related to the Local Plan in order to address certain misinformation he had noticed in social media and the local media. He referred to:

- The Local Plan period was from 2017 to 2033;
- Previous housing allocations would be rolled forward;
- The housing total in the Objectively Assessed Need (OAN) was on average 920 per year over the 16 year period, with 966 for the first five years, including a 5% buffer;
- Part 1 of the new Local Plan would be assessed by the Planning Inspector from 16 January 2018;
- The Plan covered 14,720 homes, 7,210 of which were existing commitments either currently in the existing Local Plan or having the benefit of planning permission;
- 7,853 were new allocations in the Draft Local Plan;
- The East Colchester Garden Community was expected to deliver 1,250 new residential units, built and occupied by 2033 in Colchester Borough and 1,250 units in Tendring District;
- The West Colchester Garden Community was also expected to deliver 1,250 new residential units, built and occupied by 2033 in Colchester Borough;
- By way of comparison, in Mile End ward there was currently 2,500 homes being built - a further 750 at Severalls, Mersea Homes had permission for 1,600 along with Countryside which had over 200 units;
- 71% of the Mersea Homes units had been acquired by people from Colchester;
- 77% of the Severalls units had been acquired by people from Colchester;
- A report on the OAN stating a figure of 920 per year had been unanimously accepted by the Committee in July 2016 whilst a housing report had been considered in November 2016 which also included the housing totals referred to in the OAN;
- Comments on stopping or slowing down housing development, he considered to be unreasonable as the figures had been subject to full legislative process by the Council and the associated planning permissions had been approved for development. It was then up to each developer as to when and if the developments were commenced;
- There were no material considerations open to the Planning Committee to refuse applications on the grounds of too much housing development and if an application was refused without adequate justification the developer would be able to appeal and the matter would be referred to a Planning Inspector for determination;
- Government recommendation was for a Local Plan to be reviewed every five years;
- Assuming the Draft Local Plan was approved by the Planning Inspector following examination starting in January, with issues addressed in the light of the examination in the Summer of 2018, it would not be considered appropriate to immediately review the contents of the Plan at that point;
- If the Plan was reviewed immediately then the new Government method of

assessing housing need would be likely to mean a housing target of nearly 1,100 would be required to be delivered per year;

- The NHS were fully engaged with the Local Plan process and had recently released a holding statement looking at how the hospital and its facilities would deliver in the future, including an investment of £15.6m for changes and improvements to deal with population increases and service relocations.

Elizabeth Dawson addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She was making representations in relation to the Tendring and Colchester Borders Garden Community proposals and wished to share her views in relation to a consultation event which had been held in Wivenhoe. The event had not given her any confidence in the engagement process because she considered that details had not been widely circulated, there was little information to look at and only some of the people in attendance were actually council officers. She was of the view that a further consultation event should be held which could be improved through addressing these issues and by the introduction of a question and answer session and more provision for people who wished to submit comments but did not have access to the internet. Wivenhoe had a unique identity and she was anxious that this must be retained. She had been alarmed at the publication of the Issues and Options document and was of the view that there should be no new homes south of the A133 and the green buffer needed to be legally protected. She considered that proposals in the document for a university building and a large car park south of the A133 constituted development and that this would compromise the rural surroundings of Wivenhoe.

The Chairman acknowledged that a considerable number of residents had attended the previous event and he confirmed that arrangements had been made for a further consultation event to take place in Wivenhoe in January 2018 and that the event would be well advertised and the comments made about the previous event would be taken on board. He encouraged the speaker to formally submit her views on the proposals as part of the consultation exercise.

Shaun Boughton addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He said he had been accused of misleading the public but the information in the consultation document was clear in that there would be residential development south of the A133 and Wivenhoe would be subsumed into Colchester. If the Council no longer wanted this then a retraction needed to be published. He asked the Committee to halt the consultation until it was ready to defend the plans. He had been told not to look at the Concept Framework as this wasn't in the current consultation. However it was the current document produced by David Locke Associates and, with the backing of the Council, he was of the view that this would lead to confirmation of the development south of the A133. He considered this would throttle the A133 and lead to the unnecessary split of the community which was in defiance of Garden Community principles with a net result of blocking off the eastern peninsula access to Colchester and beyond. The centre of the town was located at the edge of the

development and would demand excessive internal travel within the community which was also not in accordance with Garden Community principles. He was also sceptical about the lack of financial information within the proposals and considered the Council had a responsibility to provide full and detailed costings to go alongside the list of desirable facilities being sought within the Garden Community developments. He thanked officers for participating in the question and answer session on the Wivenhoe Forum but was of the view that there remained significant questions which had been ignored, many answers were inconclusive or contradictory. He considered the plans were some distance from being ready as there was insufficient information about costs and who would meet them. He questioned how many more versions of the plan would be produced and consulted upon. He was of the view that the plans needed two to three re-drafts with a realistic budget. The view of Wivenhoe residents was that they did not want any building south of the A133.

The Place Strategy Manager considered that the Council had been clear. A lot of documentation had been published on the Council's website and the joint Garden Communities website, including evidence based documents which would continue to be revised and updated when necessary. Officers had not backtracked, rather the consultation was in relation to an Issues and Options document and if a Preferred Options document had been produced at this stage then the Council would have been open to criticism. She confirmed that paper consultation response forms were available for those without access to the internet. The people who weren't officers at the last consultation event were community enablers who had been engaged by the Councils to help people respond to the consultation. The additional consultation event would take place on 11 January 2018, with more council officers available.

Andrea Luxford-Vaughan addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She was representing the views of Wivenhoe Town Council. She did not consider there to be any options for consideration, rather it was one plan which had already been rejected as not acceptable by residents. Residents did not want university expansion, other unspecified expansion, a car park or new roads. Residents wanted no development of any kind south of the A133 and proper legal protection for the green buffer. She also referred to the centre of the development not being located at the centre and considered the proposed densities did not accord with Garden Community principles. No-one to the east of Colchester wanted an already heavily congested trunk road to become more heavily congested or to have speed restrictions imposed to justify unwanted development to the south. She sought assurances from Committee members that the plans would not include development south of the A133 and requested a meeting with key decision-makers, both councillors and officers, with a view to working with the council to prevent Wivenhoe being subsumed by Colchester or overrun by Tendring. She asked that the consultation be stopped until there was agreement on what would be proposed. In response to a question from Councillor Warnes, she further confirmed that she was personally opposed to any development south of the A133 as well as in her capacity as an elected

representative of Wivenhoe and its residents.

Christopher Lee addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He sought clarification about Colchester Fringe, which Tendring District Council described as the built up area of Colchester that was within Tendring. He considered this was recognised as being Colchester so queried why Colchester's infrastructure was being required to pick up the housing need for Tendring. He asked whether this situation therefore increased Colchester's housing target from 920 units per year to nearly 1,500 units, on the basis that Tendring had a target of 550 units per year.

The Place Strategy Manager confirmed that she was unaware of the housing trajectory that had been adopted by Tendring District Council but she was aware that a number of sites had been allocated in Clacton and Weeley and elsewhere.

The Chairman invited Mr Lee to write to him formally and he would arrange for a response to his question.

Councillor Scott attended and, with the consent of the Chairman, addressed the Committee. She indicated that she was representing Wivenhoe residents and she wished to highlight their concerns regarding the East of Colchester Garden Community proposals. She wished to be absolutely sure as to whether the proposal would fit in with Wivenhoe Neighbourhood Plan and, if it did, would Wivenhoe therefore retain its rural, individual character and remain a town in its own right, entirely separate from Colchester? This was very important to residents of Wivenhoe as well as for residents of Colchester. She also asked whether the proposals were sustainable and whether they would adversely affect the sensitive natural areas nearby because, if the scale of development exceeded 9,000 homes, the area to the Essex coast would be affected. The Neighbourhood Plan, reflecting the views of 10,000 residents by means of an interactive consultation over three years, included environmental concerns. There were major and increasing congestion problems associated with Clingoe Hill such that the roads and transport plans needed to be urgently reviewed so that problems already existing could be resolved as well any which may ensue. As part of this review she urged consideration of the relocation of the proposed park and ride car park to a site north of the A133. She also asked whether the proposals would be sufficiently viable to ensure infrastructure would be provided first, especially given the fact that Mersea Homes seemed to have first option to buy the land and, as such, the initial uplift in land value would ensure them a profit but not the Council. She asked whether the proposals would be innovative and tailored to local needs if a large scale developer had the means to take over such a large part of the development. She remained committed to the concept of the Garden Communities because she wanted infrastructure first and this hadn't happened before. She thanked the officers, particularly for arranging a further consultation event and asked that it be kept in mind that residents remained concerned about the details whilst remaining committed to the concept but wishing to get as much

out of the proposals as possible.

The Place Strategy Manager confirmed that work had been continuing for some time with Wivenhoe Town Council and she certainly didn't want to see the Neighbourhood Plan fail. The Plan was now being submitted to the Council prior to an examination to check that it complied with the Local Plan, the legislative requirement being for a Neighbourhood Plan to have general conformity with the strategic policies in a Local Plan. Previous versions of the Neighbourhood Plan had reflected the Local Plan although there had been some actions applied to strategic allocations in the updated version. Work would continue with the Neighbourhood Plan Group to ensure that the Plan went through successfully to examination. Regarding development south of the A133, she reminded the committee members that, at one stage, university expansion had been proposed south of the A133, in response to which, the only comment received had been from Councillor Scott. Also, work to de-allocate a sensitive site south of Boundary Road included in the existing Local Plan, was continuing and had been retained as a policy in the Neighbourhood Plan.

Councillor Cory attended and, with the consent of the Chairman, addressed the Committee. He welcomed the re-running of the consultation and the revised evening timing from 5pm to 9pm as well a meeting with officers and ward councillors to review the way the consultation was run. He supported the views already expressed on behalf of residents of Wivenhoe. Many residents were seeking no development at all south of the A133 and he considered it was his responsibility to work with officers to find a way through with any possible option to safeguard the green buffer between Wivenhoe and the Garden Community. He considered the best way forward would be to seek legal protection and to put the land into trust, such as by means of Fields in Trust. He would like to see this included in the next iterations of the plan. He referred to major existing problems associated with Clingoe Hill and his concern that a resolution to the congestion may not be forthcoming although he acknowledged that the A120 link road and Park and Ride would help. He was of the view that there needed to be serious discussions with representatives of Wivenhoe Town Council, Colchester Borough Council, Tendring District Council and Essex County Council, with which he wished to be involved and assist in progressing.

The Chairman explained that he had been involved in a successful Fields in Trust initiative in Mile End which had provided an extra level of security and protection against potential development. He also referred to a forthcoming meeting with Councillor Bentley, in his capacity as Essex County Council Cabinet Member for Economic Growth, Skills, Infrastructure and the Digital Economy in relation to progress on issues at North Station at which he was willing to include discussions about congestion in the east of the town as well.

Councillor T. Young, in his capacity as Portfolio Holder for Business and Culture (and Deputy Leader of the Council), attended and, with the consent of the Chairman,

addressed the Committee. He supported the views expressed by Councillor Cory and confirmed that he had tried to be clear that the Council's Administration did not support any housing development south of the A133, whilst other types of development were in the proposals and had to be looked at. Park and Ride was part of the rapid transport solution and he had advocated the benefits of a Park and Ride site to the east of Colchester for some time. He considered this would be better located south of the A133, acknowledging that a location north of the A133 would be more detrimental to Greenstead ward residents. He also considered that Greenstead ward was more adversely affected by the Garden Community proposals than Wivenhoe and he advocated a mature approach to the debate to avoid misconceptions and misunderstandings. He welcomed the holding of a second consultation event as well as a meeting between Councillors Cory, Liddy and Scott with officers to confirm revised arrangements for the event. He confirmed the vital importance of a green buffer to protect Salary Brook, Wivenhoe and Elmstead Market. He considered the university to be a really important asset to the Borough and, as such welcomed the proposed expansion of the Knowledge Gateway. He was of the view that many residents of Greenstead and Wivenhoe worked at the university and would want to see it thriving and, as such, the proposals should be supported. He also referred to Northern Gateway, considering it to be a potentially huge leisure-led attraction off the A12 without a detrimental impact on the town centre and he hoped the Committee would continue to support the Masterplan.

The Chairman considered the issue regarding no housing development south of the A133 was clear and opinions on other types of development needed to be fed into the consultation on the Issues and Options document. He also referred to the comments made by Councillor T. Young regarding the university and the importance of putting in place opportunities to attract more graduates to stay in the town, rather than seeing talent and investment moving elsewhere. As such, the Knowledge Gateway had always been part of the Council's Strategic Plan for employment opportunities and as a mechanism to increase average salaries in the Borough.

## **128 Authority Monitoring Report**

The Committee considered a report by the Assistant Director Policy and Corporate seeking agreement to the Authority Monitoring Report (AMR) which provided an annual summary of key statistics that allowed the Council to monitor the effectiveness of its Local Plan.

Laura Chase, Planning Policy Manager, presented the report and, together with Karen Syrett, Place Strategy Manager and Ian Vipond, Strategic Director Policy and Place, responded to members questions. It was explained that the format of this AMR had been designed to demonstrate how the Council was meeting targets and indicators arising from the adopted policies contained in its Local Plan and to provide information that could be used in reviewing the plan. The AMR also included information on how the

Council was working with partners to meet the duty to co-operate on cross-boundary strategic matters.

The housing section of the AMR documented historic delivery rates and provided a detailed list of housing units delivered last year. The requirement for the Council to demonstrate how it intended to meet the five year housing land supply requirement was being addressed by the publication of a separate Five Year Housing Land Supply report. Officers were content that there was a five year supply of housing land.

Key statistics for the monitoring period 1 April 2016 – 31 March 2017 included:

- 1705 planning applications received
- 912 homes completed
- 100 affordable units completed
- 73% of new and converted dwellings built on previously developed land
- Net loss of 8,690 square metres of commercial floor space, reflecting 10,978 sq. metres of office floor space changing to residential, which could potentially create 213 units
- 55% reduction in carbon emissions from the baseline year of 2008.

Councillor Warnes referred to the poor delivery of affordable housing. There had been a good scheme for social housing but more recently Government funding had been diverted elsewhere. He was aware of a policy document which was advocating an increase in the threshold requiring the inclusion of affordable housing to those sites capable of delivering 100 houses or more and he was concerned that this would create more pressure on social housing delivery. He advocated the lifting of borrowing caps to enable councils to build more social housing. He also referred to the link between Colchester North Railway Station and Colchester Town Station at St Botolph's and considered that more needed to be done to promote the Town Station. He welcomed initiatives to provide more services to and from that station, which would be a low carbon way of getting more visitors and shoppers directly to the middle of the town.

The Planning Policy Manager acknowledged the issues around affordable housing provision and the constraints imposed by national legislation whilst explaining the train service at Colchester Town Station was a responsibility of the rail operators.

Councillor Barlow asked for consideration for future versions of the AMR that the planning application information be broken down to show the proportions in major, minor and other categories and also to include the type of housing completions in each ward. He questioned the statistical significance of some of the transportation information in the report, particularly in relation to the use of a trend line for cycle use, he sought additional information from the bus and train companies in relation to use of public transport and, whilst welcoming the Council's performance in relation to reducing carbon emissions, he questioned the wider usefulness of this information in terms of the performance of other organisations in the borough.



The Planning Policy Manager confirmed that information on major, minor and other categories of planning applications could be supplied to Committee members. She also acknowledged that the information in the report could be improved but explained that, due to time and financial constraints, they were reliant on information from existing statistical sources and it was important to find the most efficient way of gathering that information.

Councillor Jowers welcomed the report, acknowledging that the information was a useful snapshot in time. He was concerned at the amount of funding being generated through the Section 106 Agreement process and questioned whether further consideration should be given to moving to a Community Infrastructure Levy (CIL) regime. He considered the level of housing development to be reasonable and commented on the affordability of housing which was contributing to the numbers choosing to live in Colchester, the increased ratio of planning applications going to appeal and the loss of commercial buildings being converted to residential as a consequence of changes to permitted development criteria. He made reference to the lack of proposed transport infrastructure improvements to the south of the town, the impact this would have assuming future development proceeded in the southern villages and at Middlewick Ranges and the need for strategic planning in order to safeguard the areas where future road networks may be located.

The Place Strategy Manager confirmed that a review of Section 106 Agreement funding was planned with a possibility that CIL may be considered to be the preferred way forward for the future. She confirmed that those planning application appeals which had been permitted over the last five years tended to be for single dwellings in urban areas. She confirmed that, in relation to a Colchester Southern Bypass, Essex County Council maintained a list of projects and regular opportunities were taken to secure progression of the scheme.

Councillor Graham regretted the combining of information in relation to walking and cycling as he would have preferred to see these separated with a view to giving cycling, as the main alternative to car use, more prominence. He was not a supporter of shared cycle / pedestrian routes and strongly objected to the cycleway scheme in Mile End and the widening of Colne Bank Avenue being referred to as improvements as, in his view, they had contributed to fewer people choosing to cycle and, as such, could not be classed as good pieces of infrastructure. He suggested that consideration could be given to the report referring to a preference for the inclusion of more detailed transportation information and an expression of regret that this was had not been possible due to very limited resources.

Councillor Willetts welcomed the AMR, he was concerned about the amount of industrial floor space that had been lost and considered it necessary for a more robust policy to limit this decline, especially considering previous arguments in relation to the creation of

job opportunities to assist with the retention of graduates. He also referred to the transportation policy and mentioned the higher levels of investment in the town centre wards compared to the rural wards. He considered the policies to be too urban centric with a tendency to overlook the issues for those living outside the town centre where residents were compelled to rely on the car as the pre-eminent means of transport. He was of the view that the council needed to press for much better policies at a strategic level in respect of public transport for what was wanted in Colchester and he asked for future versions of the AMR to look deeper at the rural issues.

The Strategic Director Policy and Place explained that some of the conversions of commercial floor space had been no great loss from the commercial stock as they tended to relate to the older buildings which had become difficult to market. However, in the recently published Autumn Statement proposals had been included in relation to permitted development being extended to include the demolition of commercial buildings and their replacement with residential and which he considered should be of significant concern to the Committee. He further considered that this was likely to have a negative impact on the available commercial floor space in a Borough such as Colchester. Colchester had a very good record in providing the required number of houses and the growth in employment had also been sufficient to the extent that it had managed to match the housing growth.

Councillor Fox commented on the demand for new houses and the Committee's role being to get the houses in the right place, with the market deciding how many houses would be required. He further stated that he was a supporter of Garden Communities as they gave the opportunity to provide infrastructure first.

RESOLVED that 2016-17 Authority Monitoring Report be approved for publication on the Council's website.

## **129 Brownfield Land Register**

The Committee considered a report by the Assistant Director Policy and Corporate giving details of the updated Brownfield Land Register taking into account the change in planning status of sites within the Borough, completions and commencements of sites along with changes in the regulations since the pilot Brownfield Land Register scheme had been undertaken.

Karen Syrett, Place Strategy Manager presented the report and responded to member's questions. She explained that legislation had recently placed a responsibility on Councils to prepare and maintain a register of brownfield sites. The Register must be published by 31 December 2017 and had to be in two parts:

- Part 1 - all sites which were 'suitable', 'available', and 'achievable' for residential development which could be delivered within 15 years, but for any development to take place, planning permission would need to be granted.

- Part 2 - any sites which warranted 'permission in principle' (PiP) for residential development with the land owner/developer needing to apply for 'technical details consent' before any development could commence.

A relatively small number of sites had been entered into the register, reflecting the limited number of sites that remained and how effective the Council has been previously at redeveloping brownfield sites within the Borough. The Council had participated in a pilot scheme for brownfield land registers and had used the data from the pilot to inform the current updated register, taking into account the change in planning status, completions and commencements and changes in the register requirements. No sites within the register were being considered for Part 2 of the register, reflecting the need for further clarification in relation to the requirements for supporting environmental and health assessment work.

It was further explained that land must be entered onto Part 1 of the register where it met the following criteria:

- Land falls within the local authority area and met the definition of previously developed land as set out in the National Planning Policy Framework (NPPF);
- Had an area of at least 0.25 hectares (or was capable of supporting at least five dwellings) and
- Was considered suitable, available and achievable for residential development.

Additionally, subject to certain Environmental Impact Assessment restrictions, Councils could decide to grant housing-led development sites PiP providing the main purpose was the provision of housing and enter them onto Part 2 of the register where:

- The site met the criteria for entry on Part 1 of the register and
- The necessary requirements for publicity, notification and consultation had been undertaken.

The report outlined in detail the criteria and planning application process associated with PiP and Part 2 of the register and explained that the register would be reviewed annually and kept available for public inspection and it was intended to make it available on the Council's website. The pilot Brownfield Land Register had been publicly available since August 2016, new sites had been considered for inclusion in the new Register and the dedicated webpage included provision for the submission of additional sites for consideration. It was therefore suggested that no 'call for sites' type process would be required.

The Place Strategy Manager indicated that the copy of the Register attached to the report in the Committee's agenda had been incomplete and she circulated an updated copy showing all of the 34 sites identified.

Councillor Jowers welcomed the report and confirmed his support for no sites to be allocated in Part 2 of the Register as he was concerned at the implications of PiP. He

acknowledged that the Council's previous record in the allocation of brownfield sites had the corresponding impact in terms of loss of jobs. Reference was also made to the impact of market corrections associated with an economic recession, in terms of the greater number of houses sold to registered social landlords.

Councillor Willetts asked about the definition of brownfield sites and whether there was any flexibility for the Council to use its own judgement in allocating sites for inclusion in the Register.

The Place Strategy Manager explained that there was a clear definition for brownfield land which was set out in the National Planning Policy Framework as follows:  
'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.'

Councillor Barlow referred to brownfield land being in short supply and, as such, the Council's inability to rely on it to deliver five years of housing supply. He further asked for future versions of the Register to be amended to include ward names for each site.

RESOLVED that the contents of the report be noted and the publication of the Brownfield Land Register be approved.

## **130 Colchester Northern Gateway Master Plan Review**

**Councillor Jowers here left the meeting.**

**Councillor Graham (in respect of his directorship of Colchester Community Stadium Board) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

James Collitt addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained he lived in Boxted and welcomed the plans for the Northern Gateway. He wished to make representations about safety concerns in terms of facilities for pedestrians in the Boxted / Langham areas. He referred to existing dangers along Langham Lane and Langham Road and the potential for accidents which would be compounded following the development at the Northern Gateway. He sought clarification about what plans were in place to address this issue. He also had ideas to link current footpaths to convert them to bridleways from Langham Road to Cage Lane.

He was of the view that local horse riders would welcome the opportunity to have easier access to the Northern Gateway by means of a new bridleway system. He also considered the roads far too dangerous for children to cycle to the Northern Gateway area, rather it would be incumbent on parents to take children by car. He considered this was a significant issue for people living to the north of the development wishing to access the Northern Gateway. He had mapped out a potential route but it would involve further research and discussions with landowners to assess feasibility and bring it to fruition. He also advocated the introduction of solar lighting to illuminate the potential route.

The Chairman welcomed the suggestion for better and safer access to the Northern Gateway, confirming similar discussions had taken place at Myland Community Council meetings in relation to pedestrian improvements. He referred to the assistance provided by Essex County Council's Public Rights of Way Officer in relation to the legal processes involved in order to provide a crossing from Tower Lane across the Via Urbis Romanae. He agreed that pedestrian access was important but was aware that there would be financial resource implications and progress was likely to be dependent on these issues being incorporated into long term strategic work between the Parish Council, Ward Councillors and Essex County Council.

Lois Bowser, Development Project Specialist, acknowledged that it was crucial to the success of what was trying to be achieved at the Northern Gateway for this Council to lead by example in terms of creating a sustainable development, not just about the environment and energy but also including sustainable access. However, she explained there were issues in relation to land ownership, the boundaries of the Council's responsibilities and the authority for modifying and creating public rights of way resting with the County Council. Work had been done to identify physical and visual linkages to assist in planning future access improvements and she explained that funding bids had been submitted to Highways England and the Government to support cycling and pedestrian access aspirations.

The Development Project Specialist presented a report by the Assistant Director Policy and Corporate giving details of the final version of the Colchester Northern Gateway Master Plan which had been updated and amended to align with the Draft Local Plan Publication Draft land use allocations in the Northern Gateway. Together with Karen Syrett, Place Strategy Manager and Ian Vipond, Strategic Director Policy and Place, she also responded to members questions.

It was explained that any development at the Northern Gateway was required to be in accordance with a Masterplan document, requiring an agreed design approach and compatible uses. The first version of a Masterplan had been produced in 2012 and subsequently updated and endorsed by the Local Plan Committee in 2016, subject to improvements to the written text and illustrative material. The Masterplan had now been further updated and amended to align with the Local Plan Publication Draft land use

allocations for the Northern Gateway.

Since the Masterplan had been first prepared there has been significant change with proposed road and facility development taking place, and further proposals had been submitted as planning applications. The Local Plan had also been reviewed and included policy changes in respect of the Northern Gateway. As a consequence it was considered there was a need to update and review the Masterplan in order to ensure it was fit for purpose, conformed to the policy framework and reflected responses received to the public consultation. In addition, when the revised Masterplan was endorsed in 2016, concerns were raised about some aspects of the presentation and illustrations. The consultants were asked to address these issues and to prepare a final version, ensuring compliance with emerging local plan designations. There was one point of minor divergence regarding the access to the Mill Road housing site. The Masterplan suggested access coming off Mill Road as well as off Axial Way whilst the Local Plan Publication Draft provided for access from Axial Way unless other considerations prevented this.

The intention behind the Masterplan was to help coordinate the development of the Colchester Northern Gateway area so that new design creates a strong sense of place and an attractive, quality destination for inward investment. It is intended that, wherever practical, new development should follow the urban design principles it sets out and conform to local planning policies, as such the Masterplan would form a material consideration as planning applications are brought forward for the Northern Gateway. A Public Realm document for the Northern Gateway had also been produced to provide a Vision of the Northern Gateway as a 'place' and to provide a landscape context for the public realm and site layout.

Councillor Chapman asked for a reference to be made to Rural North ward being included in the list of wards affected by the report, reflecting the reality that development was now proposed for north of the A12. He remained concerned in relation to terminology used in the report such as footpaths being referred to as 'main urban links', he asked for further information about the relative size of proposed six storey buildings to the south of the development compared to the height of Colchester Community Stadium and emphasised the need to give Parish Councils more time to respond to the consultation on the Masterplan given the absence of scheduled Parish Council meetings during the month of December. He went on to advocate the need to develop routes to the north of the development, acknowledging the comments made by Mr Collitt and the need to work with other partners to achieve access improvements. He also welcomed the improvements to access for people travelling north from the Northern Gateway into the Dedham Vale whilst highlighting the prospective policy ENV4 referring to Dedham Vale contained in the draft Local Plan in relation to the dark skies concept. He considered this concept needed to be taken into account, particularly in relation to lighting associated with the relocated rugby ground and cycle track. He also asked for reassurance that the artists based at Cuckoo Farm would be involved at the appropriate

time in the future.

The Development Project Specialist confirmed that the references to 'urban' links in the report would be amended and acknowledged the unintentional bias towards access from the south compared to linkages from the north, confirming this would also be looked at. She further explained that the footpath/bridleway link at Severalls Lane was being investigated to make access safer as part of the sports project. In terms of the heights of buildings, part of the project was to create an urban feel and commercial presence to provide for a higher quality of development to attract commercial investors. It was intended this would be confined to the boulevard area, with building heights that may be slightly higher than the stadium in small and prominent locations. In terms of the dark skies concept, an environmental impact assessment was being conducted to look at the impact of lighting on the environment and wildlife. An ecology management plan would be formulated and the positioning of lights would need to be thought through very carefully, bearing in mind that the sporting facilities would include cycling and rugby provision whereby some element of low level street lighting and night time flood lighting would be required. She acknowledged that concerns had been expressed by the residents of Whitehouse Farm about the impact of lighting. A Feasibility Study was being worked on with the tenants at Cuckoo Farm and she envisaged some exciting developments may be forthcoming as a result. She also confirmed the preference for local artists to be used if funding for public art was forthcoming at a later stage in the development.

The Chairman welcomed opportunities to include public art as part of residential developments whilst referring to the need for such projects to be mindful of the impact of operational vandalism.

The Place Strategy Manager referred to a ministerial statement which had revoked the inclusion of public art in matters which could be sought through developer contributions and, as such, funding sources would need to be sought from elsewhere for such projects in the future.

Councillor Warnes welcomed the use of public arts projects, particularly when used to deliver large, bold statement pieces, such as along the approach roads to the Northern Gateway. He also referred to the area where the leisure promenade and boulevard overlapped. He considered, this area looked as if it may be a very narrow interchange and he sought assurances that this would be of adequate width to ensure pedestrian safety and whether the correct balance would be struck between pedestrian and traffic priority at this junction. He also sought concessions to encourage public use of the open space area.

The Development Project Specialist confirmed that Myland Community Council had expressed interest in taking on the maintenance of the open space area. She explained that the crossing where the pedestrian friendly boulevard met the road would be made

as safe and usable as possible, being assisted by the provision of a proposed bus stop which would be useful for access and also to slow down pedestrians. She further explained that there was a major piece of work being undertaken with the transport consultants, including a possible review of the roundabout to make it safer for people to cross and for buses to use. She referred to art in the environment making use of grass mounds and wooden play structures and seating, using structures as expressions of public art which would be a welcome feature for the Northern Gateway.

Councillor Barlow welcomed the comments made regarding safe access for pedestrians to the north of the development and whether this could be considered in terms of a wider project from the town centre, through Highwoods Country Park to the Dedham Vale. He also welcomed public art in open spaces and the cost associated with maintenance as a result of interaction by the public was an inevitable consequence which needed to be accepted.

The Development Project Specialist explained that, as landowner, the Council was able to impose a service charge to provide funding to keep the public realm well maintained.

Councillor Willetts welcomed the Masterplan document and supported the aspirations to build a good quality development. He mentioned the use of United Way and Axial Way by pedestrians walking from the Park and Ride car park and the dangers that this entailed. With reference to the design principles for the boulevard and the promenade and the sharing of space between pedestrians, buses and cars, he considered this to be a very retrograde proposal and suggested a design principle should be adopted to separate pedestrians from other forms of transport. He was aware this was likely to have very high cost implications but would provide for the far better free flow of pedestrians in safety.

Councillor Warnes agreed that it was important to give pedestrians priority but he reaffirmed his view that the separation of pedestrians did not work in practice because people had 'desire lines' when they chose to cross vehicular routes and accordingly, forcing people to walk up steps or down underpasses did not work.

Councillor Fox placed on record his support for the development which he considered to be an exciting project which would be very beneficial for Colchester.

Councillor Graham, as ward councillor for the area and a regular car user of the Via Urbis Romanae as well as regular walker and cyclist in the area in general, agreed with comments expressed by Councillor Willetts in terms of the very poor design for pedestrians. He also acknowledged the practice of pedestrians picking a route and following it despite potentially obvious dangers. He was concerned about the impact on the financial breakdown for the Northern Gateway development given the likely need for the roundabout to be redesigned.



The Development Project Specialist acknowledged the concerns about pedestrian access and the roundabout junction and gave further details in terms of lighting provision to stop traffic on the slip roads and the provision of footways which were likely to require funding of around £500,000. For the boulevard crossing of Axial Way a funding bid had been submitted for improvements.

The Chairman confirmed that there was also a small amount of funding being provided by Mersea Homes for the roundabout improvement and, in terms of the community open space at the rugby club, he explained that the report had omitted specific reference to this being 12 acres / 4.5 hectares / 40% of the site.

The Strategic Director Policy and Place referred to an amendment which needed to be made to the report in respect of Site No1, identified on pages 102 and 103 of the report as a 'development site'. He explained that in the Strategy on page 119, the site had been incorrectly referred to as an open space.

RESOLVED (UNANIMOUSLY) that –

- (i) Subject to Site No 1 being identified as a 'development site' throughout the Masterplan document and bearing in mind the various comments made during the course of the Committee's discussions, the Northern Gateway Masterplan, including the urban design principles forming an urban design framework for the Northern Gateway, be adopted as guidance for development and future planning applications;
- (ii) Approval be given for this final Masterplan document to become a material consideration in the consideration of planning proposals in the Northern Gateway area;
- (iii) The production of a follow-on Public Realm Landscape Strategy for the Northern Gateway be noted as detailed in Appendix 2 to the report.