

Planning Policy
Colchester Borough Council
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Colchester Borough Local Plan: Preferred Options July 2016

Persimmon Homes welcomes the opportunity to comment on the Colchester Borough Local Plan Preferred Options.

Part 1: Shared Strategic Plan (North Essex Authorities: Strategic Part 1 for Local Plans)

1. Housing Market Area

1.1 In order to ensure that North Essex addresses key strategic planning matters across the region, Braintree District Council, Colchester Borough Council and Tendring District Council have agreed to work together to deliver a Shared Strategic Plan. The three Local Planning Authorities (LPAs) are considered to form part of the same Housing Market Area (HMA). Chelmsford City Council is considered to have a geographical and functional relationship with the HMA but is also considered to form its own HMA and as such does not form part of the Shared Strategic Plan.

1.2 Persimmon Homes suggests that Chelmsford City Council has a stronger impact on the HMA than is portrayed by the draft Local Plan. The Preferred Options Local Plan also makes no reference to the London HMA and the forecasted shortfalls in housing delivery in the Great London Authorities (GLA) and how this will impact the wider South East. I will deal with these issues separately.

Chelmsford City Council

1.3 Chelmsford is producing a new Local Plan which will guide development in the area between 2021 and 2036. Chelmsford's Issues and Options Local Plan document states that "*Chelmsford has an important regional and sub-regional role. It provides a focus for jobs, shopping, healthcare, education, leisure and recreation for this wider area*". Persimmon Homes supported this view within our representations to the Chelmsford's Issues and Options Local Plan public

consultation earlier this year. Chelmsford plays an important role in offering jobs and other leisure activities. With easy access by both rail and road into Central London the city has become a popular place for commuters. As a result, house prices in Chelmsford are higher than its neighbouring LPAs. Persimmon Homes believes that Chelmsford has a bigger impact on the North Essex HMA and therefore, greater regard should be had to Chelmsford's housing market in progressing with the Shared Strategic Plan for the North Essex Authorities and Colchester's own Local Plan.

Greater London Authorities

1.4 London might not be able to meet its own housing needs as recognised by the Inspector considering Further Alterations to the London Plan (FALP). The Inspector was satisfied with the evidence base and methodology used by the GLA in identifying a need for around 49,000 dpa over 20 years, and up to 62,000 dpa in the initial years of the plan in order to address historical failure to meet targets. However, the Inspector noted that the draft further alterations only allocated targets totalling 42,389 dpa to the individual London boroughs. The Inspector expressed doubts that the resulting shortfall could be met by relying on co-operation between boroughs or by increasing housing densities. The inspector said that *"it is not easy to see where London boroughs would find additional sources of supply"* and warned that, in finding solutions to meeting the pressing need for housing, *"care must be taken not to damage [London's] environment such that it becomes an unpleasant place to visit, live and work"*. The Inspector recommended that the alterations be adopted despite his reservations, noting that non adoption would *"result in the retention of the existing housing targets"* of 32,210 dpa, which he said were *"woefully short of what is needed"*. The Inspector recommended that the mayor of London may need to explore the possibility of *"engaging local authorities beyond the GLA's boundaries in discussions"* to ensure that the capital's housing needs could be met.

1.5 The FALP does not seek to deliver the full objectively assessed housing needs as set out in the Strategic Housing Market Assessment as required by the National Planning Policy Framework (NPPF). It also requires a step change in housing delivery if London Boroughs' are to meet their new minimum housing targets. This will put pressure on areas outside London to help accommodate the shortfall in the capital's forecast housing need. Local Authorities in the wider south east (including East of England region) need to both individually and jointly consider providing for unmet need in London through their Local Plan preparation.

1.6 Para 2.36 details that the Colchester SHMA which was published in 2015 *'makes an allowance for additional London related migration'*. Colchester needs to have regard to the projected shortfall and the likely implications this will have on the wider HMA's. It has to bear in mind that those Local Authorities immediately adjoining London have extensive areas outside of main settlements covered by the Metropolitan Green Belt and as such may be constrained in their ability to meet their Objectively Assessed Needs which will include assisting in addressing the capital's shortfall. Under the Duty to Cooperate, neighbouring authorities who are constrained by Green Belt can seek to accommodate a shortfall in their ability to meet housing needs by way of a neighbouring authority. Colchester is not constrained by Green Belt and has good transport links to London, which is highlighted in para 2.15 of the Preferred Options Local Plan, so is well placed to assist in meeting housing demand.

2. Housing Needs

2.2 Policy *SP2 Meeting Housing Needs* identifies a collective need for 2,315 dwellings per annum (dpa) up until 2033 for the three LPAs. Colchester needs to deliver a minimum 920 dpa between 2013 and 2033 to meet their needs. As previously discussed in section 1 of these representations, Persimmon Homes would suggest that Colchester need to have regard to the wider needs and the planned shortfall in London to ensure it properly meets its housing needs up until 2033.

2.3 Policy *SP6 Spatial Strategy for North Essex* sets the strategy for details the spatial strategy for housing delivery across North Essex. Existing settlements will be the principal focus for additional growth across North Essex. Persimmon Homes is supportive of focusing growth within and surrounding the main settlements as these represent the most sustainable locations to accommodate new development which can in turn support future employment and leisure growth in these locations. Furthermore, they benefit from established infrastructure which can assist early delivery.

2.4 Three new Garden Communities are proposed to be developed and delivered to meet part of the housing needs of Braintree, Colchester and Tendring. The new Garden Communities are proposed to provide strategic locations for 7,500 additional homes within the Plan period as well as delivering new homes beyond the plan period (post 2033). Colchester Borough Council are progressing one new Garden Community jointly with Tendring District Council on land covering the Colchester Fringe (land east of Colchester) and one new Garden Community jointly with Braintree District Council on land around Marks Tey (land west of Colchester). I will discuss this proposal in further detail later in these representations.

2.5 It is not clear from the Preferred Options Local Plan as to the exact boundaries for the three new Garden Communities. Paragraph 2.85 of the Local Plan states that a “*number of sites of sufficient scale to accommodate a garden community were identified through the Call for Sites*”. This would indicate to us that there remains significant uncertainty as to the exact location and extent of these sites. It is noted that the evidence base supporting the Preferred Options Local Plan provides greater detail on the proposed new Garden Communities.

- Garden Communities – Charter
- Garden Communities – Baseline Compendium (Part1)
- Garden Communities – Baseline Compendium (Part2)
- Garden Communities – Opportunities and Constraints
- Garden Communities – Options and Evaluations

2.6 Persimmon Homes objects to Policy SP6 on the basis that it is not considered that the evidence base available is sufficiently robust to support the Local Plans assumption that the proposed new Garden Community will deliver 2,600 within the Plan period (1,250 from the east Garden Community and 1,350 for the west Garden Community). Furthermore, Policy SP4 details, inter alia, that *‘development must be supported by provision of infrastructure, services and facilities that are identified to serve the needs arising from new development’*. It is unclear that the infrastructure, services and facilities will be in place in a sufficiently timely manner to support the anticipated delivery of the Garden Communities. It is considered that the assumptions within the viability assessments are questionable, particularly in relation to land values and costs.

2.7 Policy SP7 *Development and delivery of new garden communities in North Essex* states that:

“.....Unallocated proposals in the Borough and Districts will not be permitted if it would prejudice the development of these garden communities, regardless of the eventual capacity and phasing of the developments or the status of the 5 year supply in each local authority”.

2.8 Persimmon Homes objects to the wording of Policy SP7. As detailed above, there is at present too much uncertainty regarding the quantum of development, location and deliverability of the Garden Communities proposed within Braintree, Colchester and Tendring. Furthermore, there is a lack of spatial alternatives to Garden Communities. The extract from Policy SP7 detailed above appears whole at odds with para 14 and 49 of the NPPF and the objective of maintaining an adequate land supply.

2.9 The wording of Policy SP7 would allow; (a) the housing needs of the LPA not to be met either in the short or long-term, (b) for under delivery both in the short and long term to go unchecked and (c) for the Council to take no corrective action in the event that:

- The houses anticipated from the Garden Communities are not delivered. Either not at the anticipated rate or in the Plan period as a whole (i.e. to 2033).
- That housing allocated sites out of the Garden Communities are not delivered either in a timely manner (in accordance with the housing delivery trajectory) leading to a shortfall in 5 year supply.
- That allocated sites out of the Garden Communities are not delivered within the Plan period to 2033

2.10 The proposed wording of this policy goes beyond seeking to safeguard the creation of Garden Communities. The potential effect would be to allow housing land supply to be strangled and to devolve the Council of any responsibility for taking corrective action (e.g. seeking to bring

sites forward early, by way of granting planning permission for sustainable development on non-allocated sites). The effect of the above would mean that the development plan can legitimately fail to meet OAN within the plan period with the consequential constraint on delivery of much needed private and social housing with consequential negative societal and economic impacts.

2.11 One way in which Colchester can plan for this potential growth and ensure that the Council do not have to undertake an early review of their Local Plan is to allocate reserved sites. Reserved sites offer the flexibility for Council's to bring forward land quickly should the Borough's OANs increase and/or if sites allocated for residential development do not come forward within the Plan period or in accordance with the housing trajectory. Persimmon Homes would strongly suggest the inclusion of reserved sites to ensure that the Local Plan is future proof and can plan positively to meet OAN.

2.12 Para ii of Policy SP7 mentions 'deploying new models of delivery', but does not expand upon what that means. Persimmon Homes are concerned that insufficient consideration has been given to what the Garden Communities will comprise and how they are proposed to be delivered. The Local Plan unacceptably seeks to defer such critical matters, again raising issues about the robustness of the assumptions regarding delivery, the rate of delivery and the soundness of draft Policy SP7.

2.13 The criteria of SP7 advises that the developments will 'share risk and reward' between the public and private sector but does not expand upon what that means. Furthermore, neither the Policy or the supporting evidence base sufficiently details the extent to which the public sector is geared up to facilitate against the anticipated delivery rates envisaged in the Plan. Furthermore, the draft policy outlines that the cost of various matters including (unspecified) infrastructure will be met by those promoting the developments. The Policy contains a significant degree of prescription of what the Garden Community should deliver. There is a distinct lack of evidence in relation to the infrastructure necessary, cost, deliverability and development viability.

East Colchester/West Tendring new Garden Community

2.14 Policy SP8 *East Colchester/West Tendring new Garden Community* sets the strategy for a new Garden Community to the east of Colchester and West of Tendring. The development is expected to deliver between 7,000 and 9,000 new homes, along with new employment and social facilities. Policy SG2 of the Preferred Options Local Plan identifies that Colchester are reliant on the delivery of the new Garden Community to deliver 1,250 new homes within the Plan period and further post 2033.

2.15 The policy (SP8) states that “*the Masterplan Framework will set out the nature, form and boundary of the new community*”. Map 3 on page 34 of the Preferred Options Local Plan details the broad location for the new Garden Community over the Colchester Fringe. However, this is a broad location and it is considered that the Local Plan should more clearly define the boundaries of the Garden Communities and not defer consideration to a non-statutory Masterplan.

2.16 The Preferred Options Local Plan does not offer any detail on when development from the new Garden Community is envisaged within the plan period and its contribution towards maintaining land supply. Colchester Borough should produce a housing trajectory and demonstrate that the trajectory is realistic and that housing needs can be met throughout the Plan period.

2.17 The *North Essex Garden Communities Concept Feasibility: Volume 3 – Garden Communities Concept Options and Evaluation* details 3 Options to accommodate the proposed new Garden Community:

- Option 1 – Southern Land Focus
- Option 2 – A133 to Colchester/Ipswich Railway Line
- Option 3 – North to South Wrap

2.18 Notwithstanding the concerns expressed above, Persimmon Homes supports the allocation of Option 3 to accommodate the new Garden Community. The A12 provides a natural and defensible boundary to accommodate development. The proximity to Colchester Town represents a sustainable location which can benefit from the existing services and facilities and in turn support economic growth and job opportunities in the area.

West Colchester/East Braintree new Garden Community

Policy SP9 *West Colchester/East Braintree new Garden Community* sets the strategy for a new Garden Community to the west of Colchester and East of Braintree. The development is expected to deliver between 15,000 and 20,000 new homes, along with new employment and social facilities. Policy SG2 of the Preferred Options Local Plan identifies that Colchester are reliant on the delivery of the new Garden Community to deliver 1,350 new homes within the Plan period (to 2033) and further post 2033.

The policy states that “*the Masterplan Framework will set out the nature, form and boundary of the new community*”. The area of search detailed in Map 3 on page 34 of the Preferred Options Local Plan shows the location for the new Garden Community to be broadly at the junction of the A120 and A12.

To secure the delivery of the Garden Community in this indicative location, reconfiguration of the A120 is required for the primary vehicular access. The *North Essex Garden Communities Concept Feasibility Study: Volume 2 Opportunities and Constraints* identifies the A120/A12 junction (Junction 25) as a bottleneck (Page 37). Policy SP9 makes no reference to improvements to the A12 to support the development. Persimmon Homes would strongly suggest that improvements to this congested section of the A12 are essential to the delivery of this Garden Community.

In principal Persimmon Homes is supportive of a new Garden Community in this location. However, there is insufficient information regarding all aspects of the proposal, including infrastructure improvements to the existing road network which will be key to its delivery and vital in mitigating the increased traffic effects of the new development.

The Preferred Options Local Plan does not include a housing trajectory but the Braintree Preferred Options Local Plan identifies that 100 dpa will be delivered from this development from 2024/2025. It is considered that there is a lack of evidence to inform the forecasted projection of 100 dpa being delivered from this development from 2024/2025. This appears unrealistic due to the scale of the development and the early stages that the Garden Communities appear to be at. The Council should seek to allocate sites which are more deliverable in this timescale to meet their objectively assessed housing needs.

Part Two – Local Plan for Colchester

Policy SG1: Colchester’s Spatial Strategy

Policy SG1 seeks to set the growth strategy for the Borough by focusing development to sites that have the most accessible and sustainable locations in accordance with the spatial strategy for North set forth in Policy SP6 and the settlement hierarchy as detailed within Policy SG1.

Colchester has and remains the main settlement in the Borough, offering a wide range of services and facilities, including employment, retail and health opportunities. Colchester also benefits from 3 main rail stations and easy access on to the A12.

Tiptree, Wivenhoe and West Mersea form the District Centres in the adopted Core Strategy. The emerging Local Plan seeks to maintain these, along with further settlements which will naturally see growth through the delivery of the proposed new Garden Communities to the east and west of Colchester.

Notwithstanding the concerns expressed regarding the anticipated contribution of the Garden Communities to housing supply with the plan period, Persimmon Homes supports the proposed settlement hierarchy and the proposed distribution strategy which seeks to deliver the majority of new development in and around the existing urban area of Colchester.

Policy SG2: Housing Delivery

Policy SG2 seeks to deliver a minimum of 14,720 or 920 dpa new homes in the Borough between 2017 and 2033. Colchester is seeking to meet this need through new development in the following 3 key areas:

- Colchester Urban Area (Place policies for Central, North, East and West Colchester)
- University Garden Community (East) (Part 1 Policy SP9)
- West Colchester Garden Community (West) (Part 1 Policy SP9)

As detailed in Part 1 of these representations, Persimmon Homes have concerns around the reliance on the Garden Communities to delivery new homes in the Plan period. The Council should not seek to hold back the development of sites to the east and west of Colchester that are allocated within the emerging Local Plan for development at the expense of the Garden Communities as this will result in non delivery of deliverable sites and the Borough not demonstrating a 5 year land supply of housing.

Persimmon Homes are actively promoting the following sites for residential development in the Borough:

Land at St Johns Road, Colchester

The draft Local Plan was presented to the Local Plan Committee on the 5th July 2016. Policy NC3 of the draft Local Plan sought to allocate land at St Johns Road for 700 dwellings. However, between the publication of the draft Local Plan and the committee, a further document was published – *Schedule of Changes and Revised Plans*. This report removed the site at St John’s Road from Policy NC3 and the proposals map covering North Colchester, appearing to remove it as a Preferred Options allocation.

Following discussions with Officers, Persimmon Homes are of the understanding that the site is still allocated for residential development in the draft Local Plan and forms part of the housing trajectory to meet housing needs over the Plan period. However, due to the uncertainty around the boundary of the new Garden Community proposed to the east of Colchester and west of Tendring the allocation has been removed through the draft Local Plan as it is intended to form part of the new Garden Community.

Persimmon Homes strongly suggests that the site should be reinstated as part of Policy NC3 and shown on the proposals map for North Colchester.

As detailed in Section 2 of these representations there is a lack of evidence to support the new Garden Communities which raises questions over their deliverability within the Plan period. The draft Local Plan offers no detail on when housing from the new Garden Communities are anticipated to meet housing needs but the work which makes up the evidence base for the new Garden Communities would suggest that these are still at early stages.

Policy SP8 states that “*a Masterplan Framework will set out the nature, form and boundary of the new community*”. The policy seeks to defer such considerations to a non-statutory Masterplan. Persimmon Homes would suggest that the draft Local Plan should seek to clarify the boundaries of the Garden Communities more clearly.

Land at St John’s Road is capable of being delivered independently of the University Garden Community (East). The site has road frontage to both St John’s Road and Harwich Road and the

technical work undertaken to date demonstrates that the site can be developed ahead of the Garden Community with causing significant harm.

Land at 296 London Road, Stanway

A Deliverability Statement accompanies the submission of these representations to support the land at 296 London Road Stanway.

The site is conveniently and sustainably located, with easy access to a wide range of services and facilities and the A12. Therefore is well placed for development and contribute towards meeting Colchester's objectively assessed housing needs.

The site has not been submitted through the Local Plan Call for Sites process but Persimmon Homes strongly believe that the site has the ability to come forward as part of the wider proposed allocation on 'Land between London Road and the A12 Stanway' which is identified within the Council's Local Plan Housing Trajectory for the development of 500 dwellings. The proposed allocation borders the north, east and western boundary of the site and therefore development would represent an obvious rounding off of the proposed allocation.

Like Land at St John's Road, reference to this allocation was removed from the proposals map and Policy WC2. This was in response to the uncertainty around the boundary of the new Garden Community proposed to the west of Colchester and west of Braintree.

As detailed in Section 2 of these representations there is a lack of evidence to support the new Garden Communities which raises questions over their deliverability within the Plan period. The draft Local Plan offers no detail on when housing from the new Garden Communities are anticipated to meet housing needs but the work which makes up the evidence base for the new Garden Communities would suggest that these are still at early stages.

Policy SP8 states that "*a Masterplan Framework will set out the nature, form and boundary of the new community*". The policy seeks to defer such considerations to a non-statutory Masterplan. Persimmon Homes would suggest that the draft Local Plan should seek to clarify the boundaries of the Garden Communities more clearly.

Persimmon Homes invites the Council to review land at 296 London Road and allocate the site for residential development in the emerging Local Plan.

Conclusion

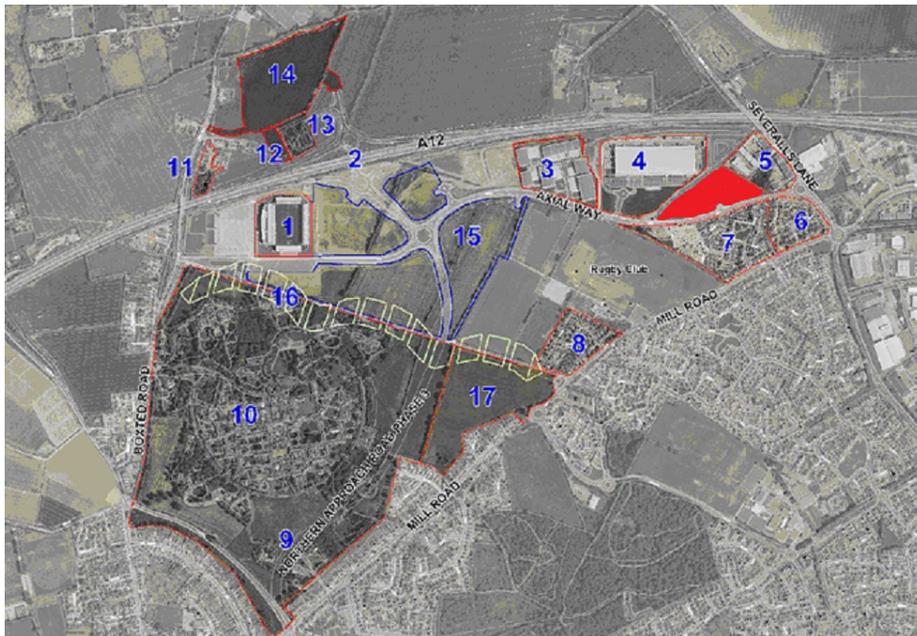
Deliverability Statements accompany these representations for both land at St John's Road and land at 296 London Road. The statements demonstrate that there is no reason, in planning terms, why the sites should not be allocated for development and begin to appraise the surrounding area and formulation towards a Masterplan which is included within the statements.

Persimmon Homes is willing to work with Officers to deliver both sites and has a good record of delivery in the Borough.

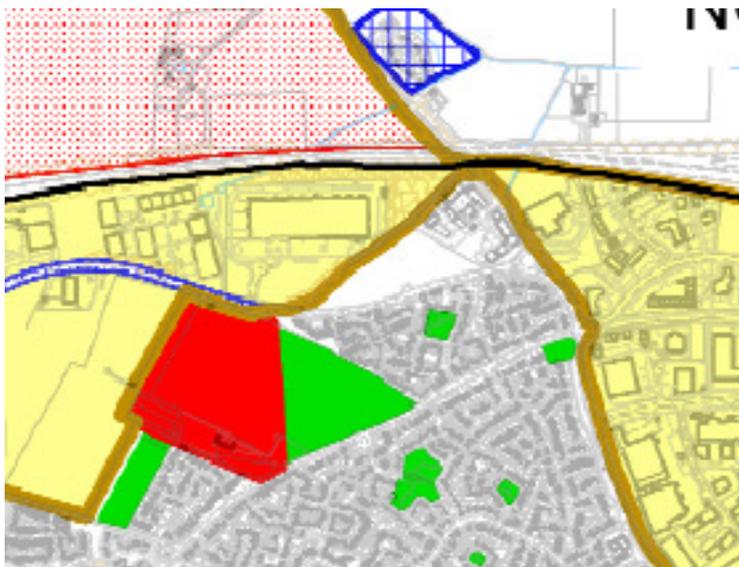
Land North of Axial Way, Colchester

Within the LDF Site Allocations (Adopted October 2010) land North of Axial Way is allocated in Policy SA NGA1 as a residential site. The Site is included in the 'Cuckoo farm Northern gateway Vision' (June 2012, produced by Allies and Morrison / Urban Practitioners on behalf of Colchester Borough Council).

Map 1: Extract from CBC plan detailing projects comprising the North Colchester Regeneration Area with site detailed in red



In the emerging Local Plan the Axial Way site is detailed in white (extract below).



Persimmon Homes made a planning application in the summer 2015 seeking the residential development of the site for 92 homes. This application was subsequently refused on the basis of (1) level of visitor parking and (2) the measures proposed to mitigate against externally generated noise. The refusal of planning permission contrary to the technical evidence and Officer recommendation is subject to a pending appeal. None of the reasons for refusal relate to the principle of residential development of the site, its deliverability or sustainability. Notwithstanding this, Persimmon Homes have made a second application which seeks to address Members concerns. Persimmon Homes are seeking the continued residential allocation of the site within the new Local Plan and cite the technical studies supporting the applications as evidence of the sites suitability, sustainability and deliverability.

Policy SG6: Strategic Infrastructure

Policy SG6 requires *“all new development to be supported by, and have good access to, all necessary infrastructure”*. This requirement will be more achievable to sites which are located within or adjacent to the existing settlements. In the case of the Garden Communities, the delivery of these will be reliant on new infrastructure being provided to these areas and as such will result in a slower progress of development.

Draft Policy SG6 places considerable emphasis on all individual development proposals considering all of the infrastructure implications of a scheme and being able to demonstrate mitigation. Largescale infrastructure (such a major road improvement, new secondary school, swimming pool etc) will often require funding from multiple developments. The wording of this policy does not appear to recognise the limitations on the ability to pool contributions via s106 nor the role that CIL will have in the delivery of infrastructure. It is noted that the Council intend to produce an Infrastructure Delivery Plan which will ‘detail the type and nature of infrastructure required, phasing, delivery partners and funding’. There is a disconnect between Policy SG6 and Policy SG8 which outlines the role that the Council will have in identifying infrastructure needs and securing funding via s106 / CIL. It is considered that SG6 fails to recognise the vital role that the Council and other public bodies (such as the NHS, County Council and Highways Agency) will need to play in assisting development meet the infrastructure needs arising.

Colchester should seek to phase sites for development with this Policy in mind and allocate sites that area located closer to the existing settlements in the early part of the Plan period (including sites which may form part of the new Garden Communities) to ensure that a steady supply of housing is delivered between 2017 and 2033. Fail to do so will result in the Council not being able to demonstrate a 5 year land supply.

Policy SG8: Developers Contributions and Community Infrastructure Levy

Policy SG8 expects developers to contribute towards the delivery of relevant infrastructure either through a direct provision or a financial contribution towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments.

Colchester consulted on the proposed Community Infrastructure Levy earlier in 2016. Persimmon Homes responded to this consultation and expressed concerns around the levy

being proposed for development in urban areas. The proposed £150 sqm was considered to be higher than the current contributions being sought through S106 agreements and the Council must be mindful not to render developments unviable.

Whilst Persimmon Homes acknowledges that new infrastructure, either through a direct provision or a financial contribution, is needed to support future growth in the Borough; this should not be required at the expense of being able to bring forward viable development.

In considering development plan policies, Para 173 of the NPPF stresses the importance of ensuring viability, including having regard to the costs of any requirements likely to be applied to development. It is not clear from the Local Plan that the Council have assessed the cost of the requirements of the draft local plan on development viability.

Colchester should seek to engage with developers during the progression of the Local Plan to ensure that sites being allocated can deliver the necessary infrastructure, either through direct provision or a financial contribution.

Policy ENV3: Green Infrastructure

Policy ENV3 “aims to provide a comprehensive green infrastructure network comprising strategic green links between the rural hinterland, river corridors and open spaces across the Borough. It will seek to protect and enhance the existing network of green links and open spaces and to create new green infrastructure where deficiencies and gaps are identified to provide corridors that will benefit both wildlife and people. The Council will also work will access stakeholders/groups to support the development of a ‘new’ multi user route, the Colchester Orbital, around urban Colchester”.

The proposed route for the Orbital Route is detailed in Appendix 3 of the Preferred Options Local Plan. Part of the proposed route is shown to cross the proposed allocation at St Johns Road. The route seeks to safeguard the existing public rights of way which cross the site. The proposed masterplan detailed in the Deliverability Statement seeks to meet this requirement through the incorporation of the footpaths within the proposal.

It is not entirely clear from Policy ENV3 what the Council will be seeking to achieve through the policy. Firstly, the policy seeks to ‘create new green infrastructure where deficiencies and gaps are identified to provide corridors that will benefit both wildlife and people’. The policy or supporting text does not make reference to any evidence base document which has assessed the deficit and surplus of open spaces in the Borough to inform this policy.

Secondly, the policy makes reference to a ‘new’ multi user Colchester Orbital around urban Colchester. The multi user is not clear from the policy or supporting text. The Council should seek to clarify what users the route is expected to support ahead of adoption of the Local Plan to ensure that sites can accommodate the necessary infrastructure.

Policy CC1: Climate Change

Policy CC1 seeks to sets a criterion for encouraging and securing new development which reduces greenhouse gas emissions, adopt the principles set out in the energy hierarchy and provide resilience to the impacts of a changing climate.

Persimmon Homes supports the policy in so far that it seeks to encourage low carbon development. However, the policy should not go beyond the standards for energy efficiency for new buildings set within Building Regulations (as set out in Section 42 of the Deregulations Act 2015) or impose such a requirement of developers if it results in the scheme being unviable. The requirements for new development in relation to on-site renewables or low carbon sources lacks precision. Persimmon Homes are concerned that the Policy refers to the Council adopting strategies, the content of which are not clear and which may seek onerous targets in relation to matters specified within the Policy. It is considered that this policy lacks suitable detail and precision as to what will be sought and lacks evidence as to the impact the measures would have on development viability.

Development Management Policies

Policy DM1: Health and Well Being

Whilst the aims of the Policy are admirable, it is considered that the Policy is poorly worded and not practical.

DM1 requires all development, irrespective of the nature, type and scale, to provide green space and create attractive opportunities for activities including walking and cycling. It may not be appropriate, reasonable or practical for all developments to do this. The Policy should be more precise in terms of the nature of the development and should not place an absolute requirement, seeking that development should seek to create attractive opportunities for walking and cycling where practical.

The third criterion is ‘provide appropriate mitigation to avoid harmful emissions’. This is too imprecise and unrealistic. Whilst developments promote sustainable transport choices and ensure that developments meet recognised standards of sustainability, thereby lessening impacts, human activity (such as use of a bus, train, electric car) generates emissions, some of which can have a varying degree of negative environmental impacts. Notwithstanding this, mitigation may not ‘avoid’ harmful emissions, but by definition make the impact less severe.

The third paragraph requires ‘all developments with the potential to cause deterioration in air quality will be required to provide appropriate mitigation’. This lacks precision as to where such measurements will be assessed. Furthermore, it is considered that any harm should be demonstrable not just ‘potential’.

The fourth paragraph refers to s106 contributions or CiL but does not provide any detail as to what would trigger such contributions, the level of contribution sought and the measures to which it would be put. In considering development plan policies, Para 173 of the NPPF stresses the importance of ensuring viability, including having regard to the costs of any requirements likely to be applied to development. It is not clear from the Local Plan that the Council have assessed the cost of the requirements of the draft local plan on development viability.

Policy DM2: Community Facilities

Whilst recognising the certain development can trigger the requirement for community facilities including education, it is considered that a contribution towards such facilities should be sought where it passes the CIL Para 123 tests:

1. necessary to make the development acceptable in planning terms
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development

As drafted, the Policy requires contributions (including towards education) from all new development, irrespective of the scale and nature, the demand generated and the capacity of existing facilities to meet the demand. For instance, under this policy a sheltered housing scheme would be liable to pay a contribution towards Education despite not giving rise to a demand for additional school places. In a similar manner, a residential development would be liable even if there is adequate capacity within local schools to meet the demands arising.

It is considered that this policy lacks adequate precision and is contrary to the principles of planning obligations.

Policy DM4: Sports Provision

Whilst recognising the certain development can trigger the requirement for sports facilities, it is considered that a contribution should be sought where it passes the CIL Para 123 tests outline above. As with DM2, the requirement relates to all development, irrespective of their scale and nature, the demand generated and the capacity of existing facilities to meet the demand.

It is considered that this policy lacks adequate precision and is contrary to the principles of planning obligations.

Policy DM8: Affordable Housing

Policy DM8 seeks to secure 20% of new dwellings on housing development for more than 10 dwellings to be provided as affordable housing.

Persimmon Homes supports the inclusion of Starter Homes within Policy DM8. Whilst Central Government have provided limited details on Starter Homes to date, the policy is future proofed and will enable development to meet the need from Starter Homes as a result.

The policy is contradictory in so far as it requires; (a) the affordable housing to proportionally reflect the mix of market units and the requirement for Starter Homes and (b) have regard to the latest assessment of local market condition and housing need relative to supply in determining the optimum affordable housing mix.

For example, under (a) a development of 50 two-bedroom apartments would generate 10 two-bedroom affordable apartments, however, this may not accord with housing need under criterion (b). It is considered that the developer should have the choice of providing affordable housing in line with (a) or (b). It should be recognised that the mix of market homes proposed

on a site may not reflect the general need for affordable homes; therefore it may be more appropriate for the affordable housing to reflect the need for affordable housing as assessed.

Persimmon Homes considers this wording to be too vague and would likely result in confusion as to what mix of affordable housing is required by way of the policy, leading to dispute with the Council as to what is required to fulfil the policy. The Policy should also be reworded to make reference to the Strategic Housing Market Assessment which assesses housing needs in the Borough or any more up to date assessment of affordable housing needs in the Borough.

Policy DM9: Housing Density

Policy DM9 will encourage housing densities that make efficient use of land and relate to the context. Paragraph 17 of the NPPF 2012 promotes the efficient use of land. Whilst this specifically relates to the context of brownfield sites, this approach should not be forgotten for greenfield development.

Persimmon Homes notes that the policy does not go as far as stipulating density ranges for development. Therefore, the Council must adopt a pragmatic approach to density and accept that the policy standards detailed within the emerging Local Plan will result in a density which is appropriate and supported by the Council.

Policy DM9 makes reference to 'provision of appropriate on-site amenities to serve the development in accordance with SG6 and any relevant adopted guidance'. SG6 relates to Strategic Infrastructure not 'on-site amenities'. It also refers to 'any relevant adopted guidance', it is unclear what guidance is proposed to be provided in this regard and the general nature of the stipulations contained therein. It is considered that this criterion is too imprecise.

Policy DM10: Housing Diversity

Policy DM10 seeks to secure a range of housing types and tenures on development across the Borough in order to create inclusive and sustainable communities.

Persimmon Homes notes that the policy appears to be requiring an element of Self-build/Custom Housing on all sites in the Borough.

The Self-build and Custom House building Act 2015 places a new duty from April 2016 on Council's to identify, and assess demand from individuals or groups of Individuals who want to undertake self-build or custom build projects.

Furthermore the PPG makes clear that the Local Planning Authority must assess the local demand for self-build housing. The PPG advises:

"Plan makers should, therefore, consider surveying local residents, possibly as part of any wider surveys, to assess local housing need for this type of housing, and compile a local list or register of people who want to build their own homes." (ID 2a-020-20140306)

Whilst the SHMA does consider the demand for self and custom build housing in Colchester, it is clearly limited, advising that:

‘3.5.17 a small percentage 3.0% preferred self build’

The SHMA has assessed the scale of likely demand for self-build and custom housing. Notwithstanding this, whilst draft Policy SP8 and SP9 make reference to self-build they do not provide targets for the two Garden Communities. It is not clear from the draft Plan the extent to which the Council expect the demand to be met by the Garden Communities or for other housing sites or from other sites as there are no specific targets.

Given the lack of precision and the evidence available on demand, it is therefore considered that this Policy is unsound. As such it is considered that the policy wording should be amended to clarify how the Council expects the Garden Communities to contribute and the balance to be provided by way of other sites.

Whilst custom and self-build may be appropriate for some schemes; however, we do not consider that large strategic sites are an appropriate location and are unlikely to be taken up.

The policy wording does not allow for plots to revert to the developer should there be insufficient demand for such plots. Even with such a clause it is considered that this will delay the delivery of schemes and create uncertainties in the build programme for developers and potentially add additional costs as a result of abortive work.

In addition it is considered that the provision of a specific percentage of self-build plots on all strategic sites could have significant viability implications, particularly as a result of the higher infrastructure costs which these sites are already subject to. The Council’s housing targets are, in part, reliant on the deliverability of large strategic housing sites. As such it is considered that a percentage requirement for self-build plots should not be applied to strategic sites.

However, should the Council be minded to include a requirement, we consider that the words "*subject to viability*" should be inserted to provide flexibility in the policy wording.

Persimmon Homes would suggest that outside of the Garden Communities, which given their scale could deliver an element of self-build, the Council should look to allocate a limited number of individual suitable sites to meet the needs for self-build plots rather than adopting a blanket approach across the Borough to meet this need.

Policy DM12: Housing Standards

Policy DM12 sets a criterion for new residential development to ensure that a high quality design, construction and layout are achieved.

Paragraph (v.) expects new development to be flexible in the internal layout of dwellings to allow adaptability to different lifestyles incorporating the design principles for Lifetime Homes. Persimmon supports the Councils approach to deliver dwellings to Lifetime Homes Standards, but not require developers to build homes to full wheelchair standards; something which can be provided by the purchaser and delivered to the exact needs of that resident.

Paragraph (vi.) requires internal spaces standards to be in accordance with the National Described space standard (DCLG 2015) or any future replacement of this. Under Paragraph 020 of the National Planning Practice Guidance (NPPG) states:

“Where a need for internal space standards is identified local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- *Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure their impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.*
- *Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.*
- *Timing – there may need to be a reasonable transitional period following adoption of a new policy or space standards to enable developers to factor the cost of spaces standards into future land acquisitions.”*

9.3 There does not appear to be evidence to support the inclusion of this standard within Policy LP3 which assesses the need, viability and timing of this part of the policy. It is not clear as to the rationale for the inclusion and requirement on new development to meet the National Describe Space Standards. Consideration needs to be given to the impact upon development viability alongside the cumulative impact of other policies that place a financial burden on the development. In terms of timing, the policy is silent and does not afford a transitional period, In light of the above, the policy is considered unsound.

Paragraph (vii) relates to vehicle parking. In the case of flats it stipulates that ‘cycle storage should be incorporated into flat blocks and readily located at the building entrance’. Whilst recognising the need to provide readily accessible cycle storage in order to promote sustainable transport choices, it is considered that the stipulation to incorporate such storage into the flat block is not necessary, unduly onerous and prescriptive and could lead to significant increase in build costs. In certain instances, it may be appropriate the incorporate internal cycle stores. However, often such provision can be satisfactorily made within dedicated, secure, lockable and covered stores within the immediate environs of the apartment. It is considered that this criterion should be amended to read;

‘...cycle storage should be incorporated into flat blocks and readily located at the building entrance or within dedicated, secure, lockable and covered stores within the immediate environs of the apartment which it serves’

Paragraph (ix.) requires electric car charging points for all new development. The policy does not stipulate whether this will be required for all dwellings or a percentage.

In considering development plan policies, Para 173 of the NPPF stresses the importance of ensuring viability, including having regard to the costs of any requirements likely to be applied to development. According to the Energy Savings Trust the typical cost for a home charge point and installation is approximately £1,400. It is unclear whether such an assessment has been undertaken in relation to the proposed policy and its impact upon development viability.

Notwithstanding the above, the NPPF contains a clear requirement that such facilities should only be required '*where practical*'. It is considered that the practicality of delivery should be a factor when it comes to incorporating charging plug-in. For instance, it may not be practical to make provision where parking is provided off-plot (such as in a parking court or within a communal area).

It is also considered that the policy should consider the practicality of delivery. There are a range of different technologies for charging. It would be more practicable if the requirement related to on-plot parking adjacent to the property it serves. Furthermore, that the requirement relates to the ability to make a connection (i.e. the development delivers a suitably sited separate electrical spur) which would allow for a charging unit for an electric vehicle to be installed by the householder (should they choose to do so).

Policy DM18: Provision for Public Open Space

Policy DM18 requires "*all new development to provide for new public areas of accessible open space. Precise levels of provision will depend on the location of the proposal and the nature of open spaces needs in the area but as a guideline, at least 10% of the gross site area should be provided as useable open space*".

As expressed in Policy ENV3 it is not clear which evidence base document the Council will refer to in determining what deficits are present in an area. In addition, on large scale developments where the requirement for public open spaces will be required to meet both local needs and possibly mitigate against the impact of the development on national designations, open spaces should be allowed to be multifunctional spaces which can be used for multiple purposes. This can include formal and informal recreation uses, biodiversity enhancements and landscape buffers.

Policy DM19: Private Amenity Space

Policy DM19 sets the standards for private amenity space for new residential development. The policy requires development to meet the following standards:

"For houses:

- *One or two bedroom houses – a minimum of 50sqm*
- *Three bedroom houses – a minimum of 60sqm*
- *Four bedroom houses – a minimum of 100sqm*

For flats:

- *A minimum of 25sqm per flat provided communally (where balconies are provided the space provided may be taken off the communal requirement)".*

Policy DP16 of the adopted Development Policies DPD requires residential development to meet the same standards for private amenity space.

The Council should be flexible in rigidly adhering to these standards and have regard to a sites location. Particularly if located within a rural location or where a development seeks to deliver a large quantum of public open space.

It is considered that the standard for apartments should reflect the Essex Design Guide and Urban Place Supplement which recognises that it may not be possible or desirable to create communal areas of open space. These documents (see p73 of the UPS) allow for a relaxation of the 25sq.m communal space standard where apartments are located adjacent to areas of open space. It is recommended that the requirement for flats is amended to incorporate this stipulation.

Policy DM22: Sustainable Access to Development

Policy DM21 will require *“all new development to enhance accessibility for sustainable modes of transport, by giving priority to people walking, cycling and accessing public transport, ensuring routes are safe, convenient and attractive and linked to existing networks”*.

Persimmon Homes recognises the importance of safe walking and cycling environments to be created within new developments to promote sustainable modes of transport. As detailed in the Deliverability Statement for land at St Johns Road, new pedestrian and cycle links have been created to provide dedicated and direct routes to bus stops along St Johns Road. Roads will be delivered in accordance with the Essex Design Guide to ensure that priority is given to pedestrian and cyclist and movements do not conflict between traffic, cyclists and pedestrians.

Where development is isolated from the existing settlements i.e the new Garden Communities, new transport links, including bus routes, cycle routes and pedestrian routes will need to be created to serve development. Therefore development which is adjacent to the existing settlements is well placed in meeting the requirements of this policy more immediately.

Paragraph (vi) requires the incorporation of charging facilities for electric and other ultra low emission vehicles where appropriate. Persimmon Homes have provided comments on this requirement as part of policy DM12.

Policy DM22: Parking

Policy DM22 requires new development to meet the Essex Parking Standards which sets out the following standards for residential development:

- 1 bedroom dwellings – 1 space
- 2 bedroom or more dwellings – 2 spaces
- Visitor Spaces – 0.25 spaces

DP19 of the adopted Development Policies DPD already requires residential development to meet these standards and with all Local Planning Authorities in Essex which are progressing new

Local Plans seeking to adopt the same standards, Persimmon Homes does not object to the inclusion of these standards as part of Policy DM22 and welcomes the ability to relax these standards in certain instances.

Conclusion

The Preferred Options Local Plan seeks to identify sites for development between 2017 and 2033. However, Persimmon Homes have concerns around the reliance on the proposed Garden Communities to the east and west of Colchester to deliver 7,500 homes over the Plan period. This is over 50% of the housing numbers identified in Policy SG2 to meet the Borough's Objectively Assessed Needs.

Colchester seeks to allocate sites at St Johns Road London Road for development but reference to the allocations is absent from the Local Plan specific policies and proposals map due to the uncertainty around the exact boundaries of the new Garden Communities. Persimmon Homes would strongly suggest that the Council does not restrict the development of these sites to come forward ahead of the Garden Communities.

Both sites are capable of being delivered independently whilst still integrating with the Garden Communities. Their locations are shown to be sustainable and have the necessary infrastructure to support their delivery. Financial contributions from the site will assist in mitigating any potential impact that may arise from the development and they can be delivered in the early part of the Plan period (0-5 years) to help in assisting to meet the Borough's OANs and relieve the pressure on the Garden Communities.

Persimmon Homes supports much of the Development Management Policies included within the Preferred Options Local Plan. However, they need clarifying in the next iteration of the Local Plan. Too much of the wording is vague which will potentially lead to conflict between the developer and the Council and could delay the planning process and their delivery.

Persimmon Homes strongly suggest through these representations and accompanying Deliverability Statements that the sites at St John's Road and London Road are re-instated in to the emerging Local Plan text and proposals map for the Pre-submission Local Plan. The Local Plan would not be found sound at examination in its current form as it is unclear how the Borough are to meet their housing needs and maintain a 5 year housing land supply over the Plan period.

Yours sincerely

Persimmon Homes Essex