

Colchester Local Plan Focused Review

Issues and Options Consultation

1. Introduction

- 1.1 The National Planning Policy Framework (NPPF), published by the Government on 27th March 2012, replaced a considerable amount of planning policy previously contained within a number of national policy documents. The consolidated guidance is intended to make the planning system less complex and more accessible, and to promote sustainable growth.
- 1.2 The NPPF is a material consideration in the preparation of local plans (see Section 19(2) of the Planning and Compulsory Purchase Act 2004) and also provides guidance in the determination of planning applications. This means that its publication created a need for local authorities to revisit their plans to ensure they complied with the NPPF. The extent of review required varies between authorities.
- 1.3 In Colchester's case, a limited review is considered to be required given that the Council has a full set of recently adopted policy documents that broadly accord with the principles of sustainable development in the NPPF. These include the Core Strategy adopted in December 2008, the Development Policies and Site Allocations in October 2010 and the associated Proposals Map.
- 1.4 Furthermore, our housing monitoring figures establish that the Council can demonstrate an adequate supply of housing land availability to meet the requirement to maintain a 5 and 10-year supply. The NPPF requires that local authorities should 'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%' and to 'identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15'. This means that a more fundamental review of policies and sites for large-scale development is not immediately required.
- 1.5 Since the publication of the NPPF Colchester Borough Council has been reviewing its adopted policy documents against the requirements of the NPPF in order to identify any areas of inconsistency with the NPPF. Initial assessments have found that the NPPF has implications for some of the policies contained within the adopted Core Strategy and the Development Policies document. The Council is now accordingly initiating a focused review of its Core Strategy and Development Policies to ensure that Colchester policies will continue to be judged valid at appeal and are consistent with current Government advice - this is the sole purpose of the review.
- 1.6 Only those policies that clearly do not comply with the advice within the NPPF or those that are in need of updating form part of the scope of

the Focused Review. This **does not** include any amendments to its spatial strategy and its housing and employment targets and allocations. New site allocations will not be made until the comprehensive review of the Local Plan is undertaken to extend the life of the plan to 2031 and beyond.

- 1.5 The Focused Review will include a two stage consultation process to allow for widespread involvement in the review process. The initial Issues and Options stage provides an opportunity for the Council to outline the areas which it considers need to be reviewed. Respondents to the consultation are invited to comment on the plan using the following questions as a guide:
 - Which policies in the Core Strategy and Development Policies require change to be in conformity with the NPPF?
 - Is there a need for the deletion or addition of any policies to allow the wider plan to be in conformity with the NPPF?
- 1.6 Having considered these questions, the Council has developed the following list of policy areas in Section 2 which it considers require review. It has not proposed any further policies for either deletion or addition, reflecting the fact the current plans are considered largely to accord with the NPPF. The policy areas are set out for comment and will be subject to further amendment and change arising from consultation responses and developments in national policy. Another important influence on their development is the preparation of a Sustainability Appraisal and a Habitat Regulations Assessment. These ensure the policies are evaluated for their sustainability and screened for any significant effects on one or more European sites.
- 1.7 The second Pre-Submission consultation will set out the responses received on the Issues and Options consultation and the proposed changes developed in light of those responses. The second phase of consultation will also include consultation on the Community Infrastructure Levy (CIL) Charging Schedule and a new Planning Obligations Supplementary Planning Document, given that all three documents have implications for each other. The deliverability of the affordable housing set in the Local Plan, for example, relates to the level of the standing charge set by the CIL Charging Schedule. The consultation document and the responses it generates will then be submitted to the Government for examination.
- 1.8 While the Council is not consulting on longer term issues or new site allocations at this stage, it has begun the process of evidence base updating and policy review to address the Borough's longer range development needs to 2031 and beyond. This includes addressing the 'duty to co-operate' with adjacent authorities on issues such as strategic site allocations and infrastructure requirements. The Council has revised its Local Development Scheme to include a timetable for this parallel process which shows that consultation will commence following the completion of the Focused Review and initial evidence gathering work.

- 1.9 The Issues and Options consultation runs for a six-week period from 18 March to 29 April 2013. The consultation documents and comment forms are available on the Council's website – www.colchester.gov.uk/planningconsult.

Copies of the consultation documents are also available to view at the following locations:

- Colchester Borough Council Customer Service Centre, High Street, Colchester, between 9.00am and 5.00pm (Monday to Friday),
- Colchester Central Library during normal opening hours.

Comments on the Issues and Options should be returned by email to planning.policy@colchester.gov.uk or posted to the following address:

Spatial Policy Team
FREEPOST RLSL-ZTSR-SGYA
Strategic Policy & Regeneration
Colchester Borough Council

2. Proposed Policy Amendments

2.1 Colchester Borough Council considers the following areas require amendment and clarification to ensure its adopted planning policies are in compliance with the National Planning Policy Framework (NPPF) and remain up to date and most appropriate:

1. **Sustainable development** – addition of model policy noting the presumption in favour of sustainable development contained in the NPPF. (Core Strategy Policy SD1)
2. **Changes to the system of planning obligations and introduction of Community Infrastructure Levy** – modification of policies guiding obligations for development to contribute to both on-site and strategic infrastructure improvements. (Core Strategy Policies SD2, SD3 and Development Policy DP3)
3. **Housing Density** – modification of policy on density to ensure its compliance with the NPPF and delete reference to superseded guidance in Planning Policy Guidance PPG 3. (Core Strategy Policy H2)
4. **Affordable housing** – modification of the Council's policy on affordable housing to reflect the introduction of the Community Infrastructure Levy and its consequential impacts on viability as well as to ensure the target can be justified by the local evidence base. (Core Strategy Policy H4)
5. **Neighbourhood Planning** – introduction of references where appropriate to the new system of Neighbourhood Plans. (Core Strategy Policy ENV2)
6. **Rural exception sites** – modification of Council policy to allow for a limited degree of market housing on rural exception sites to enable the delivery of affordable housing (Core Strategy Policy H4 and ENV2)
7. **Rural worker housing** – modification of Council policy to bring its policy on rural worker housing into line with policy in the NPPF (Development Policy DP24)
8. **Safeguarding employment land** – updating of the policy to reflect wording in the NPPF stating that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. (Development Policy DP5)
9. **Employment in the countryside** – modification of Council policies to reflect the increased emphasis in the NPPF of the benefits of supporting rural enterprise. (Development Policy DP9)
10. **Residential conversions outside settlement boundaries** – modification of policy on criteria for conversions to residential outside settlement boundaries to ensure policy covers this point (Development Policy DP13)
11. **Removal of references to documents that have been revoked** – i.e. Regional Spatial Strategy, Community Strategy, PPG's and PPS's
12. **Update of Glossary**

3. Sustainability Assessment and Habitats Regulations Assessment

- 3.1 Colchester Borough Council will prepare a Sustainability Appraisal and Habitat Regulations Assessment as part of its Focused Review of the Core Strategy and Development Policies documents. These processes will ensure the Council considers the sustainability of its policies and screens them for their likely significant effects on one or more European Sites.
- 3.2 A scoping report for both the Sustainability Appraisal and Habitats Regulations Assessment will be attached as an appendix to this document.

Annexe One

Full text of policies proposed for amendment

The policies that are the subject of this Focused Review are set out in full below, as they currently in the Core Strategy and Development Policies documents. The explanatory text is also detailed as this will also need amendment. Respondents may comment on how these policies and the explanatory text could be revised and propose any other existing policies for review. Any suggestions should include an explanation as to how they are considered to conflict with the National Planning Policy Framework and how they could be changed to be in compliance.

Policy area – Sustainable development and inclusion of model National Planning Policy Framework wording

SD1 – Sustainable Development Locations

Colchester Borough Council will promote sustainable development and regeneration to deliver at least 14,200 jobs between 2001 and 2021 and at least 19,000 homes between 2001 and 2023.

Throughout the borough, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy below and the Key Diagrams. Development proposals will be expected to make efficient use of land and take a sequential approach that gives priority to accessible locations and previously developed land (PDL). Proposals should seek to promote sustainability by minimising and/or mitigating pressure on the natural, built and historic environment, utilities and infrastructure, and areas at risk of flooding.

In support of Colchester's aim to be a prestigious regional centre, the Borough Council will promote high quality design and will focus on enhancing the character and quality of the Town Centre, the Regeneration Areas and key Gateways to Colchester. Development in Colchester Town will be primarily focused on the following broad locations (see Key Diagrams):

- Town Centre**
- North Growth Area**
- East Growth Area**
- South Growth Area**
- Stanway Growth Area**

The Council will also seek to sustain the character and vitality of small towns, villages and the countryside, and development will be expected to achieve a high standard of design, sustainability and compatibility with local character.

Table SD1 – Settlement Hierarchy

Hierarchy	Settlements
Regional Centre	Colchester Town and Stanway

District Settlements	Tiptree West Mersea Wivenhoe
Rural Communities	The other villages in the Borough (see Appendix B)

Explanation

The Community Strategy's vision for Colchester is for it to develop as a prestigious regional centre. This can be achieved through regenerating our town centre and regional gateways, whilst protecting and enhancing the character of the countryside and rural communities.

Colchester is a growing borough and needs to provide quality housing and employment opportunities, as well as improving the environment and our quality of life. New development needs to be carefully managed, well-designed and directed towards locations that will stimulate regeneration and support sustainable communities. Development also helps fund improvements to community facilities, transport infrastructure, open space and affordable housing.

The Council is focusing development on areas that are in need of regeneration and are accessible by a range of transport modes. This approach will protect our countryside by minimising the amount of development occurring on greenfield land. It will also help improve accessibility and reduce the need to travel, by ensuring that homes, employment and facilities are well located.

The broad locations for development in Colchester are outlined in the Spatial Strategy and illustrated in the Key Diagrams. These development locations have been coordinated with transport and utilities infrastructure and the provision of community facilities, shopping, employment and open space to create sustainable communities.

Policy area – Community Infrastructure and Planning Obligations

SD2 – Delivering Facilities and Infrastructure

The Borough Council will work with partners to ensure that facilities and infrastructure are provided to support sustainable communities in Colchester. New facilities and infrastructure must be located and designed so that they are accessible and compatible with the character and needs of the local community.

New development will be required to provide the necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from the proposal. Development will also be expected to contribute, as appropriate, to strategic projects that support sustainable development and the wider community.

The Council will seek to employ standard charges where appropriate to ensure that new development makes a reasonable contribution to the provision of related facilities and infrastructure. The tariff approach will

be based on a comprehensive review of the need, timing and scale of investment and how this relates to the key growth areas set out in the Core Strategy. The viability of developments will also be considered when determining the extent and priority of development contributions.

Explanation

Supporting development with the necessary community facilities and transport infrastructure is essential to creating sustainable communities. The Borough Council does not have the resources or the necessary powers itself to provide all the facilities and infrastructure. Therefore, the Council will need to work with partners and collect contributions from development, ensuring that the financial contributions requested are fair, proportionate, and tied in to clear priorities for the overall sustainable development of the Borough.

Developments will be required to deliver and contribute towards the following where necessary (not exclusive):

- Affordable housing
- Transport infrastructure and services
- Open space, sport and recreation
- Community facilities
- Primary and secondary schools
- Public realm improvements
- Renewable energy and sustainable construction
- Flood mitigation measures
- Employment and training schemes

The Council will prepare further guidance regarding standard charges and development contributions towards facilities and infrastructure. Additional information on the delivery of infrastructure and facilities is also provided in the following Core Policies:

- SD3 - Community Facilities
- H4 – Affordable Housing
- PR2 – Open Space
- TA3 – Public Transport
- TA4 – Roads and Traffic

SD3 – Community Facilities

The Borough Council will work with partners to deliver key community facilities (see Table SD3) to support the Sustainable Community Strategy and to develop Colchester as a prestigious regional centre.

The Council will also provide facilities for the local communities, based upon an analysis of needs, with particular regard to disadvantaged groups. New development will be required to contribute towards the provision of community facilities to meet the needs of new communities and mitigate impacts on existing communities. Safe, direct routes for walking and cycling and appropriate bus services will be established to serve existing and new pre-school, primary, and secondary school sites.

Community facilities should be located in centres or other accessible locations to maximise community access and build a sense of local community identity. The Council supports the retention and enhancement of existing community facilities and encourages multi-purpose community facilities that can provide a range of services and facilities to the community at one accessible location. Where existing facilities can be enhanced to serve new development, the Council will work with developers and local partners to audit existing facilities and assess the requirement for additional facilities to deliver comprehensive provision of services to serve these extended communities. The Council will work with local partners, such as Parish Councils or Community Associations, to plan and manage community facilities.

Table SD3: Delivery of Key Community Facilities

Growth Areas	Project
Town Centre	Firstsite (Community arts facility)
	Cultural Quarter
	Magistrates' Court
North Growth Area	Community stadium and regional conference centre
	Colchester General Hospital expansion
	4 new primary schools (ie., at Turner Village, Severalls, and two in the urban extension)
	Early years and childcare facilities
	Either new secondary school site (on a precautionary basis); and/or expansion of existing secondary school provision at nearby schools
East Growth Area	University of Essex expansion
General	Facilities to support 2012 Olympics
	7 new health centres
	6 forms of secondary school capacity
	6 new primary schools
	New and improved community halls
	Extra pre-school, primary, and secondary school provision (including new schools where appropriate).

*refer to policy TA3 & TA4 for transport infrastructure and policy PR2 for open space.

Explanation

Community facilities are an essential element of sustainable communities providing for education, child care, health, culture, recreation, religion and policing (see Glossary). Policy PR2 also makes provision for open space and recreation facilities.

The Council needs to deliver a comprehensive range of high quality and accessible community facilities to meet the needs of new and existing communities in Colchester. Community projects, such as the Community Stadium and Firstsite (Community arts facility), have regional and national significance and are identified in the Sustainable Community Strategy. Local facilities such as schools and health centres also need to be delivered to support new and existing communities. Table SD3 sets out key community facilities to be delivered in Colchester during the plan period, additional facilities will also be delivered as part of new developments and to meet existing deficiencies.

The Borough Council will safeguard existing facilities and will work with partners including the local community to bring together funding from a variety of public and private sources to deliver new community facilities. Development proposals will be required to review community needs (e.g. Health Impact Assessment) and provide community facilities to meet the needs of the new population and mitigate impacts on existing communities.

Policy DP3: Planning Obligations and the Community Infrastructure Levy

The Council intends to develop proposals to implement a Community Infrastructure Levy (CIL), further to the enabling provisions in the 2008 Planning Act. The CIL will be a charge used to fund necessary local and sub-regional infrastructure which supports the objectives of the Core Strategy and the development of the area. It will involve an agreed charging schedule which will allocate the proposed amount to be raised from CIL to each main class of development. The charge will be related to the scale and type of development proposals. The Council will work with partners to deliver key infrastructure projects, as identified in the Core Strategy. Where appropriate, planning obligations through Section 106 agreements will continue alongside or in place of CIL and standard charges will be implemented with details set out in Supplementary Planning Documents.

Explanation

3.10 The Planning Act 2008 contains powers for the introduction of a CIL, but detailed regulations have yet to be completely finalised. In the interim period, the Council will continue to develop its understanding of infrastructure needs and overall funding potential from all sectors. The Council has a successful track record in securing and delivering projects using Section 106 funding, and it would be expected to continue to play an important role in the future. The CIL breaks the direct link between the obligation and the development so that a wider range of infrastructure spending can be provided through the planning system. It is noted, however, that while CIL is expected to provide significant additional monies for infrastructure, it will not replace mainstream funding. The Core Strategy (Table 6d – Key Facilities and Infrastructure) identified the key infrastructure needed to support Core Strategy objectives, and the Council continues to work closely with other public and private sector providers to refine the list as necessary and deliver projects. The Council has adopted a number of Supplementary Planning Documents (SPDs) which set out standard charges that will be applied to new development in appropriate circumstances. These are based on robust evidence and will continue to evolve and develop.

Policy Area – Housing Density

H2 – Housing Density

The Borough Council will seek housing densities that make efficient use of land and relate to the context. New developments must enhance local character and optimise the capacity of accessible locations.

Locations with good access to centres, particularly the Town Centre and the Urban Gateways, are more suited to higher density development, although a flexible approach will be important to ensure that densities are compatible with the surrounding townscape. Other locations with lesser access to centres and public transport should involve more moderate densities. The density of developments also needs to be informed by the provision of open space and parking, the character of the area, and the mix of housing.

Table H2a provides indicative guidance on appropriate densities that relate to the accessibility of a location. A context appraisal will be required to identify the accessibility and local character of a location and therefore inform an appropriate density.

Table H2a – Indicative Housing Densities

Accessibility	Indicative Locations	Indicative Housing Densities
Very High	Town Centre and within 400m of Urban Gateways	Over 75 du/ha*
High	Within 800m of the Town Centre, and Urban Gateways	Over 50 du/ha
Moderate	Colchester Town and District Settlements (Tiptree, West Mersea and Wivenhoe)	Over 40 du/ha
Low	The Borough's villages	30 to 40 du/ha

*du/ha – dwelling units per hectare

Explanation

The density of housing development can have significant implications for sustainability, local character, travel behaviour, development land take, and residential amenity.

Housing development will be focused on the most accessible locations to reduce the need to travel, promote regeneration and protect greenfield land. Higher density developments can accommodate more people at locations with good access to employment, shops and education, and allow residents to easily access their needs by walking, cycling and public transport. This in turn supports the provision of local business, services and infrastructure. However, high density development that is poorly located or poorly designed can have adverse impacts on the local community, built character, traffic and sustainability. High density developments need to have regard to biodiversity and open spaces provided within urban areas and on brownfield sites.

Densities therefore need to be moderated at less accessible locations and to reflect local character. The provision of open space, parking and a mix of housing will also have moderating affect on densities. Areas with lesser access to centres and public transport, such as villages and outer-suburbs are suited to lower densities. Lower density developments can provide more open space and large family housing, but developments below 30du/ha are considered to be too inefficient and inconsistent with national planning policy as set forth in PPS3.

Policy areas – Affordable housing, rural housing sites and Neighbourhood Planning

H4 – Affordable Housing

The Borough Council is committed to improving housing affordability in Colchester. The Council will be seeking to secure 35% of new dwellings (including conversions) to be provided as affordable housing (normally on site), as follows:

- **In Colchester Town and Stanway, Tiptree, Wivenhoe and West Mersea, affordable housing will be required on housing developments for 10 or more dwellings.**
- **In the other villages, affordable housing will be required on housing developments for 3 or more dwellings.**
- **An equivalent financial contribution will also be sought for developments below these thresholds.**

In exceptional circumstances, where high development costs undermine the viability of housing delivery on brownfield sites, developers will be expected to demonstrate an alternative affordable housing provision.

Affordable housing development in the villages of rural Colchester Borough will be supported on rural exception sites contiguous with village settlement boundaries, provided a local need is demonstrated by the Parish Council on behalf of their residents.

The Council will require developments to integrate affordable housing and market housing, with a consistent standard of quality design and public spaces, to create mixed and sustainable communities.

Explanation

The need for affordable housing is high in Colchester, as it is elsewhere in the Eastern region. The East of England Plan has set a policy target of 35% affordable housing for planning permissions in the region.

The Strategic Housing Market Assessment 2007 (SHMA) identified that the average house price in Colchester was approximately £200,000 in 2006, whilst the gross (median) household income was only £23,874. The SHMA observes that few households aspiring to home ownership have access to enough money to purchase a home in Colchester. The SHMA identified a

need for 1,104 affordable homes per year, which is very high given the total housing provision in the EEP is only 830 per year. The SHMA suggests this high need would justify an Affordable Housing target over 35% if the developments were viable.

Affordable housing requirements must be balanced with other requirements for transport infrastructure, community facilities, open space and sustainable construction. The viability of housing delivery also needs to be maintained, particularly in regeneration areas. The Housing Viability Report identified that a significant portion of developments would not be viable with an affordable housing requirements of 40%. Even at lower levels of affordable housing, viability was a problem, particularly on previously developed land.

It is considered that a 35% target maintains a balance between housing need and viability, whilst maintaining consistency with the regional target. A target of 35% will optimise affordable housing delivery on greenfield land whilst facilitating the regeneration of rundown areas.

ENV2 – Rural Communities

The Borough Council will enhance the vitality of rural communities by supporting appropriate development of infill sites and previously developed land (PDL) within the settlement development boundaries of villages. The design and construction of new village development must be high quality in all respects, including design, sustainability and compatibility with the distinctive character of the locality. Development should also contribute to the local community through the provision of relevant community needs such as affordable housing, open space, local employment, and community facilities.

Outside village boundaries, the Council will favourably consider small-scale rural business, leisure and tourism schemes that are appropriate to local employment needs, minimise negative environmental impacts, and harmonise with the local character and surrounding natural environment. Development outside but contiguous to village settlement boundaries may be supported where it constitutes an exception to meet identified local affordable housing needs.

Towns and villages are encouraged to plan for the specific needs of their communities by developing Parish Plans and Village Design Statements for adoption as guidance.

Explanation

Rural communities in Colchester comprise the villages identified in the Settlement Hierarchy (SD1 Appendix B).

National evidence indicates that villages in the catchment area of larger towns struggle to retain facilities, even when more housing is built. The East of England Plan noted that “the growth of villages has been unable to halt the closure of village services and commuting has increased dramatically”. Colchester Town is the main provider of shopping, services, employment, and

community facilities for the Borough as a whole. Elsewhere in the Borough, only Wivenhoe, Tiptree and West Mersea provide a sufficient level of shops, services and employment to maintain a reasonable level of self containment. In general, rural communities do not provide sufficient shops, services and facilities to support significant growth.

Within rural communities, small scale development will be supported on PDL and infill sites within the village boundaries. The Site Allocations DPD will provide an opportunity to review the extent of village envelopes previously set through the Local Plan process. This development will need to optimise the sustainability of villages by contributing towards community facilities, open space and local employment. Affordable housing will also be supported on rural exception sites where supported by community need. The Council is also seeking to sustain and enhance local employment and rural enterprises.

Policy Area – Rural worker housing

Policy DP24: Equestrian Activities

Planning permission will be supported for equestrian related development if it can be demonstrated that the proposal:

- (i) Cannot be located within existing buildings on the site through the re-use or conversion of buildings for any related equestrian use before new or replacement buildings are considered;**
- (ii) Is satisfactory in scale and level of activity, and in keeping with its location and surroundings;**
- (iii) Will not result in development leading to an intensification of buildings in the countryside and urban fringe or have a detrimental impact on the townscape setting or local landscape character.**
- (iv) Is related to an existing dwelling within the countryside or will not lead to pressure for the development of a new dwelling.**

Explanation

9.31 Equestrian development includes all forms of horse related activities including the erection of stables through to racing stables, sand schools and all-weather gallops. Its development needs to be monitored carefully to ensure the cumulative effect of the fencing, stabling, ménage and ancillary buildings it needs does not lead to overdevelopment in countryside areas or create conflicts with other rural uses. An equestrian use will not be considered to justify the erection of a dwelling in a location where permission would normally be refused.

9.32 Equestrian development should be in keeping with national equestrian standards such as those recommended by the British Horse Society in relation to management, grazing and welfare standards.

Policy area – Safeguarding employment

Policy DP5: Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

Appropriate employment uses within designated employment zones will include:

- (a) Business (B1), general industrial (B2), storage and distribution (B8);**
- (b) Display, repair and sale of vehicles and vehicle parts, including cars, boats and caravans;**
- (c) Indoor sports uses, exhibition centres and conference centres;**
- (d) A limited element of retailing where this is ancillary to another main use under (a);**
- (e) Services specifically provided for the benefit of businesses based on, or workers employed within, the Employment Zone; and**
- (f) Other employment-generating uses, such as those related to recreation and tourism, which meet local needs and/or promote rural enterprise.**

In certain employment zones in the rural areas and growth areas some of the above uses will not be appropriate. The Site Allocations DPD sets out site specific issues for local employment sites including sites in rural areas where B8 (distribution) employment uses will not normally be permitted, and includes specific policies setting out appropriate employment uses on strategic sites within the growth areas. In accordance with the Core Strategy B1 office uses will be directed to the town centre and mixed use centres.

Employment uses in rural local employment zones will need to give special consideration to the context of the site. Development on these sites should seek to minimise impact on the rural landscape and be appropriate in terms of scale, height and built-form. Expansion of businesses outside of the local employment zone will be considered in relation to Policy DP9.

Sites and premises currently used or allocated for employment purposes will be safeguarded for appropriate employment uses. Any use that may have an adverse effect on employment generation will only be permitted where the Local Planning Authority is satisfied that:

- (i) The supply, availability and variety of alternative employment land is sufficient to meet borough and local requirements;**
- (ii) Evidence can be provided to demonstrate that no suitable and viable employment use can be found, or is likely to be found in the foreseeable future;**
- (iii) There would be substantial planning benefit in permitting an alternative use, for example in removing a use which creates residential amenity problems such as noise or odours;**
- (iv) There are demonstrable economic benefits to the area that would result from allowing redevelopment, for example by facilitating the retention of a business in the area through funding a new site or premises; and**

- (v) **The traditional maritime character of the coastal areas would not be adversely affected.**

Where redevelopment of employment land is accepted for a new employment use or an alternative use, particular consideration will be given towards ensuring the future viability of individual businesses (e.g. tenants of an estate or premises) that might be displaced. Planning contributions towards alternative employment, regeneration and training schemes will be sought where sites are redeveloped for non-employment uses and alternative employment land is not provided.

Explanation

- 4.1 Policy CE3 in the Core Strategy sets out the Council's approach to appropriate land uses within the employment zones. The 'B' Use Class has traditionally encompassed the majority of uses considered to constitute employment uses in planning terms, but an expanded list is required to provide clarity on the associated and ancillary employment uses in the Employment Zones set forth in the Core Strategy Centres and Employment hierarchy. Hotels, offices, and assembly and leisure are noted as potential secondary land uses within employment zones.
- 4.2 The uses listed in DP5 are also likely to be appropriate for other sites and premises lawfully used for employment purposes, subject to their impact on residential amenity and other relevant policies in the LDF. New large-scale office development will be directed towards the Town Centre in accordance with the Core Strategy. Employment development proposals within the countryside will also need to have regard to the provisions of Policy DP9, Employment Uses in the Countryside (and DP17 Accessibility and Access).
- 4.3 The loss of employment land, whether in existing employment use or proposed for employment development within the Site Allocations DPD, could affect the LDF's ability to achieve its employment objectives. The Core Strategy establishes the scale and general location of land for employment purposes and states that as a general principle such land should be safeguarded. Further detail is however required as it may be that local circumstances, reflecting a lack of viability of the existing operation, may give rise to proposals to find an alternative use. Where the local need for employment land can be met elsewhere, it may be that alternative uses could be considered favourably (within the context of the other policies in the LDF).
- 4.4 Exceptionally, an alternative use may be preferable, providing evidence is submitted of marketing the site for a reasonable period of time. The marketing campaign will need to be agreed between the authority and applicant(s) before it begins, including the length of the campaign; asking price; sales particulars; and number frequency and source of advertisements. Applicants will also need to demonstrate that the site is no longer usable and viable for another form of employment use, for example where continuation of the employment use would be detrimental

to other planning objectives such as regeneration, protecting or enhancing residential amenity or the appearance of the countryside, or where other economic benefits to the area might result. Consideration of overall economic benefits must also extend to include addressing the future of any firms displaced through the redevelopment, including redevelopment for a new employment use.

- 4.5 In exceptional circumstances that result in the loss of employment land or employment premises, the Council will require suitable employment land to be provided and/or a contribution towards the Council's business incubation/grow-on space needs, employment, training or other regeneration programmes and initiatives in mitigation. Details of what should be submitted with any application for change of use and how commuted sums will be calculated are included as Appendix 3 of this document.
- 4.6 Change of use to residential is very unlikely to be acceptable in the countryside, unless it is for affordable housing in accordance with the requirements of Policy H4 in the Core Strategy and the proposed Affordable Housing SPD (due to be adopted late 2010).

Policy area – Employment in the countryside

Policy DP9: Employment Uses in the Countryside

Employment development proposals within the countryside, outside of designated local employment zones, must contribute to the local rural economy and help sustain rural communities. The proposed use should be of a small scale that does not harm the rural character of the area either by the nature and level of activity (including the amount of additional traffic generation on rural roads) or, any other detrimental effects such as noise and pollution.

The following additional considerations shall also be taken into account where relevant:

(A) Conversion and re-use of existing rural buildings:

Proposals will only be supported where the building is structurally sound and capable of re-use without fundamental rebuilding, and the buildings are deemed to be desirable for retention. In the case of former agricultural or forestry buildings of recent construction (less than 10 years), it will also need to be demonstrated that the original need for the building was genuine and that it is no longer required for agricultural or forestry purposes.

(B) Extension of existing rural employment buildings:

Proposals will only be supported where these are limited to expansion plans which are essential to the operation of the established business.

All extensions shall be accommodated satisfactorily in terms of design, scale and appearance within the existing employment site boundary.

(C) Replacement rural employment buildings:

Replacement buildings will only be supported where the existing development is visually intrusive or otherwise inappropriate in its context and a substantial improvement in the landscape and surroundings will be secured through replacement. Replacement buildings should not significantly increase the scale, height and built-form of the original building.

(D) New rural employment buildings:

Proposals will only be supported in exceptional cases where there are no appropriate existing buildings and the need has been adequately demonstrated.

(E) Expansion of an existing business:

Proposals to expand an existing employment use into the countryside will only be supported in exceptional cases where there is no space for the required use on the existing site, the need has been adequately demonstrated, and the proposals are essential to the operation of an established business on the site. Consideration must be given to the relocation of the business to available land within strategic or local employment zones.

Explanation

4.21 Policies ENV1 and ENV2 in the Core Strategy support rural communities and set out a flexible approach that maintains a balance between environmental considerations and appropriate business growth. The countryside is viewed as a good location for some businesses, partly due to the pleasant environment and the availability of relatively cheaper premises in comparison with built-up areas. The Borough is also coming under particular pressure for employment based development in the countryside as a consequence of containing a significant number of large agricultural buildings and other rural buildings that are potentially suitable for conversion to employment use, coupled with the high rental values to be found within the built up area. This demand needs to be considered in the context of environmental impacts, accessibility and relation to local economic needs. The diversity of pressures for employment based development in the countryside requires further detailed policy guidance.

4.22 The Local Planning Authority is more likely to be supportive of the re-use and conversion of rural buildings that are adjacent to or closely related to country towns and villages. Conversely, the change of use of isolated buildings is unlikely to be acceptable unless they would ensure the retention and preservation of a heritage building and the use does not result in a significant level of activity and traffic generation. Elsewhere, each proposal would be considered on its merits in line with the policy.

Schemes involving the re-use of historic rural buildings should also comply with the provisions of DP14. Proposals that are small-scale in nature are more likely to be supported, whereas those leading to a significant increase in road traffic will not normally be supported.

4.23 Preference will always be towards re-use and conversion of existing buildings where this is possible rather than the construction of new buildings. Consequently, where a building is to be replaced applicants will need to demonstrate to the satisfaction of the Local Planning Authority that any available buildings are not capable of renovation and may be requested to submit a structural survey. Where suitable developments can be identified, support may be given to the provision of workspace or incubator units.

4.24 There are a number of well-established employment sites in the rural parts of the Borough, where some important local companies are located. Companies are often seeking to expand their operations within the site and this can be more appropriate than the company seeking alternative premises outside of the Borough, in order to retain the economic and social benefits which can arise from companies located in rural areas. It will be beneficial for applications to expand existing operations to be supported by a business plan, depending on the scale of the development proposed.

4.25 In some cases for the purposes of business or employment use replacement buildings can be more appropriate than the continued use of existing buildings. There are a number of sites in the rural areas of the Borough which are visually intrusive and where redevelopment could significantly enhance the local environment. Landscaping and planting should be used to aid in the reduction of impact on the countryside of development. Proposals for new isolated buildings in the countryside will not normally be permitted in accordance with national policies.

Policy area – lack of guidance for conversions to residential in areas outside settlement boundaries

Policy DP13: Dwelling Alterations, Extensions and Replacement Dwellings

Within the Borough's settlement boundaries, residential alterations, extensions and replacement buildings will be supported where they meet other policy requirements, including the adopted SPD 'Extending Your House?'

Outside of the settlement boundaries, development will be supported only where all the following relevant criteria can be met:

(A) For alterations and extensions, including ancillary outbuildings and garden extensions, where the development:

- (i) Respects and enhances the character of the original dwelling and does not significantly alter its size;
 - (ii) Respects and enhances the landscape character and setting of the site and the wider rural area; and
 - (iii) Avoids a cramped form of development and retains an appropriate level of private amenity space for the occupants of the dwelling.
- (B) For replacement dwellings, when development:**
- (i) Is on a one-for-one basis and the property to be demolished is of permanent construction, recently occupied, and is not derelict or abandoned;
 - (ii) Is of a satisfactory design that is appropriate to the rural area and does not significantly increase the scale, height and form, of the original dwelling;
 - (iii) Provides satisfactory landscape value to integrate the new dwelling into the wider rural context with no greater adverse impacts than the existing dwelling; and
 - (iv) Represents the optimum solution to either preserving or enhancing access, siting and dwelling orientation.
- (C) For annexes, when the need for additional space cannot be met within an existing dwelling or buildings suitable for conversion on the site in the first instance, if the development:**
- (i) Is physically attached or closely related to the main dwelling so that it cannot be subdivided from the main dwelling;
 - (ii) Retains some form of demonstrable dependence on the main dwelling, such as shared access (including both vehicular access and doorways) and communal amenity spaces;
 - (iii) Does not incorporate facilities that make the annexe capable of use as a separate dwelling
 - (iv) Respects and enhances both the character of the original dwelling and the context of the surrounding rural area through regard to site characteristics, design, scale, height, form, massing, materials and layout within the wider landscape setting.
 - (v) The use of ancillary accommodation as a separate dwelling will not be permitted and the desire for annexe occupants to remain independent from existing residents will not be considered as adequate justification to allow isolated annexes.

Explanation

5.11 Not all extensions and alterations require planning permission. Further guidance on the forms of development that do not require planning permission can be obtained from the Government's planning portal: www.planningportal.gov.uk.

- 5.12 This policy together with Policy DP1 sets out appropriate criteria for assessing planning applications for development, including alterations and extensions to residential dwellings, when planning permission is required. 'Extending Your House?' the Council's adopted SPD gives more detailed guidance for householder development proposals.
- 5.13 Whilst development in the countryside is not encouraged the Council accepts that development relating to existing dwellings may be acceptable. Development must protect and reflect the rural qualities and landscape character of the area. This policy therefore sets out additional criteria that the Council will apply for extensions and other alterations to dwellings in the countryside (i.e. outside the settlement boundaries) where planning permission is required.
- 5.14 The Council wishes to retain a balanced mix of dwelling sizes and, in particular, to avoid the loss of smaller, more affordable units. Extensions to existing dwellings and replacement dwellings should not significantly alter the size of the original dwelling. The Council is also keen to ensure that dwellings do not grow by a succession of small extensions, which cumulatively can significantly alter the character of the original building. For the purpose of this policy, the "original" dwelling is defined as the building as existed on 4th November 1993 or as built if later.
- 5.15 Proposals for extension of a domestic garden into open countryside will not be permitted if they have a material adverse impact on the surrounding countryside, or result in the loss of good quality agricultural land, or would set a precedent for unacceptable extensions to gardens at one or more neighbouring properties. Where planning permission is granted, applicants will be expected to relinquish their permitted development rights over the new area of garden.