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Tendring Colchester Borders Garden Community Development Plan Document Examination

Matters and Issues Statement

Our ref	62189/01/PR/SFu
Date	19 April 2024
ID	127
Representor	Latimer (Tendring Colchester Borders Garden Community) Developments Limited
Prepared by	Lichfields

Matter 2 Land Uses and Spatial Approach (GC Policy 1: Land Uses and Spatial Approach)

1.0 Issue 1: Is the DPD justified by appropriate available evidence, having regard to national guidance, and local context?

1.1 Yes, the DPD is appropriately justified in line with the National Planning Policy Framework 'NPPF' (September 2023), paragraph 35 (b). It sets an appropriate strategy, taking into account the reasonable alternatives, and is based on proportionate evidence, prepared by the Councils – as set out in the examination library, documents 'EB1 – EB25'.

2.0 Issue 2: Is the DPDs spatial strategy and the distribution of development as set out in GC Policy 1: Land Uses and Spatial Approach supported by robust and up to date evidence and otherwise soundly based?

Question 1: Does the DPD deliver the quantum of housing consistent with the Section 1 and Section 2 plans regarding the quantum of homes i.e. setting a requirement of 7,500 new homes.

2.1 Yes it does, subject to the changes Latimer is suggesting. The North Essex Authorities' (NEA) Section 1 Plan, adopted February 2021, allocates the broad location for the Tendring Colchester Garden Community (TCBGC). Policy SP 8 states the new Garden Community "*will deliver between 2,200 and 2,500 homes, 7 hectares of employment land and provision for Gypsies and Travellers within the Plan period[1] (as part of an expected overall total of between 7,000 and 9,000 homes and 25 hectares of employment land to be delivered beyond 2033)"* (our emphasis).

2.2 Policy SP 9 of the Section 1 Plan refers to the subject DPD, which will *'define the boundary of the new community and the amount of development it will contain'*.

2.3 The DPD accords with the Section 1 Plan in this respect, referring to the delivery of *'circa 7,500 new homes'* (our emphasis), and defining the site allocation boundary, alongside the

[1] The Section 1 Plan period is 20 years, from 2013 – 2033

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developable area at Figure 2 Policies Map. Whilst the 7,500 figure is towards the lower end, it is within the 'expected' range of the Section 1 Plan, and the inclusion of 'circa' provides flexibility for future masterplan work associated with the planning application. Indeed, Latimer's design development work expects up to 7,750 dwellings to be achievable on their land.

2.4 The justification for the circa 7,500 homes stated in the DPD is provided by the Councils at page 29, paragraph 3 of the DPD. Latimer concurs with this justification. Latimer agrees that the principal reason for the reduced developable area is the A120 – A133 Link Road which governs a generous portion of the eastern part of the Section 1 Plan Area of Search. Following detailed design work instructed by Essex County Council ('ECC'), the road alignment moved westwards from the original indicative route (at Section 1 Plan stage), and this is now a fixed constraint, with planning permission.

2.5 The two 'Strategic Green Gaps' (SGGs) shown on the DPD policies map to the east of the link road (Elmstead SGG) and to the south of the A133 (Wivenhoe SGG), also have an impact (see Appendix 1 of this statement). These SGGs take a significant area of land within the site boundary, comprising c.102 hectares in total. As set out GC Policy 1, Parts D and E, whilst 'appropriate development for a countryside location' or facilities for sport / recreation, renewable energy etc. may be appropriate in the SGGs, this land is proposed to be protected from most forms of development, including residential. The SGGs therefore have a significant impact on the developable area of the Garden Community for the delivery of homes.

2.6 Other constraints which impact the developable area of the Garden Community, and which Latimer's master planning team are considering to be both constraints, but also opportunities for the delivery of a high quality sustainable new community, include: the proposed extension of the Salary Brook Country Park; Biodiversity Net Gain and Suitable Accessible Natural Greenspace requirements; existing road and hedgerow network; heritage assets; utility infrastructure; existing green assets; woodlands (including ancient woodlands); and, existing communities and dwellings, including the Crockleford Heath Area of Special Character.

Question 2: Does GC Policy 1 make adequate provision to meet Tendring and Colchester's housing needs and does the plan clearly set out a delivery trajectory that is achievable?

2.7 Yes, the delivery of circa 7,500 new homes will make a significant contribution to meeting both Tendring District Council (TDC) and Colchester City Council (CCC) housing needs. The site is allocated via the Section 1 Plan to provide a long-term, plan-led, sustainable solution to meeting housing needs across both authorities.

2.8 The level of affordable housing provision at TCBGC has the scope to significantly address both CCC (1,824 households) and TDC (2,115 households) housing waiting lists. TCBGC can also provide homes to all 540 children currently living in temporary accommodation in both authorities (figures from DLUHC June 2023).

2.9 The Garden Community will therefore make an important contribution to both Councils' supply of new homes, as set out in the Local Plan housing trajectories and (as above) the Section 1 Plan expects delivery of between 2,200 and 2,500 homes, along with non-residential uses, up to 2033. The adopted Section 1 Local Plan makes clear that *"for the Plan period up to 2033, housing delivery from the garden community, irrespective of its actual location, will be distributed equally"*, between the two Councils.

2.10 The DPD does not include a delivery trajectory; however, Latimer broadly concur with the trajectory assumptions used by Gerald Eve in DPD evidence base document ref. EB24 (Infrastructure Delivery, Phasing and Funding Plan, Figure 2.3). This indicates delivery of 200 dwellings per annum (dpa) for years one and two, with 250 dpa for remaining years. Latimer consider these assumed delivery rates to be achievable, given TCBGC is a large strategic site which comprises mixed use and diverse housing typologies, likely to have different outlets and phases delivering different residential products concurrently. The assumptions align with the Section 1 Plan Inspector's conclusions, that the maximum build out rate for the Garden Community is 250 dpa (IR 77).

2.11 Latimer do not consider it necessary for the DPD itself to include a housing delivery trajectory, in addition to the trajectory within EB24. The current approach affords appropriate flexibility allowing the planning application to set this out. The TCBGC trajectory will also be set out by the Councils in future annual monitoring reports, with appropriate input from the master developer.

2.12 Latimer is well progressed with work relating to preparing the hybrid planning application for the Garden Community. Formal pre-application meetings on the masterplan approach and on technical matters have taken place with TDC, CCC and ECC throughout 2023 and 2024. A Design Review Panel and two extensive rounds of public consultation were also undertaken by Latimer in 2023. The hybrid planning application will comprise up to 7,750 homes, non-residential uses and supporting infrastructure with a detailed first phase. The EIA scoping opinion is due to be submitted shortly. Latimer will be submitting a planning application in early 2025, with a resolution anticipated late 2025 and planning permission issued in 2026. Delivery of first homes on site are therefore expected in 2026/2027.

Question 3: Does the DPD adequately address the needs for all types of housing and the needs of different groups in the community (as set out in paragraph 62 of NPPF[2])?

2.13 On the whole, yes, the DPD adequately addresses the housing needs of different groups in the community, as set out in paragraph 62 of the NPPF (September 2023). GC Policy 4 sets out the approach to meeting the housing needs of different groups, it principally requires planning applications for the Garden Community to be accompanied by a Housing Strategy(ies). The Strategy(ies) must clearly set out how the development will deliver a mix of housing, including: *"self and custom build housing, the size and specification of any care home or assisted living housing, and the need for student accommodation"*. Latimer is

[2] See Paragraph 230 of the NPPF, December 2023 for transitional arrangements.

committed to delivering a sustainable, mixed and balanced Garden Community, that is aligned to meeting local needs in the long term.

2.14 However, as set out in Latimer's Regulation 19 Representation, and referred to in the Statement of Common and Uncommon Ground (SoCUG) between the Councils (SCG06) and Latimer and the Statement of Common Ground (SoCG) between the University of Essex (UoE) and Latimer, Latimer and UoE share concerns that the DPD does not adequately account for the UoE's projected growth and associated need for priority student accommodation. These concerns relate to:

- The proposed location of student accommodation delivery at the TCBGC which is 'encouraged' within accessible locations in the 'South Neighbourhood'; and,
- The restricted nature of the land use proposed for land south of the A133 - approximately 25 Ha of land which is limited to provision of a 'Sports and Leisure Park', alongside a potential Park & Choose facility.

2.15 The UoE is a critically important stakeholder locally and regionally. The UoE contributes significantly to the economy of the East of England and creates over 6,000 direct and indirect jobs in the wider region. The UoE Campus and existing Knowledge Gateway Research & Technology Park is immediately south of TCBGC. The examining Inspector for the Joint Section 1 Local Plan identified the employment opportunities at UoE and the associated Knowledge Gateway as one of the important factors contributing to the ability of the Garden Community to deliver sustainable development.

2.16 The UoE has large growth objectives up to 2035 which will deliver and support more economic and employment opportunities locally and regionally. To support this, the UoE's stated growth requirements for student accommodation (EB16, 'TCBGC – Review of University of Essex Land Requirements and the Latimer/UoE SoCG para 3.10) are for c.10,000 student bedspaces. This is broken down to be c.4,500 additional 'priority'[3] bedspaces, and up to 5,500 bedspaces for 'returning[4]' students by 2035.

2.17 EB16, 'TCBGC – Review of University of Essex Land Requirements', was prepared by Wisher Consulting as evidence base for the DPD. Page 8 of the document concurs with the UoE's projected growth:

"*whilst the growth predictions of the University have not been forensically tested as part of this review, they are demonstrably aligned with the trends of the last 10-12 years and are backed up by strong belief amongst the University of Essex leadership team that continued growth will be achieved"* (paragraph 4.10), and, *"It is suggested that the DPD develops on the assumption that there is a very strong prospect that the University will in fact grow by a further 10,000 students between 2025 and 2035"* (paragraph 4.11).

2.18 The UoE's SoCG with the Councils (SCG04 paragraph 9.10) states up to a maximum of 1,000 priority bedspaces could be provided within the current campus (3,500 priority

[3] for first year students as well as disabled students and international students (in any year)) to be provided by the University within the UoE campus, or on adjacent campus expansion land.
[4] (i.e. all other) students, to be provided by the private sector, in Colchester and Tendring districts.

bedspaces remaining), *'although this is subject to a number of assumptions regarding the relaxation of the planning constraints identified in Section 5, which are yet to be tested'*. Paragraphs 3.14 – 3,20 and Table 1 of the UoE/Latimer SoCG comment on the constrained nature of the existing UoE campus, and the limited opportunity for its expansion to accommodate identified priority student accommodation needs.

2.19 Whilst the DPD does not specifically require that all of the UoE 10,000 student bedspace need is met on the GC site, it states, as above, (GC Policy 4 'Meeting Housing Needs') that housing within the GC should meet the need of 'different groups', this includes student accommodation. Both GC Policy 4 (Part H) and GC Policy 1 (Part B) also make clear:

"Student accommodation will be encouraged in accessible locations within the 'South Neighbourhood' where it would have good sustainable links to the University of Essex and where it will contribute to a mixed and diverse community."

2.20 However, GC Policy 1, Part B also confirms the North and South Neighbourhoods between them are expected to accommodate around 6,000 – 6,500 new homes (as part of the overall circa 7,500 new homes at the Garden Community). To deliver this quantum of student accommodation within the Neighbourhoods as a critical mass would compromise housing delivery for traditional homes and other groups (as per NPPF Sept 2023 paragraph 62), non-residential uses and delivery of supporting infrastructure and place making objectives. An over concentration of student accommodation in the Neighbourhoods would not successfully deliver a mixed and balanced community, as required by the NPPF (Sept 2023 paragraph 63b).

2.21 Therefore, Latimer consider that if the UoE's need for priority student bedspaces are to be accommodated within the Garden Community, the DPD as drafted does not appropriately allow for this, as this should not (and cannot) all be provided in the South Neighbourhood. To adequately address this need and to be 'effective' greater flexibility should be added to the DPD for the land south of the A133. This land is within the Garden Community allocation boundary and is immediately adjacent to the existing UoE campus and so is the logical location to meet UoE's evidenced need for priority student accommodation. However, the DPD currently restricts use of this land to provision of a 'Sports and Leisure Park' only. Latimer's suggested wording amendments to the DPD on this matter are included at Section 4 of the UoE/Latimer SoCG (agreed between the parties) and Appendix 3 of the Councils/Latimer SoCUG (SCG06, not agreed). Also see Appendix 2 of this Matter 2 statement. An appropriate assessment and justification would then be made at the planning application stage, to follow. Other student accommodation could and should be dispersed across Colchester and Tendring Districts, and not focused within the Garden Community.

2.22 Appendix 1 of this statement demonstrates that these requested amendments would maintain settlement identity and a consistent Coalescence Break between the TCBGC and Wivenhoe to the south. Due to the Wivenhoe Strategic Green Gap proposed within the DPD and as shown on the Policies Map (DPD, Figure 2), the gap of 530m between the northern edge of Wivenhoe to the edge of the land identified for the sports and leisure park, would be maintained. Further, the requested amendment does not seek to extend the area

identified for 'buildings' in the current draft of the DPD Policies Map, but only seeks to diversify the land uses within this part of the allocation, to include student accommodation. Further, separation, identity and containment of the two settlements would be maintained and re-enforced via the landscaped edge. The planning application would be accompanied by appropriate visual impact and view testing, to prevent any coalescence with Wivenhoe.

2.23 As expanded on in the Latimer/UoE SoCG and in the Councils' Topic Paper 'TP3', Latimer consider that allowing for the delivery of student accommodation on land south of the A133 would not conflict with the approach in the Section 1 Plan, which requires that the DPD should include an: *"Allocation of additional land within the garden community, to accommodate University expansion which is at least equivalent in size to the allocation in the Colchester Local Development Framework Site Allocations document October 2010"* (Part 1 Policy SP9 Tendring/Colchester Borders Garden Community (Requirement F25).

2.24 It is Latimer's case that whilst this topic goes to the Soundness of the DPD, there is no 'fundamental' lack of soundness to the approach of the allocation – it is, however, an important matter for the implementation of the DPD, including achieving necessary housing delivery and high-quality urban design principles at the Garden Community.

Question 4: Does the DPD make adequate provision to contributing towards meeting Tendring and Colchester's economic growth requirements for the plan period and its timescale for delivery?

2.25 Yes. The NEA Section 1 Plan allocates 25 hectares of employment land in total, with 7 hectares of this land to be delivered within the plan period (up to 2033). The DPD, GC Policy 1 indicates approximately 8 hectares of land to the north of the A133 is to be allocated for 'knowledge-based employment' and approximately 17 hectares of land is allocated immediately south of the A120 and east of the new A1331 Link Road for a new 'business park'. GC Policy 5 (Part B) also confirms the three Garden Community Neighbourhoods will accommodate 'employment uses' in the Neighbourhood Centres.

2.26 The DPD does not include a trajectory for the delivery of employment, but (at GC Policy 5), requires an Economic and Employment strategy(ies) to accompany future development proposals. The strategy(ies) should demonstrate how a number of factors can be achieved, including:

"How delivery of the first phase of business accommodation <u>in each employment area</u> is tied to occupation of housing to provide an alignment between jobs and housing, and any future review of employment allocations will need to take account of market dynamics and best practice and avoid sterilisation of parcels of land…" (our emphasis).

2.27 Latimer agrees that delivering a sustainable new Garden Community will require an appropriate balance between employment and residential uses; however, consider itis not feasible for each employment area to come forward exactly in line with housing growth, as the DPD currently anticipates. A change to this part of the Policy is requested and has been agreed via the Councils/Latimer SoCUG (Appendix 1, 4A) which would delete the reference to 'in each employment area'.

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2.28 This amendment is important to ensure the policy includes enough flexibility to be effective so that it allows for future master planning and the most appropriate phasing and trajectory to be developed as part of the planning application. As drafted, it also does not capture the additional employment, which is anticipated and will be delivered within the Neighbourhood Centres.

2.29 This amendment will also respond to the agreed position between the Councils and Homes England that the A1331 Link Road will now be delivered in two phases. Phase 1 will be the construction of the A133 roundabout plus a partial Link Road with multiple access arrangements to the Garden Community, terminating at a roundabout south of Allen's Farm – it will therefore not connect north past the A120 business park to facilitate access to this part of the site for the first phases of the development.

2.30 A further principle, as set out in the DPD, and mentioned in the Section 1 Plan, is the ambition to achieve a minimum of one job per household. From the work undertaken by Latimer and their appointed consultants, this principle is achievable without reliance on the A120 business park. This would be achieved principally through the delivery of a larger and more diverse approach to non-residential development north of the A133, alongside a diverse economic and cultural offer within the Neighbourhoods and supplementary jobs within nurseries, schools and care homes.

2.31 Please also refer to Latimer's response to Main Matter 5 on this topic.

2.32 Appendix 2 provides all requested amendments to Policy 1.

Appendix 1 Figures showing Wivenhoe and Elmstead SGGs

Figure 1

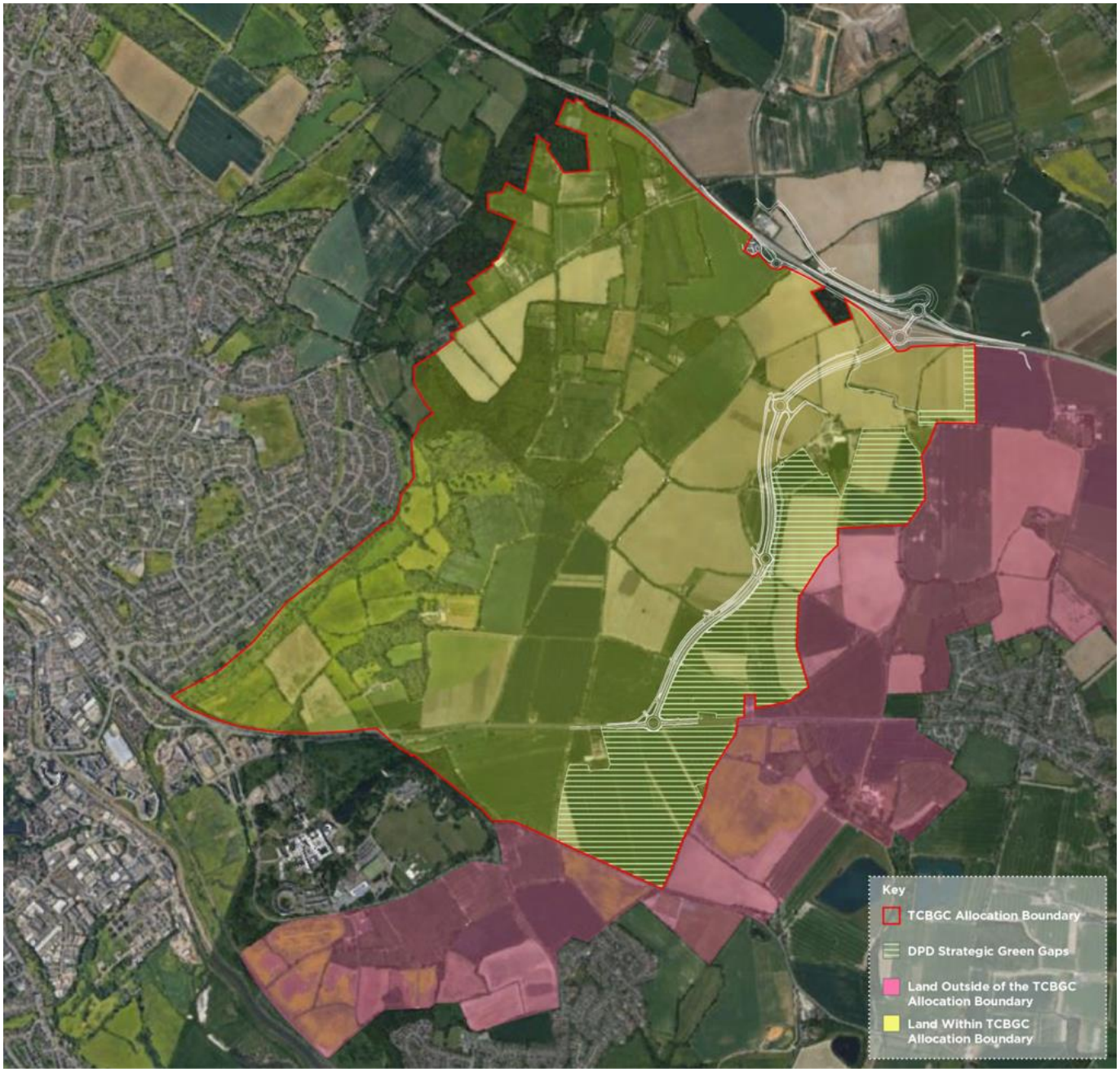
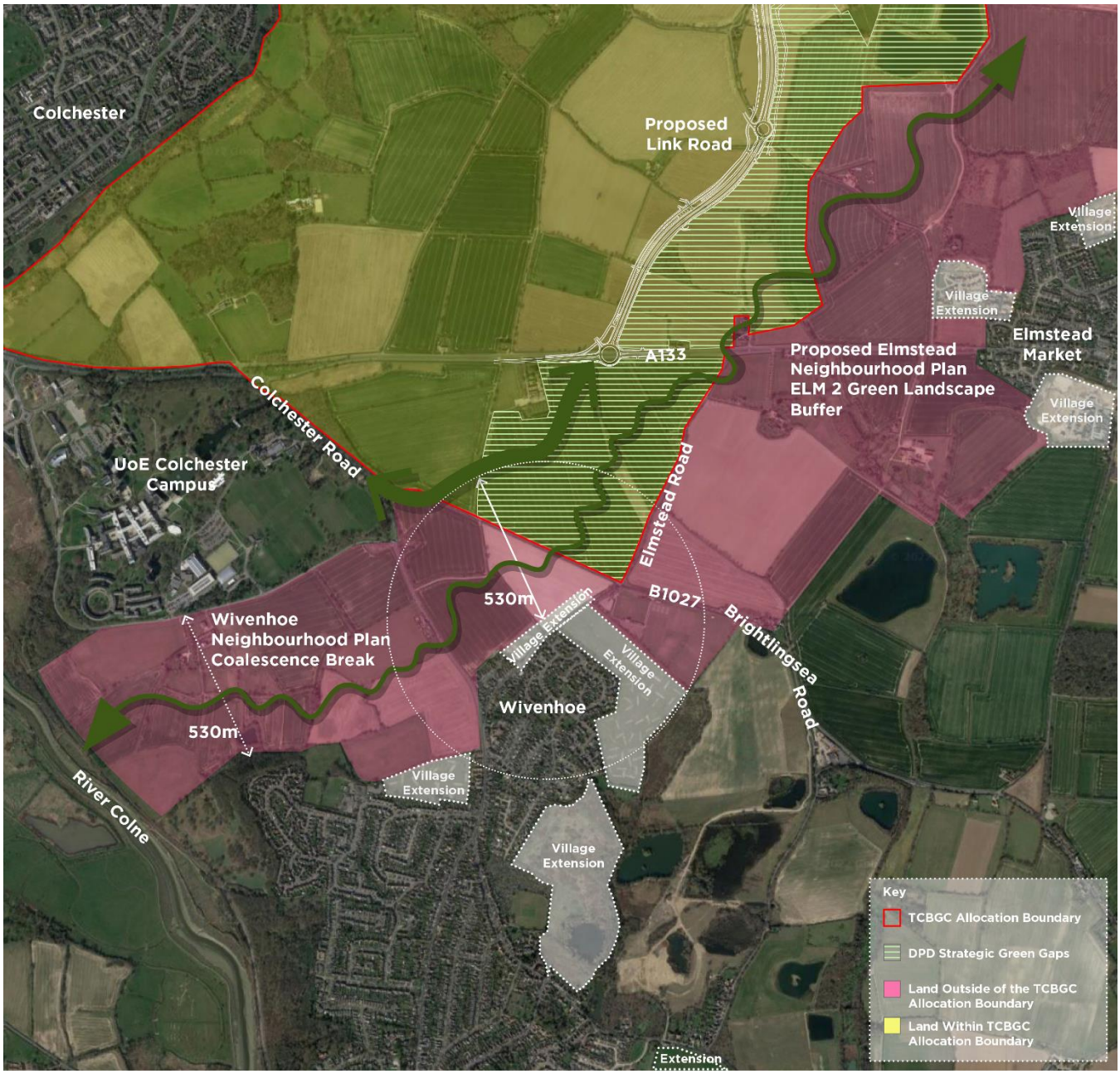

Key
TCBGC Allocation Boundary
DPD Strategic Green Gaps
Land Outside of the TCBGC Allocation Boundary
Land Within TCBGC Allocation Boundary

Figure 2


Colchester
Proposed Link Road
Village Extension
Village Extension
Elmstead Market
A133
Proposed Elmstead Neighbourhood Plan ELM 2 Green Landscape Buffer
Village Extension
Colchester Road
UoE Colchester Campus
Elmstead Road
530m
B1027
Brightlingsea Road
Village Extension
Village Extension
Wivenhoe Neighbourhood Plan Coalescence Break
Wivenhoe
530m
River Colne
Village Extension
Village Extension
Extension
Key
TCBGC Allocation Boundary
DPD Strategic Green Gaps
Land Outside of the TCBGC Allocation Boundary
Land Within TCBGC Allocation Boundary

Appendix 2 Requested Wording Changes to GC Policy 1, Land Uses and Spatial Approach

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The following amendments are requested by Latimer to GC Policy 1, Land Uses and Spatial Approach.

Text proposed to be inserted is ***bold, italic and underlined.*** Text proposed to be removed in ~~strikethrough~~.

A2.1 GC Policy 1, Part A: Land Use Parameters and Policies Map

Development will ~~be confined to~~ ***be closely aligned to*** land within the Garden Community location as identified in the Section 1 Local Plan and will ~~adhere to~~ ***seek to accord with*** the 'Land Use Parameters', as shown on the 'Policies Map'. Land within the identified Garden Community location is specifically allocated or protected for the following uses:...

...

Proposals for development ~~must comply with~~ ***should seek to accord with*** the 'Policies Map' and meet the specific requirements of policies elsewhere in this Plan and the adopted Section 1 Plan.

A2.2 GC Policy 1, Part B: The Garden Community Neighbourhoods

(for explanation see Appendix 1, ref 1A, Councils/Latimer SoCUG)

Broad locations for two distinct but interlinked Neighbourhoods, referred to as the 'South and North Neighbourhoods' are shown on the Policies Map. The 'North and South Neighbourhoods' between them will accommodate around 6,000-6,500 new homes. Development within and across the two 'Neighbourhoods' will be phased to ensure housing development is aligned with infrastructure delivery~~, with an expectation that the early phases of development will begin in the 'South Neighbourhood'.~~

A2.3 GC Policy 1, Part B: The Garden Community Neighbourhoods

(for explanation see Appendix 4, Table 1, ref. 1a of Councils/Latimer SoCUG)

Accessibility to services and facilities, utilities infrastructure ~~and~~**,** the Rapid Transit System ***and other public transport services*** will be key to determining the phasing of development in the 'Crockleford Neighbourhood.

A2.4 GC Policy 1, Part B: The Garden Community Neighbourhoods

(for explanation see Appendix 4, Table 1, ref. 1b of Councils/Latimer SoCUG)

Subject to evidence-based work, the 'South and North Neighbourhoods' ***are to*** ~~will~~ each be accessed independently from separate vehicular junctions on the new A120-A133 Link Road (as opposed to the A133 and A120 themselves) in order to give priority to the Rapid Transit System and active travel modes.

A2.5 GC Policy 1, Part B: The Garden Community Neighbourhoods

(for explanation see Appendix 4, Table 1, ref. 1c of Councils/Latimer SoCUG)

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A2.6 The 'Crockleford Neighbourhood' will be developed as an individual community that is ~~physically separated from, but~~ connected by walking, cycling and other sustainable transport modes to the 'South and North Neighbourhoods' and the City of Colchester

A2.7 GC Policy 1, Part B: The Garden Community Neighbourhoods

Residents within the 'South and North Neighbourhoods' will have high accessibility to local services and facilities. To facilitate the use of walking, cycling and public transport as the preferred alternatives to the private car, each neighbourhood will develop ~~around a 'Neighbourhood Centre'~~ containing shops, services, and community facilities, and where appropriate employment land and job opportunities. The centres will be connected to the neighbourhoods by coherent, direct, safe, and attractive walking and cycling routes designed around the 20-minute neighbourhood principles. Land and property will be provided in the form of 'hubs' within, around and along a corridor of activity between both ~~'~~Neighbourhood**s** ~~Centres'~~ to provide for a flexible range of local business needs alongside service sector jobs provided by new schools, nurseries, shops and community facilities.

The Councils will work with the University of Essex and other partners, as appropriate, to deliver the key infrastructure (health, education, and other community uses) necessary to serve the early phases of development. Such infrastructure will be delivered either on a permanent basis, or on an interim basis if it is required ahead of the establishment of the first of the ***neighbourhoods*** ~~'Neighbourhood Centres'~~.

A2.8 GC Policy 1, Part B: The Garden Community Neighbourhoods

"The provision of student accommodation will be encouraged ***on land south of the A133 identified for University expansion and*** *in accessible locations within the 'South Neighbourhood' where it would have good sustainable links to the University of Essex and where it will contribute to a mixed and diverse community."*

A2.9 GC Policy 1, Part F: Sports and Leisure Park and University of Essex Expansion

"Approximately 25 hectares of land south of the A133 and north of the proposed 'Wivenhoe Strategic Green Gap', is allocated on the 'Policies Map' ***for University Expansion, to include student accommodation, and a*** *new a 'Sports and Leisure Park'. Th~~is~~****e latter*** *will facilitate the enhancement of sports facilities required by the University of Essex as part of its plans for long-term expansion and will provide sports and leisure facilities which will be available for use by residents and clubs in the existing community, the proposed Garden Community and the University.*

The 'Sports and Leisure Park' will comprise of a strong landscaped edge to the south, adjacent to the 'Wivenhoe Strategic Green Gap', protecting the character of the surrounding landscape and to creating new habitats for a range of biodiversity. It will connect to the wider network of multifunctional green and blue infrastructure and will provide walking/cycling routes serving the Garden Community and its 'Neighbourhoods'."

A2.10 GC Policy 1, Part J: A133 Park and Choose Facility

(for explanation see Appendix 4, Table 1, ref. 1d of Councils/Latimer SoCUG)

The location and size of the facility will be informed by the 'Strategic Masterplan' and subsequent Masterplans prepared by the developer, and shall be detailed as part of a relevant planning application.

The 'Park and Choose Facility' will be ~~delivered and~~ brought forward alongside ***first residential*** ~~early~~ ***phases*** of development **with** ~~to coincide with the first operation of~~ the Rapid Transport System. It will have the ability to be expanded over time in response to future demand.