



# Colchester Local Plan Part 2 Examination

Hearing Statement Matter 17



# Boyer



## **TABLE OF CONTENTS**

1. Introduction	2
Site Context	2
2. Main Matters, Issues and Questions	4
Main Matter 17 Open Space (Policies DM17 to DM19) – Retention of Open Space and Recreation Facilities, Provision of Public Open Space and Private Amenity Space	4

## **APPENDIX**

Appendix One – Open Space Review

# 1. INTRODUCTION

- 1.1 This Hearing Statement is submitted on behalf of Eastern Counties Educational Trust (ECET) Limited in respect of land to the north-west of Oxley Parker Drive (part of the Former Oxley Parker School), Mill Road, Colchester.
- 1.2 Representations have previously been made on behalf of ECET Ltd to the following Local Plan consultations:
  - Call for Sites (2014)
  - Local Plan Issues and Options (2015)
  - Local Plan Preferred Options (2016); and
  - Local Plan Publication Draft (2017).
- 1.3 The previous representations have made comments on Policies DM17 and DM18, Open Space, we have therefore focused on those policies and the questions asked by the Inspectors in relation to those policies within this Hearing Statement.
- 1.4 As such, this Statement addresses Main Matter 17.

## **Site Context**

- 1.5 Eastern Counties Educational Trust is a Registered Charity supporting youngsters having Special Educational Needs (emotional and behavioural difficulties) in East Anglia, giving grants to special schools and other local charities helping disabled youngsters.
- 1.6 The site at Oxley Parker Drive was previously used as privately owned playing fields in connection with the former Oxley Parker School, which opened in 1971. This land has now been vacant and unused since 1998, when the school closed. This historic functional connection as open space has been definitively abandoned since the main body of the school site was developed for housing about 15 years ago in the form of Oxley Parker Drive itself.
- 1.7 The site remains vacant and in private ownership, fenced off, with no public access. It does not form part of any public open space.
- 1.8 Access to the site can be achieved from Oxley Parker Drive and the site is of an appropriate scale and position to provide a suitable development that does not result in significant impacts on the amenities of existing or future residents.
- 1.9 A planning application (Ref: 193145) has recently been refused on the site on the grounds of the open space designation. The application sought permission for 40 dwellings together with an area of open space and landscaping. An appeal on the site is being considered.
- 1.10 The supporting documents submitted with the application identified no constraints to development, and the application resulted in no objections from statutory consultees including highways, flood risk or ecology.

- 1.11 The site benefits from good access to, local amenities and facilities, including existing and proposed commercial/employment uses, open space, links to both public and private transport interchanges and the town centre. It lies within walking and cycling distance of existing bus stops and the railway station and as such growth in this location would assist in achieving more sustainable travel behaviour and reducing congestion levels in the town.
- 1.12 The site represents an available, suitable and deliverable (as defined in the NPPF) opportunity for sustainable residential development that could contribute to the delivery of housing early in the plan period and would complement the vision for the Colchester Northern Gateway development area. Such allocation could also provide scope for incorporation of an element of open space.
- 1.13 The allocation of the site as public open space is not justified as defined in the NPPF as the site is not open to the public and is within charity ownership whom have no desire or impetus to bring the site forward as the Council have allocated.

## 2. MAIN MATTERS, ISSUES AND QUESTIONS

- 2.1 This Hearing Statement seeks to address the Inspectors questions in relation to Main Matter 17 Open Space, to which we have previously commented on policies DM17 and DM18.

### **Main Matter 17 Open Space (Policies DM17 to DM19) – Retention of Open Space and Recreation Facilities, Provision of Public Open Space and Private Amenity Space**

*Are the policies that relate to the Retention of Open Space and Recreation Facilities, Provision of Public Open Space and Private Amenity Space justified by appropriate available evidence, having regard to national guidance, and local context, and CLP 1?*

- 2.2 No. It is not considered that the open space policies are justified by appropriate available evidence. The open space reports listed within the evidence base for this Local Plan examination are out of date and limited in the information they provide. The supporting text to the policies, at paragraph 15.95, identify a number of studies, including the PPG17 Audit from 2007 and the Colchester Parks and Green Spaces Strategy from 2008, which are considerably out of date but still represent the most complete assessment of a variety of open spaces in the Borough.
- 2.3 Although our client's site was previously used as privately owned playing fields in connection with the former school use, this land has now been vacant and unused since 1998, and this historic functional connection has been definitively abandoned since the main body of the school site was developed for housing about 15 years ago in the form of Oxley Parker Drive itself. The site remains in private ownership, fenced off, with no public access. Allocating the site as public open space within the new Local Plan provides no impetus for the site to be delivered as such with no onus on the site owner to provide landscaping, maintenance or to open the site up for any form of public access.
- 2.4 In this regard it should be noted, and is reinforced by reference to the North Colchester Inset Map of the Proposals Map, that the site is well served by a wide range of open space of varying scales and types, including the proposed retained element of the Colchester Rugby Club site, and the existing Highwoods Country Park, in addition to that associated with the redevelopment of the former Severalls Hospital site and the new Northern Gateway Sports Park.
- 2.5 A review of the open space assessments and our own review of the current open space provision within North Colchester is included as Appendix 1. This demonstrates the quantity and quality of the open spaces in the area, This site has no prospect of coming forward as open space as allocated by the Council however is available and suitable to come forward as sustainable residential development.

*Do policies DM17 to DM19 provide a clear direction as to how a decision maker should react to a development proposal?*

- 2.6 Policies DM18 and DM19 relate to the provision of public open spaces and amenity spaces arising from new developments. It is considered that these are clear as to what is provided from a developer to enable the decision maker to react to a development proposal and determine what is required.
- 2.7 However, Policy DM17 relates to the retention of open space and recreation facilities, and it is considered that the requirements of this policy are less clear in their direction and provide difficulties in seeking to address their requirements.
- 2.8 As noted in response to the question above, deficiencies in the quality of the evidence base for open spaces mean that the requirements in the policies are very difficult to address, particularly in relation to identifying extent of provision, and therefore any excess or shortfall.
- 2.9 The key open space assessments are considerably out of date being prepared in 2007 and 2008, with even the most up to date report dated 2015. With the Council's own assessments of open space provision so dated, it is extremely difficult for applicants to demonstrate the extent of provision. We would question whether these policies have been positively prepared as per the NPPF and therefore suggest they are not justified and not effective for making decisions against over the plan period.
- 2.10 In support of these representations we have sought to prepare our own review of the open spaces situation within North Colchester and this is attached as Appendix 2.
- 2.11 This indicates that within the North Colchester area, there exists a significant provision of various types and scales including spaces of a more local nature, such as green corridors and children's play space but also significant open spaces including the formal provision at the recently developed Northern Gateway Sports Park and Highwoods Country Park. North Colchester also benefits from a number of footpath links into the wider countryside. The location of these in proximity to the site are also shown on the map included as Figure 1.
- 2.12 It is considered that the Council should be flexible and proactive, working with applicants to ensure that those sites appropriate to be released for development can be brought forward, and not restricted by unjustified historic designations.

## **APPENDIX ONE – OPEN SPACE REVIEW**



This statement provides a review of the planning policy, open space assessments and current provision within the North Colchester area,

## ***Local Plan Open Space Policies***

Policies in relation to the retention of open space and recreation facilities are set out within Adopted Policy DP15 and Emerging Policy DP17.

The policies confirm that development changing the use of existing or proposed public or private open space will not be supported unless it can be demonstrated that:

- “Alternative and improved provision will be created in a location well related to the functional requirements of the relocated use and its existing and future users; and,
- The proposal would not result in the loss of an area important for its amenity or contribution to the green infrastructure network or to the character of the area in general; and
- It achieves the aims of any relevant prevailing strategy relating to open space and recreation.

Development proposals resulting in a loss of open space must additionally demonstrate that:

- There is an identified excess provision within the catchment of the facility and no likely shortfall is expected within the plan period; or
- Alternative and improved provision will be supplied in a location well related to the functional requirements of the relocated use and its existing and future users.

In all cases, development will not be permitted that would result in any deficiencies in public open space requirements or increase existing deficiencies in the area either at the time of the proposal or be likely to result in a shortfall within the plan period.”

## ***Local Plan Evidence Base Studies Review***

### Evidence base for adopted Local Plan:

- PPG17 Open Space Assessment (2007)

This assessment provides an audit and assessment of open space, sport and recreation facilities in Colchester, and is based on the requirements of PPG17, from July 2002. It identifies typologies for open spaces, looks at quantity, quality and accessibility standards and was used to inform the Open Spaces Strategy.

The study identifies deficiencies in quantity standards for the urban north area in outdoor sports facilities, provision for children and teenagers and natural/semi natural open space.

The mapping in the report is not clear and there is no list of open spaces within the study, however it does not appear that the Oxley Parker Drive site is included in the audit of open spaces. This confirms the historic designation on the site is unrealistic and unjustifiable.

- Colchester Parks and Spaces Strategy (2008)

This strategy provides a framework for the protection, enhancement, accessibility and use of parks and green spaces, contribute to the development of the LDF and PPG17 requirements, and ensure green spaces enhance the quality of life of local communities.

Appendix 1 shows quantity standards for the urban north area and indicates deficiencies in outdoor sports facilities, provision for children and teenagers and natural/semi natural open space.

#### Evidence base for emerging Local Plan:

- Playing Pitch Strategy and Action Plan 2015

This study seeks to assess how outdoor pitch and non-pitch facilities can be used to meet the needs of a growing population and an increased demand for facilities.

The area of interest for the Oxley Parker site is Mile End, which is included within the Central/East area. The study indicates a demand for youth football pitches as well as additional cricket wickets.

- Green Infrastructure Report 2011

Identifies existing green infrastructure resources in the Borough, green infrastructure project shortlist and the next steps for delivery. The Oxley Parker Drive site is identified within Zone 4, Colchester Town, where it is identified there is a deficiency of sub-regional accessible natural green space in the north of the zone. Provision of POS/Sports and Recreation facilities is raised as an action in the North Growth Area.

Also reviewed:

- Indoor Sports Facilities Strategy (2015)
- Highwoods Country Park Management Plan 2017-2020
- Colchester Allotment Strategy (2011)

#### Commentary on reports:

It appears that the previous evidence base for the Local Plan is carried forward with updates made to some documents. We would suggest that the initial studies which still provide the most comprehensive assessment of the open spaces in the Borough published in 2007 and 2008, are now significantly out of date, with further provision having been provided in Colchester, while the quality of spaces will also have been improved, and therefore do not provide a sound and robust evidence base on which to plan for the Borough.

The mapping in the reports is not clear, and are also themselves significantly out of date, not reflecting the vast development taken place in Colchester over the last 10 years. The studies also do not provide lists of spaces for each typology, which makes updating these reports, from an applicant perspective, very difficult.

**North Colchester Review of spaces (including map as Figure 1)**

Open Space Site and Location	Typology	Distance from Oxley Parker Drive site	Notes
High woods Country Park	Parks and public gardens	265m to site entrance on Mill Road/Brinkley Grove Road junction	<p>An extensive park (150 hectares) located north of Colchester's town centre within the suburbs of Mile End and High Woods, and lying close to the town's main railway station. It provides a vital green retreat for local residents where they can relax, play, exercise and enjoy the attractive woods and scenic countryside. Facilities include visitor centre, car parks, public toilets, play areas, cycle paths.</p> <p>Serves wider area than just North Colchester.</p>
Severalls Hospital	Park and garden / provision for children and young people	770m	The hospital site was identified as a park and garden, the site is now being developed and includes public open space such as 4 LEAPs, 1 NEAP, informal areas for play and natural play features.
Mill Road Sports Ground	Outdoor sports facilities	420m	Existing rugby club to be relocated, planning application 190665 (pending decision) provides 4.5ha community green (Outline) DAS confirms this space is for the existing parishes and the new communities. Application will provide informal recreation, equipped play area, community activities, and monthly, yearly, one off events such as park run, farmers markets, car boot sales, parish fetes and concerts. As well as a pedestrian and cycle boulevard which includes landscaping and play areas, 'play on the way' principles, included with the community green provides a 5km run route.
Northern Gateway Sports Park	Indoor and outdoor sports facilities	870m	Provides comprehensive sports facilities for the Borough and beyond, including artificial and grass football and rugby pitches, archery, cycling track, sports hall for badminton, cricket, netball, table

			<p>tennis, fitness studio and 76 acres of open space.</p> <p>Serves wider area than just North Colchester.</p>
Colchester Community Stadium	Indoor sports facilities	635m	<p>Stadium fitness.</p> <p>Serves wider area than just North Colchester.</p>
David Lloyd Leisure Centre	Indoor and outdoor sports facilities	635	Indoor tennis courts, swimming pool, gym.
Leisure World, Highwoods (Gilberd School)	Indoor and outdoor sports facilities	780m	Indoor sports hall, gym, outdoor netball courts, tennis courts and 5 a side football.
Colchester School of Gymnastics	Indoor sports facilities	450m	<p>Provides gym coaching for children and adults.</p> <p>Serves wider area than just North Colchester.</p>
Colchester Golf Club	Outdoor sports facilities	2.3km	<p>18 hole golf course,</p> <p>Serves wider area than just North Colchester.</p>
Severalls Allotments, Nayland Road	Allotments	1.24km	<p>There are 6 further allotments within the Colchester North area, there are currently no plots available.</p> <p>Total cultivated area at Nayland Road is 8459sqm.</p>
The BIG Garden Project	Allotments	265m	Organic fruit and veg community garden providing educational, social and therapeutic services.
Gavin Way	Provision for children and young people	950m	LEAP – up to age 15, basketball and football goals
Mill Road	Provision for children and young people	1.26km	LEAP – up to age 15, basketball and football goals
Elizabeth Close	Provision for children and young people	1.4km	LEAP – under 12s
Northfield Gardens	Provision for children and young people	967m	Equipped – under 12s

Souix Close	Provision for children and young people	1.27km	Equipped – under 12s
Bridleway (PROW 314_233)	Green Corridor	68m	Tower Walk, 740m, links Mill Road and Boxted Road.
Footpath (PROW 314_69)	Green Corridor	214m	Footpath links to Axial Way and Mill Road, 938m

#### Commentary on Existing Provision

The table above and the map at Figure 1 show the significant provision and variety of open spaces within the North Colchester area. It is acknowledged that some are within the accessibility standards where as others are further away but still provide opportunities across this part of Colchester. As set out in the table, there are a number of sites that provide a Borough wide function and therefore likely to be further away than those serving a more local function.

It is also important to consider the wider facilities available within the town, including Castle Park, Leisure World, the sports facilities at St Helena's School, the Garrison, and the University of Essex.

The map at Figure 1 also shows the connections to the wider countryside and the Colchester Orbital Walk.

#### ***Oxley Parker Drive Site Assessment***

The site at Oxley Parker Drive is the former playing fields associated with the former Oxley Parker School. The use ceased in 1998 when the school closed, with the historic functional connection was definitively abandoned since the main body of the school was developed as Oxley Parker Drive in 2000.

The site remains vacant and in private ownership, with a locked gate to Oxley Parker Drive and fencing restricting access, along the boundary with Tower Walk. The site is therefore not publically accessible open space.

An application (Ref: 193145) was submitted in outline in December 2019 and determined in March 2021. It suggested the site could accommodate 40 dwellings with 0.31ha of open space, of which 0.12ha could be an area of informal open space for play, relaxation, social interaction etc. and 0.19ha as landscaped areas along the site boundaries.

Sport England comments on the planning application considered that limited pitches could be provided on the site and in any event the site would need to provide new ancillary changing and parking/access facilities to support a replacement field, therefore in their view a financial contribution would be appropriate in this case in lieu of direct replacement playing field provision.

The site is not considered to contribute greatly to the amenity of the area and is of limited open space value, being of a limited quality and with sporadic maintenance. It is not deliverable as a publically accessible useable area of open space.

If the site were to be considered as open space, going by the former use as playing fields, it is acknowledged the studies demonstrate there is a deficiency in the Colchester north area. It is considered that, following the logic applied by Sport England in their comments on the planning application the site is not suitable for playing field use and a financial contribution would be an appropriate way of helping to address this deficiency.

If the site were considered as amenity green spaces, reflecting its current appearance, albeit this is not in use, the studies show there to be an excess of provision within the area.

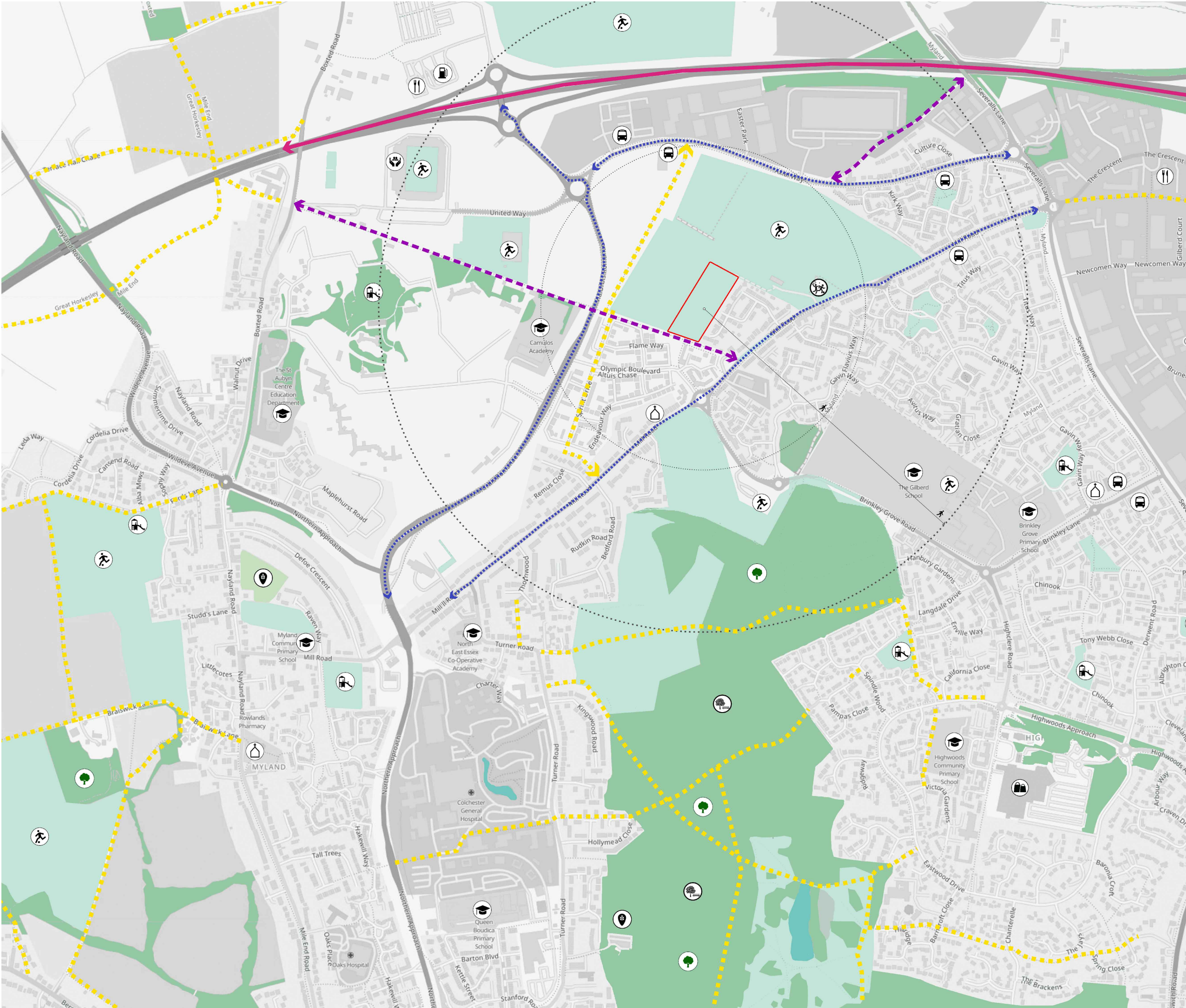
It is not considered that the site is suitable and deliverable, nor is it effective or justified as open space, the use of the site for residential development provides an appropriate use and allows for some useable open space to come forward.

**March 2021**

**Figure 1: Open Spaces and Facilities Plan**







**Notes:**  
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**Key:**

- Site Boundary
- Allotments
- Open space
- Woodland

**Facilities**

- 5min /10min walking distances
- Bus stop
- School/ Nursery
- Religious centre
- Shops
- Cafe/ Restaurant
- Recreation space/ Sport pitches
- Play area
- Proposed play area
- Community Centre
- Car service
- Allotments
- Parks/ Public gardens
- Woodland

**Highways and access**

- Highway (A12)
- Priority Road
- PRow Footpath
- PRow Bridleway

A	06.04.21	Drawing title updated	SW	NB
-	31.03.21	First issue	SW	NB

Rev	Date	Description	Drawn	Chkd
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Client  
Eastern Counties Educational Trust Ltd

**Boyer**

Project  
**Oxley Parker Drive  
Colchester**

Drawing Title  
**Open Spaces and Facilities plan**

Drawing No. PL-01 Job Ref. 17.2042

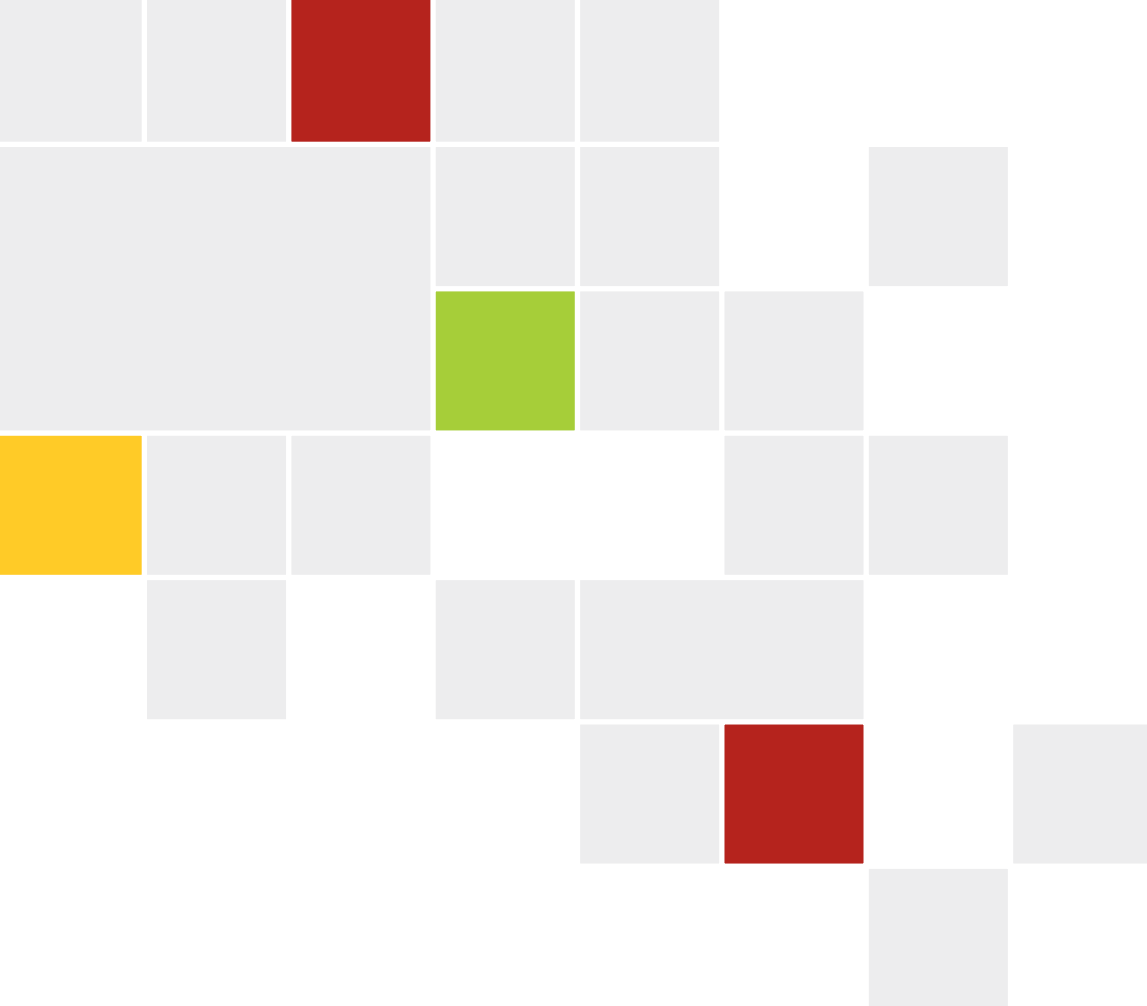
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Boyer Planning Ltd, Crowthorne House, Nine Mile Ride, Wokingham, Berkshire, RG40 3GZ







# Boyer

15 De Grey Square, De Grey Road, Colchester, CO4 5YQ | 01206 769 018  
colchester@boyerplanning.co.uk | boyerplanning.co.uk