



Colchester Borough Local Plan 2017 - 2023

Section 2 Examination Hearing Statement

Main Matter 9: Sustainable Settlements (Policies SS1 to SS16)

Prepared by Strutt & Parker (Representor ID 6834) on behalf of Manor Oak Homes

April 2021

Introduction

1. This Hearing Statement is submitted by Strutt & Parker (representor ID 6834) in respect of two sites identified as new residential allocations on the Wivenhoe Policy Map forming part of the Publication Draft Colchester Borough Local Plan (PDLP) and referred to at Policy SS16. These are Land at Elmstead Road and Land Behind the Fire Station.
2. Strutt & Parker have provided representations on behalf of the landowner of these sites as part of the Call for Sites process (2014), the Issues and Options Consultation (2015), the Preferred Options Stages of the Draft Local Plan (2016) and the Publication Draft Local Plan (2017).
3. Since the submission of these representations and prior to this Local Plan Examination the landowner has entered into a partnership with Manor Oak Homes to take the two sites forward.
4. This statement is submitted on behalf of Manor Oak Homes and the landowner to address issues raised by the Inspectors in relation to Main Matter 9 and specifically concerns Policy SS16 in relation to their land interests.

General Matters

5. As currently drafted in the PDLP Policy SS16 confirms that within the broad areas of growth as shown on the Wivenhoe policies map, the Wivenhoe Neighbourhood Plan will identify the settlement boundary for Wivenhoe and identify specific housing allocations. Since the PDLP was submitted for Examination in 2017, Wivenhoe Neighbourhood Plan (WNP) was made on 22nd May 2019 as referred to in the Local Plan Recommended Draft Modifications to the Section 2 (Page 180: para. 14.234). It now forms part of the Development Plan. The WNP has allocated both Land at Elmstead Road (Policy WIV 30) and Land Behind the Fire Station (Policy WIV 31) for residential development.
6. Both site allocations are located to the north of Wivenhoe and are sited adjacent to the existing/previously defined settlement boundaries of the village. Land at Elmstead Road is located to the northern side of Elmstead Road, adjacent to the north east of existing residential development. Land Behind the Fire Station is located to the rear of existing residential development, north of Heath Road and west of Colchester Road. Extracts from the made WNP relating to the two sites are provided at Appendix A.

Response to Main Matter 9 – Sustainable Settlements (Policies SS1 to SS16)

Are the Sustainable Settlement policies and site allocations justified by appropriate available evidence, having regard to national guidance and local context, including meeting the requirements of CLP 1.

7. This Statement is submitted in respect of SS16: Wivenhoe. In so far as SS16 is concerned we agree the proposed allocations at Wivenhoe are justified by appropriate evidence, having regard to national guidance and local context, including CLP 1, which confirms new homes will be allocated in the Rural District Centres of Tiptree, West Mersea and Wivenhoe as part of the spatial strategy for the Local Plan. It is agreed that Wivenhoe is a sustainable settlement within the Borough given its population and access to services and facilities. It is suitable for a modest amount of development to reinforce its role in accordance with paragraph 78 of the NPPF.
8. The WNP has taken forward the Council's objectives of the PDLP Policy SS16 through the proposed site allocations for Wivenhoe provided at Appendix A. We support the PDLP proposed allocations at the sites referred to at 5 above and these are now reflected in the WNP, specifically by Policies WIV 30 and WIV 31. Policy SS16 has therefore, to a degree, been overtaken by events and it is recommended that some adjustment to the wording of that policy should be undertaken to ensure consistency with the WNP as set out in our suggested changes below
9. In summary, it will be noted that the WNP provides for the following in accordance with Policy SS16:
 - The settlement boundary for Wivenhoe has been identified and established.
 - The WNP has identified 4 housing allocations in order to deliver a minimum of 250 dwellings. Policies WIV 30 and WIV 31 provide allocations for 25 and 80 homes respectively.
 - The allocations are specific in their requirements for the sites including: housing mix, affordable housing requirements, building standards and other site specific requirements.

- The allocations provide for site specific requirements. It would be expected that these will be dealt with through planning applications as part of the development management process.
10. However, it will be noted from Appendix A - Policy WIV 31 relating to Land behind the Fire Station, Colchester Road of the WNP provides for “an additional 0.86 hectares of land adjacent to the site for housing (is) proposed as a potential site for a care home at the end of the policy text with a supporting plan at Figure 40. The settlement boundary as shown in the Wivenhoe Policies Map of the PDLP does not account for this allocation. SS16, as drafted states that “proposals for development outside the identified broad areas settlement boundary of growth will not be supported”. As a result, there is inconsistency between the PDLP and made WNP. It is also noted that the WNP does not show the site within the settlement boundary but it anticipates that the site would be suitable for care home development. This results in some ambiguity between the proposals of the WNP and the PDLP. Given that Policy SS16 of the PDLP would effectively serve to prevent any development of the area of land coloured blue at Figure 40 it would not be consistent with the WNP and it is considered that, for the avoidance of doubt, it would be justified and effective for this land to be included within the settlement boundary of the Local Plan.
11. It is considered this should to be dealt with by an amendment to the policies map as suggested below at paragraph 14.

Do the housing land site allocations within Sustainable Settlements show how they will contribute to the achievement of the housing requirement of the CLP Section 1 (14720 new homes) and its timescale for delivery?

12. The housing allocations for Policy WIV 30 and WIV 31 within the sustainable settlement Policy SS16: Wivenhoe will provide for a minimum of 105 houses and contribute to the overall housing requirement of 14720 new homes outline in CLP Section 1. With reference to housing delivery, a recent exercise was conducted by CBC ‘*Emerging Local Plan Section 2 Allocations – Viability Update*’, which requested our clients provide an update in respect of the deliverability of the two sites (WIV 30 and WIV 31). We provided a response to CBC on 22nd February 2021 confirming the status of the site as deliverable. At the time of our response, site survey assessments were nearing completion and we confirmed to CBC our intention to engage with Wivenhoe Town Council and CBC in the coming months to bring

forward planning applications in 2021. This letter is appended to this Statement (Appendix B).

13. The agreement between Manor Oak Homes and the landowner has taken into account the policy allocation requirements. Manor Oak Homes specialise in bringing forward strategic land development opportunities. Given the popular local market in Wivenhoe there is a high degree of confidence that the development of the site can be achieved in the first five years of adoption of the new Local Plan.

Suggested Changes

14. In the light of comments made at paragraph 8 it is **recommended** that Policy SS16 should be amended (with changes identified in italics and bold) to reflect the status of the made WNP as follows:

Within the broad areas of growth as shown on the Wivenhoe policies map, the Wivenhoe Neighbourhood Plan **has**:

- (i) Identified the settlement boundary for Wivenhoe;
- (ii) Identified specific sites for housing allocations needed to deliver 250 dwellings;
- (iii) Set out any associated policies needed to support this housing delivery i.e. housing mix, type of housing and density for each site allocated for housing;
- (iv) Identified other allocations in the Parish, including employment, care **home provision**, open space; and
- (iv) Set out the infrastructure requirements to support new development.

15. In the light of comments made at paragraphs 10 and 11 it is recommended that the site for the care home as shown at Figure 40 of the WNP is included within the settlement boundary within the Local Plan to be consistent, justified and effective with Policy WIV 31 of the WNP.

Conclusion

16. We are broadly supportive of Policy SS16 and the broad growth areas shown on the Wivenhoe policies map, specifically the site allocated at Land at Elmstead Road and Land Behind the Fire Station which have been allocated for residential development through the WNP, by Policies WIV 30 and WIV 31 to provide a minimum of 25 and 80 homes respectively. In the interests of consistency and to be effective and justified having regard to the now made

WNP it is recommended that minor changes are made to the text of the policy as well as the Settlement Boundary for Wivenhoe shown on the Policies Map.

Appendices

Appendix A

Policy WIV 30

Land at Elmstead Road

17.42 The site shown in the map below (area 0.93 hectares) has been put forward for development by the landowner. It is currently within an agricultural field and falls within an area which is assessed as making a 'high' contribution towards the separation of Wivenhoe and Colchester.

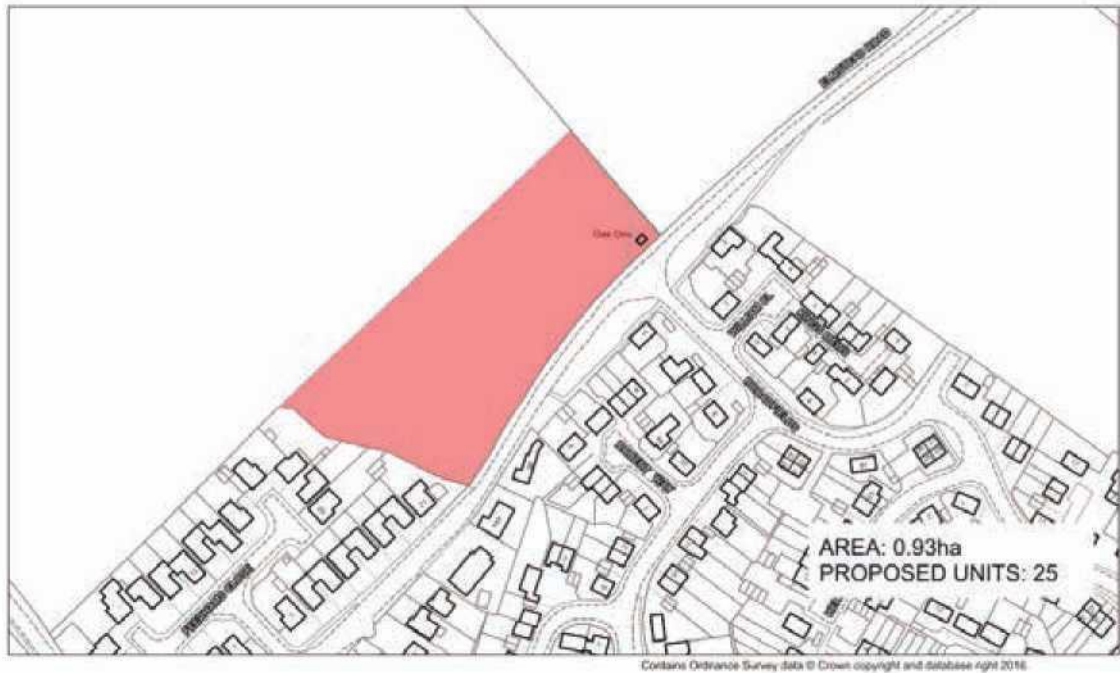


Figure 36: Land proposed for residential development off Elmstead Road

- 17.43 In Figure 2.3 of the 2009 Colchester Borough Council report entitled: 'Assessment of Open Countryside'. The report states: "Any new built development, as defined, on the land identified as providing a high contribution to the separation of settlements is likely to seriously undermine both the sense of settlement separation, and the strong rural character of land outside the University Campus." However this is only a small area and will have the effect of rounding off the settlement area being bounded by development to the south and east.
- 17.44 It is proposed that permission for 25 dwellings be granted primarily suited for single people or as 'starter' homes for young couples on an area of land measuring 0.93 hectares.
- 17.45 It is also proposed that land to the northeast, adjacent to Elmstead Road, would be allocated by the landowner for a cemetery with provision for the parking of up to 12 cars. This use would provide a softer edge to the entrance and exit from the town and would serve to preserve the gap between Wivenhoe and the University Campus over the long term. It is therefore considered that a small amount of built development on the very edge of the built-up area can be justified.
- 17.46 A new cemetery is required for Wivenhoe since there are very few burial plots available in Wivenhoe's existing cemeteries; there is also potential demand for 'green' burials that a new cemetery of 1.5 hectares in size could provide.
- 17.47 Some improvements for pedestrians to safely access the shops in Vine Parade may be required as a condition of planning consent and will be dealt with at that time.

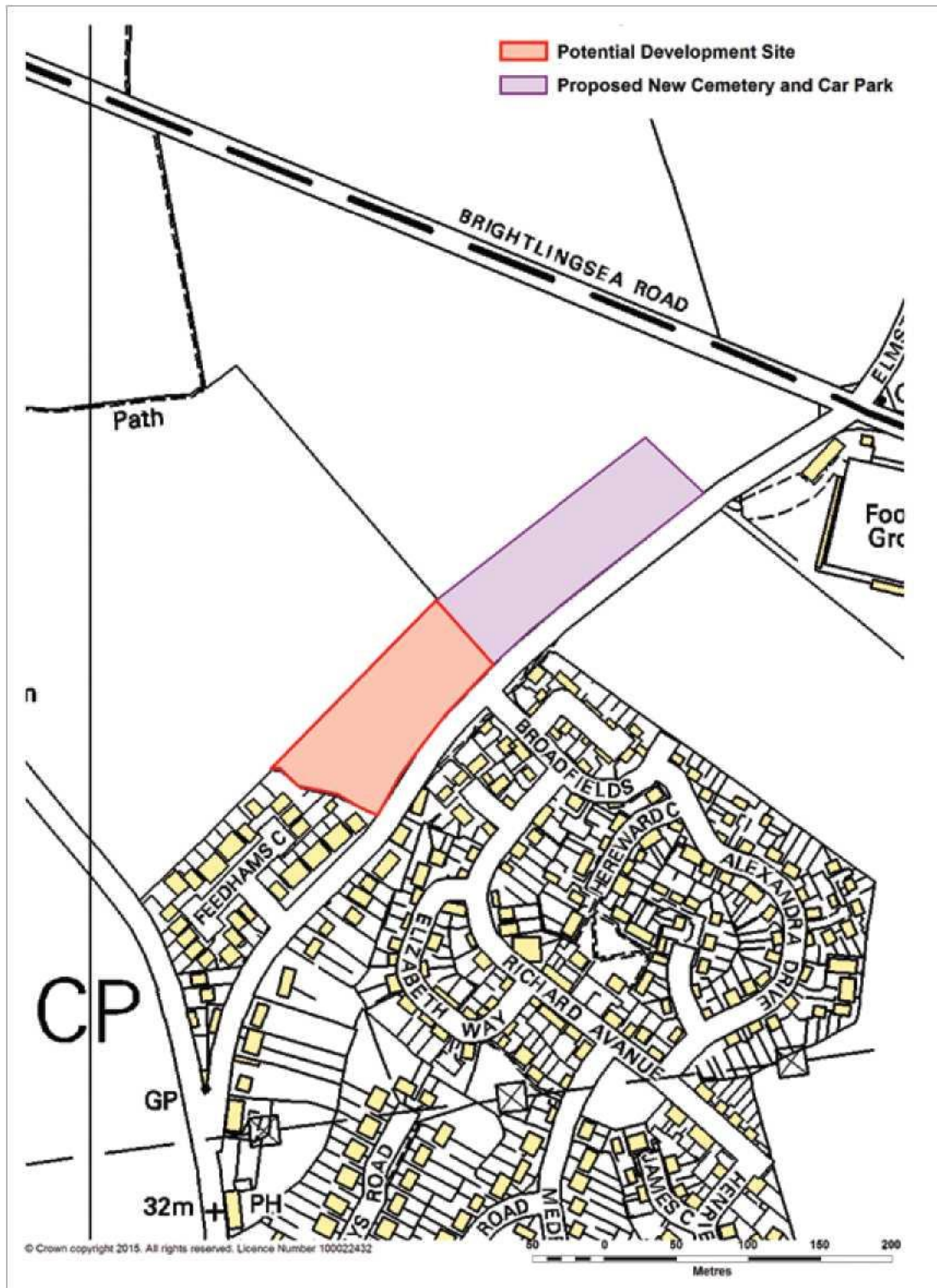


Figure 37: The proposed development site (in orange) off Elmstead Road and the proposed cemetery with associated off-road car parking (shaded lilac). The area allocated for housing is 0.93 hectares.

POLICY WIV 30:**Land at Elmstead Road**

The land shown in Figure 36 totalling 0.93 hectares is allocated for a minimum of 25 dwellings subject to the following conditions:

- (i) each dwelling to be of a maximum of two bedrooms suited primarily for single people or as 'starter' homes for young couples; and
- (ii) 20% of these dwellings should be affordable housing or that percentage relevant under national or Borough policies at the time the planning application is submitted subject to viability; and
- (iii) land of a minimum of 1.5 hectares in size and as shown on Figure 37 for use as a proposed new cemetery and car park be gifted to Wivenhoe Town Council. Subject to viability, it is expected this site will be provided with car parking for 12 cars, be suitably fenced on all sides, incorporate a suitable footway through it and provide a cold water supply to a stand-pipe before it is gifted to the Town Council; and
- (iv) a hydrological or other necessary surveys demonstrate that ground conditions are suitable for the cemetery and will not have an unacceptable impact on local drainage; and
- (v) appropriate landscaping to be implemented on the north west boundary of the residential part of the site in order to ensure that development is well screened by trees and not easily visible to people travelling on Colchester Road; and
- (vi) it can be demonstrated that development will not have a detrimental impact on wildlife, as evidenced through an appropriate wildlife survey; and
- (vii) appropriate pedestrian and vehicle access into the residential part of the site from Elmstead Road is provided; and
- (viii) contributions towards open spaces, sports, recreational facilities and community facilities will be required in line with current policy at the time any application for planning permission is made.

Policy WIV 31

Land behind the Fire Station, Colchester Road

17.48 The site shown in the map below was put forward in the Call for Sites. This area of land put forward measures some 12.8 hectares in total.

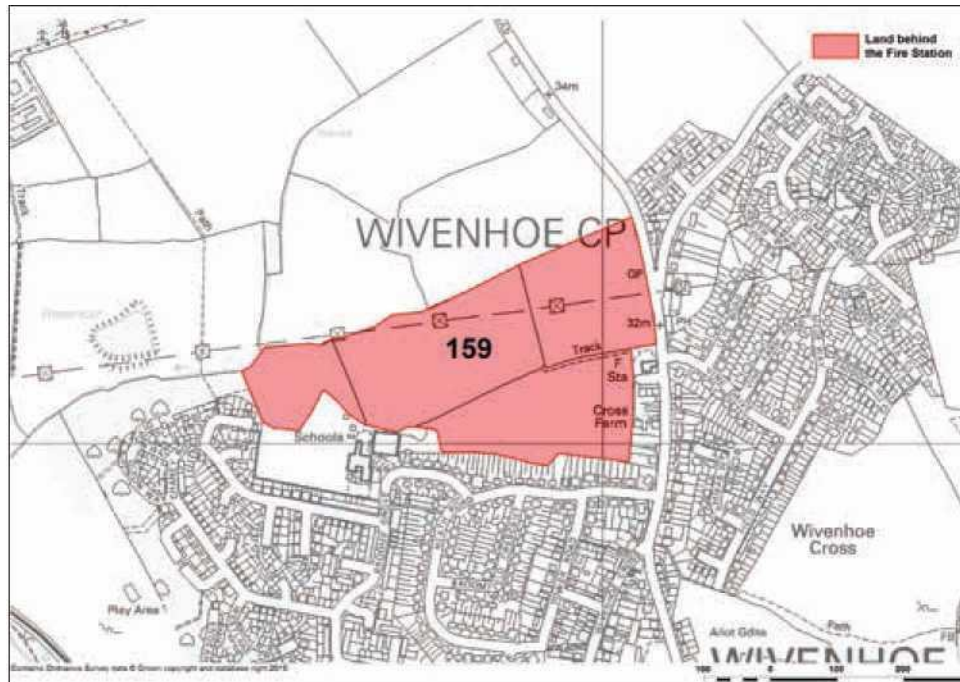


Figure 38: Land area proposed in the CBC's Call for Sites - 12.8 hectares

- 17.49 The 2009 Assessment of Open Countryside between settlements rated the northern part of the site proposed by the landowner as making a high contribution towards settlement separation. The southern part shown in the map above was assessed as only making a medium contribution. To the north is open countryside and to the south, west and east is the existing residential edge of Wivenhoe.
- 17.50 Of this total site, only the smaller part of the land is being recommended by the Neighbourhood Plan for housing development as shown in the map below. This parcel of land measures 3.56 hectares, of which 2.7 hectares is allocated for residential housing plus land for a care home. See Figures 39 and 40.
- 17.51 Whilst this site falls within the Coastal Protection Belt as defined in the Colchester Local Plan 2001 - 2021, it has no views of the river nor is it visible from the river. Accordingly it is not included in the Emerging Local Plan 2017 - 2033. The advantage of this site for housing is that it is well connected to the existing Wivenhoe Settlement area, has good bus links and leads directly to Colchester Road.

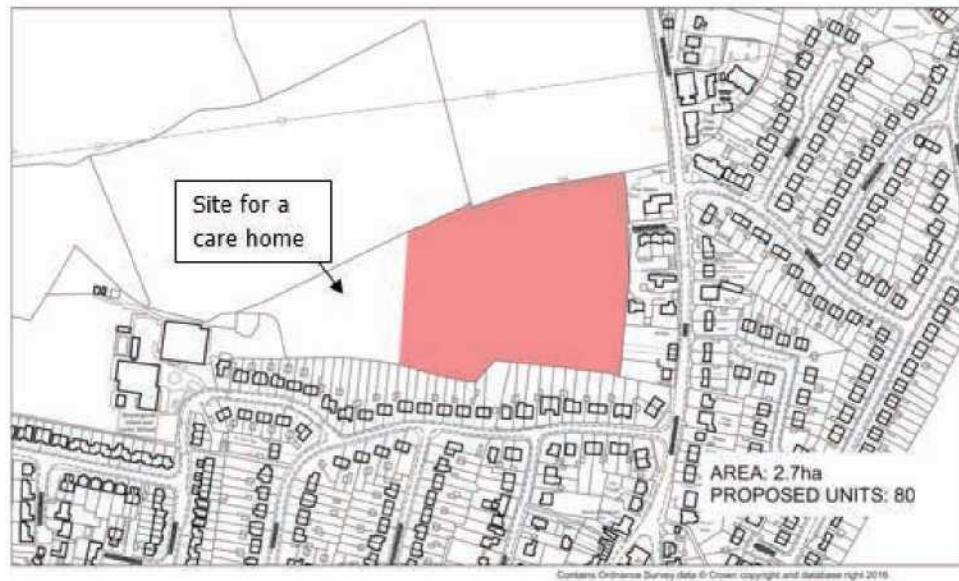


Figure 39: Of this field of total size 3.56 hectares, only 2.7 hectares will be allocated for residential development with the remainder as provision for a residential care home.

- 17.52 Access to site can be provided directly off Colchester Road giving easy pedestrian access on existing footways into Wivenhoe, buses and local shops. The site does partially open development out into the countryside but careful design and landscaping, particularly on the northern boundary, is capable of mitigating this.
- 17.53 Accessible public open space will be required to be provided on this site in line with the requirements of the Colchester Borough Council's Local Plan of 2001 - 2021 Policy DP16 and its equivalent policy in the Emerging Local Plan of 2017 - 2033 as well as Policy WIV8 of this Neighbourhood Plan
- 17.54 The site is considered suitable to accommodate 80 dwellings with the majority being best suited for active retired people, single or older people with just 15 homes being larger with 4 or more bedrooms, subject to the landowner agreeing to:
- gift of a field of approximate size of 1.54 hectares behind Broomgrove School to Wivenhoe Town Council for use as allotments; and
 - provision of a vehicular link to this allotment field from Colchester Road with adequate parking area as part of this site; and
 - this vehicular link to be a combined footway and cycle track to connect the Lower Lodge area of Wivenhoe and Broomgrove Schools to the cycle track to the University and the Toucan crossing across Colchester Road, and thereby also connecting with the Broadfields and Vine Farm areas; and
 - this access link to have a suitable all-weather surface over all its length, and passing places to allow vehicles to safely pass pedestrians as well as other vehicles coming in the opposite direction; and
 - gift of land of one third of an acre (approximately 0.15 hectares) to the Wivenhoe Housing Trust for the building of 5 almshouses for Wivenhoe people; and
 - a site for a residential care home adjacent to the residential development ; and
 - make a financial contribution to improve indoor community facilities in the upper part of Wivenhoe.

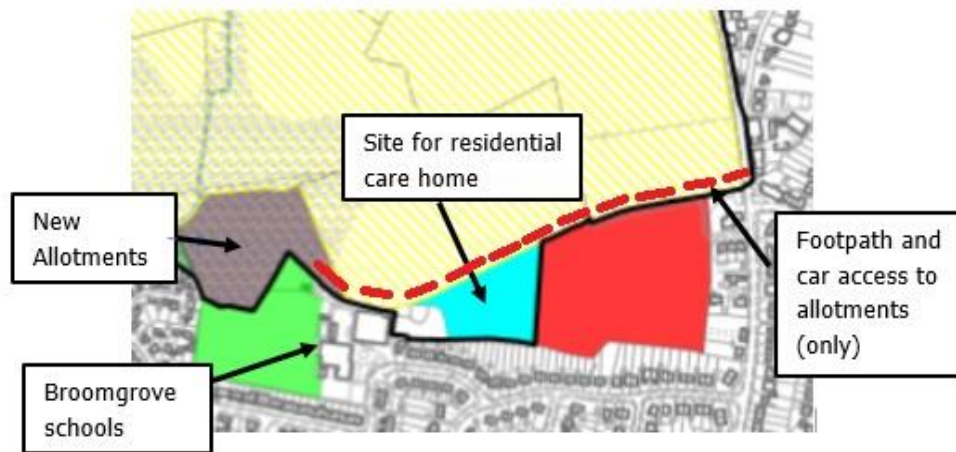


Figure 40: Showing land for residential development, a residential care home and community benefits resulting from any planning consent.

- 17.55 A density of 30 dwellings per hectare reflects a balanced approach that seeks to make the best and most effective use of land being brought forward for development whilst respecting the setting and general location of the site on the northern edge of the settlement.

POLICY WIV 31:**Land Behind The Fire Station**

The land behind the Fire Station shown in Figure 39 totalling 3.56 hectares of which 2.7 hectares is allocated for a minimum of 80 dwellings subject to the following conditions:

- (i) the gift of 0.15 hectare of land to build a minimum of 5 dwellings suitable for people aged over 60 in need of housing, currently or recently living or working in Wivenhoe or having close family connections to people living or working in Wivenhoe to a suitable housing charity; and
- (ii) a minimum of 20 dwellings suitable for occupation by older people including the frail elderly and active retirees and preferably built to the Lifetime Homes Standard should be provided; and
- (iii) a minimum of 15 dwellings of smaller units suitable for older people, single people or young couples should be provided; and
- (iv) the number of dwellings with four or more bedrooms should not exceed 15 and could also incorporate an office for home working or annexe to accommodate a relative; and
- (v) at least 50% of all dwellings should be constructed to the Lifetime Homes Standard; and
- (vi) 20% of dwellings should be affordable housing or that percentage relevant under national or Borough policies at the time the planning application is submitted subject to viability; and
- (vii) land for allotments is provided on a field of approximately 1.5 hectares close by Broomgrove Schools together with a suitable access. Subject to viability this site should be provided with a mains water supply; and
- (viii) contributions towards open spaces, sports, recreational facilities and community facilities will be required in line with current policy at the time any application for planning permission is made; and
- (ix) appropriate landscaping is provided on the northern boundary of the site in order to ensure that development is well screened; and

Proposals to include some self-build plots will be supported.

An additional 0.86 hectares of land, adjacent to the site allocated for housing, is proposed as a potential site for a care home. This area is as shown on Figure 40.

18. DEVELOPMENT AND HABITATS SITES

- 18.1 Neighbourhood Plans are required to conform to European Habitats Directives and to show that development proposals will have no likely significant effects on European designated sites. If there are potential significant effects then measures to mitigate these should be included in the Plan.
- 18.2 There are no European or Internationally designated sites within the Wivenhoe Neighbourhood Plan area but the Colne Estuary (Mid Essex Phase 2) Special Protection Area lies downstream from Wivenhoe and at the nearest point is only 132 metres from the Neighbourhood Plan area boundary. This qualifies as a Special Protection Area under the EU Birds Directive (79/409/EEC). There are also a number of other Habitats sites in the wider area. The details of these are given in

Wivenhoe Policies Map:



Appendix B – Deliverability Letter to CBC

Chelmsford office

Strutt & Parker
Coval Hall
Rainsford Road
Chelmsford
Essex CM1 2QF
Telephone 01245 258201



ChelmsfordPlanning@struttandparker.com
struttandparker.com

Bethany Jones
Place and Client Services
Planning Policy
Rowan House,
33 Sheepen Road
Colchester
CO3 3WG

Direct dial: 01245 254681

Direct fax: 01245 254865

Email: Andy.butcher@struttandparker.com

22nd February 2021

Dear Bethany

Emerging Local Plan Section 2 Allocations – Viability Update - Land at Elmstead Road and Land Behind the Fire Station, Wivenhoe

I write in relation to your letter dated 1st February 2021 concerning the '*Emerging Local Plan Section 2 Allocations – Viability update*' requesting updated information regarding the two sites above.

As previously advised, Manor Oak Homes are working in partnership with Mr C Gooch (the landowner) and have an agreement to submit planning applications on both the sites which are now allocated within Wivenhoe's Neighbourhood Plan (WNP) (Policy WIV 30 – Land at Elmstead Road for 25 dwellings; and Policy WIV 31 – Land Behind the Fire Station for 80 dwellings) consistent with the Emerging Local Plan.

By way of background, Manor Oak Homes specialise in bringing forward strategic land development opportunities. Since the company were founded in 2010, Manor Oak Homes have promoted land and attained planning permissions for residential, commercial, retirement and mixed-use schemes. I therefore write to you on behalf of Manor Oak Homes and the landowner to confirm that the allocations remain sound and to provide the information requested on the deliverability of the sites.

Deliverability

It is the intention of Manor Oak Homes to work closely with the Wivenhoe Town Council to ensure that outline planning applications for the development of both sites are brought forward at the same time and in the near future. Sales to housing developer/s would take place soon after the receipt of planning permissions and applications for reserved matters would follow. Given the popular local market there is a high degree of confidence of the development of the two sites being achieved within the first five years of adoption of the new Local Plan.

Delivery Timescale

We set out below an anticipated timescale for the delivery of the sites. It will be noted that our initial estimations on timescales provided in our letter to you dated 6th November 2019 have been moved forward, due to the delays associated with the Stage 1 Local Plan examination and the initial uncertainty created by the Coronavirus pandemic.

The intention is to bring forward outline planning applications for both sites at the same time.

- Site assessments commissioned and being carried out Q1/Q2 2021
- Pre-application engagement Q2 2021
- Outline planning applications (taking forward on both sites at the same time) submitted Q3/Q4 2021. Planning permissions achieved Q1 2022
- Reserved Matters applications submitted:
 - Land at Elmstead Road Q2 2022
 - Land Behind the Fire Station Q3 2022
- Conditions submission and discharged Q 3/4 2022
- Commencement of development on both sites Q4 2022/Q1 2023

Likely Unit Numbers and Build Out Rates

We are currently working on the unit numbers provided for in the Neighbourhood Plan site allocations as set out above. At this stage we do not anticipate changes to the expected capacity but this will be subject to further detailed design work. Housing delivery has been estimated on a build out rate of 20-30 dwellings per annum having regard to the size of the sites, anticipated necessary supporting infrastructure lead in and development times and capacities in accordance with Manor Oak Homes' and industry experience.

Anticipated build out rates Land at Elmstead Road (WIV 30):

- 25 homes 2023

Anticipated building out rates Land Behind the Fire Station (WIV 31):

- 30 homes 2023
- 30 homes 2024
- 20 homes 2025

It will be noted that site allocation WIV31 in the WNP also provides for the allocation of a care home on a 0.86 ha site adjoining site to the residential allocation. This will be considered as part of the design process for the forthcoming planning application but it could be anticipated that this could be potentially suitable for a c.60 bed home to come forward during the period 2024/5.

Issues: viability, ownership or infrastructure requirements

In response to this question there are no third party interests, viability or infrastructure issues that would prevent the sites coming forward in accordance with the policies in the Emerging Local Plan. The WNP has also set out the expected requirements for the site. The agreement entered into between the landowner and Manor Oak Homes has taken these requirements into account.

Site Work Undertaken

Many of the initial baseline site surveys have already been undertaken including:

- Tree Surveys
- Preliminary Ecological Surveys
- Topographical Surveys
- Phase 1 Ground Investigations

- Landscape Assessment

As noted above, we anticipate engagement in relation to future proposals for the sites with the Town Council having regard to the WNP shortly as well as full pre-application engagement with Officers of the Borough Council shortly. In addition, as part of the Emerging Local Plan and the Examination we would seek to enter into a Statement of Common Ground to finalise on these and other matters to aid the Council as part of the process to confirm that the sites can be delivered and developed within agreed timescales.

In the meantime, I trust this information is helpful. If you have any queries, however, please do not hesitate to contact me.

Yours sincerely



Andy Butcher Dip Tp MRTPI
Senior Associate Director