



**Colchester Borough Council**

**Independent Examination – Section 2 Colchester  
Borough Local Plan 2017-2033**

**Hearing Statement – Local Planning Authority**

**Main Matter 8 - West Colchester (Policies WC1 to WC5)**

**April 2021**

## **Main Matter 8 – West Colchester (Policies WC1 to WC5)**

**Are the policies and site allocations for West Colchester justified by appropriate available evidence, having regard to national guidance, and local context, including the meeting the requirements of the CLP 1?**

**Do the housing land site allocations in West Colchester show how they will contribute to the achievement of the overall housing requirement of the CLP Section 1 (14720 new homes) and its timescale for delivery?**

- 8.1 The allocations in Stanway and West Colchester directly reflect the sustainable development principles underpinned by the NPPF, being at the top of the spatial hierarchy. Development within the urban area of Colchester achieves all three dimensions of sustainable development that is: economic, social and environmental, as defined in the NPPF (paragraph 7). The Council's Hearing Statement covering an Introduction to Place Policies explains the process the Council followed in allocating sites. In accordance with the NPPF the allocation of sites took account of the evidence base which includes a Strategic Land Availability Assessment ([EBC 2.17](#)) as well as the Sustainability Appraisal as required by legislation. The Sustainability Appraisal (SA) (CBC 2.2) identifies, describes and evaluates the likely significant effects on the environment of the plan and reasonable alternatives. More details about the SA and how it has influenced the site selection process for allocations in principle is contained in the Introduction to Place Policies Statement. Appendix 1 of the SA report includes tables for each site allocation policy justifying why the preferred option (site) was selected and why reasonable alternatives were rejected. A table summarising the appraisal of the preferred sites and reasonable alternatives is included to provide a comparison of likely effects. Commentary is included on the cumulative and synergistic effects of the allocation(s).
- 8.2 The CLP 2 Policy SG1 provides the Spatial Strategy for Colchester. The Town Centre is the most sustainable location for new development given its central location and good access to public transport, walking and cycling routes. Although there is scope for development to be provided at higher densities in the Town Centre, there remain limited opportunities for further growth with demand on land for a mix of uses, Matter 4b covers this further. The surrounding built up area of Colchester which includes land in the West provides the next level of sustainability due to its urban location, public transport routes and pedestrian and cycle connectivity. The site allocations in West Colchester accord with the Spatial Strategy as set out in Policy SG1.
- 8.3 The allocation of sites for growth in West Colchester is consistent with the CLP Section 1. The 'Vision for North Essex' in the Colchester Local Plan Section 1

identifies that *‘Sustainable development principles will be at the core of the strategic area’s response to its growth needs... ‘and that ‘... the undeveloped countryside and the natural and historic environment will be conserved and enhanced. Key to delivering sustainable development is that new development will address the requirement to protect and enhance the historic environment and settlement character’.*

- 8.4 Policy SP3 in the CLP Section 1 states that *‘Existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period.’* It further provides clarity for each authorities Section 2 Plan: *‘In Section 2 of its Local Plan each local planning authority will identify a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs’.* The urban area of Colchester is at the top of the Spatial hierarchy making these allocations compliant with the CPL Section 1.
- 8.5 The Settlement Boundary Review (April 2017) ([EBC 2.14](#)) considered four broad areas of search in West Colchester and Stanway: land north of London Road; land west of Stanway Western Bypass; Land between Railway Line and Halstead Road; and Land North of Halstead Road/London Road. The Settlement Boundary Review recommended six SLAA sites as potential allocations.
- 8.6 The Settlement Boundary Review concluded that development in West Colchester and Stanway is suitable and achievable and can be contained by the A12 and the railway line.
- 8.7 West Colchester is one of 5 geographical areas which together comprise the urban area of Colchester. The west of Colchester has been the subject of various planning applications and development in recent years, and this is expected to continue in this plan period.

#### Policy WC1: Stanway Strategic Economic Area

- 8.8 The Council has prepared specific Topic Papers on Economic Growth (Topic Paper 3) and on Retail and Town Centre policy (Topic Paper 4) which should be read in conjunction with this hearing statement in relation to the policy on commercial uses in WC1.
- 8.9 The policy approach for Stanway’s commercial areas is justified by appropriate available evidence and has regard to national guidance and local context. It involves a zoned approach directing commercial development in Stanway into two zones – Zone 1 as the focus for appropriate economic uses, and Zone 2, land within the Tollgate District Centre which is a focus for main town centre uses.

### Strategic Economic Area

- 8.10 The designation of the Stanway Strategic Economic Area addresses the requirements of 2012 NPPF Paragraph 20-21 to plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century, but also bearing in mind the caveat contained in Paragraph 22 that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.
- 8.11 As noted in the Council's Topic Paper 3 on Economic Growth, evidence for the allocation of employment uses within the Stanway Economic Area is based on the analysis in the Council's 2015 Employment Land Needs Assessment (ELNA) ([EBC 3.2](#)) and 2017 Employment Land Trajectory ([EBC 3.3](#)), both prepared by Lichfields. The ELNA ranked land within the Stanway area immediately below North Colchester sites in the Site Assessment Matrix for Colchester, with sites at Stanway receiving scores of 21-23 out of 30 possible points covering a range of deliverability considerations (p. 63 ELNA). Based on site assessments and evaluation of market considerations, the Lichfield work recommended that a reduced Stanway area, along with the North Colchester and Knowledge Gateway Strategic Economic Areas, should remain as a key locale for commercial development to meet the limited demand within Colchester for new employment land.
- 8.12 The Economic Growth Topic Paper and draft Schedule of Recommended Modifications ([CBC 1.6](#)) propose the allocation of 5.4 ha of employment land in the Stanway Strategic Economic Area. Since these were published, the Council has been in discussion concerning a potential Statement of Common Ground with Barton and Willmore, acting on behalf of O&H Properties, owners of the Lakelands West site. Barton Willmore have proposed that the Lakelands West site should be allocated for residential purposes only rather than development for a mix of employment and residential uses and they have prepared an Employment Needs Assessment expected to be submitted with their Hearing Statement to justify this change, indicating lack of demand for employment uses on that site. The loss of 4 ha of employment land would reduce the overall supply of employment land allocations in the Borough over the plan period from the 36ha currently shown in the Economic Topic Paper and Draft Schedule of Recommended Modifications to 32 ha. This would still represent an oversupply, since the Council's employment land allocation target, as set by the adopted Section 1 plan, is 22-30 ha. The parties will continue to work towards agreeing a SoCG and provide an update at the Examination Hearings as required.
- 8.13 The loss of the Lakelands West site would reduce the land available for future employment development in Stanway to 1.4 ha, but continuing designation of the Strategic Economic Area would also safeguard the existing employment uses at the Westside Centre and Tollgate Business Park. The reduced SEA would still

play a useful role in providing well-located employment land in the west of the Colchester urban area, plus there are synergies with the location adjacent to the District Centre. In the wider sense, the two Stanway zones address the flexible requirements for commercial floor space required in a changing economic climate.

#### District Centre

- 8.14 Section 1 of the CLP does not provide specific policies on retail or a centres hierarchy for Colchester. The Section 2 CLP policies on a centres hierarchy are, however, considered to follow on from the more general requirement of the Section 1 Spatial Strategy (Policy SP3):

*Each local authority will identify a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs.*

- 8.15 The Retail and Town Centre Topic Paper 4 and the Council's hearing statement on Matter 2 highlight the evidence base for the Council's centre policies. They support the case for a zoned approach in Stanway, with proposed modifications only required to address the following particular points:

- Zone 1 - A modification is proposed removing the sentence restricting main town centre uses in zone 1, given that main town centre uses include offices. Additionally, wording is proposed to be updated to delete outdated use class references.
- Zone 2 -The Retail and Town Centre Study Update 2020 (EBC 3.11) noted Tollgate District Centre's ongoing evolution from a predominantly retail park into an established, sub-regional shopping destination but did not suggest that its growth warranted consequential changes to its place within the Council's centres hierarchy. It was found to directly compete with Colchester Town Centre for comparison goods expenditure but was otherwise lacking in terms of services and community facilities. Accordingly, the only proposed modification to Tollgate's District Centre function is deletion of the requirement for proposals to be 'suitable for, and proportionate to, the role and function of the centre and its place within the hierarchy' as it repeats the provisions of Policy SG6. The Update agreed with the inclusion of criteria (i) which supports the introduction of new services and community facilities given the identified lack of such provision. The Update also supported with the other two criteria referencing the need to satisfy national requirements in relation to the sequential and impact tests. It recommended that criteria (iii) should reference the other limb of the impact test requiring assessment of the impact of the proposal on existing, committed and planning public and private investment in the catchment area of the proposal, so it is proposed to amend the policy to include this.

- 8.16 Discussions with the Tollgate Partnership and with O&H Properties concerning potential agreement on Statements of Common Ground may result in further proposed changes to the Schedule of Modifications concerning allocations/designations within the Stanway area, and clarification of the application of the sequential test and appropriate centre uses. These will be updated as required upon agreement of the SoCG referred to above.
- 8.17 Proposed modifications to the District Centre and Strategic Economic Area aspects of Policy WC2 would have the effect of changing the boundaries of designated areas shown on the Policies Map. The submitted maps reflect the position prior to the approval on appeal of planning permissions for Tollgate Village (Planning application 150239) and at the adjacent Stane Park site for restaurant/retail uses (planning applications 146486 and 193163). The map attached as Appendix 1 to this statement shows the consequential impact of these changes on the sites included within Zones 1 and 2 at Stanway:
- Deletion of the residential allocation for 200 units at the former Sainsbury's site, which is now shown as part of the Tollgate Village scheme permitted by 150239 and designated as a District Centre.
  - Deletion of the employment land designation for Stane Park, which is now shown as white land. While the site now has permission for main town centre uses, this permission does not automatically confer District Centre status. Stane Park is not well-connected physically to the adjacent Tollgate District Centre, and further unrestricted expansion of the existing Tollgate District Centre is not considered appropriate in view of the importance of maintaining the pre-eminence of the Town Centre in the hierarchy of centres.
  - Deletion of the employment land designation for Tollgate South and inclusion of that area within the District Centre, reflecting the fact that it forms part of the planning permission granted for redevelopment and extension of the Tollgate Village development within the existing District Centre.
  - Deletion of the employment use on the site referred to as Lakelands West. As the Hearing Statement for Matter 2 explains, the Council is proposing allocation for this land as entirely residential rather than part employment in light of the Council's oversupply of employment land and evidence submitted on the weakness of market demand for employment uses on that site.

## Policy WC2: Stanway and Policy WC4: West Colchester

- 8.18 The west of Colchester, and Stanway in particular, has been the subject of various applications and development in recent years and this is expected to continue in the plan period. The policies and site allocations in Policy WC2: Stanway and WC4: West Colchester are justified by appropriate available evidence having regard to national guidance and local context including meeting the requirements of the CLP1.
- 8.19 Policy WC2 identifies sites in Stanway to be allocated for additional housing growth. These are detailed below. The housing land site allocations in Stanway will contribute to the achievement of the overall housing requirement of the CLP1 with more information provided below for each allocation to confirm that development on these sites will be delivered in the plan period.
- 8.20 Highways England submitted a representation (ref. 6667) to the publication draft CLP. This advised that a transport impact assessment would be required. The representation was submitted prior to the determination of the planning applications at Stane Park and Tollgate Village, referenced above, which secured improvements to Junction 26. Transport Assessments will be required with the planning applications for each site. One has been submitted in respect of the proposed Persimmon development off London Road (ref 202829). This is informed by consultation with Highways England regarding the impact of the development and they have confirmed that “a development of this size in this location does not give cause for concern at either Junction 25, Junction 26 or anywhere else along the A12. Highways England consider that the impact on the A12 junctions would be minimal and no junction capacity modelling is required for these junctions.”

### WC2: Land to the North of London Road

- 8.21 Land to the North of London Road is allocated for 630 dwellings over the plan period. Land is also allocated to expand the existing Rosemary Almshouse site, which will provide for 26 Almshouse units. The Settlement Boundary Review ([EBC 2.14](#)) identified the two sites, located on the edge of Stanway and close to key services and facilities, as available and achievable. The Policy requirements for this allocation recognise the need to comprehensively plan the site through the use of a masterplan.
- 8.22 A full application (202829) for 102 units on land to the North of London Road was submitted in December 2020 and is under consideration following the receipt of amended plans. A planning application (200995) was also submitted in May 2020 for 31 Almshouses (including 5 which will replace existing houses which no longer meet current standards). There are no issues concerning viability, ownership or

infrastructure requirements that would prevent these 2 parts of the site coming forward.

- 8.23 The site promoter (a national housebuilder) of the remaining portion of the allocation has confirmed that there are also no known issues that would prevent the site coming forward and anticipates that a planning application will be submitted in 2021. The promoter has entered into a Planning Performance Agreement with the Council to progress the site. The allocation will contribute to housing delivery in the borough.
- 8.24 The Updated Habitat Regulations Assessment (HRA) identified that this site has moderate suitability to support qualifying bird species and a modification is recommended [see Updated HRA ([EBC4.70](#)), Matter 1 Hearing Statement paragraph 1.5.20, Introduction to Place Policies Hearing Statement paragraphs 1.23-1.24 and Statement of Common Ground with Natural England (SCG1)].

#### WC2: Land between Tollgate West and London Road (former Sainsbury's Site)

- 8.25 Since submission of the CLP, planning permission has been granted (150239 & 191722) for commercial use on the former Sainsbury's site which had been allocated for 200 residential dwellings. A modification to delete this allocation is set out in the Draft Schedule of Recommended Modifications ([CBC 1.6](#)).

#### WC2: Land to the West of Lakelands

- 8.26 Land to the West of Lakelands is allocated for approximately 150 dwellings and employment uses over the plan period. The Settlement Boundary Review ([EBC 2.14](#)) identified the site, located on the edge of Stanway and close to key services and facilities, as available and achievable. The policy requirements identify the need for an ecological survey with appropriate mitigation.
- 8.27 The Council has commenced discussions on a potential Statement of Common Ground with Barton and Willmore, acting on behalf of O&H Properties, owners of the Lakelands West site in Stanway with a view to a proposed modification. The potential modification would involve allocation of the whole site for residential purposes only, rather than a mixed-use development (employment and residential). As the Hearing Statement for Matter 2 explains, the Council is proposing allocation of this land as entirely residential rather than part employment in light of the Council's oversupply of employment land and evidence submitted on the weakness of market demand for employment uses on that site. Deletion of the employment use on the site is therefore proposed as illustrated on the policies map in Appendix 1.



- 8.28 The site promoter has confirmed that there are no land ownership issues and development of this site is viable. It is anticipated that an outline application will be submitted later this year. The allocation will contribute to housing delivery in the borough.
- 8.29 The Updated Habitat Regulations Assessment (HRA) identified that this site has moderate suitability to support qualifying bird species and a modification is recommended [see Updated HRA ([EBC4.70](#)), Matter 1 Hearing Statement paragraph 1.5.20, Introduction to Place Policies Hearing Statement paragraphs 1.23-1.24 and Statement of Common Ground with Natural England (SCG1)].

#### WC2: Land at Chitts Hill

- 8.30 Land at Chitts Hill is allocated for up to 100 dwellings. The Settlement Boundary Review ([EBC 2.14](#)) identified that the site is located adjacent to a housing site and adjacent to the current settlement boundary. The policy requirements identify the need to ensure open space and green infrastructure provision to complement the neighboring Local Wildlife site. Full planning permission (172049) has been granted for 100 units and work has commenced on site.

#### WC2: Land off Dyers Road including Fiveways Fruit Farm

- 8.31 Land off Dyers Road, including Fiveways Fruit Farm, is allocated for approximately 490 dwellings. This land was allocated in the current Adopted Local Plan as part of a larger growth area. Most sites within the growth area have been completed or are under construction including Phase 1 of Fiveways Fruit Farm. Phase 2 is the subject of a current application (182220) which benefits from a resolution to approve and the S106 agreement has been finalised and is expected to be signed by mid-April 2021. It was re-allocated in the Plan, given its status in 2017, with mitigation measures provided against impacts as well as ensuring adequate provision of open space and community infrastructure. The site was always expected to come forward late in the adopted plan period because of mineral workings on land to the south. The site promoter has confirmed that there are no concerns regarding delivery of this site and construction is anticipated to commence Spring 2022.
- 8.32 The Updated Habitat Regulations Assessment (HRA) identified that this site has moderate suitability to support qualifying bird species and a modification is recommended [see Updated HRA ([EBC4.70](#)), Matter 1 Hearing Statement paragraph 1.5.20, Introduction to Place Policies Hearing Statement paragraphs 1.23-1.24 and Statement of Common Ground with Natural England (SCG1)].

#### WC4 – Other Sites

- 8.33 Policy WC4 identifies sites in West Colchester to be allocated for additional housing growth. These are detailed below. The housing land site allocations in West Colchester will contribute to the achievement of the overall housing requirement of the CLP1 with more information provided below for each allocation to confirm that development on these sites will be delivered in the plan period.

#### WC4: Essex County Hospital Site, Lexden Road

- 8.34 Land for residential development is allocated on the former Essex County Hospital site on Lexden Road. A development brief for the site was adopted in 2014 and the policy requires development of the site to accord with this development brief. A full planning application (192828) was approved in 2021 for the redevelopment of the former Essex County Hospital to provide 120 homes and residential conversion of some of the former hospital buildings to provide 70 apartments and houses.
- 8.35 Some conditions of the planning consent have been discharged and there are no concerns regarding delivery or implementation of the site. The allocation will contribute to housing delivery in the borough.

#### WC4: Land at Irvine Road

- 8.35 Land for residential development is allocated on land at Irvine Road. The site is located to the rear of existing residential properties on Irvine Road. Planning permission was approved (182528) in 2018 for six dwellings and development has commenced. There are no concerns regarding delivery or implementation of the site. The allocation will contribute to housing delivery in the borough.

#### Modifications

- 8.36 Policy WC2 as submitted is considered sound. The following modifications are proposed as set out in the Draft Schedule of Recommended Modifications ([CBC 1.6](#)) as follows:

- Delete Sainsbury's site residential allocation to reflect grant on appeal of an application on this site.

#### **~~Land between Tollgate West and London Road (former Sainsbury's Site)~~**

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

~~(1) Up to 200 dwellings of a mix and density suitable for its location:~~

- ~~(ii) A new pedestrian and cycle link from London Road to Tollgate West in order to improve the District Centres north-south connectivity;~~
- ~~(iii) Services and community uses on the ground floors fronting the aforementioned new link to establish active frontages which complement the adjoining District Centre; and~~
- ~~(iv) High quality public realm and landscaping improvements in order to encourage the use of the new link through the site.~~

8.37 A minor modification to Policy WC2 is proposed to avoid duplication:

- *Land off Dyers Road - Delete Criterion (v)*

8.38 To provide a requirement for a Minerals Resource Assessment which has previously not been included in error, it is proposed to add a sentence to Land to the North of London Road allocation in Policy WC2:

- **Any proposals will also take into account the Essex Minerals Local Plan and the developer will be required to submit a Minerals Resource Assessment as part of any planning application. Should the viability of extraction be proven, the mineral shall be worked in accordance with a scheme/masterplan as part of the phased delivery of the non-mineral development.**

8.39 In addition to the modifications above, a further modification is proposed to WC2 as will be set out in the Statement of Common Ground with Essex County Council as follows:

Amend First paragraph - '~~.... In addition to meeting the requirements set out in Policy PP1, existing capacity issues at the .... and by the provision of a new primary school at Lakelands.~~ a new **primary** school will be required on 2.1 hectares of **suitable** land **allocated for education and childcare use** to the north of London Road in a location to be decided. The primary school will be secured through a S106 agreement and will be co-located with a 56 place early years and childcare facility ~~(D1 use)~~ **nursery**. An additional 0.13 hectares of **suitable** land for a 56 place early years and childcare facility **nursery** will also be required in Stanway in a location to be decided. **All new residential developments in Stanway will be expected to contribute towards new education facilities. Commercial developments may be expected to contribute to Early Years and Childcare facilities.**

### Policy WC3: Colchester Zoo

- 8.40 Colchester Zoo is an important visitor attraction and has operated successfully in its current location for over 50 years. The site is in an environmentally sensitive location adjacent to the Roman River and includes a Scheduled Ancient Monument and Gosbecks Archaeological Park. It is acknowledged that tourist attractions require constant updating and that expansion around its current location has strong economic justification. It is considered preferable to provide a proactive comprehensive approach working with the Zoo, rather than a less managed piecemeal approach.
- 8.41 The Policy is supported by Colchester Zoo who believe it will enable it to retain its status as one of the best UK zoos and continue to play a leading role in species conservation with European Zoos going into the future
- 8.42 Policy WC3 as submitted is considered sound. The following modifications are proposed as set out in the Draft Schedule of Recommended Modifications ([CBC 1.6](#)) as follows:
- Modification proposed to paragraph 14.118 (third sentence) to reflect Essex Bridleways Association representation as follows: Any proposals should promote access by bus from the town centre and local train stations, as well as promoting local access via cycle, footpaths, **equestrian routes where appropriate**, and ~~improving~~ improvements to these routes where necessary.
  - Modification proposed to Policy WC3 for consistency with NPPF terminology: ....Any proposals for the expansion of the Zoo will be undertaken through a masterplan approach taking into account landscape and Scheduled ~~Ancient~~ Monument impact...
- 8.43 The Updated Habitat Regulations Assessment (HRA) identified that this site has moderate suitability to support qualifying bird species and a modification is recommended [see Updated HRA ([EBC4.70](#)), Matter 1 Hearing Statement paragraph 1.5.20, Introduction to Place Policies Hearing Statement paragraphs 1.23-1.24 and Statement of Common Ground with Natural England (SCG1)].

## Policy WC5: Transport in West Colchester

- 8.44 Policy WC5 is justified by appropriate available evidence, having regard to national guidance, and local context, including meeting the requirements of the CLP1. Strategic transport modeling has been undertaken ([EBC 5.5](#)) which has shown links and junctions in West Colchester operating over capacity at peak times. Development will add pressure to the transport network and measures will be required to help mitigate this impact.
- 8.45 The assessment of the modelling identifies potential solutions on the highway network resulting from proposed development. These potential solutions have been reflected in the Infrastructure Delivery Plan (IDP June 2017) ([EBC 5.3](#)).
- 8.46 Policy WC5 requires developments in West Colchester to contribute to a package of sustainable transport measures including walking, cycling, public transport, travel planning and the promotion of sustainable travel. This is in line with NPPF and CLP1 Policy SP6 which requires local planning authorities to work with partners to deliver changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles.
- 8.47 Policy WC5 as submitted is considered sound. The following modifications are proposed to reflect updated position in terms of proposed transport infrastructure as set out in the Draft Schedule of Recommended Modifications ([CBC 1.6](#)) as follows:

Amend bullet points in paragraph 14.47 to reflect latest information.

- ~~• A12 Technology Package between the M25 and the A14 – smarter technology package to enable better management of the trunk road network. Scheme identified in the Government’s Road Investment Strategy.~~
- ~~• A12 widening between Junction 25 and junction 29 – scheme identified in the Government’s Road Investment Strategy for start of investment to be made by 2025.~~
- A120 upgrades – ECC and Highways England have progressed regarding a new and improved A120 between Braintree and the A12. In March 2020 the government announced its Road Investment Strategy (RIS) which included a commitment to progress further development work on the A120 dualling to prepare the scheme for delivery. The A120 dualling scheme be considered for inclusion in the RIS3 programme 2025 – 2030. Preferred route to be identified summer 2017.**

## Appendix 1

### Policy WC1

