



STANFORDS

ESTABLISHED 1879

**Colchester City Council Preferred Options Local Plan
Regulation 18 Consultation 2025**

Draft Planning Policy Comments For and on Behalf of Stanfords Colchester LLP

Section: 11

Policy PC8: Private Amenity Space

We agree that residential development should provide appropriate amenity space and that factors such as sunlight, noise and drainage must be considered. However, the detailed wording of this policy is overly subjective, absolute in parts and insufficiently flexible to respond to different locations and typologies. There are several problems with this approach:

1. Vague, subjective tests

Phrases such as:

- “easy access”;
- “informed by the needs of residents”;
- “designed to a high standard”;
- “optimise its use”;
- “meet the recreational needs and promote health and wellbeing”; and
- “inviting appearance”

are all value-laden and undefined. The policy offers no objective benchmarks or cross-references to explain: what level of provision would be considered to “optimise” use; how officers are to determine whether recreational needs and health have been “met”; or how one distinguishes between an “inviting” appearance and one that is merely acceptable.

This creates scope for inconsistent, subjective decision-making and makes it extremely difficult for applicants to know, ex ante, what is required. It risks becoming a generic “beauty” test for gardens and communal space, rather than a clear, measurable policy.

2. Overlaps with other policies and guidance

Most of the matters referred to are already addressed through:

- General design policies;
- Amenity policies;
- SuDS/flood policies; and
- The Essex Design Guide.

Re-stating them all here, and adding additional subjective language (“optimise its use”, “inviting appearance”), turns this policy into a repetitive catch-all rather than adding locally specific clarity. That is not consistent with the requirement that local plan policies be succinct and focused.

3. Unworkable privacy standard

The sentence, “All private amenity spaces must be designed to avoid significant overlooking” requires further clarity and definition. In almost all residential environments, particularly compact, walkable layouts and higher-density forms, some degree of mutual overlooking is inherent and often desirable (for natural surveillance and safety). The usual planning test is whether a development would cause unacceptable harm to privacy, having regard to separation distances, window positions and character of area, not that *all* overlooking must be “avoided”. Read literally, this could be used to resist otherwise good, efficient schemes simply because some gardens or balconies have a degree of overlooking that in practice is normal and acceptable in urban and village contexts. There needs to be a clear definition of what would be considered as “significant”.