



**COLCHESTER BOROUGH COUNCIL
MODIFICATIONS CONSULTATION
LOCAL PLAN FOCUSED REVIEW**

PART 1

Colchester Borough Council's proposed modifications to the Focused Review document resulting from pre-submission consultation responses and issues raised by the Inspector in his letter dated 8 November 2013 (IED01)

Note -

Any proposed additions to the wording contained in the Focused Review document (CD1) are in bold text.

Any proposed deletions to the wording contained in the Focused Review document (CD1) are in strikethrough text.

Any underlining is carried forward from the Focused Review document (CD1) and does not represent a proposed amendment.

Any strikethrough text contained in the Focused Review document (CD1) has not been carried forward into this table of potential modifications.

(These formatting points do not apply to MAJ12 and MAJ13)

Modification ref	Focused Review document page number	Policy / paragraph	Proposed change	Wording	Reason for change
MAJ1	6	New para to be inserted after para 1.10	Add an additional paragraph to make clear which policies have not been included in the Focused Review.	Additional paragraph to be added and to read: “When adopted these amended policies will be identified as being adopted in 2013 and will replace the previous versions of these policies in the adopted Core Strategy (2008) and Development Policies (2010)	To make clear the post adoption status of the Focused Review.

Modification ref	Focused Review document page number	Policy / paragraph	Proposed change	Wording	Reason for change
				<p>Development Plan Documents. All other policies will remain unchanged until a Full Review of the Local Development Framework is undertaken. The examination of the Focused Review DPD (November 2013 – January 2014) did not include any testing of the unchanged policies for conformity with the NPPF.”</p>	
MAJ2	Summary of Consultation CD3b	Proposed modification para. 2.4	Delete Proposed Modification	<p>When adopted these amended policies will only replace the previous versions of these policies contained within the adopted Core Strategy and Development Control Policies Development Plan Document 2008. All other policies will remain unchanged until a new Local Plan is developed. The Council considers that the unamended policies accord with the National Planning Policy Framework and will carry full weight in the determination of planning applications. The unamended policies are not, however, to be tested for the purposes of the Focused Review Examination.</p>	This text is to be replaced with the paragraph above.

Modification ref	Focused Review document page number	Policy / paragraph	Proposed change	Wording	Reason for change
MAJ3	Relates to proposals on pages 19 and 23	Policy DP7	Delete paragraph in policy DP7 which aims to safeguard individual shops. Appendix 1 contains the adopted policy and explanatory text in full, and Appendix 2 shows the Sustainability Appraisal and conclusion on the chosen option.	Delete this text from Policy DP7: Elsewhere, individual shops, not specifically defined on the Proposals Map, will be safeguarded for A1 retail purposes, unless it is demonstrated to the satisfaction of the Local Planning Authority that the existing use and/or any other retail use is no longer viable within that specific location.	To provide consistency with changes proposed to other policies.
MAJ4	19	Table CE1a – last row in the hierarchy – “Local Centres”	Delete “and Local Shops” from the “Classification” box on the last row of the table.	Change text as follows: “Neighbourhood Centres and Local Shops ”	To provide consistency with changes proposed elsewhere as part of the Focused Review.
MAJ5	21	Last paragraph on the page – beginning “Centres provide highly...”	Delete “and Local Shops” from the fourth sentence of this paragraph.	Change text as follows: “ <u>The lowest level of the hierarchy is Neighbourhood Centres and Local Shops, which</u> are easily accessible within local neighbourhoods.”	To provide consistency with changes proposed elsewhere as part of the Focused Review.
MAJ6	40	Policy H4	Amend the number of dwellings in the second	Amend wording as follows: In the other villages, affordable housing will	To ensure the 20% affordable housing

Modification ref	Focused Review document page number	Policy / paragraph	Proposed change	Wording	Reason for change
			bullet point in the policy from “3” to “5”	be required on housing developments for 3 or more dwellings.	provision requirement can be applied consistently and that it reflects the evidence base.
MAJ7	19	Table CE1a in the “Indicative Location” box relating to “Edge of Centre and other Accessible Locations”	Remove the addition of “Northern Gateway (Park and Ride)” from the table in the Focused Review document.	Amend wording as follows: “North Station Colchester Town Station Hythe Station Northern Gateway (Park and Ride)”	The Inspector has raised procedural concerns in relation to the change that was put forward in the Focused Review document.
MAJ8	25	Policy CE3, last paragraph of the policy.	Replace reference to “alternative commercial uses”, with a reference to “appropriate alternative uses”.	Amend wording as follows: “ <u>In accordance with the National Planning Policy Framework, where there is no reasonable prospect of a site being used for an allocated employment use, applications for appropriate alternative commercial uses in Employment Zones will be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.</u> ”	To address concern raised by the Inspector that the Focused Review wording is too restrictive.
MAJ9	11	Policy SD2, third and fourth	Amend policy text to provide clarification in	Amend wording as follows: “The Council will seek to ensure that new	To provide clarification in relation to planning

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		paragraphs	relation to planning obligations.	<p>development makes a reasonable contribution to the provision of related facilities and infrastructure. <u>This will either be through a planning obligation (also known as usually contained within a Section 106 agreement) and/or, if applicable, and together with a planning obligation, through a Community Infrastructure Levy (CIL) payment, following adoption of a CIL charging schedule.</u></p> <p><u>A CIL charging schedule would set a specified charge for each square metre of gross internal floorspace, related to the use class of the development. CIL payments will contribute to the provision of strategic infrastructure, and Section 106 payments will contribute to site-specific infrastructure to support development. Planning obligations and s278 agreements will continue to be used to make individual applications acceptable. The Council will publish a list of infrastructure to be funded through CIL to ensure developers do not pay twice for the same item of infrastructure. The viability</u></p>	obligations.

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				of developments will be considered when determining the extent and priority of development contributions.”	
MAJ10	11	Policy SD2 – paragraph 2	Amend text in policy SD2 to make corrections resulting from comments made by Anglian Water.	Amend text as follows: “New development will be required to provide the necessary community facilities, provision of waste water treatment plant and sewer network , open space, transport infrastructure and other requirements to meet the community needs arising from the proposal.”	To correct factual error.
MAJ11	15	DP3 explanatory text, paragraph at top of page – first sentence.	Delete and replace text relating to Section 106 Contributions.	<u>In addition to a CIL payment, developments will be expected to address site specific infrastructure requirements directly related to the development, including affordable housing, through provision on site or through a Section 106 contributions.</u>	To provide clarification and consistency.
MAJ12	56	Policy ER1	Amend format of wording to accurately reflect proposed amendments to the policy. As part of the	Amend the second paragraph as follows: “The Council will encourage the delivery of renewable energy projects, including <u>community led initiatives</u> microgeneration , in the Borough to reduce Colchester’s	As part of the Focused Review, the Council proposed to delete the words “over 15%” from the second paragraph of

Modification ref	Focused Review document page number	Policy / paragraph	Proposed change	Wording	Reason for change
			<p>Focused Review, the Council proposed to delete the words “over 15%” from the second paragraph of policy ER1. However, this wording was deleted in error from the Focused Review submission consultation document and so it was not clear that the Council is proposing to delete the words “over 15%”.</p>	<p>carbon footprint. New development will be encouraged to <u>reduce energy usage and provide 15% of energy demand</u> through local renewable and low carbon technology (LCT) sources.”</p>	<p>policy ER1. However, this wording was deleted in error from the Focused Review submission consultation document and so it was not clear that the Council is proposing to delete the words “over 15%”.</p>
MAJ13	56	Policy ER1	<p>The last sentence of the fourth paragraph is underlined, indicating that this is new text. However, this sentence is part of the adopted policy and should not be underlined as it is not new text.</p>	<p>Amend the fourth paragraph as follows so that the final sentence is not shown as new text: “The Council will support housing developments that reduce carbon emissions by 25% from 2010, 44% from 2013 and zero carbon homes from 2016 in accordance with national building regulations. The sustainable urban extensions to the north and south-west of Colchester Town are intended to deliver zero carbon homes from 2016.”</p>	<p>Editing change for clarification.</p>

PART 2

Table of potential modifications resulting from concerns highlighted by the Inspector in his letter dated 8 November (IED01).

Colchester Borough Council would be willing to make these changes only if considered necessary on the grounds of soundness or procedural compliance

Modi- fication Ref	Focused Review document page number	Policy / paragraph	Proposed change	Wording	Reason for change
MAJ14	20	Employment classification – first paragraph on page 20 of the Focused Review	Remove the third and fourth sentences of the paragraph	Amend paragraph to read: “In accordance with <u>the National Planning Policy Framework</u> , <u>centres</u> will be the primary location for retail, office, leisure and entertainment uses. The sequential approach will be applied and <u>proposals for main town centre uses should be located in the town centre</u> . If suitable sites are not available such uses will then be directed to sites in the town centre fringe (within 300 metres of the town centre core) and then to Urban Gateways and Urban District Centres. Sites within 500 metres or those well connected with good pedestrian access to the Urban Gateways and Urban District Centres will also be considered suitable for office and mixed use development. Only if suitable sites are not	The Inspector has raised concerns in relation to the changes to retail proposed in the Focused Review document on the basis that they stray into matters of spatial strategy, which falls outside the scope of the Focused Review.

Modification Ref	Focused Review document page number	Policy / paragraph	Proposed change	Wording	Reason for change
				<u>available should out of centre sites be considered."</u>	
MAJ15	22	Policy CE2b	Delete the third sentence of the first paragraph of the policy.	Amend paragraph as follows " <u>Rural District Centres</u> will be protected and enhanced to provide shops, services, community facilities and employment to meet the needs of local communities. Additional retail development will be supported in Rural District Centres to provide for the needs of the local catchment. Proposals over 500 sqm should be supported by evidence that they meet identified local needs and do not compete with the Town Centre. The Council seeks to deliver improved retail provision in the Rural District Centre between 2006 and 2021, as follows:"	The Inspector has raised concerns in relation to the changes to retail proposed in the Focused Review document on the basis that they stray into matters of spatial strategy, which falls outside the scope of the Focused Review.
MAJ16	22	Policy CE2b	Delete the second sentence of the second paragraph of the policy.	Amend first section of paragraph as follows: " <u>Urban District Centres</u> should provide an improved public realm, urban character and a more diverse mix of uses. New retail proposals (including change of use to retail) over 2500 sqm in Urban District Centres should be supported by evidence that they meet identified local needs and do not compete with the Town Centre. "	The Inspector has raised concerns in relation to the changes to retail proposed in the Focused Review document on the basis that they stray into matters of spatial strategy, which falls outside the scope of the Focused Review.

APPENDIX ONE

Text from Development Policies document of new policy proposed to be included within Local Plan Review

Policy DP7: Local Centres and Individual Shops

Neighbourhood Centres as defined on the Proposals Map will provide shops and some other local services for the needs of residents in the local neighbourhood. Rural District Centres as defined on the Proposals Map will provide a wider range of shops and services for the needs of residents within both the immediate neighbourhood and the vicinity of the district settlement.

Within the Neighbourhood Centres and the Rural District Centres the primary retail role of the centre will be safeguarded. Other uses will be supported where they complement the existing role of these centres, provided that the proposal:

- (a) meets the needs of residents within the local neighbourhood and/or the district settlement; and**
- (b) would not reduce the number of A1 retail units in any centre to below 50% of the units used for commercial purposes.**

Elsewhere, individual shops, not specifically defined on the Proposals Map, will be safeguarded for A1 retail purposes, unless it is demonstrated to the satisfaction of the Local Planning Authority that the existing use and/or any other retail use is no longer viable within that specific location.

Proposals for new retail units will be expected to be provided within the designated shopping centres in the first instance, in line with the sequential test. Elsewhere, proposals for new retail uses would have to demonstrate that they are an appropriate scale for the local area they would serve and would represent no threat to the viability and vitality of existing centres, and shops, or retail uses, planned to serve a new community and identified in a masterplan or planning permission.

Explanation

- 4.11 Policy CE2 in the Core Strategy promotes the role of various types of Centres and sets out the Council's approach to the land uses appropriate to them. Policies CE2a and b and DP6 provide further guidance on the Town Centre. Rural District Centres, Neighbourhood Centres and individual shops are also safeguarded by Policy DP7 but perform a more local role and function. They provide local and convenient facilities for people that are easily accessible by walking and cycling. This policy seeks to provide clarity on the uses appropriate to these more local centres and the Council's approach to the protection of existing retail units. Local shops and services are those that provide primarily for the needs of residents within a radius of 800m of the facility.
- 4.12 The Neighbourhood and Rural District Centres throughout the Borough vary in character, from those established within purpose-built parades to those with a looser grouping where the retail units co-exist with residential units and community buildings such as libraries and health centres. The uses traditionally found within these centres primarily comprise A1 retail shops (including sub-post offices and hairdressers), but other uses within the 'A' Use Class (including A2 banks and estate agents, A3 cafes, A4 pubs and A5 takeaways) may also be present.
- 4.13 The Council's approach to these Centres is that the primary retail role should be safeguarded, whilst other 'A' Class uses and community uses that complement this role will also be supported, subject also to their impact on residential amenity and other relevant policies in the LDF. For calculating the number of A1 retail units as a percentage of the total number of commercial units within the centre, the Council will not include C3 dwellings or community buildings within the calculation.
- 4.14 The Neighbourhood Centres (previously referred to in the Local Plan as local shopping areas) vary greatly in size. The Council's approach to their designation is that they should normally include a grouping of several small units with an emphasis on retail sales. Individual shops, outside of the defined Centres, can also play a valuable role in contributing towards sustainable communities and should be protected.
- 4.15 The importance of these individual shops will vary between communities. In some communities, particularly the villages, a single shop may be considered a community facility as much as a retail service. Elsewhere competition from newer alternative outlets may have raised issues of viability for the existing shop. A financial viability test should therefore support applications for change of use of retail premises and applicants should contact the Council at the earliest stage to discuss the

details of the test which will follow the guidelines for community facility viability covered in policy DP4. The level of detail to be submitted will vary according to the level of access to alternative facilities and the extent to which the facility contributes towards sustainable communities.

4.16 Proposals for new shops outside of the defined centres would need to be considered in line with the sequential test and relevant provisions set out in PPS4 (Planning for Sustainable Economic Growth) or the relevant national policy at the time.

APPENDIX 2

Sustainability Appraisal of Policy DP7 and conclusion on chosen option

Local Centres and Individual Shops

Option 1 is to retain existing policy DP7.

Option 2 is to amend policy DP7 by removing reference to the safeguarding of local shops and services.

Objectives	Assessment Criteria	Options		General Evaluation
		Opt 1	Opt 2	
1. To ensure that everyone has the opportunity to live in a decent and affordable home.	- Will the delivery of affordable housing increase?	n/a	n/a	This objective is not applicable.
	- Will it deliver the number of houses needed to support the growing population?	n/a	n/a	
	- Will it deliver a range of housing to meet the diverse needs of the Borough?	n/a	n/a	
	- Will it provide good quality and sustainable housing?	n/a	n/a	
2. To ensure that development is located sustainably and makes efficient use of land	- Will it promote regeneration?	0	0	Both options will help to provide people with good access to retail and associated uses in neighbourhood centres. Option 1 is more positive as it safeguards local shops and services not within existing centres.
	- Will it reduce the need for development on greenfield land?	0	0	
	- Will it provide people with good access to their needs?	++	+	
	- Will the densities make efficient use of land?	n/a	n/a	
	- Will it reduce the risk of flooding?	n/a	n/a	
3. To achieve a prosperous and sustainable economy and improve the vitality of town centres	- Will it improve the delivery of employment to support the growing population?	+	+	Both options protect rural district centres and neighbourhood centres, which will provide people with good access to their needs and help sustain the rural economy. A more positive impact on the rural economy will occur under option 1, which safeguards shops outside of centres.
	- Will it support the vitality and viability of town centres?	+	+	
	- Will it provide peoples needs at accessible locations?	++	+	

	- Will it help sustain the rural economy?	++	+	
4. To achieve more sustainable travel behaviour and reduce the need to travel.	- Will it reduce the need to travel?	++	+	Rural district centres and neighbourhood centres provide local facilities for people within walking distance of their homes. Their retention, which is required under both options will therefore reduce the need to travel and promote sustainable travel. Option 1 will result in more positive effects as it also requires the retention of a shop outside of a centre, which allows those living within the vicinity of the shop to access it by sustainable modes of travel.
	- Will the levels of sustainable travel increase?	++	+	
	- Will it improve sustainable transport infrastructure and linkages?	O	O	
	- Will it reduce dependence on car travel?	++	+	
5. To improve the education, skills and health of the Borough's population	- Will it provide equitable access to education, health, recreation and community facilities?	++	+	Both options protect rural district centres and neighbourhood centres, which will provide people with good access to their needs. A more positive impact will occur under option 1, which also safeguards shops outside of centres.
6. To create safe and attractive public spaces and reduce crime.	- Will attractive and safe public spaces be created?	n/a	n/a	This objective is not applicable.
	- Will actual crime be reduced?	n/a	n/a	
	- Will the fear of crime and actual crime be reduced?	n/a	n/a	
7. To conserve and enhance the townscape character, historic and cultural assets of the Borough.	- Will it enhance the historic and cultural assets of the Borough?	n/a	n/a	This objective is not applicable.
	- Will it enhance the character and attractiveness of the Borough's settlements?	n/a	n/a	
8. To conserve and enhance the natural environment, natural resources and the biodiversity of the Borough.	- Will it enhance the landscape character of the borough?	n/a	n/a	This objective is not applicable.
	- Will it enhance designated areas of the countryside and coastal environment?	n/a	n/a	
	- Will it protect and improve biodiversity?	n/a	n/a	
	- Will it improve environmental quality in terms of water air and soil quality?	n/a	n/a	
9. To make efficient use of energy and resources, and reduce waste and our	- Will it reduce pollution and greenhouse gas emissions?	+	+	Both options reduce the need to travel and so will reduce pollution and greenhouse gas emissions from transport.
	- Will it increase the use of renewable energy and reduce the use of fossil fuels?	n/a	n/a	

contribution to climate change.	- Will it reduce, reuse and recycling resources and minimise waste?	n/a	n/a	
Summary	Both options protect rural district centres and neighbourhood centres, which will provide people with good access to their needs. Rural district centres and neighbourhood centres provide local facilities for people within walking distance of their homes. Their retention will therefore reduce the need to travel and promote sustainable travel. Option 1 also requires the retention of a shop outside of a centre, which allows those living within the vicinity of the shop to access it by sustainable modes of travel. Removing reference to safeguarding local shops (option 2) could make it more likely that local shops, out of centres, are lost to alternative uses.			
Recommendation	Option 1 will result in more positive effects on the SA objectives than option 2 as it safeguards local shops and services; however option 2 complies with the NPPF.			

SA Objectives	1	2	3	4	5	6	7	8	9	Result
Option 1		✓	✓	✓	✓					Option 1
Option 2										Option 2

✓ - The options that best achieves the objective

Chosen option

The Sustainability Appraisal shows that retention of the existing policy (SA option 1) performs better than the proposed amended policy (SA option 2) in sustainability terms. However, the aim of the Focused Review is to bring the policy into conformity with the NPPF, and the proposed changes in Sustainability Appraisal Option 2 are considered to do this, whereas option 1 would not. For this reason, retention of the existing policy is not the chosen option and option 2, the proposed amended policy, is the chosen option.