Tendring Colchester Borders Garden Community Development Plan Document - Submission Version

Statement of Common Ground

Between the University of Essex and Latimer (Tendring Colchester Borders Garden Community) Developments Limited

17 April 2024

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THIS STATEMENT OF COMMON GROUND HAS BEEN AGREED BY:

University of Essex

Signed for and on the behalf of the University of Essex

Name: Nick Davey - The JTS Partnership LLP

Dated: 18th April 2024

Latimer by Clarion Housing Group

Signed:

Name: Luke Cadman – Latimer (Tendring Colchester Borders Garden Community) Developments Limited

Dated: 18th April 2024

1.0 Introduction

1.1 This Statement of Common Ground ('SoCG') has been prepared to identify the areas of agreement between the University of Essex ('UoE') and Latimer by Clarion Housing Group ('Latimer') on matters relating to the Tendring Colchester Borders Garden Community ('TCBGC') Submission Draft Development Plan Document ('DPD').

1.2 This SoCG is provided to inform the Examination into the soundness of the DPD and sets out the areas of common ground between the UoE as a key stakeholder and Latimer, as the controlling land interest and master developer to bring forward the new TCBGC.

2.0 General Matters

2.1 Latimer by Clarion Housing Group is the controlling land interest and master developer for the TCBGC and, along with their appointed planning, design and technical team, are progressing work towards the submission of a planning application in 2024/2025. At the time of writing, the intention is to submit a hybrid planning application for around 7,750 homes alongside employment, cultural, leisure, open space, schools, health and community facilities, retail, the expansion of the University of Essex, including student accommodation and all supporting infrastructure required for a new self-sufficient garden community.

2.2 The UoE contributes significantly to the economy of the East of England and creates over 6,000 direct and indirect jobs. The UoE has large growth objectives up to 2035 and the ability to deliver and support more economic and employment opportunities locally. The UoE is a campus-based institution. The University's main activities are on, or adjacent to, the Campus to the south of the proposed Garden Community. The concentration of activities on, and adjacent to, the Campus defines the character of the University and is critical to the UoE's campus ethos and culture.

2.3 The UoE Campus and existing Knowledge Gateway Research & Technology Park lie on the east side of Colchester, immediately to the south of the proposed Garden Community. The UoE and the existing Knowledge Gateway provide the opportunity to be a major catalyst and key driver of employment growth within and around the new Garden Community.

2.4 The Inspector who examined the Joint Section 1 Local Plan identified the employment opportunities at the adjacent UoE and its associated Knowledge Gateway as one of the factors contributing to the ability of the Garden Community to deliver sustainable development. The Inspector directed that the TCBGC DPD should identify land for University expansion (of a similar size to that which was identified to the south of Boundary Road in the former Colchester Local Plan).

2.5 The Inspector also commented that the necessary provision of land should be made for the expansion of the Knowledge Gateway (paragraph 101, Report on the Examination of the North Essex Authorities' Shared Strategic Section 1 Plan).

2.6 The UoE and Latimer submitted (separate) representations to the Regulation 18 and Regulation 19 DPD consultations, namely in relation to:

1 The proposed location of student accommodation delivery at the TCBGC which is 'encouraged' within the 'South Neighbourhood'; and,

2 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.

2.7 This SoCG includes requested policy and supporting text wording changes (see part 4.0 of this SoCG) agreed between the parties, to assist the Inspector.

2.8 Both parties are in agreement on these key matters and remain committed to joint working moving forward.

2.9 This SoCG should be read alongside the Regulation 19 DPD representations of both Parties and is made without prejudice to the participation in the Examination of either of the parties and the views that may be expressed.

3.0 Areas of Agreement

Policy and Evidence Base

3.1 The Section 1 Local Plan allocates the TCBGC 'Broad Location' and sets out the Strategic Policies and the overarching requirements and expectations in Policies SP8 and SP9. The Broad Location (Figure 10.2 of the Section 1 Plan) includes land south of the A133, but not the existing University Campus itself. The Section 1 Plan requires that a DPD is prepared for the Garden Community, containing policies setting out how the new community will be designed, developed and delivered in phases in accordance with the principles set out in the Section 1 Plan.

3.2 A key principle for the TCBGC established in the Tendring District Council ('TDC') and Colchester City Council ('CCC') Shared Section 1 Plan 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).

3.3 Policy SA EC7 'University of Essex Expansion' of the 2010 Site Allocations document includes the following allocation for 'University Purposes':

"Permission will be granted for academic expansion within the area denoted by University Purposes on the Proposals Map provided that it relates satisfactorily to its setting on the edge of the built up area of Colchester. Proposals within the existing campus will be acceptable providing they have full regard to the landscape setting and nature conservation interests. All proposals for development will need to include the following information…"

3.4 The Councils' 'Land South of A133 & University of Essex Expansion' Topic Paper (TP3) indicates this land measured 11.5 Ha, situated to the east of the railway and River Colne.

3.5 The Site Allocations document also allocates 11.8 Ha 'University Research Park ('The Knowledge Gateway')' for *"Development expected to support development of the University of Essex as a key centre for Research and Development" and "Future uses to be closely connected with the University and to provide some Business Incubation Units".*

3.6 Page 8, paragraph 4.10 of document EB16, 'TCBGC – Review of University of Essex Land Requirements', prepared by Wisher Consulting as evidence base for the DPD, states that:

"*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",* 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).*

Land South of A133 Topic Paper

3.7 This section refers to the Councils published Topic Paper entitled 'Land South of A133 & University of Essex Expansion' dated February 2024 (document 'TP3' in the examination library).

3.8 Whilst UoE and Latimer will be commenting on specific areas of TP3 separately in their written statements to the Inspector's Main Matters, the following relate to both parties:

1 On page 5, paragraph 2, reference is made to "conflicting positions" between UoE and Latimer with regard to the allocated land use to the Land South of the A133. This is not the case, both parties are aligned, as set out in this SoCG between the parties.

2 The commentary of the evidence base within the document, including summary of the Wisher Consulting report (EB16), does not correctly reflect the UoE's student accommodation needs, and where these needs must be accommodated. The agreed position between the parties is set out in this SoCG.

3 The Wisher Consulting report and summary in TP3, fails to distinguish between the 'priority student' accommodation needs vs 'returning' student accommodation needs. This failure to distinguish has led to misinformed decisions being made by the Council in setting out the draft DPD policy. For the avoidance of doubt, the UoE stated need is clearly set out in this SoCG and its Regulation 19 Representations.

4 TP3 does not appear to contest the need for student accommodation and expansion by the UoE, but it does not offer a solution via the DPD, beyond that 'some' student accommodation should be provided within the southern neighbourhood of the Garden Community. This is not a sustainable solution and the UoE and Latimer's joint position on this is included in this SoCG.

5 TP3 refers to the Wivenhoe Coalescence Break (WCB) in the adopted Wivenhoe Neighbourhood Plan (WNP). Whilst the WCB does not extend beyond the Colchester City Council statutory boundary (which runs along the B1027 Brightlingsea Road and B1028 Colchester Road), the image at Appendix 1 of this SoCUG, prepared by Latimer, demonstrates that a consistent WCB would still be accommodated should built development of land south of the A133 (including for Student Accommodation) be facilitated within the DPD, with at least a 530m gap maintained even with Wivenhoe's own Village Extension areas considered.

UoE Growth Objectives

3.9 For the UoE to achieve its growth objectives, it needs to provide the requisite level of academic, teaching and research buildings, student accommodation, leisure and recreation facilities. Student accommodation need will support and drive UoE growth.

3.10 As set out in the UoE's Regulation 19 representations, the UoE's growth requirements for student accommodation by 2035 are as follows:

- c. 4,500 'priority' additional student bedspaces (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 land.

- c. 5,500 additional bedspaces for 'returning' (i.e. all other) students. This requirement will be provided by the private sector (converted dwellings and PBSA schemes) in Colchester and Tendring districts.

3.11 The existing UoE Campus covers circa. 70 hectares, but much of it is constrained and not suitable for development. A number of constraints exist, including:

1 The eastern section of the Campus is adjacent to a protected park (Wivenhoe Park) with five listed buildings/structures. The City Council also aims to preserve a buffer strip, of up to 150m in depth, adjacent to the Park in order to protect its setting;

2 The central and western parts of the Campus lie on the eastern slope of the Colne Valley. The land slopes steeply from east to west meaning that there are limited areas of relatively level land that can be developed. The City Council further seek to protect the Colne Valley landscape character and ensure that any new buildings are not seen above the existing tree line from the west bank of the Colne Valley;

3 The western part of the Campus comprises former parkland of Wivenhoe House; and,

4 Land to the west of the Campus, which is owned by the University, lies within Flood Zones 2 and/or the Coastal Protection Belt.

3.12 As a result, the potential to develop significant new buildings within the Campus to facilitate the UoE's growth ambitions is limited.

3.13 The UoE anticipate that c. 1,000 student bedspaces could be provided in the existing University campus; however, there is a need for the remaining c. 3,500 bedspaces to be provided on land adjacent to the campus, to the south of the A133, within the Garden Community. There is a benefit to student accommodation being provided in a single location to provide a 'critical mass' enabling the priority students to share facilities and establish a community. The most recently developed UoE student accommodation at 'The Meadows', 'The Pastures' and 'The Copse', all of which lie outside of, but adjacent to, the existing Campus (as it is identified in the Colchester Local Plan 2017 – 2033 Section 2 Policies Map), are successful in this way.

Priority Student Accommodation

3.14 It is not possible to meet the future full requirement for priority student accommodation on the existing UoE Campus or on other land owned by the University. Latimer and the UoE agree it would not be appropriate for the c. 3,500 priority student bedspaces to be located within an existing or proposed residential neighbourhood, and that the logical and optimal place to provide these priority bedspaces is to allow UoE to extend their campus and provide them all in a single location on land south of A133 adjacent to the existing campus, because:

1 There is a need for the UoE to maintain and promote a Campus culture and ethos as explained above, which is intrinsic to the UoE which is a campus university.

2 The 'priority' student bedspaces are for first year students as well as disabled students and international students (in any year) who benefit from the safety of university-provided accommodation and the accessibility of living close to where they will be studying, rather than being located to the north of the UoE campus, across the A133 which is currently a busy main road.

3 Delivering the required quantum of bedspaces north of the A133, in the Southern Neighbourhood (as the DPD currently encourages) would severely compromise the ethos of this neighbourhood which is expected to deliver 3,000 – 3,500 homes in total. This would compromise the ability to deliver a mixed and balanced community, tipping the balance to be over half of the overall total number of dwellings at the Garden Community.

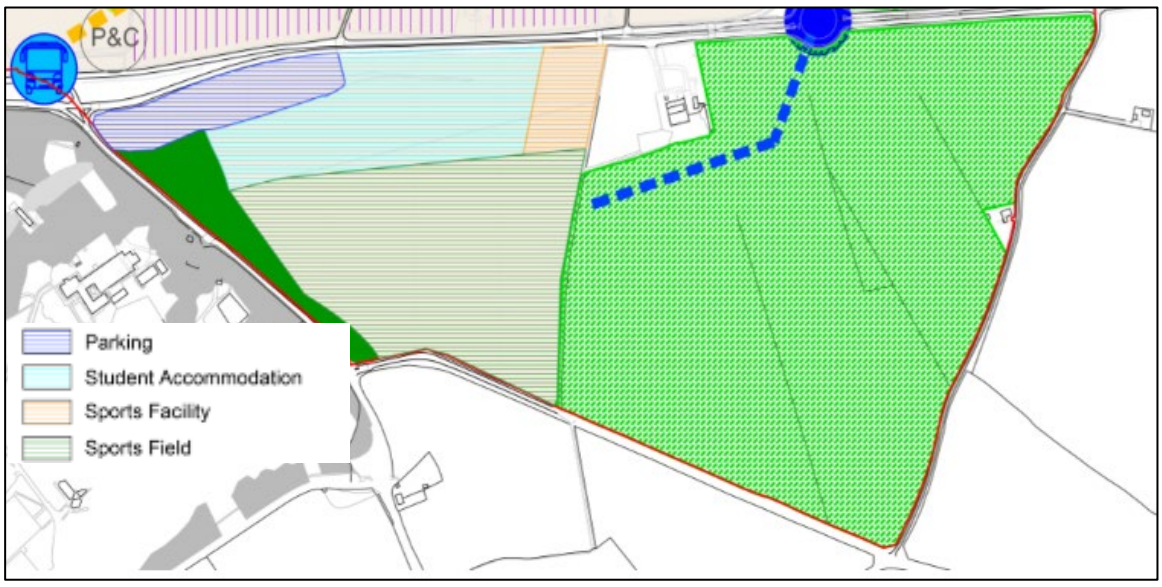
4 UoE priority bedspace student accommodation must provide other essential services for these types of students, including mental and physical healthcare support, financial support services, socialising opportunities and security. These are more effectively delivered in a safe campus environment.

5 Whilst some returning students will live within the neighbourhoods (through renting or buying a home), Latimer has significant concerns that the purpose built priority student accommodation c.3,500 priority bedspace demand cannot be provided within the Neighbourhoods without significantly impacting housing delivery. This will further impact the delivery of supporting infrastructure and placemaking objectives.

3.15 Instead, land to the south of the A133, as currently identified in the submission version of the DPD for 'University Expansion' is considered by the parties to be the most appropriate location within the TCBGC boundary to deliver priority purpose built student accommodation. However, the DPD currently shows this land as 'University Expansion' for a Sports and Leisure Park and a Park and Choose site only.

3.16 Joint capacity testing for this part of the site between Latimer and the UoE indicates that, subject to further detailed design, c. 3,500 priority student bedspaces could be delivered on land south of the A133, alongside required sports provision and a park and choose/car parking. An extracted and annotated overlay of the Draft Submission DPD Policies Map is shown at Figure 1 below:

Figure 1 – Latimer and UoE initial capacity testing, University Expansion Land - South of A133



3.17 This would meet the UoE's needs for priority students in an expanded Campus south of the A133, create a more equal relationship between the north and the south sides of the A133 in terms of place making, and enable opportunities for ongoing links between the University and the TCBGC.

3.18 It is proposed that a limited part of the future need for *returning* students, could be met through private sector developed student accommodation within the Garden Community, adjacent to the Knowledge Gateway expansion.

3.19 Crucially, the proposed approach would allow the UoE to meet its growth projections and meet the needs for new student accommodation, but not compromise the ability for the TCBGC as a whole to meet expected residential capacities, Garden Community Principles and its overall placemaking objectives.

3.20 The Wisher Consulting report (paragraph 4.19) considers *'it is not essential that new student accommodation is developed solely in one location'*. It suggests that development split across a number of locations could work. The UoE's and Latimer's response to this part of the assessment is set out in Table 1 below.

Table 1 – Response to Wisher Consulting Report TCBGC – Review of University of Essex Land Requirements (para 4.18)

Wisher Consulting Report para 4.18		**UoE and Latimer response**
4.18 bullet point 1	"North of the A133 within the Garden Community. This is not favoured by the University but the growth of both new transit nodes and new local centres within the Garden Community could present opportunities to develop student accommodation. This review notes the predicted growth in postgraduate student numbers, and bespoke accommodation tailored to this growth sector in particular could work north of A133"	For the reasons set out above in this SoCG, paras 3.9 – 3.13, some limited allowance for returning students could be delivered in the South Neighbourhood of the TCBGC, but it is not appropriate to deliver any priority bedspaces (c.3,500 spaces), which need to be on an expanded campus with seamless connection to the existing campus.
4.18 bullet point 2	"South of the existing campus. This is land outside the Garden Community and has status as a previously identified location of growth for the University (it was an unused historic allocation and subsequently removed in the current Local Plan, replaced by protections within the Wivenhoe Neighbourhood Plan). It remains a logical location for additional student accommodation but would need to be considered/accommodated by future reviews to the Local/Neighbourhood Plan."	Land to the south of the existing campus (south of Boundary Road) was previously allocated for UoE expansion but was removed by the LPA before adoption. Development on this land would extend further towards Wivenhoe, which is not supported by the Wivenhoe Neighbourhood Plan or Parish in order to maintain a gap between the two settlements.

4.18 bullet point 3	"Further development of the Hythe area for student accommodation, and possibly elsewhere across the Colchester urban area within close proximity to the campus."	As set out in this SoCG, the UoE is a campus-based institution. The requirements for c.3,500 'priority' student bedspaces are specific and could not be met in the Hythe area. The University's main activities are on, or adjacent to, the Campus. The concentration of activities on, and adjacent to, the Campus defines the character of the University and is critical to the UoE's campus ethos and culture. Land within the Hythe area is in multiple ownership and it is not considered conceivable for the University to be able to realise development of student accommodation in this location.
4.18 bullet point 4	"East of the B1028 and south of the A133. If all options north and south of the existing campus are exhausted, then land to the east of the campus could prove to be a location for future student accommodation growth subject to continued evidenced expansion needs – although this is likely to be more remote from the existing campus and the likely Garden Community local centres so is not considered the most suitable location"	As set out thoroughly in this SoCG, the land to the south of the A133 and east of the existing UoE campus is considered to be the most suitable and viable location for expansion (particularly recognising the constraints to the South of campus and the Hythe) to meet the need for priority student accommodation and associated facilities.

Knowledge Gateway

3.21 The general location identified for the Knowledge Gateway expansion to the north of the A133 within the submission draft DPD Strategic Masterplan is considered to be acceptable by the parties.

3.22 Latimer is seeking to provide 8Ha of Employment Land as proposed in the submission draft of the DPD, alongside additional non-residential supporting uses to the north of the A133. This larger parcel of non-residential land would benefit from co-location with the existing Knowledge Gateway Research & Technology Park and proximity to the existing University of Essex campus and the opportunities this offers. If this could be achieved, it would provide the flexibility to grow knowledge-based employment in this location alongside supporting uses, without putting development pressure on the wider Garden Community and undermining housing and other supporting infrastructure provision. This approach is more closely aligned to the Section 1 Plan (see paragraph 3.2 above), which committed to delivery of 11.8 Ha of knowledge based employment land in the future TCBGC.

4.0 Requested Modifications to the DPD

4.1 Both parties seek to amend the DPD to provide options for and flexibility in the location of purpose-built priority student accommodation at the TCBGC. Both parties agree that the DPD should be worded to not rule out other suitable accessible locations for student accommodation other than the 'South Neighbourhood'. It is a shared position that delivery of purpose-built priority student accommodation within the University Expansion land (south of the A133) would support the creation of a vibrant and viable campus environment in the future, whilst not undermining traditional housing delivery in the main garden community neighbourhoods.

4.2 The following amendments are agreed and requested to the DPD. Text proposed to be inserted is **bold and underlined.** Text proposed to be removed in ~~strikethrough~~.

GC Policy 1 'Land Uses and Spatial Approach'

4.3 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."*

4.4 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'. Thi~~s~~* ***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'."

GC Policy 4 'Meeting Housing Needs'

4.5 Part H Student Accommodation

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.

Policies Map

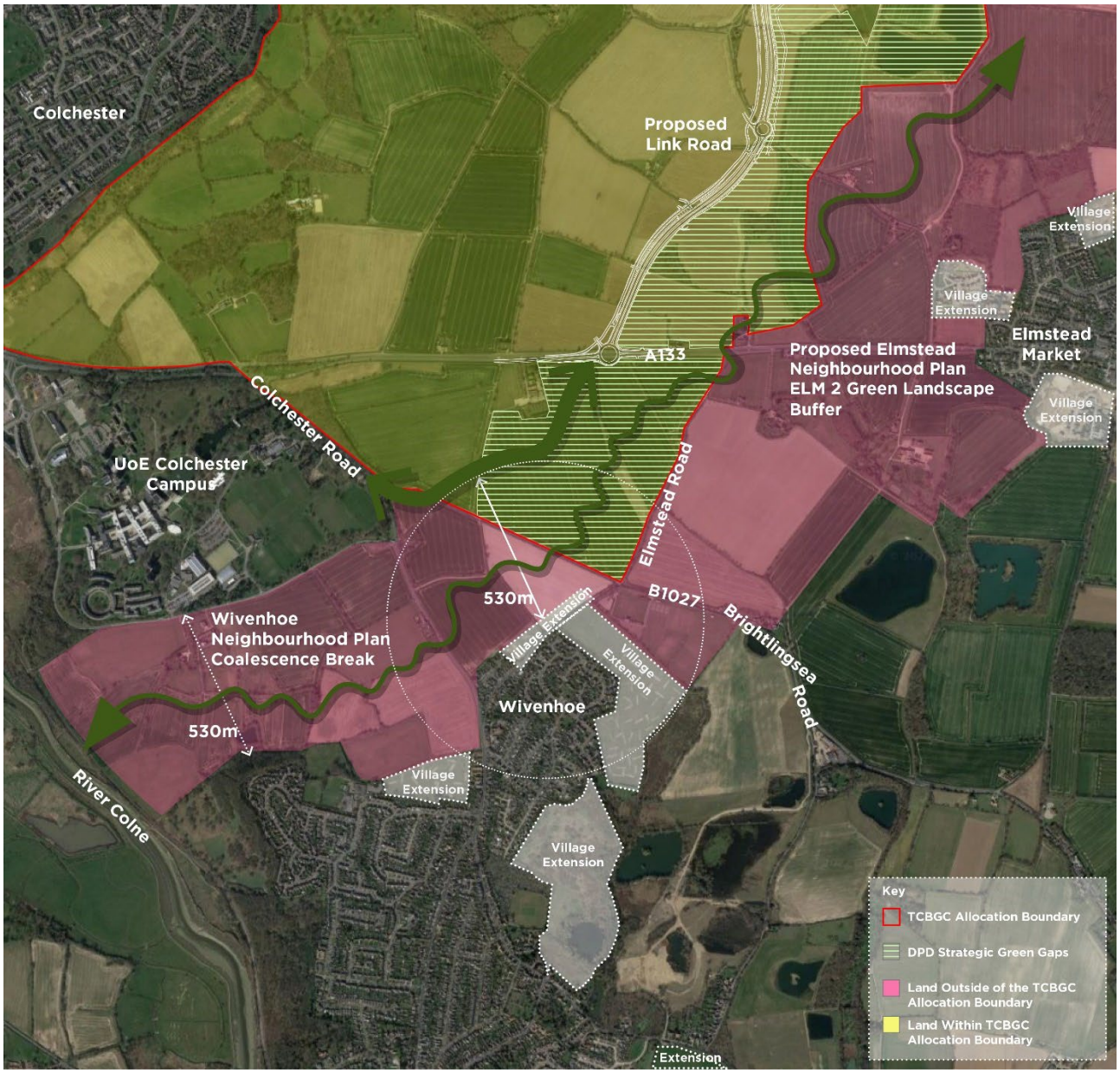
4.6 Requested amendments to the key (Figure 2, page 28 and page 142 of DPD):

- ~~Sports & Leisure Park~~: **University of Essex Expansion:** General location of **university expansion land and community facilities such as** sports pitches, parkland, potential site access and parking
- ~~Sports and Leisure Park:~~ **University of Essex Expansion: General location of university expansion land and community facilities including** buildings (potential Park & Choose, **Student Accommodation and University ancillary facilities,** Sports Facilities)

Strategic Illustrative Framework Masterplan

- Requested amendment to the key (page 19 of the DPD):
- ~~Sports and Leisure Park~~ **'University of Essex Expansion and community facilities'**

4.7 Both UoE and Latimer agree this topic goes to the Soundness of the DPD.

4.8 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.

Appendix 1 Diagram showing coalescence break to Wivenhoe, prepared by Latimer