



Colchester Borough Council

**Independent Examination – Section 2 Colchester
Borough Local Plan 2017-2033**

Hearing Statement – Local Planning Authority

Main Matter 7 – East Colchester (Policies EC1 to EC4)

April 2021

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Are the policies and site allocations for East Colchester justified by appropriate available evidence, having regard to national guidance, and local context, including the meeting the requirements of the CLP 1?

Do the housing land site allocations in East Colchester show how they will contribute to the achievement of the overall housing requirement of the CLP Section 1 (14720 new homes) and its timescale for delivery?

- 7.1 East Colchester is one of 5 geographical areas which together comprise the urban area of Colchester. Policy SG1 defines the spatial strategy for the CLP with the urban area of Colchester at the top of the spatial hierarchy. East Colchester has been in an ongoing transition over the past decades from a flourishing port and industrial area to a mixed-use area with an increasingly residential focus. The University of Essex has also experienced steady growth since its establishment in the 1960s and is currently seeing expansion of facilities, student housing, and business uses in the associated Knowledge Gateway area. East Colchester and the University of Essex in particular, will benefit from the new infrastructure, facilities, employment opportunities and new housing options arising from the gradual growth of the adjacent Tendring Colchester Borders Garden Community allocated by CLP Section 1.
- 7.2 The allocations in East Colchester directly reflect the sustainable development principles underpinned by the NPPF, being at the top of the spatial hierarchy. Development within the urban area of Colchester achieves all three dimensions of sustainable development that is: economic, social and environmental as defined in the NPPF (paragraph 7). The Council's Introduction to Place Policies in Matter 9 explains the process the Council followed, with reference to the evidence base, in allocating sites. In accordance with the NPPF the allocation of sites also took account of the evidence base which includes a Strategic Land Availability Assessment ([EBC 2.17](#)) as well as the Sustainability Appraisal as required by legislation. The Sustainability Appraisal (SA) ([CBC2.2](#)) identifies, describes and evaluates the likely significant effects on the environment of the plan and reasonable alternatives. More details about the SA and how it has influenced the site selection process for allocations in principle is contained in the Introduction to Place Policies Statement. Appendix 1 of the SA report includes tables for each site allocation policy justifying why the preferred option (site) was selected and why reasonable alternatives were rejected. A table summarising the appraisal of the preferred sites and reasonable alternatives is included to provide a comparison of likely effects. Commentary is included on the cumulative and synergistic effects of the allocation(s).

- 7.3 The CLP 2 Policy SG1 provides the Spatial Strategy for Colchester. The Town Centre is the most sustainable location for new development given its central location and good access to public transport, walking and cycling routes. Although there is scope for development to be provided at higher densities in the Town Centre, there remain limited opportunities for further growth with demand on land for a mix of uses, Matter 4b covers this further. The surrounding built up area of Colchester which includes land in the East provides the next level of sustainability due to its urban location, public transport routes and pedestrian and cycle connectivity. The site allocations in East Colchester accord with the Spatial Strategy as set out in Policy SG1.
- 7.4 The allocation of sites for growth in East Colchester is consistent with the CLP Section 1. The 'Vision for North Essex' in the Colchester Local Plan Section 1 identifies that *'Sustainable development principles will be at the core of the strategic area's response to its growth needs...'* and that *'... the undeveloped countryside and the natural and historic environment will be conserved and enhanced. Key to delivering sustainable development is that new development will address the requirement to protect and enhance the historic environment and settlement character'*.
- 7.5 Policy SP3 in the CLP Section 1 states that *'Existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period.'* It further provides clarity for each authorities Section 2 Plan: *'In Section 2 of its Local Plan each local planning authority will identify a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs'*. The urban area of Colchester is at the top of the Spatial hierarchy making these allocations compliant with the CLP Section 1.

Policy EC1: Knowledge Gateway and University of Essex Strategic Economic Area

- 7.6 Policy EC1 is justified by appropriate available evidence, having regard to national guidance, and local context, including meeting the requirements of the CLP1. The University of Essex provides both higher education and employment opportunities at its campus and associated Knowledge Gateway employment area. It has ambitious plans for growth and intends to expand its student population from around 15,000 students to 20,000 by 2025. While the University has other facilities at Southend and Loughton, the main campus at Wivenhoe Park will continue to be the focus of growth. University growth will occur alongside growth of the adjacent Tendring Colchester Borders Garden Community, and there will be synergies with the University providing jobs and facilities for the new residential community, while

the Garden Community will provide housing and facilities for University and Knowledge Gateway workers. Section 1 of the CLP provides for allocation of additional land within the garden community, to accommodate University expansion (Policy SP9, F.25).

- 7.7 Colchester Borough Council and the University of Essex have worked closely together to align plans for longer term growth of the University and the surrounding area. This is demonstrated by the 2014 Memorandum of Understanding between the University and Colchester Borough, Tendring District and Essex County Councils included in the Council's Duty to Co-operate Statement) ([CBC 4.12](#)) as well as in the Statement of Common Ground covering both Sections 1 and 2 of the Local Plan (to be added to the Examination Statement of Common Ground webpage).
- 7.8 Policy EC1 clarifies that future growth of the University will be based on a comprehensive approach to development in conjunction with the new Garden Community, working in partnership with key stakeholders including the University. Proposals for University expansion will need to enhance transport connectivity and support modal shift; pay regard to the preservation and enhancement of the Grade II listed Wivenhoe House and its Registered Park and Garden; and contribute to the cost of direct infrastructure, including both transport and green infrastructure.
- 7.9 University expansion has included increases in the amount of student accommodation provided by the University on campus. The completed Meadows Phase II development has provided 643 student bedrooms (152613) and a further 1204 student bedrooms have received permission at the Western Knowledge Gateway site (192090). Student accommodation adds to the overall supply of housing accommodation in the Borough, given that the guidance on the Housing Delivery Test on calculating units to be delivered in a Local Authority area provides that student bedrooms are assumed to free up accommodation that would otherwise be occupied by students. This is calculated by dividing each authority's student bedrooms annual net change by the national ratio (2.5).
- 7.10 The second part of Policy EC1 concerns the safeguarding and expansion of employment land at the Knowledge Gateway. The Knowledge Gateway is a Strategic Economic Area, with Table SG3 showing an allocation of 7 hectares to accommodate 22,538 sqm of office space over the plan period. The Council's 2015 Employment Land Needs Assessment (ELNA) ([EBC 3.2](#)) noted the objective for the Knowledge Gateway to provide a high quality base for innovative companies to co-locate and collaborate with the University and in doing so develop a competitive advantage. In 2015, the ELNA caveated that this objective was contingent upon the success of relationships that can be forged between the academic, research and business communities. In 2021, significant progress has been made in addressing this objective. The Knowledge Gateway now includes the following:

- Parkside Office Village, with the first phase of office space opening in 2016 and the latest 16,000 sq. ft building opening in 2019.
 - Essex Business School, which opened in 2015
 - The Innovation Centre, which opened in 2019. It provides 38,000 sq. ft of floorspace plus support services for 50 start-ups and small businesses.
- 7.11 Modifications to the policy included in the Draft Schedule of Recommended Modifications ([CBC 1.6](#)) addresses representations made. They are limited to deleting 'University' which currently incorrectly precedes the reference to the Garden Community in the third paragraph; clarifying that infrastructure requirements are 'direct' further to the SoCG with the University of Essex (to be added to the Examination Statement of Common Ground webpage), and updating of terminology on permitted employment uses in the Knowledge Gateway to reflect changes to the Use Classes order.

Policy EC2: East Colchester/Hythe Special Policy Area

- 7.12 Policy EC2 is justified by appropriate available evidence, having regard to national guidance, and local context, including meeting the requirements of the CLP1. The Hythe area is designated as a Regeneration Area in the adopted Local Plan which reflected its status as a former industrial and port area experiencing the problems of dormant sites and contaminated brownfield sites. Many of these sites have now come forward for development, largely residential in nature, but a number of sites continue to be available. Over the plan period, the East Colchester/Hythe Special Policy Area provides capacity to accommodate approximately 800 new dwellings including those already committed.
- 7.13 The Council has worked with a variety of stakeholders in the East Colchester area to develop innovative approaches to regeneration, and will continue to be receptive to community-led approaches to development by groups such as Hythe Forward, a community land trust, who submitted representations to the plan noting concerns about the loss of employment land in East Colchester. Network Rail has also made representations requesting more direction on uses in the area. In the absence of specific proposals to retain economic growth within East Colchester, however, the Council has needed to take a pragmatic approach to demand for new development which arises primarily for residential rather than employment uses, in common with many former port areas around the country. There are a number of Local Economic Area in the East Colchester Area (detailed below at 7.22) which are allocated and safeguarded for employment purposes by Policies SG4 and EC3.
- 7.14 Policy EC2 provides flexibility in uses for sites to reflect the evolving nature of development in the area. Criteria for development accordingly focuses on nine generic points to ensure new development supports required infrastructure for the area; addresses amenity, flood and contamination issues specific to the former

port and industrial uses; and respects the area's particular heritage and river-based character. A particular issue, as noted below in the discussion concerning transport in East Colchester and Policy EC4, is that proposals will need to contribute to the delivery of the East Transit Corridor which will be integrated into the wider Rapid Transit System linking the Tendring Colchester Borders Garden Community via East Colchester to the Town Centre and North Colchester.

7.15 There are a number of sites in the Hythe area currently being developed reflecting its regeneration and the area's contribution to Colchester's housing delivery numbers. The 2020 Housing Land Supply Position lists the following sites with recent planning applications:

- Hawkins Road at the rear of the Colchester Centre - a proposal for 282 Student Units (ref. 190335). Revised drawings submitted in March 2021 are considered by the Council for a brownfield site. The revisions lower the overall height of the scheme and provide greater variations in height and massing. They are intended to address urban design issues raised by the Council concerning the visual impact of the development on the surrounding townscape and on more distant views across the skyline of the town, as well as providing stronger links through massing and use of materials with the area's previous warehouse uses. The application is expected to be determined shortly. Although only an outline scheme, the only matter reserved for future consideration is landscaping.
- Pico Wharf, Whitehall Road – full planning application reference 192276 approved in June 2020. The scheme incorporates a rooftop extension to an existing building and reconfiguration to provide 10 units.
- Bridge House, Hythe Quay, Colchester –full application for 18 units on a brownfield site, where the previous building was destroyed by fire in 2011. Planning application ref. 192441 has a resolution to approve (12.2.21) subject to a S106 agreement.
- In addition, a scheme is being developed by Beyond the Box under a Planning Performance Agreement. This has been the subject of local consultation and is expected to provide circa 300 student units on a site along Hythe Quay. A full planning application is expected in the next 10 days.

7.16 Proposed modifications to EC2 contained in the Draft Schedule of Recommended Modifications ([CBC 1.6](#)) are confined to the following points:

- Amend criteria (i) and (xi) of Policy EC2 as follows to provide clarification:
(i)'... homes and community and environmental enhancements, **in line with the site allocations shown on the East Colchester Policies EC1-4 map** and create a strong sense of identity for the area.
- Deletion of the following requirement which is no longer programmed:

~~(xi) Develop the East Colchester Energy Centre and HEAT network;~~

Policy EC3: East Colchester

- 7.17 Policy EC3 is justified by appropriate available evidence, having regard to national guidance and local context, including meeting the requirements of the CLP1. The remainder of East Colchester, outside of the riverside Hythe area, contains a few remaining areas for potential re-development, with the following brownfield and vacant sites allocated for development to contribute to housing delivery in the Borough.
- 7.18 Land at Port Lane (former Paxmans site) – This site was previously allocated for employment use in the Adopted Local Plan. Man Energy Solutions, however, confirmed that it was closing its facility in November 2020, ending a 150-year history of engineering on the former Paxmans Diesel site. Residential use is considered acceptable in the context of surrounding residential development, including re-development of other parts of the Paxman site and access issues off of the narrow Port Lane which makes the location better suited to housing development rather than employment uses. The site promoters have entered into pre-application discussions with the Council to discuss a residential scheme for the site which has the potential to deliver up to 130 dwellings.
- 7.19 East Bay Mill – As noted in the Introduction to Hearing Statements 4-10 on Place Policies in its table on planning permission granted for allocations in this Plan, refurbishment of the Grade II listed Granary Barn at East Bay Mill was granted full planning permission as part of the delivery of 20 residential units in May 2020 (ref 190424).
- 7.20 Barrington Road/Bourne Road – The site promoter has confirmed that development of the site for approximately 28 units is still sought, but is compromised by multiple land ownership issues which would mean that delivery would be in the medium term, ie 5-10 year period.
- 7.21 Magdalen Street sites - The Magdalen Street area is governed by a Development Brief which was adopted in 2014 to address regeneration of a mixed-use area of predominantly commercial buildings interspersed with some residential units. The former bus depot has been demolished and replaced by a building providing 250 students bedspaces (181821). Behind Magdalen Street, next to the railway station, land accessed off Brook Street has full planning permission for five blocks comprising 119 1 and 2 bed dwellings (ref 190043). Phase 1 of this scheme has been completed. Other sites are expected to come forward over the plan period.
- 7.22 Policy EC3 also provides for the safeguarding and allocation of land for economic growth in Local Economic Areas at Whitehall Industrial Estate, Barrack Street, Brook Street, Moorside Business Park and Port Lane. The inclusion of these sites

is supported by the analysis of their suitability contained in the Council's Employment Land Needs Assessment ([EBC 3.2](#)).

- 7.23 A modification is proposed to Policy EC3 to include a site unintentionally omitted at the Publication Draft stage for development at Place Farm involving a 2.7 ha extension to employment land in the Whitehall Industrial Estate and approximately 30 new dwellings accessed by Rowhedge Road. (See Draft Schedule of Recommended Modifications ([CBC 1.6](#)). This allocation is one of the 15 sites included in the portfolio of sites to be allocated for future economic growth purposes in the Council's Employment Land Trajectory (site 11, [EBC 3.3](#)) The site promoters have confirmed that they intend to submit an outline planning application for the site within 12 months.

Policy EC4: Transport in East Colchester

- 7.24 Policy EC4 is justified by appropriate available evidence, having regard to national guidance and local context, including meeting the requirements of the CLP1. Strategic transport modeling has been undertaken ([EBC 5.5](#)) which has shown links and junctions affecting East Colchester operating over capacity at peak times. Development will add pressure to the transport network and measures will be required to help mitigate this impact.
- 7.25 The assessment of the modelling identifies potential solutions on the highway network resulting from proposed development. These potential solutions have been reflected in the Infrastructure Delivery Plan (IDP June 2017) ([EBC 5.3](#)).
- 7.26 East Colchester will benefit from the development of new transport infrastructure serving the Tendring Colchester Borders Garden Community. This includes an A120/A133 Link Road as well as a Rapid Transit System linking the new community to Colchester, with a preferred route options running through East Colchester to the Town Centre and onward to North Colchester to the Park and Ride site. The Section 1 CLP, Policy SP6, provides that this strategic infrastructure must have secured planning consent and funding approval in advance of the grant of planning approval for the Garden Community. In August 2019 it was announced that the A120/A133 Link Road and the Colchester Rapid Transit System (RTS) scheme had been successful in securing £99 million in funding and in March 2021 ECC confirmed the imminent submission of a planning application for the project.
- 7.27 Policy EC4 requires developments in East Colchester to contribute to a package of sustainable transport measures including walking, cycling, public transport, travel planning and the promotion of sustainable travel. This is in line with NPPF and CLP1 Policy SP6 which requires local planning authorities to work with partners to deliver changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles.

7.28 Policy EC4 as submitted is considered sound. The following modifications are proposed to reflect the updated position in terms of proposed transport infrastructure as well as addressing a representation from the Essex Bridleway Association: (Draft Schedule of Recommended Modifications ([CBC 1.6](#)))

- Modification proposed to Policy EC4 bullet points to reflect latest position:

Enhancements to the interchange at Hythe Station and improvements to existing public transport services, including the potential for extension to existing services and North Colchester **and the provision of a rapid transit route connecting the Tendring Colchester Borders Garden Community with East Colchester and with the Town Centre required by Section 1 Policy SP6. ...**

Improvements to connectivity for pedestrians and cyclists **and horse riders where appropriate** including;.....