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31485/A3/LP/ac  
6<sup>th</sup> April 2021

Dear Andrea

**COLCHESTER LOCAL PLAN SECTION 2 EXAMINATION**

I write on behalf of O&H Properties ("O&H") and in relation to the land west of Lakelands, Stanway, Colchester (the "Site").

Further to your letter of the 26<sup>th</sup> February 2021 which enclosed the Inspector's documents and timeframes for the hearings, I am pleased to enclose a further Written Statement prepared on behalf of O&H in response to the Inspector's Main Matters, Issues and Questions.

I also wish to confirm that O&H would like to participate in the Examination in relation to Main Matter 8.

As set out in the Written Statement, we are prepared a Statement of Common Ground which we hope to agree with Colchester Borough Council in advance of the Examination.

Please do not hesitate to contact me with any queries.

Yours faithfully



**LAUREN PATEL**  
Associate

Enc. Written Statement

Cc. Eleanor Moss – CBC  
Laura Chase – CBC  
Karen Syrett - CBC

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# Emerging Colchester Local Plan Part 2: Matters, Issues and Questions Consultation

## Main Matter 8: West Colchester (WC1 to WC5)

Representations prepared by Barton Willmore LLP  
on behalf of O&H Properties

April 2021

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## **CONTENTS**

<b>1.0</b>	<b>INTRODUCTION .....</b>	<b>1</b>
<b>2.0</b>	<b>QUESTION 1: ARE THE POLICIES AND SITE ALLOCATIONS FOR WEST COLCHESTER JUSTIFIED BY APPROPRIATE EVIDENCE, HAVING REGARD TO NATIONAL GUIDANCE, AND LOCAL CONTEXT, INCLUDING THEM MEETING THE REQUIREMENTS OF THE CLP1? .....</b>	<b>4</b>
<b>3.0</b>	<b>QUESTION 2: DO THE HOUSING LAND SITE ALLOCATIONS FOR WEST COLCHESTER SHOW HOW THEY WILL CONTRIBUTE TO THE ACHIEVEMENT OF THE OVERALL HOUSING REQUIREMENT OF THE CLP1 (14,720 NEW HOMES) AND ITS TIMESCALE FOR DELIVERY? ....</b>	<b>9</b>
<b>4.0</b>	<b>CONCLUSION .....</b>	<b>11</b>

## 1.0 INTRODUCTION

1.1 This Statement has been prepared on behalf of O&H Properties ("O&H"). O&H owns the site to the West of Lakelands, Stanway (the "Site"). O&H submitted previous representations at Regulation 19 stage in September 2016. Given their ongoing representation to the Submission Draft New Local Plan Section 2 dated June 2017 (hereafter "CLP2"), O&H would wish to attend the Examination of CLP2.

1.2 The Site is allocated under Draft Policy WC2 within CLP2 for a mix of employment and residential use. Draft Policy WC2 states:

Development of this site will be supported where it provides:

- (i) A mix of uses to include: Approximately 150 new dwellings and provision of employment floorspace to be compatible with the surrounding residential uses;
- (ii) An ecological survey with appropriate mitigation;
- (iii) Satisfactory access to be agreed with the Highway Authority;
- (iv) Provision for retention or diversion of any existing public rights of way within the site.

1.3 Since publication of CLP2, O&H have entered pre-application discussions with Colchester Borough Council ("CBC") and Essex Highways ("Highways") in relation to bringing the Site forward in full for residential use. CBC issued a pre-application response in July 2020 and Highways issued a pre-application response in December 2020. CBC's pre-application response was supportive of re-development of the Site for residential use subject to provision of up-to-date employment evidence. Highways are also supportive of residential use of the Site on the basis that mixed use development would cause a conflict of uses in highways terms.

1.4 O&H have prepared a draft Statement of Common Ground ("SoCG") with CBC at CBC's request and a first draft has been sent to CBC. O&H hope to be able to issue this to the Inspector(s) in advance of the opening of the Examination. The SoCG sets out that:

1. O&H have prepared an Employment Land Needs Assessment ("ELNA") dated March 2021 which provides an up-to-date employment needs position and supports the case that the Site is not required to meet Colchester's employment needs.
2. O&H have demonstrated that the Site could accommodate a density of around 40 dwellings per hectare, or up to 250 dwellings, taking into account site levels; the need for landscape buffers; existing field boundaries and retaining existing Public Rights of Way.
3. On the basis of evidence presented at pre-application stage, O&H hope to agree with CBC that the Site can be developed for residential use to accommodate up to 250 dwellings. The following modifications are proposed by O&H in the draft SoCG which would be confirmed through post-Examination Main Modifications:

***Land to the West of Lakelands***

*Development of this site will be supported where it provides:*

- (i) ~~*A mix of uses to include: Approximately 150*~~ *250 new dwellings and provision of employment floorspace to be compatible with the surrounding residential uses;*
- (ii) *An ecological survey with appropriate mitigation;*
- (iii) *Satisfactory access to be agreed with the Highway Authority;*
- (iv) *Provision for retention or diversion of any existing public rights of way within the site.*

- 1.5 O&H owns the Site and are fully committed to the delivery of the Site for residential use. An outline planning application is being prepared for submission in 2021, and O&H would look to sell the Site to a housebuilder in 2022, with construction starting in 2023. The Site would provide around 150 dwellings to assist CBC's 5 years housing supply and would be delivered in its entirety within the Plan period. There are no known abnormal infrastructure requirements at this stage, and the development would be viable.

- 1.6 Lakelands has and will continue to play an important role in delivering new homes and associated infrastructure in a highly sustainable location at West Colchester. The wider Lakelands, with O&H as master developer, has already gained permission for and substantially delivered 800 new homes. The area is now predominantly residential and development of the Site for residential would be accord with CBC's preferred spatial approach of provision of new homes at West Colchester.
- 1.7 This statement is made in respect of Matter 8: West Colchester Policies directly in response to the two questions raised by the Inspector(s) in the Matters, Issues and Questions consultation closing 6th April 2021.

## **2.0 QUESTION 1: ARE THE POLICIES AND SITE ALLOCATIONS FOR WEST COLCHESTER JUSTIFIED BY APPROPRIATE EVIDENCE, HAVING REGARD TO NATIONAL GUIDANCE, AND LOCAL CONTEXT, INCLUDING THEM MEETING THE REQUIREMENTS OF THE CLP1?**

### *Draft Policy WC1*

- 2.1 We comment first in relation to Draft Policy WC1, relating to Stanway Strategic Economic Area ("SSEA"). The Draft Policy and supporting text sets out that the SSEA has good access to the strategic road network and links with Colchester Town Centre and, as such, a significant amount of new commercial floorspace has been constructed here within the last decade. It further states that all land and premises within the SSEA will be safeguarded for economic / employment uses and non-B Class uses will only be supported where they are (i) ancillary to the employment uses; ii) provide the opportunity to maximise the sites potential for economic growth; (iii) Do not generate potential conflict with existing proposed B class uses on site; or (iv) there is no reasonable prospect of the site being used for employment uses.
- 2.2 O&H agree that Stanway is a sustainable location and that it should be a preferred area for strategic growth. However, we question the revised SSEA boundaries as set out in the CLP2 and the evidence base underpinning these.
- 2.3 The Site is allocated within CLP2 under Draft Policy WC2 for a mix of employment and residential use. An arbitrary line appears to have been drawn across the middle of the Site which does not follow the field boundaries or site topography. This designates the northern half of the Site for employment use, which would form part of SSEA. In practical terms however, there is no way to access this northern part of the Site without relying on either third-party land or accessing through land allocated for residential to the south. Highways have confirmed that a single access for residential and commercial traffic would represent conflict of use, nor would a second access be acceptable. Given the residential nature of the wider Lakelands site, O&H suggest that the Site should be allocated in full for residential use.



- 2.4 We also note that the eastern part of the Site has had consent for employment use since the 1990's in connection with the wider Lakelands development. It has however, never been brought forward for employment use and the Lakelands residential development to which it has historically been connected is now largely completed. It is our view that this land is not viable for employment use nor does this use today reflect the nature of the surrounding area.
- 2.5 CBC acknowledge in their pre-application response of July 2020 that the evidence base underpinning the CLP2 in respect of employment need is out of date. As such, they asked that O&H prepare up-to-date evidence to support the allocation of the Site for residential use. O&H commissioned Barton Willmore to prepare an Employment Land Needs Assessment which is dated March 2021 ("ELNA 2021") and provides an up-to-date employment needs position informed by the Colchester Employment Land Needs Assessment (January 2015) ("ELNA 2015") and the Colchester Employment Land Supply Delivery Trajectory (May 2017) ("ELNA 2017"), both of which were prepared for the Council by Nathaniel Lichfield & Partners ("NLP").
- 2.6 We would be happy to provide the Inspector(s) with a copy of the ELNA 2021 prepared by Barton Willmore. A copy has already been sent to CBC. The ELNA 2021 supports the case that the Site is not required to meet Colchester's employment needs. We set out below the conclusions of the ELNA 2021 below.
- 2.7 The ELNA 2015 prepared on behalf of CBC noted that Colchester had recorded reasonably strong levels of employment growth over the previous 23 years with declining industrial employment being offset by growth in office jobs. It noted that the Borough had recorded moderate amounts of new development over the last few years, mainly relating to industrial (B1c/B2/B8). At the same time, NLP commented that the Borough had been losing significant amounts of B class space, to the extent that net development rates have been negative in recent years.
- 2.8 The ELNA 2015 included a number of scenarios to consider future economic growth needs for B class employment space and based on a baseline growth scenario (using EEFM forecasts) considered that a net industrial floorspace requirement of - 9,660sqm in Colchester would be required by 2032 (see 6.10). This confirmed that there was no need to make provision for additional industrial allocations.

- 2.9 However, it is only when provision is made for a 'safety margin' (i.e. to allow for delays in sites coming forward for development) and an allowance is made to replace industrial losses, that a positive floorspace requirement is generated (i.e. 45,140sqm). According to the ELNA 2015 this in turn yielded a requirement for an area of 11.3ha. for industrial and 18.5ha. for offices, equating to a total for all B uses of some 29.8ha.
- 2.10 Notwithstanding the provision of a safety margin and an allowance for losses, the ELNA 2015 concluded that there would still be a surplus of 28ha. of industrial supply and a surplus of 19.1ha. of office supply.
- 2.11 With regard to the supply of sites for industrial floorspace, NLP's ELNA 2017 study stated that for a number of the Stanway sites (including Lakelands West), the deliverability is considered to be 'marginal/uncertain'. The questionable deliverability of the Lakeland West site is further evidenced by the fact that the site was marketed intensively for approximately 10 weeks but received no interest (Appendix 2).
- 2.12 In the 2017 report, the 2019 EEFM forecasts of baseline growth were used to update the quantitative analysis undertaken by NLP in its ELNA 2015. This has revealed a continuing and underlying weakness in demand for general industrial uses in Colchester through the net negative demand for Class E/B2 floorspace (-5,502sqm between 2017 to 2033). This is in stark contrast to the net positive demand for B8 floorspace (103,761sqm) over the same period.
- 2.13 A review of market activity for industrial property in Colchester using CoStar data revealed that the town is not considered by either occupiers or investors to be a particularly strong location for industrial property. Data on occupier demand, development activity, vacancy levels and rental values all suggest that the town is performing less well than Essex as a whole. The ELNA, 2015 also observed that for industrial property *'local commercial property market agents noted that there is currently insufficient demand to warrant speculative development and this is unlikely to change over the short to medium term'*.
- 2.14 The lack of underlying demand and restricted market activity clearly suggests that there is no quantitative justification for retaining the full quantum of employment land identified as available in the CLP2, nor given the Site's limited market appeal is there any qualitative justification for retaining the Site for industrial purposes.

- 2.15 Based on the above analysis, and given the surplus of land available for industrial development, it is considered that there is no overriding need to retain the Site for employment use. It is further considered that it can be used for residential purposes without in any way compromising the Borough Council's ability to make adequate provision for industrial floorspace during the CLP2 period.

***Draft Policy WC2***

- 2.16 CLP2 recognises that there are opportunities for further development at Stanway including at Lakelands West (para. 14.101). The Settlement Boundary Review prepared to support allocation WC2 concludes that the Site (as referenced STN06 in the Strategic Land Availability Assessment) is considered achievable, sustainable and available and therefore recommends amendment to the settlement boundary to include the Site. O&H supports these findings.
- 2.17 However, as set out in response to Draft Policy WC1, O&H's view is that the site allocation for WC2 should be for residential use in full. The arbitrary line which has been drawn across the middle of the Site does not follow the field boundaries or site topography. This designates the northern half of the Site for employment use, and the southern half for residential. As already stated, there is no way to access this northern part of the Site within relying on either third-party land, or access through the land allocated for residential to the south.
- 2.18 Further, as set out in the Settlement Boundary Review 2017 the most significant issue in relation to the Site is the partial designation as a local wildlife site ("LWS") and site surveys will need to be carried out to ensure adequate mitigation. The LWS designation reflects the field boundary dividing line (east-west). The eastern part of the Site is included within the LWS. The Draft WC2 allocation which proposes employment to the north and residential to the south therefore conflicts with this LWS designation led by natural field boundaries. If the Site were allocated for residential use, this would allow the natural field boundaries to be retained and an open space / landscape feature made of the wildlife site running through the centre of the Site.
- 2.19 Development of the Site for residential use would also be more in-keeping with the wider Lakelands development, and the setting of the Grade II Listed dwelling to the south. Further, residential use would provide a considerable level of much-needed new housing, including the provision of affordable homes.

- 2.20 There are also Public Rights of Way within and around the Site which would be factored into any development layout. A residential scheme would be most appropriate in the context of the single access, PRow's and LWS across the Site, which would create an attractive setting and compliment any development proposed.

### 3.0 QUESTION 2: DO THE HOUSING LAND SITE ALLOCATIONS FOR WEST COLCHESTER SHOW HOW THEY WILL CONTRIBUTE TO THE ACHIEVEMENT OF THE OVERALL HOUSING REQUIREMENT OF THE CLP SECTION 1 (14,720 NEW HOMES) AND ITS TIMESCALE FOR DELIVERY?

- 3.1 The adopted CLP1 sets out an Objectively Assessed Need ("OAN") for Colchester of 920 units per annum (18,400 over the period 2013-2033) which is consistent with OAN set out in CLP2. However, there is a need to provide an updated Housing Trajectory and to review the strategy for growth and site allocations across the Borough in light of sites confirmed through CLP1.
- 3.2 CLP2 sets out the preferred settlement hierarchy and seeks to focus new housing development within the Colchester Urban Area, including West Colchester. O&H agree with this approach and the recognition that Stanway is a preferred location for growth. Policy SG2 of the CLP2 sets out that new allocations (in accordance with WC2) plus existing commitments in Stanway should contribute 2,243 dwellings between 2017-2033. This level of growth at Stanway contributes to the OAN of 18,400 units over the Plan period.
- 3.3 Supporting paragraph 14.99 associated with Policy WC2 refers to the provision of 1,800 units within the Stanway Growth Area. This does not appear to align with Policy SG2. Policy WC2 then sets out the sites that are allocated to meet Stanway's growth to 2033 as set out in Table 1 below.

Table 1

Site	Number of Units (WC2)
Land to the North of London Road	Up to 630 dwellings & 26 Almhouses
Land between Tollgate West & London Road (Formers Sainsburys)	Up to 200 dwellings
Land to the West of Lakelands	Approximately 150 dwellings
Land at Chitts Hill	Up to 100 dwellings
Land between Churchfields Avenue, Church Lane and Partridge Way	28 dwellings
Land off Dyers Road including Fiveways Fruit Farm	Approximately 490 dwellings
<b>Total</b>	<b>1,624</b>

- 3.4 As Table 1 indicates, the allocations outlined at WC2 do not equate to the 2,243 units required by Policy SG2. Further, draft proposed modifications published in March 2021 seek to remove the Sainsburys allocation (200 units) from Policy WC2 as an appeal has been granted for this site for Town Centre uses. As such, there is a need to consider the contribution these allocations can make to overall need and revise Draft Policy WC2 accordingly. The number of units to be delivered at Land West of Lakelands should be increased to 250 units to assist in ensuring growth set out at Policy SG2 and confirmed through CLP1 can be met in full.

## **4.0 CONCLUSION**

- 4.1 This Statement sets out that the Site is not required to meet employment needs in the District. It sits within a predominantly residential area and delivery of a residential development would be the most appropriate and sustainable form of development. Draft Policy WC2 should be updated accordingly.

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