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HS4.1

Tendring Colchester Borders Garden Community Development Plan Document Examination

Matters and Issues Statement

Our ref 62189/01/PR/CW
Date 19 April 2024
ID 127
Representor Latimer (Tendring Colchester Borders Garden Community) Developments Limited
Prepared by Lichfields and Stantec (Question 7 only)

Matter 4 Placemaking Principles (GC Policy 3: Place Making Principles) and Meeting Housing Needs (GC Policy 4: Meeting Housing Needs)

1.0 Question 1: Are the requirements of the policies justified by appropriate available evidence, having regard to national guidance, and local context?

1.1 Yes, both GC Policy 3 and GC Policy 4, are 'justified' (NPPF September 2023, paragraph 35 b). The policies set out an appropriate strategy and are based on proportionate evidence base.

2.0 Question 2: Are the policies relating to Affordable Housing, Development Density, and Housing justified by appropriate available evidence, having regard to national guidance, and local context?

2.1 GC Policy 4 sets out the Councils' expectation for new homes at the Garden Community with respect to meeting housing needs of different groups, affordable housing, density, and space standards. The Policy provides sufficient flexibility for the details of these matters to be worked through at subsequent planning application stages and this is therefore effective.

2.2 To enable the housing needs of different groups to be met (in line with NPPF para 62), GC Policy 4 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 support this approach, and are committed to delivering a sustainable, mixed and balanced Garden Community, that is aligned to meeting local needs in the long term.

2.3 Latimer also supports the approach to housing density in GC Policy 4, Part D. The policy is pragmatic and recognises that housing density within the Garden Community will vary,

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including between the three neighbourhoods. The policy lists the factors that are likely to influence the appropriate density for any given area and this sensibly includes: housing mix; character of the proposed development as determined through masterplans and design codes (including the Council's Strategy Masterplan); proximity to heritage assets and the Crockleford Heath Area of Special Caracter; and, accessibility to the Rapid Transport System and neighbourhood centres. It is therefore effective. The approach to density in the DPD is justified by the TCBGC Strategic Masterplan evidence base document (EB1). Latimer is well progressed with the preparation of a hybrid planning application for the Garden Community which is currently at pre-application stage with submission of the application anticipated in 2025. Latimer's density studies have been informed by the DPD evidence base 'EB1', and Latimer's proposals are aligned to approach to density as set out in EB1 and the DPD.

2.4 GC Policy 4, Part A sets out the expectation for affordable housing delivery at the Garden Community. It requires that at least 30% of all new homes across the Garden Community, and in each neighbourhood, must be provided in the form of 'affordable housing'. This requirement aligns and is set within the North Essex Authorities (NEA) Section 1 Plan (Policy SP9) which allocates the TCBGC and sets the strategic policies. The Section 1 Plan is adopted and was supported by a robust evidence base, the requirement is therefore fully justified.

2.5 Latimer is the development arm of Clarion Housing Group, developing homes in thriving, mixed-use communities across the country. Clarion Housing Group is the UK's largest provider of affordable housing having been in operation for over 100 years, with over 125,000 homes and more than 350,000 residents across the country. The Group deliver in excess of 2,000 homes per year. Latimer fully support and intend to deliver a minimum of 30% of the homes at the Garden Community as mixed affordable tenure, in accordance with the draft DPD, and informed by future needs-based Housing Strategies prepared to support the planning applications. The DPD is justified in its approach and will ensure the Garden Community meets local needs in respect of first-time buyers, key workers and local people and families on local incomes.

2.6 Notwithstanding the above, for the reasons set out in Latimer's Matter 2 Statement, and also within the SoCG between the University of Essex and Latimer, for the general approach to 'Housing' to be 'effective', greater flexibility should be added to the DPD, so that the Land South of the A133 (within the Garden Community allocation) could accommodate student accommodation needs. Latimer is requesting an amendment to Part H of GC Policy 4, which sets out the approach to meeting housing needs at the Garden Community. Part H Student Accommodation should include flexibility in the wording of the policy to not rule out other suitable accessible locations other than the 'South Neighbourhood', so that student accommodation could be delivered as part of the university expansion area south of the A133. This would ensure that housing delivery for market homes and other groups (as per NPPF paragraph 62), non-residential uses and delivery of supporting infrastructure and urban design place making objectives at the Garden Community are not compromised (as set out in GC Policies 3 and 4). It is critical to Latimer that a mixed and balanced community is delivered, as required by the NPPF (paragraph 63b).

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3.0 Question 3: Policy GC Policy 1 and GC Policy 3 - Lisa Smith v SSLUHC [2022] EWCA Civ 1391 dated 31st October 2022, is a judgement regarding the interpretation of the Planning Policy for Traveller Sites (PPTS) and the application of that policy to Gypsies and Travellers who have ceased to pursue nomadic lifestyles. In light of this Judgement does the Council consider if it is necessary to review their assessment of Traveller site needs?

3.1 Question 3 is for the Councils to answer. Latimer does have any specific submissions to make on this.

4.0 Question 4: Is the Gypsies and Travellers Accommodation Assessment up to date and robust in its identification of needs for plots and pitches?

4.1 Question 4 is for the Councils to answer. Latimer does have any specific submissions to make on this.

5.0 Question 5: Does the Council's approach in relation to traveller sites generally conform with the expectations of Planning Policy for Traveller Sites (August 2015)?

5.1 Question 5 is for the Councils to answer. Latimer does have any specific submissions to make on this.

6.0 Question 6: Does GC Policy 1 and GC Policy 3 provide an adequate criterion-based policy for the assessment of Gypsy and Traveller site proposals?

6.1 Yes. GC Policy 4, Part I, states that there will be a new site for the accommodation of Gypsies and Travellers delivered within the 'North Neighbourhood' to the south of the A120 and west of the new A120-A133 Link Road. The site will accommodate 18 pitches. The policy is clear that the location and size of the site will be informed by the 'Strategic Masterplan' and shall be detailed as part of a relevant planning application. The DPD is clear that the Gypsy and Traveller site will come forward in response to need. The Gypsy and Traveller site will be accommodated for within Latimer's masterplan for the Garden Community – it is anticipated that it will be provided to the north, in accordance with the DPD's Strategic Masterplan expectations.

7.0 Question 7: Does GC Policy 3 provide clear direction as to how a decision maker should react to works to designated heritage assets?

7.1 Stantec, Latimer's appointed Heritage Consultant, has responded to Question 7 on behalf of Latimer.

7.2 GC Policy 3 states the principle: "*Where development will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal*". This aligns with the wording of paragraph 202 of the NPPF (September 2023) and therefore provides a clear direction of travel for the decision maker. The DPD is supported by appropriate evidence base, most recently comprising the Heritage Impact Assessment (HIA), prepared by Place Services (March 2024, EB10a). The document directly addresses the presence of a range of designated heritage assets (specifically Listed Buildings and a Registered Park and Garden) within and in the vicinity of the proposed Garden Community site.

7.3 In line with established guidance, the HIA concludes that there would be less than substantial harm to the identified designated heritage assets as a result of the development (as shown on the illustrative masterplan) and anticipated design led mitigation measures to address the scale of that harm. As such, the direction to decision makers in relation to designated heritage assets in order to achieve less than substantial harm/policy compliance is defined by the HIA as follows:

- The findings of any LVIA should be used in conjunction with this built heritage assessment to consider mitigation measures and amendments to the proposed development, so as to mitigate the potential harm to the identified heritage assets.
- The future detailed masterplanning work should consider the impacts on heritage assets, in liaison with Historic England, and ensure that mitigation measures form part of this process.
- Each heritage asset will need to be considered in further detail as planning applications come forward.

7.4 It is expected that these recommendations will be applied.

7.5 Concurrently with the completion of the HIA and DPD, further historic environment work, instructed by Latimer, has been completed, is in progress or is proposed to support the forthcoming planning application for the Garden Community. Heritage work has progressed on several fronts to ensure that heritage assets are considered in the detail of future planning applications.

7.6 The key assessments which have been to date completed are as follows:

- Aerial photography assessment: addressing the presence of cropmarks visible on historic and recent aerial photography.
- Geoarchaeological assessment/data review: logs from the mineral investigation have been subject to review.

7.7 Lines of assessment which have commenced to an advanced stage:

- Historic Environment Desk-Based Assessment (HEDBA): this will serve to expand the HIA to include all designated heritage assets (both built heritage and archaeological) and non-designated heritage assets (both built heritage, historic landscape and archaeological).

7.8 Lines of assessment which have not been commenced but are planned to be completed include:

- Non-intrusive survey: may include focused areas of geophysical survey (subject to consultation with Place Services (advisory) and Historic England)
- Intrusive survey: may include areas within and outside of Phase 1 (subject to consultation with Place Services (advisory) and Historic England)

7.9 The HEDBA will serve to present a detailed analysis of heritage opportunities and constraints of the site to inform discussions with statutory consultees and to inform the evolving designs of the proposed development in order to maximise opportunities for enhancement and reduce or remove negative heritage impacts associated with the proposals. Key heritage matters which include:

1 The site has potential to contain alluvial deposits, particularly along the western border associated with Salary Brook. Such deposits can be sampled to aid palaeoenvironmental reconstruction, affording an understanding of human impacts on the local landscape and providing greater context for associated archaeological remains.

2 The site contains buildings likely to comprise heritage assets of some significance derived from the architectural and historic interest embodied within their fabric.

3 The site retains some historic landscape elements of some heritage interest, namely that of dispersed settlement with some fragmentary historic fieldscape preserved in present field boundaries.

4 Regarding the setting of heritage assets, development within the site has the potential to impact the significance of designated heritage assets through alteration of their setting. This includes seven Grade II listed buildings within the site and, beyond the site boundary, the Grade II Wivenhoe Park registered park and garden and the associated Grade II* Wivenhoe House.

7.10 Requested and agreed modifications to GC Policy 3, Part H are as per part 3A of the schedule at Appendix 1 of the Statement of common and uncommon ground (SoCUG) between the Councils and Latimer. This modification is requested to ensure that the Policy is consistent with the wording of the NPPF.

8.0 Question 8: Does GC Policy 3 and GC Policy 4 provide clear direction as to how a decision maker should react to a development proposal?

8.1 GC Policy 3 provides a clear direction as to how a decision maker should react to the development proposal. However, minor wording amendments are suggested to the design criteria and place making principles to assist in this respect and provide sufficient flexibility for the decision maker's judgement into the long term.

8.2 Policy 3 includes a number of design criteria and place making principles that either "must" or "will" be achieved. This policy approach does not align to the approach stated at

paragraph 32 of the DPD which Latimer supports. Paragraph 32 recognises that the DPD is being prepared at the early stage of planning for the Garden Community and that the DPD should therefore provide an overarching strategy, to inform more detailed Masterplans, Design Codes and, ultimately, planning applications to follow.

8.3 Therefore, for consistency in approach across the DPD (to assist a future decision maker), and as set out in Latimer's Regulation 19 DPD representations (paragraph 5.1 - 5.3), modifications are requested to GC Policy 3 as per part 3A and 3B of the schedule at Appendix 2 of the SoCUG between the Councils and Latimer. This policy wording seeks flexibility, which Latimer considers to be necessary to allow more detailed matters relating to design criteria, place making principles and Designing out Crime to be addressed within a planning application in due course.

8.4 GC Policy 4 also provides a clear direction as to how a decision maker should react to the development proposal. Whilst the approach to housing density in the DPD is supported by Latimer, as set out above, it would be useful, to inform emerging density proposals and assist the decision maker, for the DPD and evidence base to explain how net/gross density assumptions are calculated, with the support of illustrative examples. This request is as set out at paragraph 11.6 of Latimer's Regulation 19 DPD representations.

8.5 Latimer has no further comment on GC Policy 4 in this respect, beyond the comments made in response to Question 2 above.

For ease of reference, requested wording changes to GC Policy 3 and GC Policy 4 are also included at Appendix 1 of this Matter 4 statement.

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Appendix 1 Requested Wording Changes to GC Policy 3, Place Making Principles and GC Policy 4, Meeting Housing Needs

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

The following amendments are requested by Latimer to GC Policy 3, Place Making Principles

A1.1 GC Policy 3, Part B

'~~must~~' should be replaced with '***will seek to'***

A1.2 GC Policy 3, Part C

all new development (including changes of use) ~~must~~ ***will seek to*** achieve…to do this, detailed design proposals ***will aim to*** ~~must~~…

A1.3 GC Policy 3, Part D

Delete list at part D and add new paragraph:

The development should be designed with regard to user safety and seek to achieve relevant local or national principles relating to safety in accordance with good placemaking and design principles.

A1.4 GC Policy 3, Part E

development ~~must~~ ***will seek*** to achieve…

A1.5 GC Policy 3, Part H

In all cases there will be an expectation that any new development will ***avoid or minimise any conflict between preserving the significance of a specific heritage asset and any aspect of the proposal. It should*** enhance the historic environment or better reveal the significance of the heritage asset unless there are no identifiable opportunities available.

The following amendments are requested by Latimer to GC Policy 4, Meeting Housing Needs

A1.6 GC Policy 4, Part H

The University of Essex has long term plans to expand student numbers and to extend its accommodation provision. 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. The size and specification of any student accommodation will be determined through the Housing Strategy (see Part B) and will be informed by evidence held by the Councils in partnership with the University of Essex.