

Boyer

Hythe Quay, Colchester

Colchester City Council Preferred Options
Local Plan Regulation 18 Consultation 2025

REPORT CONTROL

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1. INTRODUCTION

- 1.1 These representations have been prepared by Boyer on behalf of Mr J. Smith and Mr M. Smith in response to the Colchester City Council Preferred Options Local Plan Regulation 18 Consultation 2025.
- 1.2 These representations make specific reference to Land at Hythe Quay, Colchester. The site is being promoted for future development of residential and commercial use, and these representations relate to the overall strategy proposed in this emerging Local Plan and the development potential of this site. Land at Hythe Quay represents a sustainable location for development and is considered a logical addition to Hythe Quay that is capable of providing residential development to assist in meeting the housing needs of Colchester City Local Plan area. We have included a site plan in Chapter 3.
- 1.3 Land at Hythe Quay has not previously been promoted through the Local Plan rounds of engagement but the Preferred Options consultation provides opportunity to promote the site for inclusion in the upcoming Local Plan. Overall, these representations demonstrate the site should be allocated for development and aligns with the Council's draft strategic objectives and vision, delivering sustainable development in the Colchester City Council area.
- 1.4 Whilst it is not possible to comment on the soundness of the Plan at this early stage, as the Local Plan Review progresses it will need to be prepared in accordance with the National Planning Policy Framework including whether the plan is:
 - a. Positively prepared;
 - b. Justified;
 - c. Effective; and
 - d. Consistent with National Policy.
- 1.5 These representations provide our response on behalf of Mr J. Smith and Mr M. Smith to the Preferred Options Local Plan and evidence base and reflects the chronological order of the documents and chapters contained within. Chapter 2 of this document includes our comments on the Local Plan Preferred Options document, with Chapter 3 providing an overview of Land at Hythe Quay including the suitability for development and any opportunities that the development can bring.

2. PREFERRED OPTIONS LOCAL PLAN

Chapter 2 – Vision and Approach to Local Plan

Vision and Objectives

- 2.1 The Vision is central to the overall success of the Local Plan as it needs to be ambitious yet show how developments can come forward over the plan period to contribute to meeting the aims and objectives of the plan. Without a clear vision it is difficult for decision makers to understand the overall purpose of the plan and how proposals contribute to sustainable development.
- 2.2 It is considered that the Vision proposed within the Regulation 18 document is realistic in its focus to embrace growth opportunities through sustainable and inclusive communities. Supporting text at paragraph 2.20 states the Vision will be achieved through communities which will have a varied mix of housing to meet the needs of all, and a range of jobs that support a strong local economy, and this is supported.
- 2.3 The Vision outlined in the box at paragraph 2.19 is then followed by a series of text to provide greater detail on what Colchester will endeavour to be by 2041. Given the use of the Vision is to be prescriptive of how the Local Plan will be achieved it has some ambitious objectives that have taken into account stakeholder opinions.
- 2.4 Tying the themes and objectives together has set the precedent of a cohesive vision. We agree in principle with the four themes of the Local Plan.

Healthy, vibrant and diverse places

- 2.5 We recognise the importance of protecting Colchester's unique character and rich heritage, as well as enhancing the quality of the natural environment. It is considered important that the Council also note the role that new housing development can bring to creating healthy, vibrant and diverse places. An allocation of the site at Hythe Quay would provide for high quality homes to enhance the character of the area through a positive approach to regeneration.

Sustainable

- 2.6 To deliver sustainable development, the Local Plan will need to ensure that the necessary infrastructure is provided for and delivered over the Plan period. The Council acknowledges the need for existing facilities and infrastructure to be improved and seeks to facilitate the delivery of sustainable energy and address greenhouse gas emissions.
- 2.7 Infrastructure comes in many forms over the plan period, but the Local Plan will need to be clear as to the priorities and what type of infrastructure is needed in a specific location at a specific time. By identifying these priorities and being clear about needs, capacity and expectations, the Council, and service providers, as well as the development industry can be held accountable for the decision made.
- 2.8 It is important that the Council acknowledges the role of service providers such as water companies, healthcare providers, education sector, and highway authorities within the

objectives, although this will need to be translated into site specific policies and overall delivery to ensure the viability of developments is delivered.

Welcoming Inclusive Communities

- 2.9 We agree with the thrust of this theme, and acknowledging the need for new homes is vital. The Council needs to actively promote sites for residential development in all sustainable settlements across the plan area in order to provide greater choice and flexibility and maintain delivery. The regeneration of areas and sites helps to support communities and encourages a range of uses to come forward over the plan period.
- 2.10 The theme also acknowledges the need for housing for all, including affordable housing and those on lower incomes. The priority to meet these varied needs is understood and will be important for the Local Plan through policies and site allocations to clearly demonstrate how all these needs will be met over the plan period in a positive and meaningful manner.

Chapter 3 – Strategic Policies

Policy ST1: Health and Wellbeing

- 2.11 We are supportive of the spatial principles set out in Policy ST1. It is acknowledged that developments be designed to provide healthy lifestyle opportunities for residents and communities.
- 2.12 It is noted that the requirement for a Health Impact Assessment is now to be triggered at 50 dwellings, whereas the current adopted Policy DM1 has a trigger of 100 dwellings. It is unclear as to the reasoning for the change in threshold and the requirement for developments which are smaller in quantum now being required to prepare a Health Impact Assessment. As currently drafted, the justification for this change is unclear and further detail should be set out in future drafts.
- 2.13 Given Hythe Quay's site location and proximity to existing services in Colchester City Centre, the site presents itself to be in line with parameters set by Policy ST1 and has the opportunity to support the health and wellbeing of that area through regeneration and renewal of the area.

Policy ST2: Environment and the Green Network and Waterways

- 2.14 We agree with the principle of this policy that proposals should conserve and enhance Colchester's natural and historic environment and encourage proposals to deliver high quality open spaces.
- 2.15 Sites such as that at Hythe Quay which are previously developed land have the opportunity to enhance the natural environment, but requirements need to be realistic to ensure that proposals are viable and deliverable.
- 2.16 Policy ST2 needs to be balanced against the other objectives within the Local Plan such as meeting residential and commercial needs and should acknowledge that sites which are previously developed land may have to take a different approach to the Green Network and Waterways Guiding Principles.

Policy ST3: Spatial Strategy

- 2.17 The spatial strategy sets out the place-based approach for how growth will be guided across Colchester to 2041, Policy ST3 and supporting text outline the Local Plan is to deliver sustainable growth across the Plan area during the plan period. We are generally supportive of the spatial strategy set out in Policy ST3. It is important that developments are located in the most sustainable locations, and to prioritise locations which have existing and planned infrastructure.
- 2.18 The Settlement Hierarchy identifies the Hythe Opportunity Area as a high order location for growth which is welcomed. The Hythe Area provides significant opportunities for high quality development to come forward in a sustainable location which is supported.
- 2.19 The plan period to 2041 is noted. According to the latest LDS, published March 2025, the emerging Local Plan is to be adopted by mid-2027. We are concerned that with this timescale, once adopted the Plan will fall short in meeting the minimum requirement of 15 years as outlined within paragraph 22 of the NPPF (2024). It is therefore considered that in the Regulation 19 consultation the Council should seek to extend the proposed plan period to at least 2042.
- 2.20 By taking a positive and proactive approach to delivering across the Plan period, the Council is able to ensure that the plan is robust, credible and fit for purpose and has the opportunity to deliver more housing and growth opportunities across Colchester to meet local identified needs, and in particular affordable housing needs. Seeking to adopt a plan which fails to meet the minimum 15-year requirement will result in growth and investment being limited unnecessarily in Colchester which is detrimental to the towns and local communities across the Council area.
- 2.21 Extending the plan period, also allows further years of development and growth to take place and provides a greater buffer in terms of housing numbers. The extension of the plan period creates the need for approximately 2,600 additional dwellings within the Council area. As a key growth area, Hythe Quay is an appropriate location to accommodate a proportion of this growth.

Policy ST5: Colchester's Housing Need

- 2.22 It is welcomed that the Council has used the Government's Standard Method in calculating the need for housing to derive the housing requirement for the period to 2041.
- 2.23 Using the Standard Method, results in a need for dwellings within the current Plan Period (to 2041) and 1,300 dwellings per annum (20,800 in total), although it is noted the Council identify additional dwellings proposing 21,106 in total across the plan period. This is welcomed, however is only considered to be a fairly limited increase and we encourage the Council to plan for a greater number of homes to ensure a positive land supply can be demonstrated.
- 2.24 The Council includes an allowance for windfall sites within its supply, while this allowance appears reasonable it is not guaranteed, and with only a limited oversupply proposed we are

concerned that Policy ST5 may not deliver the quantum of housing required in order to meet housing needs.

- 2.25 Land at Hythe Quay is capable of delivering residential accommodation in a sustainable location and this is acknowledged by the Local Plan in Policy PP14. PP14 however covers a variety of sites, each with different current uses, different landowners and aspirations.
- 2.26 Taking a more positive approach to the site and identifying it as a specific allocation (not combined with other parcels) will enable the Council to plan for additional dwellings and provide greater flexibility in terms of overall housing numbers to significantly boost housing land supply across Colchester.

Policy ST7: Infrastructure Delivery

- 2.27 The need for infrastructure to be provided in a timely manner alongside growth and development is fundamental to achieving sustainable development and the Regulation 18 document correctly identifies that. Paragraph 3.65 of the Regulation 18 document provides broad categories of relevant infrastructure, and we are broadly supportive of the types outlined but also acknowledge that each community across Colchester is unique and will require different provision at different times over the plan period.
- 2.28 In order to judge the effectiveness of policies in a Local Plan, the requirements of service providers such as education, transport, health, leisure and utilities need to be understood in order to make a balanced judgement as to what will be required alongside the growth opportunities identified.
- 2.29 Paragraph 3.67 of the Regulation 18 document confirms that the Council will continue to seek developer contributions through Section 106 and may consider the introduction of a Community Infrastructure Levy. Although we broadly support this approach, the Local Plan needs to provide an indication as to the level of Section 106 that may be requested for different types of development in different parts of the plan area. Without this clarification, the Council's Viability Appraisal is flawed because assumptions used in relation to Section 106 may not be accurate and therefore could be under or over stating requirements that need to meet the tests for planning obligations.

Policy ST8: Place Shaping Principles

- 2.30 We recognise the importance of a policy ensuring good quality design is achieved by proposed developments. Having a policy that sets design requirements will enable developers to fully understand what is needed to achieve a well-designed settlement for Colchester.
- 2.31 However, wording and content of the policy is reiterated in other policies both at a local and national level. As stated in the alternative options there is adequate wording supplied in the National Design Guide and Essex Design Guide. It is therefore considered that a repeated policy creates uncertainty, and the policy is not justified or effective in its current form.

Chapter 4 – Environment

Policy EN2: Biodiversity Net Gain (BNG) and Environmental Net Gain

- 2.32 The Council have outlined that development proposals must deliver a minimum of 10% BNG in accordance with national legislation and that this should be delivered onsite.
- 2.33 We acknowledge the policy provision and how this aligns with the statutory requirement and welcome the opportunity for units to be provided offsite and targeted to locations within the Colchester area as detailed within Policy EN2.
- 2.34 The delivery of BNG in accordance with national legislation and requirements is welcomed and provides certainty for developers and applicants as to the Council's expectations.

Policy EN3: Biodiversity and Geodiversity

- 2.35 Policy EN3 focuses on the ecological information which the Council requires in support of development proposals. We agree with the need to provide relevant information and detail in relation to ecology but suggest that Policy EN3 takes into account the time scales for determining applications and how that can interact with the necessary survey windows and times for assessments throughout the year.

Policy EN8: Flood Risk and SuDS

- 2.36 Policy EN8 seeks to direct development away from land at risk from flooding in line with national requirements. It also requires that Sustainable Drainage Strategies are to be prepared in a meaningful manner to support development proposals. We agree that development should mitigate and adapt to flood risk.
- 2.37 It is welcomed that Policy EN8 provides for a variety of different measures and will enable developments to take a site specific and case by case approach to water management on the site. Support for the use of Multifunctional Sustainable Drainage Systems that ensure efficient use of land is welcomed.
- 2.38 Land at Hythe Quay is located within flood zone 2 and 3. Whilst there are sequential test reports that need to be carried out at the site to determine an appropriate development area on site. We are positive that if collaborated with the Council appropriate mitigation measures can be identified for the site, in line with similar precautions taken at Hythe Quay.

Chapter 7 – Net Zero Homes and Buildings, Renewable Energy and Water

Policy NZ1: Net Zero Carbon Development (in operation)

- 2.39 We acknowledge the Council's commitment to meeting Climate Targets and working towards being net-zero by 2050 and agree it is important that the Council ensure that new development is future-proof and sustainable, in line with current national guidance and policy. The Council emphasise that more energy efficient measures, net-zero homes and recycled materials are necessary to meet the climate goals.
- 2.40 However, we believe that policies relating to climate change should not be overly prescriptive and should not apply a blanket approach to additional climate adaptation on all new

developments, as this can render developments unviable. We acknowledge the policy has attempted to do this using the table matrix of sites meeting requirements of varying levels.

- 2.41 We query whether the policy will allow for viability assessments to be submitted with development proposals to demonstrate that some of these measures are not feasibly possible at specific sites.

Chapter 8 – Homes

Policy H1: Housing Mix

- 2.42 Policy H1 details the preferred mix of housing that the Council evidence dictates. The Council has prepared the Colchester Local Housing Needs Assessment and the findings of that are detailed within Policy H1.
- 2.43 As the plan preparation continues, we are concerned that the evidence on which this policy is based will be considered out of date and therefore may not be appropriate over the medium to long term stages of the plan period.
- 2.44 The Housing Needs Assessment, published in 2024 may be considered to be out of date at the point of adoption (currently anticipated Spring 2027) and it will not be justified and effective as time passes without further updates.
- 2.45 Policy H1 should be amended to ensure that it is seen as a starting point for considering proposals and not be an absolute guide on the mix of dwellings to be provided. We are concerned that decision makers will use the details in H1 in a strict manner which would fail to respond to changing circumstances and needs over the plan period.
- 2.46 Further amendments to the policy are also required to reflect that not all sites will be capable of delivering the mix outlined. Sites within the City Centre or regeneration areas will clearly be targeted at accommodating the needs of different markets, whereas greenfield sites in the rural parts of the area will be targeted at alternative parts of the market.
- 2.47 Policy H1 should introduce greater flexibility to ensure that sites in different parts of the area can come forward in a meaningful manner which balance development viability, efficient use of land and have a realistic chance of being delivering sustainable development.

Policy H2: Affordable Housing

- 2.48 The Council's approach to affordable housing and the requirement for this is detailed in Policy H2 and we acknowledge that a mix of residential types and tenures is required across Colchester.
- 2.49 The Council currently seek 30% affordable housing provision, and it is welcome that this requirement is being maintained in the emerging policy.
- 2.50 It is also welcome to see that subject to viability, the level of affordable provision on sites can be reviewed which is of particular relevance on sites which are previously developed land.

Policy H3: Student Accommodation

- 2.51 Policy H3 focuses on Student Accommodation and that it will need to be located in and around the University.
- 2.52 Hythe Quay is well related to the University, and many adjacent sites have been developed for purpose built student accommodation to meet current and future needs.
- 2.53 Based on this, we are concerned as to how the Council will judge what is or what is not “an excessive concentration of student accommodation” as outlined in Policy H3(d). Supporting text in paragraph 8.21 details that the Council consider there are sufficient bedspaces available to meet identified need to 2028 but as that will be around or shortly after the Local Plan is adopted, we question how needs will be judged post 2028.
- 2.54 It is positive that the Council have included a policy on Student Accommodation within the consultation document, but further clarity is required as to how this will be implemented so that landowners can consider opportunities on sites such as Hythe Quay which is well related to the University.

Chapter 9 – Economy**Policy E1: Protection of Employment**

- 2.55 The Local Plan has a key role to play in ensuring that economic development and commercial opportunities are supported, retained, enhanced and encouraged over the plan period.
- 2.56 Policy E1 clearly outlines that land and premises currently in employment use will be safeguarded to protect and enhance employment provision in Colchester. The policy also outlines the requirements should proposal for redevelopment or change of use come forward over the plan period.
- 2.57 Although the principles within the policy are supported, we question how this would be implemented in practice. For example, the land at Hythe Quay is an existing employment site, but if it was to be redeveloped (in accordance with PP14, or a subsequent site specific allocation policy), the loss of employment floorspace, economic activity and job retention would need to be taken into account and justified to accord with Policy E1.
- 2.58 In instances such as Hythe Quay and the potential for this site to be redeveloped from economic uses to residential uses, Policy E1 will require evidence of marketing for a period of 12 months which would be a pointless exercise when the landowners are seeking to bring forward the site in accordance with another policy in the Local Plan focused on regeneration and residential development opportunities.
- 2.59 Although the principal of supporting sites which are currently in employment use and seeking to retain these across Colchester, the policy as written raises questions on internal conflict and the Council will need to consider how policies operate in conjunction to secure the overall objectives of the plan and deliver sustainable development in Colchester.

Chapter 11 – Place and Connectivity

Policy PC2: Active and Sustainable Travel

- 2.60 We support the Council's commitment to encourage active and sustainable travel. However, we are concerned with commitments to achieving the criterion needs to be reasonable to ensure that a site is deliverable and achievable. Having the needs be balanced against the role that different locations across Colchester play and the merits for each.
- 2.61 Hythe Quay has been identified by the Council as an area of growth. We acknowledge there are established transport links including access to the A134, bus routes, and Hythe Train Station as well as established pathways that link the site to the surrounding facilities. The site at Hythe Quay is well placed to connect to utilise these transport connections.

Chapter 12 – Place Policies

Policy PP14: Gas Works and Hythe Scrap Yard Site, Colchester

- 2.62 Site specific allocation PP14 covers a variety of land parcels and sites that are adjacent to one another, but we are concerned that it will be very difficult for the policy to be truly delivered in a meaningful manner due to the land ownership arrangements and no mechanism within the policy for the site to come forward in a piecemeal manner.
- 2.63 We are supportive of the allocation of land at Hythe Quay for residential development and would welcome further engagement with the Council to develop a site specific policy to guide the future development of the site. The site is a sustainable location and is capable of delivering residential accommodation to support the housing needs in Colchester.
- 2.64 However, as a current employment site, any site specific allocation at Hythe Quay will need to respect and address the commercial activities that would be displaced should a residential development be proposed on the site.
- 2.65 Hythe Quay has direct access onto the highway and benefits from the connectivity through sustainable transport opportunities. Linkages to the public rights of way network can be achieved to enhance the connectivity and accessibility of the area. Other requirements currently within PP14 such as infrastructure requirements, utility capacity and design at an appropriate density can all be achieved at Hythe Quay.

3. LAND AT HYTHE QUAY

3.1 Land at Hythe Quay that is in the ownership and control of our clients is located within a highly sustainable location with good access to public transport connections along with a range of services and facilities.

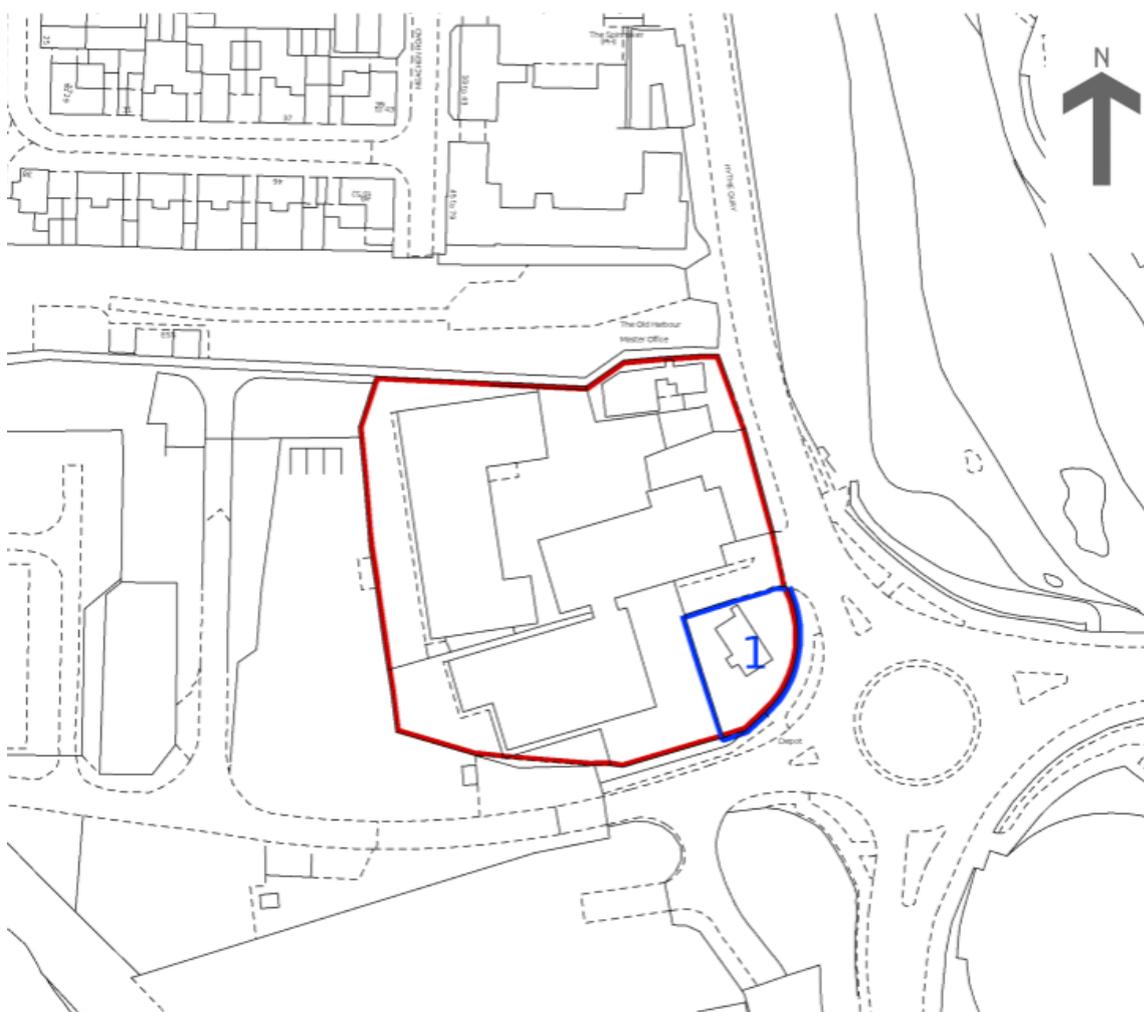


Figure 1 - Site Location of Land at Hythe Quay

- 3.2 Land at Hythe Quay benefits from access to a number of local amenities including bus routes and bus stops accessible within a 1-5 minute walk from the site, Hythe Train Station and several schools ranging from nursery to higher education are accessible within walking distance from the site, together with several supermarkets and other shops in the nearby area that can meet every day needs of future residents.
- 3.3 The Council has had a long standing programme of encouraging regeneration and renewal within the Hythe and seeking opportunities to improve the links between the City Centre, the Hythe and the University. We are pleased to see this objective is being continued within the emerging Local Plan and support the Council with that.
- 3.4 Land at Hythe Quay is an established employment site with commercial activities operating on the site for an extended period of time. At the time of writing the site is active and

provides employment opportunities for approximately 74 persons through a variety of full time and part time roles.

- 3.5 The ambition to redevelop the site for residential uses as outlined in Policy PP14 is welcomed but as detailed above, we have concerns as to how the site specific allocation will be delivered based on a variety of land owners, access points, mixture of active and dormant sites and overall challenge of coordinating the combined proposals.
- 3.6 Our suggestion is that individual parcels aligned to land ownerships are identified as standalone site specific allocations. An overarching policy could cover the multiple parcels and applicants will need to demonstrate how they align with the ambition and vision for the site, but this will allow individual sites to come forward in a timely and meaningful manner.
- 3.7 Without a standalone policy to guide the development of an individual parcel the landowner has no certainty as to the expectations, requirements and value of their site and therefore it is unlikely proposals will come forward.

Summary

- 3.8 The opportunity to develop this site is achievable in the early part of the plan period and the land is available.
- 3.9 It is therefore proposed that Colchester City Council considers allocating this deliverable site, with the distinction between landowners being amended, in the Colchester Local Plan to assist in meeting their housing targets.

4. CONCLUSION

- 4.1 Boyer has prepared these representations on behalf of Mr J. Smith and Mr M. Smith in response to the Preferred Options Local Plan Regulation 18 Consultation undertaken by Colchester City Council.
- 4.2 These representations are made with respect to the promotion of Land at Hythe Quay. Mr J. Smith and Mr M. Smith envision that the site will deliver a well-designed and sustainable development to continue regeneration in Hythe Quay.
- 4.3 The site could deliver up to 50-60 homes, including affordable homes as well as commercial space and provide the following benefits:
- Contributing to meeting local housing needs, with both market and affordable housing, with a mix of sizes and tenures.
 - Connectivity with the surrounding area with established access to public transport connections.
 - Provision of 10% Biodiversity Net Gain.
 - Supporting the regeneration and renewal objectives of the Council for the wider Hythe area.
 - Inclusion of commercial uses on site.
- 4.4 The purpose of these representations has been to assist Colchester City Council in formulating an approach within the emerging Local Plan that is both consistent with national planning policy and the tests on soundness.
- 4.5 In this regard, our representations relate to the tests of soundness set out at paragraph 36 of the National Planning Policy Framework ('NPPF') (2024); namely, whether the emerging Local Plan is: Positively prepared; Justified; Effective; and Consistent with national policy.
- 4.6 In conclusion, Mr J. Smith and Mr M. Smith support the allocation of the site within the draft Local Plan, given clarification surrounding landownership distinction is clarified. The site is within a highly sustainable location and a logical regeneration to the area, with a number of public benefits associated with the redevelopment of the site. The site is deliverable within the next 5 years, and its inclusion will assist in the development of a Local Plan that has been positively prepared.

Boyer

