

Proof of Evidence

of Simon Cairns

MRTPI, IHBC

Colchester Borough Council S.78 Appeal Against Non-Determination concerning

Full planning application for the erection of 130 Residential dwellings with access, link road to allow for potential future connections, associated parking, private amenity space and public open space.

At: Land adjoining The Gables, Kelvedon Road, Tiptree, Colchester

LPA Ref: 190647

PINS Ref: APP/A1530/W/21/3278575

September 2021

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1.0 Introduction

- 1.1** My name is Simon Cairns I hold the post of Development Manager at Colchester Borough Council. I manage the development management, planning specialists and enforcement teams that together discharge the regulatory planning functions of the Borough.
- 1.1.1** I hold an Honors Degree in Geography from the University of Durham, a Postgraduate Diploma in Town Planning from Southbank University together with a Diploma in Building Conservation from the College of Estate Management, Reading University. I am a member of the Royal Town Planning Institute and the Institute of Historic Building Conservation.
- 1.1.2** I have over 30 years' experience gained in Town and Country Planning practice principally in the public sector but also in private practice and the third sector. Prior to joining Colchester Borough Council, in 2012 I was employed by the Suffolk Preservation Society as Director. I was previously employed by Cotswold District Council as Principal Heritage & Design Officer and Cheltenham Borough Council as Heritage and Design Manager. I have considerable experience of advising on design issues in the context of both historic infill and entirely new build development.
- 1.1.3** I have worked in the Borough for over nine years and have good local knowledge of the built and natural environment. I have examined the site and its context, and I am familiar with the plans and documents relating to this Inquiry.

2.0 Scope of Evidence

- 2.1 My evidence addresses the first deemed reason for refusal concerning design and explains that the development fails to accord with the principles of good design required by national policy and allied guidance and is in consequence contrary to relevant adopted local plan policies.
- 2.2 This contributes to the Council's conclusion that the planning balance exercise undertaken in accordance with s.38 (6) (Planning & Compulsory Purchase Act 2004) concludes properly that the adverse impacts of the proposal are unjustified and demonstrably outweigh the benefits identified.
- 2.3 My evidence was prepared in advance of the appellant's revised proposals submitted on Friday 25 February 2022. I will review this recent evidence in a further Addendum Proof as soon as possible.

3.0 The Proposals

3.1 Application Description

The appeal proposal is a full planning application for the erection of 130 dwellings together with requisite infrastructure.

Determination process

3.2 No pre-application discussions took place prior to submission with either the landowner nor applicant and the application was not subject to a planning performance agreement contrary to good practice (para.39-42 NPPF). The full application was registered on the 7.03.2019 and was thereafter subject to the orthodox advertisements and statutory consultation process.

3.3 The responses to these consultations revealed significant issues requiring resolution that precluded the timely determination of the application. These matters included sustainable surface water drainage (SUDS), highway matters and design. Detailed negotiations took place throughout the course of the application's determination period seeking to resolve these issues but at the time at which the appeal against non-determination was lodged, there was no mechanism to secure developer contributions nor obligations, revisions to the highway elements of the scheme nor had significant progress been made to resolve the detailed design shortcomings of the proposals to satisfy the aspirations of relevant national and local plan policies. This was despite a series of meetings seeking to deliver substantive improvements. Revised drawings were submitted and lodged as formal revisions to the application. These were not considered to fundamentally address the extensive shortcomings identified by the Council's Urban Design Officer. The SUDS issues which had attracted an objection from ECC as the LLFA, were only resolved shortly after the appeal was lodged. The objections identified by the highway authority remain unresolved.

3.4 This s.78 appeal against non-determination prevented the Council from formally determining the application. The Ipa resolved under its adopted scheme of delegation on the 12 August 2021 that had it been in a position to determine the application, it would have refused planning permission on the basis of four substantive reasons. My evidence focuses on the first putative reason for refusal No.1 which states:

"1.0 Design

The National Planning Policy Framework (2021) sets out the government's planning policies for England and how these are expected to be applied through allied guidance.

Good design is central to delivering sustainable development and in particular the social and environmental dimensions. The Framework states that '*the creation of well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities health and social well being*' is integral to the social dimension of sustainable development, whilst protecting and enhancing our natural, built

and historic environment lies at the heart of the environmental dimension. (paras.8.b/c NPPF).

The Framework explicitly states that *‘the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve’* and that *‘Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’*. (para.126 NPPF). The Framework sets out the key design objectives that proposals should satisfy at para.130 whilst confirming at para.134 that *‘development that is not well designed should be refused especially where it fails to reflect local design policies and Government guidance on design.’*

The Council considers that the proposed development does not meet the key design objectives for high quality design set out in national policy and guidance (para. 130 NPPF and para.37 of the National Design Guide) and that objectively does not, by definition, represent high quality design or sustainable development. For these sound planning reasons the development should be refused as it conflicts with the Government’s intention to promote high quality design and beautiful places that respond to and enhance local distinctiveness.

The proposed development fails specifically to:

- Respond positively to site context;
- Create a coherent and distinctive identity that the community will identify positively with;
- Employ a cohesive and coherent pattern of development that reinforces local distinctiveness;
- Create a highly accessible and permeable layout that integrates well with neighbouring development and routes;
- Enhance and optimise the opportunities for biodiversity including net gain;
- Create public spaces of varying scale, purpose and character throughout the scheme to create a hierarchy of new spaces for safe social interaction for residents of all ages, including play;
- Provide opportunities for mixed uses and ensure that the development is socially inclusive through an appropriate mix of house types and tenures secured by legal agreement;
- Deliver homes with a richness of architectural detail and sustainability credentials;
- Use resources efficiently and minimise emissions to mitigate climate change; and
- Create an adaptable and resilient pattern of development to ensure longevity of use.

The proposal accordingly conflicts with: ¹

[1] the objectives of adopted LDF 2001-2021 policies UR2 – Built Design and Character

[2] ENV1 Environment of the Core Strategy (2008, Revised 2014); and

[3] allied Development Policy DP1 Design and Amenity (2010, 2014)

In addition, the proposals conflict with

the policy objectives of the emerging Local Plan 2017-2033 Policies

[4] SP7 – Place Shaping Principles, and

[5] ENV1 – Environment

¹ See Paras 7.4-7.5 for conclusions

[6] DM15 - Design and Amenity

These policies combined seek to deliver responsive, inclusive, sustainable and high-quality design through new development, which the proposal fails to achieve.”

A copy of the associated case officer’s delegated report is reproduced at Appendix 1. I would observe as a preliminary point that the first putative reason for refusal was founded on NPPF objectives alongside development plan policy seeking to promote high quality design and place making. The issue whether relevant development plan policy is out-of-date is considered below; but there can be no serious issue that the national planning policy also underlying this reason was or is out-of-date.

Site Location and Surrounding Area

- 3.6 The appeal site extends to an area of 5.16 Hectares. The site is located to north west of Tiptree, south of the B1023 (Kelvedon Road) which links Tiptree with the neighbouring settlements of Feering and Kelvedon. The appeal site comprises includes a residential dwelling (Tower End), gypsy and traveller accommodation (Ponys Farm), other residential outbuildings and ancillary space, together with disused scrub “amenity” land.

The site is broadly horseshoe shaped surrounding on three side an existing residential detached dwelling (known as The Gables) which is not included within the appeal site area.

- 3.7 The site boundaries are clearly defined in the main by substantial hedgerows, trees and landscaping. There are some additional informal hedgerow/ditch features within the site that form sub-divisions between the ownership parcels. A public right of way runs along the southern boundary of the site, but is outside of the control of the applicant and application site respectively. The site is subject to a TPO.

4.0 Planning History

4.1 Planning Applications

4.1.1 The appeal site has no history of previous planning applications of relevance prior to the submission of the application that is the subject of this appeal.

4.1.2 However, outline planning permission for residential development has been granted on land adjacent to the site at north and south of Grange Road for the erection of 103 dwellings with areas of Public Open Space, provision of a new roundabout access and other ancillary infrastructure and works including drainage provision (ref: 122134). A reserved matters application has been approved subsequently and construction of this development has commenced (ref: 151886). This site is included within the development boundary in the emerging Local Plan Policies Map.

5.0 Relevant National and Development Plan Policies

5.1 The Development Plan and relevant policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:
If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

5.2 I will only consider the design-related policies within the local plan and national policy and my evidence is restricted to consideration of the design qualities of the appeal proposals set against these relevant development plan policies.

5.3 The NPPF confirms that if a proposal accords with an up-to-date development plan it should be approved without delay as stated in National Planning Policy Framework (NPPF) 11(c). Paragraph 12 reaffirms that development in conflict with an up-to-date Local Plan should be refused – unless material considerations indicate otherwise. It is my contention that the serious design shortcomings identified weigh heavily against the granting of planning permission in the planning balance.

5.4 The appeal should be determined in accordance with the Development Plan unless other material considerations indicate otherwise (as set out by paragraph 12 of the NPPF). The material considerations include the NPPF and allied national guidance. Therefore, both Colchester's locally adopted policies (the Development Plan) and the relevant paragraphs of the NPPF set out above (a material consideration) must be also taken into account and neither lend support to the appeal proposals on the basis of a seriously substandard designed scheme.

5.5 The Development Plan

The Development Plan for Colchester comprises:

- Colchester Core Strategy (Adopted December 2008, amended July 2014);
- Site Allocations DPD (Adopted 2010); and
- Development Policies Document (Adopted 2010. Amended July 2014)
- Colchester Local Plan 2017-2033 Section 1 Adopted February 2021. With the examination process concerning Section 2 of the plan (Site allocations and development management policies) on going

5.6 Within the current adopted Local Plan, the land that comprises the application site is white land i.e., it has no allocation and is located outside of the established settlement boundary for Tiptree.

5.7 Focused Review of the Adopted Local Plan

5.8 A Focused Review of certain policies within the Core Strategy and Development Policies DPD was undertaken in 2013-14. The approach adopted by the Council of a partial review reflected that the majority of the Local Plan remained relevant and up to date. Where there was considered to be a limited inconsistency that could be addressed without significant new evidence or consequences for non-reviewed policies, the Council sought to address it. The overall strategic direction of these policies is considered to be consistent with the NPPF and consequently the adopted Local Plan is considered to remain a valid basis for the determination of this appeal.

5.9 I will have regard to the following key policies that are the important development plan policies of direct relevance to the determination:

Core Strategy (2008) as amended by the Focused Review (2014)

- H2 Housing Density (revised July 2014)
- H3 Housing Diversity
- PR1 Open Space
- PR2 People Friendly Streets
- UR2 Built Design and Character
- ENV1 Environment

Development Policies (2010) Selectively Revised July 2014)

- DP1 Design and Amenity (Revised July 2014)
- DP12 Dwelling Standards
- DP16 Private Amenity Space and Open Space Provision for New Residential Development (revised July 2014)
- DP17 Accessibility and Access
- DP21 Nature Conservation and Protected Lanes

5.10 Colchester Borough Local Plan 2017-2033 Sections 1 and Sections 2

5.11 The Council is developing a new Local Plan (Submission Colchester Borough Local Plan 2017-2033). The whole of the emerging Local Plan was submitted to the Secretary of State in October 2017; however, the examination of the two sections has taken place separately. Section 1 of this Plan has been found sound and on 1st February 2021, Full Council resolved to adopt the modified Section 1 Local Plan in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004.

5.12 The Section 1 Colchester Local Plan is adopted and covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. Section 2 of each plan contains policies and allocations addressing authority-specific issues.

5.13 Adopted Section 1 Policy SP7 - Place Shaping Principles (Section One, CB Plan) is of particular relevance to this appeal as it sets out detailed criteria for the assessment of proposals reflecting the design aspirations set out in the NPPF. It requires that “all new development must meet the highest standards of urban and architectural design” and “should reflect the following principles:

- Respond positively to local character and context to preserve or enhance the quality of existing communities and their environs;
- Provide buildings that exhibit individual architectural quality within well considered public and private realms;
- Protect and enhance assets of historical or natural value;
- Create well connected places that prioritise the needs of the pedestrians, cyclists, and public transport services above use of the private car;
- Where possible provide a mix of land uses, services and densities with well defined public and private spaces to create sustainable and well designed neighbourhoods;
- Enhance the public realm through additional landscaping, street furniture and other distinctive features that help to create a sense of place;
- Provide streets and spaces that are overlooked and active and promote inclusive access;
- Include Parking facilities that are well integrated as part of the overall design and are acceptable if levels of private car ownership fall;
- Provide an integrated network of multifunctional public open space and green and blue infrastructure that connects with the existing green infrastructure where possible;
- Include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate waste water and flood mitigation measures, and
- Protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light and overlooking.”

The appeal proposals do not deliver these key principles in my judgement.

5.14 Section 2 of the CB Local Plan 2017-2033 is nearing adoption with consultation having taken place on modifications proposed by the Examiner. Policy SS14 of Section 2 of the emerging plan states that within the broad areas of growth illustrated on the policies map, the Tiptree Neighbourhood

Plan will define the new settlement boundary for Tiptree and will allocate specific sites for housing allocations to deliver in total 600 dwellings. In this case whilst a NP for Tiptree has yet to be made and is not yet advanced, the appeal site is located within the broad areas of growth shown on the Tiptree policies map. The principle of development is in accordance with the relevant emerging plan policy which is now well advanced. Policy SS14 is now subject to consultation on Major Modifications. In particular, these require that wintering bird surveys will be required before the granting of planning permission.

5.15 As noted above, Section 2 of the ELP is at an advanced stage. All Policies in the Section 2 Local Plan that are not subject to Main Modifications can be afforded significant if not Full weight; Policies that are subject to Main Modifications (see below highlighted by an asterix) are now afforded more limited weight, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the Framework. Proposals will also need to be considered in relation to the adopted Local Plan and the Framework as a whole.

5.16 Section 2 Colchester Local Plan 2017-2033 includes relevant policies for the consideration of this appeal. These are:

- ENV1 Environment*
- CC1 Climate Change*
- PP1 Generic Infrastructure and Mitigation Requirements*
- DM15 Design and Amenity *
- DM18 Provision of Public Open Space
- DM19 Private Amenity Space
- DM21 Sustainable Access to Development
- DM25 Renewable Energy, Water, Waste and Recycling
- OV2 Countryside*
- SS14 Tiptree*

Those policies highlighted with an Asterix were subject to consultation on Main Modifications. The key Section 2 policies of particular direct relevance to this appeal are ENV1, DM15 and OV2 for the reasons I set out below. A summary of the representations received is included at Appendix 3. I conclude in terms of the weight to be afforded to each policy in accordance with para.48 of the Framework that:

ENV1 - Environment the element regarding Biodiversity Net Gain received a few reps and so should be afforded less weight but “some” but it is nevertheless relevant that the Environment Act 2021 covers the objectives;

CC1 - Climate Change. The policy which incorporates the Mod related to Tree Canopy cover- this again has reps to the Mods so should be afforded “some” weight;

OV2 – Countryside is the policy which replaces the elements of CS ENV1 *respecting the character and appearance of landscape and the built environment and preserves and enhances the historic environment and biodiversity.*- This has no substantial reps to the Mod so it should be afforded significant weight;

DM15 - Design and Amenity, the only rep is one of support and so significant weight must be afforded.

5.17 Policy DM15 Design and Amenity is of particular relevance to this appeal (replacing and consolidating adopted CS/DMP policies UR2/DP1) and states:

All development, including new build, extensions and alterations, must be designed to a high standard, positively respond to its context, achieve good standards of amenity, and demonstrate good social, economic and environmental sustainability. Great weight will be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Poor design will be refused including that which fails to take the opportunity for good design or improving the local area.

The local planning authority will use and/or promote a range of planning processes and tools to help achieve high quality design. Ultimately, development proposals must demonstrate that they, and any ancillary activities associated with them, will:

- i) Respect, and wherever possible, enhance the character of the site, its context and surroundings in terms of its layout, architectural approach, height, scale, form, massing, density, proportions, materials, townscape and/or landscape qualities, and detailed design features. Wherever possible development should positively integrate the existing built environment and other landscape, heritage, biodiversity and arboricultural assets and remove problems as part of the overall development proposal;
- ii) Help establish a visually attractive sense of place for living; working and visiting, through good architecture and landscaping;
- iii) Promote and sustain an appropriate mix of and density of uses which are well located and integrated, optimise the efficient use of land (including sharing), contribute to inclusive communities, and support retail centres and sustainable transport networks;
- iv) Provide attractive, well connected and legible streets and spaces, which encourage walking, cycling, public transport and community vitality, whilst adequately integrating safe public access;
- v) Protect and promote public and residential amenity, particularly with regard to privacy, overlooking, security, noise, and disturbance, pollution (including light and odour pollution), daylight and sunlight;
- vi) Create a safe, resilient and secure environment, which supports community cohesion and is not vulnerable to neglect;
- vii) Provide functional, robust and adaptable designs, which contribute to the long term quality of the area and, as appropriate, can facilitate alternative activities, alterations and future possible development;
- viii) Minimise energy consumption/emissions and promote sustainable

- drainage, particularly with regard to transport, landform, layout, building orientation, massing, tree planting and landscaping;
- ix) Incorporate any necessary infrastructure and services including utilities, recycling and waste facilities to meet current collection requirements, highways and parking. This should be sensitively integrated to promote successful placemaking; and
- x) Demonstrate an appreciation of the views of those directly affected and explain the design response adopted. Proposals that can demonstrate this inclusive approach will be looked on more favourably;

The Inspector has proposed the following additional criteria to DM15 as Main Modifications that are currently subject to consultation:

- xi) Encourage Active Design.
- xii) Provide a network of green infrastructure, open space and landscape as part of the design of the development to reflect the importance of these networks to biodiversity, climate change mitigation, healthy living and creating beautiful places.

It is my judgement that the appeal proposals do not comply with these detailed criteria in DM15 numbered i), ii), iv), vii) viii, and consequently do not represent high quality design.

5.18 Policy OV2 Countryside (as modified) is of direct relevance and states that residential development proposals in the countryside outside defined settlement boundaries, will need to demonstrate that the scheme respects the character and appearance of landscapes and the built environment and preserves or enhances the historic environment and biodiversity. In my opinion, the appeal proposals do not achieve these objectives:

5.19 In conclusion, the proposals are in my judgement in conflict with the suite of relevant development plan policies. In particular, the following are the most important policies in the consideration of the appeal proposals:

[1] the objectives of adopted LDF 2001-2021 policy UR2 – Built Design and Character which seeks high quality and inclusive design informed by context that creates locally distinctive places that are well integrated, accessible and adaptable, showcasing sustainable construction methods. In my judgement the development fails on these grounds and does not deliver these opportunities for a contextually responsive development that is well integrated and promotes sustainable construction in an adaptable development form within a visually interesting public realm,

[2] ENV1 Environment of the Core Strategy (2008, Revised 2014) which seeks to ensure that development on unallocated sites is appropriate in terms of scale, siting and design thereby conserving landscape and townscape character. The policy requires that environmental assets will be conserved. The proposal does not respond positively to context and fails to conserve; and

[3] allied Development Policy DP1 Design and Amenity (2010, 2014) which requires new development to

- i) demonstrate a respect for site character and context through building design, townscape and detailed design
- ii) Prioritizes sustainable modes of transport
- iii) respect and enhance the landscape and other site assets
- iv) exploit opportunities to minimize energy consumption.

The scheme fails to deliver against these key criteria for high quality design.

In addition, the proposals conflict with the policy objectives of the adopted and emerging Local Plan 2017- 2033 Policies. In particular, the following key policies of direct relevance:

[4] Adopted Section 1 policy SP7 – Place Shaping Principles which requires all development to meet the highest standards of urban and architectural design in order to respond positively to local character and context, creating well connected places of mixed uses with public realm that reinforces a sense of place and provides for streets which benefit from surveillance and integrated network of open space, green and blue infrastructure that connects with the existing network. The proposals do not deliver on these key principles;

[5] Section 2 ELP policy ENV1 – Environment which requires development to conserve the biodiversity value of greenfield sites and to maximise opportunities for habitat creation. The scheme makes little provision for biodiversity or net gain, and

[6] Section 2 ELP policy DM15 - Design and Amenity which requires all development to respond positively to context and demonstrate sustainability.

[7] Section 2 Policy OV2 - Countryside which requires proposals to demonstrate that the scheme respects the character and appearance of landscapes and the built environment and preserves or enhances the historic environment and biodiversity.

The appeal proposal does not deliver on these key design objectives as it fails to respond to context positively, does not create a coherent sense of place through legible and well-connected development that encourages active transport and instead exhibits mediocre suburban-inspired housing lacking sustainability credentials and failing to enhance biodiversity. In consequence, the appeal proposals represent poor design that justified refusal.

These policies identified above in combination seek to deliver responsive, inclusive, sustainable and high-quality design through new development, which the appeal proposals fundamentally fail to achieve in my judgement.

5.20 National policy and allied guidance

The following MCHLG documents and policies and guidance therein is of direct relevance to this appeal:

- The National Planning Policy Framework (2021)
- National Planning Practice Guidance
- The National Design Guide (2019,2021)

5.21 The NPPF (2021)

The National Planning Policy Framework (2021) sets out the government's planning policies for England and how these are expected to be applied through allied guidance.

Good design is central to delivering sustainable development and in particular the social and environmental dimensions. The Framework states that *'the creation of well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities health and social well being'* is integral to the social dimension of sustainable development, whilst protecting and enhancing our natural, built and historic environment lies at the heart of the environmental dimension. (paras.8.b/c NPPF).

5.22 The Framework explicitly states that *'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'* and that *'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*. (para.126 NPPF).

5.23 The Framework sets out the key design objectives that proposals should satisfy at para.130 whilst confirming at para.134 that *'development that is not well designed should be refused especially where it fails to reflect local design policies and Government guidance on design.'* The NPPG confirms at para: 001 Reference ID: 26-002-20191001 that *"permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development."*

5.24 The design guidance set out in the NPPF is of direct relevance to the evaluation of the merits of the appeal proposals including para. 92 a), 104 e), 110 c) and 112 (defer to evidence of ECC Highways), But principally para. 11, 130, 131,132which state:

116. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

130. Planning policies and decisions should ensure that developments:
a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b) are visually attractive as a result of good architecture, layout and

appropriate and effective landscaping;
 c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

131. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.
132. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

5.25 The National Design Guide (2021)

The National Design Guide (NDG) at para.3 reaffirms:

3. The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve

5.26 Para.21 and 22 of Part One of the NDG confirm the components of good design. Whilst Part 2 explains the ten characteristics of well-designed places which are listed at para. 37 as follows:

Context – enhances the surroundings.

Identity – attractive and distinctive.

Built form – a coherent pattern of development.

Movement – accessible and easy to move around.

Nature – enhanced and optimised.

Public spaces – safe, social and inclusive.

Uses – mixed and integrated.

Homes and buildings – functional, healthy and sustainable.

Resources – efficient and resilient.

Lifespan – made to last

- 5.27 Paragraph 20 of the National Design Guide (NDG, MCHLG Updated 2021,1.10.19) identifies the following components of good design:
- Layout or masterplan;
 - The form and scale of buildings;
 - Their appearance;
 - Landscape;
 - Materials, and
 - their detailing.
- 5.28 The Council considers that the proposed development does not meet the key design objectives for high quality design set out in national policy and allied guidance (para. 130 NPPF and para.37 of the National Design Guide) and that objectively does not, by definition, represent high quality design or sustainable development. For these sound planning reasons the development should be refused as it conflicts with the Government's intention to promote high quality design and beautiful places that respond to and enhance local distinctiveness.
- 5.29 The Council accordingly considers that its approach to the appeal is supported by both national policy and guidance together with NPPF-consistent local policy concerning its approach to design quality in new residential development.

6.0 The Council's Case

- 6.1** The Council's case is based on the ten key issues identified in its Statement of Case and listed above in section 1 (Scope of Evidence) within the putative reason for refusal No.1. I will consider the design merits of the detailed application, both in terms of layout, contextual response and architecture, whether shortcomings identified are justified in order to deliver the public benefits identified and the overall planning balance whether there is sufficient public benefit to outweigh the harm identified.
- 6.2** I will review the submitted proposals applying the criteria for assessment of design quality and place making set out in national policy (NPPF para 130-131) and allied guidance embodied in the NDG Ten characteristics of well-designed places (para.5.26 above) as applied through relevant development plan policies (principally SP7 Place Shaping Principles and DM15 Design and Amenity) of the CB Local Plan 2017-2033 (para.5.17-5.19 above).

[1] Context – enhances the surroundings?

- 6.3** The NDG suggests that development should serve to enhance its context whilst policy SP7 requires development to “Respond positively to local character and context to preserve or enhance the quality of existing communities and their environs”. DM15 expands on this theme to require development to:
- “Respect, and wherever possible, enhance the character of the site, its context and surroundings in terms of its layout, architectural approach, height, scale, form, massing, density, proportions, materials, townscape and/or landscape qualities, and detailed design features. Wherever possible development should positively integrate the existing built environment and other landscape, heritage, biodiversity and arboricultural assets and remove problems as part of the overall development proposal”
- 6.4** The appeal site comprises a mixture of paddocks and other open land associated with small holdings and the residential curtilage of several dwellings. The built form contains a high proportion of single storey-built forms (bungalows and outbuildings). The site frontage to Kelvedon Road is defined by a variety of low-level or soft boundary treatments that permit views to be gained into the site by both pedestrians and passing motorists. This is illustrated in Figures 1-5 below. The character of the appeal site is rural fringe with scattered and sporadic informal development and is less dominated by built frontage development than the land to the south along Kelvedon Road or Oak Drive to the east.

Extracts from Google Streetview of existing streetscene to Kelvedon Road

Fig.1 Site frontage between Stourton and The Gables



Fig 2 Road frontage to The Gables and view north to site frontage



Figure 3 Existing Streetscene to south of Coronation Cottages (to be demolished)



Fig. 4 Pony Farm (to be demolished) and replaced by continuous frontage development



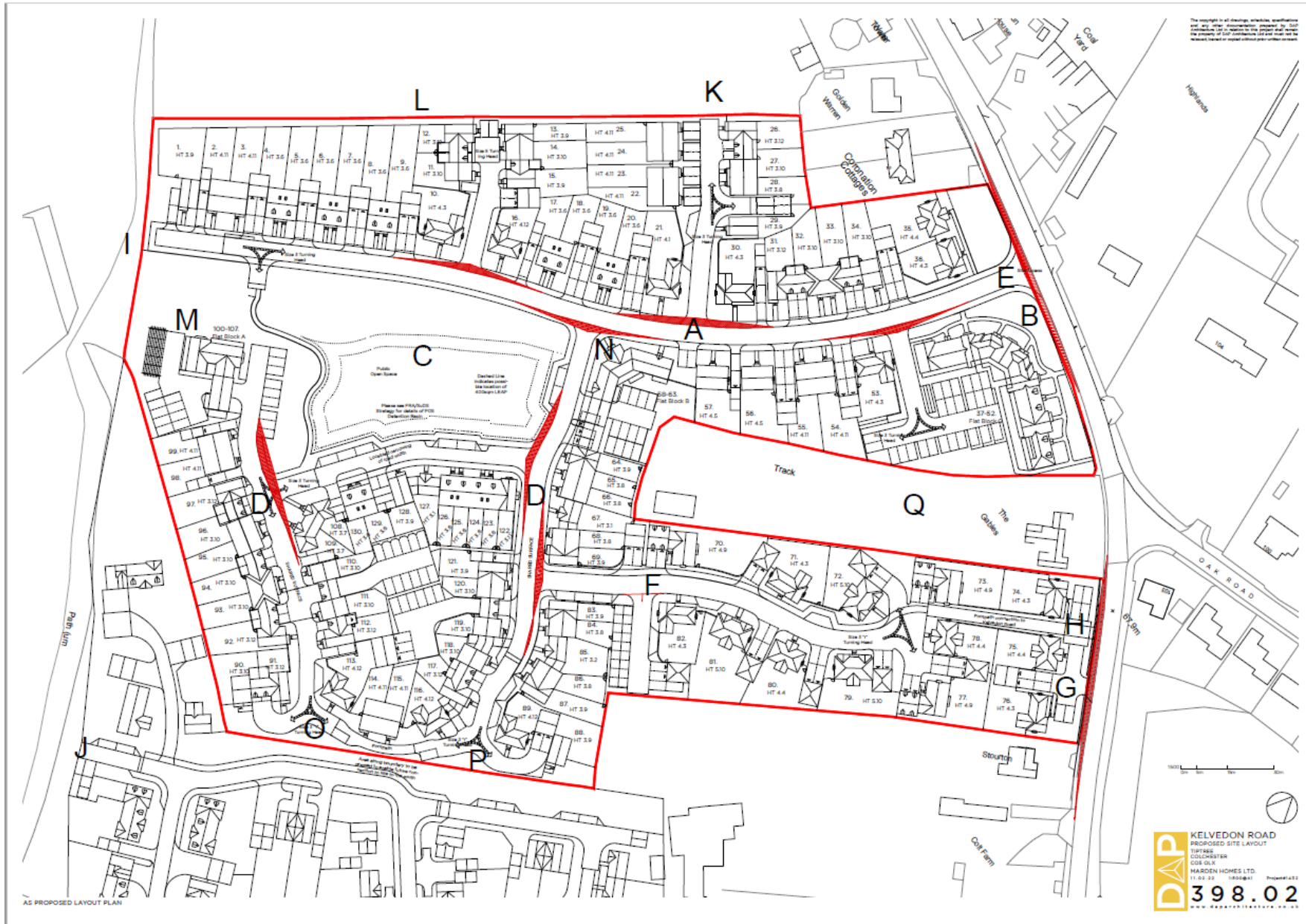
Fig 5. View south from Golden Warren (on RHS) past Coronation Cottages to position of principal access to serve development



- 6.5** The appeal site thus performs an important transitional role in mediating the relationship between the open countryside to the north and west with the more intensively developed settlement of Tiptree to the south. In my judgement it is crucial that new development respects this morphology through the creation of a “soft” new edge to the settlement with subordinate built forms that decline in scale and presence towards the northern and western periphery of the site. Furthermore, new development should allow greenspaces and green infrastructure to permeate and dominate built forms, ever respectful of the context of the site. Finally, the informality of the existing appeal site and its environs should be reflected in the proposals as this is a defining characteristic of the locality derived historically from the ad hoc development of small holdings.
- 6.6** The proposal is not informed by this contextual character and instead creates an almost continually built frontage of two plus storey development. The existing hedgerow that defines the street frontage at the south eastern end of the site (See Fig 1.) with its glimpsed views of countryside beyond would be replaced by three detached executive dwellings with forecourt garaging and parking. The site frontage to the north-west of The Gables is replaced by a radiused block of neo-vernacular three storey flats more appropriate in character for a town street than a settlement fringe. This contrasts with the existing low rise and highly visually permeable bungalow plotlands that allow views to be gained of the countryside and horizon beyond (see Figs 3 and 4) above.
- 6.7** Furthermore, views into the site would experience a wholly suburban streetscape of linked two storey houses creating continuous frontage development on both sides of the street across approximately half the depth of the site. This would erase any sense of spatial hierarchy between the principal frontage development to Kelvedon Road and the secondary hinterland as the development should bleed into a more diffuse format with built form increasingly balanced and then dominated by green space. The street is too narrow to allow tree planting in verges with shallow private front gardens only. (See also Appendix 4)
- 6.8** Whilst there are currently no footpaths that bisect the appeal site to give direct access to the PROW network. It is consequently an important objective of any development to enhance pedestrian connectivity by providing new access to the network. In particular, the PROW that runs to the south, giving access to planned development at Grange Road (Ref:122134/151886).
- 6.9** The footway along Kelvedon Road B1023, which provides direct access to the heart of the village and associated services, is currently discontinuous (absent south of the appeal site on the southwest side) and quite narrow. It is dominated by passing traffic and is consequently unattractive to pedestrians. At present, informal access may only be gained to this footpath from the southern end of the Tower Business Park, located to the north of the appeal site. This is inconvenient and inaccessible from the appeal site. In combination, the lack of direct access from the site to the PROW network and the discontinuous footway to south on the western side of Kelvedon Road will effectively discourage active travel on foot and perpetuate trips by the private car.

6.10

The appeal Scheme with annotations (see paras 6.11 – 6.29 below)



- 6.11** The appeal scheme (drawing 1432.301.01 Layout) comprises (by reference to annotations on layout plan above)
- A) a main street aligned NNE-SSW with twin short cul de sacs running northwards and terminating against the northern site boundary. This main street terminates against the site's southern boundary and does not provide onward connectivity with the adjacent footpath;
 - B) To the south-east of the main street, frontage development wraps around the north and western end of The Gables curtilage;
 - C) To the south-eastern end of the main street at the southern end is the solitary area of public open space addressed by continuous frontage development to the SSE and a substantial block of Flats (Block A) to the south end;
 - D) To the south-east of the POS frontage development are twin cul-de-sac's linked by a footpath each terminating in a turning head against the southern site boundary;
 - E) A secondary cul-de-sac provides access from the northeastern limb to a further cul-de-sac of detached homes to the south-east of The Gables.
 - F) The principal access is within the site frontage to the north-west of The Gables. To the south of this access is a band of continuous frontage development (See B) above – Flat block C) that defines the southern side of the principal access point.
 - G) To the south of The Gables is a second vehicular access serving a private driveway giving access to three detached villas fronting Kelvedon Road with a pedestrian footway weaving between plots 74 and 75. This provides pedestrian through access to the southern 'lobe' of the development H).
- 6.12** The appeal scheme is exceptionally insular and introverted in character with no connectivity to the surrounding PROW or cycleway network, most particularly at I and J. Second, in terms of the contextual relationship, the majority of streets terminate abruptly at the site boundary with no onward connectivity (Points I & K). Third, the frontage development to Kelvedon Road is concentrated to the south of the principal vehicular access at the northern end of the site boundary which in my judgement fails to reflect the expected transition in density towards the edge of the settlement. Fourth, the proposed boundary treatment plan (308.01) indicates a close-boarded fence 1.8 m in height along the northern boundary to the pightle to the rear of 'Golden Warren' to the north (L) and a combination of brick walling and fencing to the remainder of the outer boundaries to the appeal site.
- 6.13** I do not believe this to be appropriate outer boundary treatments to a development on the edge of a rural settlement where a soft and biodiverse solution should be promoted to reinforce local distinctiveness. Fifth, the pedestrian link from the southern private driveway access from Kelvedon Road (H) is bounded along its length by brick walling of 1.8 m in height with no passive surveillance to encourage usage, especially after dark. (See also Appendix 4)

- 6.14** In my judgement the appeal proposal has a poor relationship to its context, both in visual terms to reinforce settlement character but moreover in terms of connectivity to encourage sustainable modes of active transport and is therefore contrary to DM15 i) and the first and fourth bullet points of SP7 insofar as it fails to enhance its context.

[2] Identity - Attractive and Distinctive?

- 6.15** The appeal scheme varies in height between two and three storeys (Storey Heights Plan 302.00). The continuous frontage to the south of the main access includes 3 storey development on the southeast corner of the access (B) together with Flat Block A rising to three storeys at the south west corner of the site (M) abutting countryside and the sole POS I do not believe this to be contextually appropriate within an edge of settlement location. Furthermore, Tiptree is characterised by modestly scaled built forms of generally one or two storeys (with the exception of its notable windmills and the adjacent water tower!). Flat Block A is over scaled (M) for the proposed development on the edge of the site abutting countryside (three storey plus pitched roof) and apart from the East Elevation is unattractive and overtly suburban in character. Flat Block C (N) occupies a key corner site location adjoining the principal access point. The proposed tall three storey corner focal point would appear wholly out of context on the edge of a rural settlement on the important northern approach from Kelvedon. The built form is also complex and contrived and wholly alien to the simplicity of the surrounding settlement character in my judgement. The rear of the block is reminiscent to an American motel with continuous externalized balconies. (See also Appendix 4)
- 6.16** The character and place of the appeal scheme is rooted in local distinctiveness but is a bland anodyne suburban housing estate with no particular references to the locality nor indeed the rich vernacular traditions of north Essex generally. The house types suffer from excessive plan depths (e.g. 336.01, 312.01 or 313.01) and car parking is sometimes contained in rear parking courts that lack passive surveillance (e.g. rear of units 119-212) or excessively dominant in the streetscene (e.g. Plots 22-29) Views along streets are not closed by attractive built form but simply terminate rudely against the site boundary (adjacent plot 1 or 25/26) or indeed parking plots (plots 12-13) (I & K). This is poor and reinforces the lack of connectivity between the site and its immediate environs.
- 6.17** There is a single area of POS adjacent to Flat Block A (M) containing a planned LEAP. The lack of a hierarchy of spaces distributed throughout the site results in a rather dated and monotonous character to the scheme with streets dominated by built form and lacking spatial interest. With the exception of this solitary POS, residents have no informal spaces to sit and linger or for social interaction or pet walking and incidental exercise on or off lead apart from the access visibility splays or the land within the turning head at the southern ends of the cul de sacs adjoining plots 91/13 and 89/116 (O & P). (See also Appendix 4)
- 6.18** In conclusion, I do believe the resulting development would not be attractive nor locally distinctive contrary to DM15 (ii) and the first bullet point of SP7

insofar as the scheme is neither attractive nor distinctive but instead generic and suburban.

[3] Built Form – A coherent Pattern of Development?

- 6.19 The built form is inherently incoherent partly as a result of the indenture created by The Gables (Q) and its curtilage by principally by reason of the proposed layout. This is partly a land assembly problem that creates a barrier at the heart of the site. The proposed layout is defined by a network of dead ends with streets that lead nowhere (K & I) and do not connect to one another or indeed to the land beyond the site, regardless of whether on foot, bicycle or car. The layout is frustrating and confusing for users with no facility to turn at the end of the main street as it collides with the site boundary (despite the annotation Size 3 turning head with an arrow – there is no turning head in evidence (I). For these reasons I do not find the layout coherent, well connected or legible contrary to DM15 iv) and the fourth bullet point of SP7.

[4] Movement – accessible and easy to move around?

- 6.18 The appeal proposal is accessed from two points on Kelvedon Road (F & G). The southern access serves a private driveway to a small group of frontage units with a constrained footpath leading onwards into the wider development (H). The principal northern access gives access to the main arterial street from which branch a series of cul de sacs that lack connectivity (with the exception of a linking footway between the two southern limbs (terminating in Size 3 Y turning heads O & P). The scheme is remarkably inaccessible for its size and I believe would prove frustrating to move around, and as a result, would discourage social interaction and active travel. This is contrary to good practice associated with highly permeable, fine-grained townscape linked by a dense network of footpaths and cycleways leading onwards to adjacent areas and providing interest and encouragement for walking and cycling. I believe this layout would promote trips by the private car.
- 6.19 I conclude the appeal proposal is in direct conflict with this fundamental design principle and consequently contrary to policies DM15 iii) and iv) and bullet point 4 of SP7 insofar as the scheme is impermeable and thereby would discourage active travel.

[5] Nature – enhanced and optimised?

- 6.20 The appeal proposal leaves little space for nature. The appeal proposal fails to enhance and optimise the opportunities for biodiversity including net gain. No biodiversity net gain assessment has been submitted for the scheme. A single area of POS C) contains limited habitats and will be heavily used by residents resulting in a high level of disturbance. Elsewhere, boundary treatments are hard on both the site perimeter and in plot. There are inadequate forecourt areas and front gardens to accommodate meaningful planting to support wildlife and create habitat. The principal street shows tree planting within the front garden areas. These spaces are too shallow to support significant tree planting (especially not native 'forest' tree species) and would lead to conflict with householders due to shading and other legitimate concerns. The layout should have made provision for adequately scaled

verges to accommodate street trees. It does not achieve this contrary to para 131 of the NPPF which encourages tree lined streets. (See also Appendix 4).

6.21 Furthermore, the approach taken to SUDS which proposes that the sole dedicated area of POSLEAP (C) functions as the detention basin for the entire site (drawing 2229/RE/01/REVA – FRA and Surface Water Drainage/SUDS Strategy, July 2021) renders this area of occasional wetland of very limited ecological value due to the inevitably intensive use of the POS by residents. This feature will not substitute for the loss of the existing pond at the heart of the site which is currently in a tranquil location where wildlife is undisturbed. The loss of a water feature in a water stressed county is a considerable loss of habitat within a scheme that fails to make provision for ecology. This green infrastructure is surrounded by development that forms a barrier to migration in the absence of a corridor to natural habitat. Such a fragmented approach is unacceptable. (See also Appendix 4)

6.22 The proposal is thus contrary to the statutory duties at s.40 of the NERC Act, s.102 of the Environment Act 2021 and policies ENV1, OV2, DM15 i) and the ninth bullet point of SP7 insofar as it fails to take opportunities to enhance biodiversity through habitat creation.

[6] Public spaces – safe, social and inclusive?

6.23 The scheme proposes an intensively used single area of POS located at the western end of the site (C). This sole area of POS is overlooked by development and would be safe for use. However, the LEAP could discourage senior adult use for tranquil reflection as the POS will be inherently dominated by play for children and highly animated as the only off lead area for dog owners. Furthermore, as the SUDS retention basin forms most of the rest of the open space, it is questionable how usable the area will be during the winter months and summer periods of intense rainfall. In my judgement, the space may not be usable at all times and by all parts of the community and represents inadequate provision to be inclusive for all of the community's needs and to serve the development as a whole. (See also Appendix 4)

6.24 For these reasons, I believe the provision of public space is inadequate and conflicted by its multi-functional nature and singularity. The POS provision is thus contrary to policies DM15 iv) and the ninth bullet point of SP7 which encourage the creation of inclusive and practical shared spaces for social interaction and active recreation. The proposed POS being conflicted by the SUDS basin making use impractical in the wetter months of the year.

[7] Uses – mixed and integrated?

6.25 The scheme proposes a residential monoculture. The homes are generic and not well suited to future adaptation or home working. The appeal site is close to the Tower Business Park and is in part an existing employment allocation. The use is neither mixed nor integrated into its immediate context and contrary to the National Design Guide's characteristics of Well-Designed Places contrary to Policy DM15 Vii) and the fifth bullet point of SP7.

[8] Homes and buildings – functional, healthy and sustainable?

- 6.26 The homes proposed are generic in design but functionally fit for purpose without any commitment to enhanced wheelchair accessibility or Lifetime Homes Standards for adaptability. Page 13 of the D & A Statement sets out a brief statement that the homes are “built to incorporate energy saving measures as appropriate to the latest building requirements. They will use a range of energy saving measures appropriate to both the dwellings fabric along with water saving measures. The scheme can be designed to be sustainable.” From this factual statement I conclude the homes comply with relevant building regulations (as required by law) but do not incorporate any enhanced features to save energy, as either within a ‘fabric first’ approach or through the use of low embodied carbon materials or microgeneration energy features. The homes cannot be reasonably described as being of sustainable design or construction in my judgement and are not inherently sustainable therefore contrary to policies DM15 Viii) or bullet point 9 of SP7.
- 6.27 The appeal site is located within easy walking distance of the settlement centre and the nearest bus stops are within 100m of the site. It is located in an accessible and consequently sustainable location; albeit that the layout of the scheme has poor accessibility to the surrounding area via the main access and a second footpath link to the southern access point from Kelvedon Road. In terms of health and healthy lifestyles, the appeal scheme is poorly served by a connected network of footways and cycleways and lacks a hierarchy of public spaces for social interaction, recreation and wellbeing. In these terms, the scheme does not seek to promote wellbeing and health contrary to policy DM15 Vii).

[9] Resources – efficient and resilient?

- 6.28 The scheme (refer to 6.26 above) does not seek to minimise the use of resources through sustainable construction but simply seeks to satisfy current Building Regulations. There are no measures to achieve or facilitate microgeneration or grey water harvesting etc. The scheme incorporates a SUDS surface water scheme with a basin occupying the POS. The scheme lacks any apparent commitment to achieve the sustainable use of resources through carbon neutral construction and heating systems and will be reliant upon fossil fuels. From this perspective the appeal scheme is neither efficient nor resilient contrary to policies Viii) of DM15 and bullet point 10 of SP7.

[10] Lifespan – made to last?

- 6.29 The scheme is unadaptable in my judgement, both in terms of the design of the units and the layout of the scheme which is largely dictated by the use and storage of the private car. The scheme makes no provision for electric vehicle charging, especially for the flatted units and those with divorced parking in courts. The house types are not designed to adaptable standards and are not designed to facilitate home working to minimise trip generation. The homes are designed to be heated by fossil fuels and the layout is not driven by a desire to achieve microgeneration e.g., through PV panels. There is no evidence of adaptability to address climate change and to mitigate its effects e.g., through passive cooling or a fabric first approach to energy conservation. For these reasons I must conclude that the scheme is not made to last contrary to para. 116 of the NPPF and policies DM15 Vii) and bullet point 10 of SP7.

7.0 Summary and Conclusions

- 7.1 This proof has focused primarily on the design merits of the appeal proposal and whether it would serve to deliver a high-quality built form and attractive and resilient place in accordance with relevant national and local plan policies.
- 7.2 The Council has determined that the planning application was not in accordance with the relevant design policies of the Colchester Development Plan, comprising the Core Strategy, the Development Policies DPD, and the adopted/well advanced policies of the Colchester Borough Local Plan 2017-2033 which whose aims are to deliver the Governments aspirations for well-designed places.
- 7.3 In particular, as I have demonstrated in my evidence and the allied evidence of Catherine Bailey CMLI (Appendix 4) by reference to the fundamental and detailed design flaws of the appeal proposals, the scheme fails to achieve even an adequacy of compliance with the provisions of the key relevant development plan policies I have identified and also conflicts with the government's aspirations for well-designed places (NPPF para.s 116,130-132).
- 7.4 The appeal proposals are contrary to the principal relevant development plan policies for the following reasons:
The objectives of the adopted LDF 2001-2021 and key policies:
- [1] Policy UR2 – Built Design and Character which seeks high quality and inclusive design informed by context that creates locally distinctive places that are well integrated, accessible and adaptable, showcasing sustainable construction methods. In my judgement the development fails on these grounds and does not deliver these opportunities for a contextually responsive development that is well integrated and promotes sustainable construction in an adaptable development form within a visually interesting public realm,
- [2] ENV1 Environment of the Core Strategy (2008, Revised 2014) which seeks to ensure that development on unallocated sites is appropriate in terms of scale, siting and design thereby conserving landscape and townscape character. The proposal does not respond positively to context and fails to conserve; and
- [3] allied Development Policy DP1 Design and Amenity (2010, 2014) which requires new development to
- i) demonstrate a respect for site character and context through building design, townscape and detailed design
 - ii) Prioritizes sustainable modes of transport
 - ii) respect and enhance the landscape and other site environmental assets
 - iv) exploit opportunities to minimize energy consumption.

The scheme fails to deliver against these key criteria for high quality design.

- 7.5 In addition, the proposals conflict with the policy objectives of the key relevant adopted and emerging Local Plan 2017-2033 Policies for the reasons set out in my evidence:
- [4] Adopted CBLP Section 1 Policy SP7 – Place Shaping Principles which requires all development to meet the highest standards of urban and architectural design in order to respond positively to local character and context, creating well connected places of mixed uses with public realm that reinforces a sense of place and provides for streets which benefit from surveillance and integrated network of open space, green and blue infrastructure that connects with the existing network. The proposals do not deliver on these key principles;
 - [5] Emerging CBLP Section 2 Policy ENV1 (as amended by major mods) – Environment which requires development to conserve the biodiversity value of greenfield sites and to maximise opportunities for habitat creation. The scheme makes little provision for biodiversity or net gain;
 - [6] Emerging CBLP Section 2 Policy DM15 - Design and Amenity which requires all development to respond positively to context and demonstrate sustainability; and
 - [7] Emerging CBLP Section 2 Policy OV2 which requires proposals to demonstrate that the scheme respects the character and appearance of landscapes and the built environment and preserves or enhances the historic environment and biodiversity.
- 7.6 The appeal proposal does not deliver on these key design objectives as it fails to respond to context positively, does not create a coherent sense of place through legible and well-connected development that encourages active transport and instead exhibits mediocre suburban-inspired housing lacking sustainability credentials and in consequence, represents poor design that justified refusal.
- 7.7 This appeal against non-determination should be dismissed as the design is substandard and cannot be deemed to meet the Government's criteria for well designed places nor achieve compliance with relevant development plan policies. Objectively in my judgement for the sound reasons I have identified, having regard to the statutory duty for the decision maker at s.38(6) of the Planning and Compulsory Purchase Act 2004, the appeal scheme should be dismissed in accordance with para.134 of the Framework. The Framework states that *'the creation of well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities health and social well being'* is integral to the social dimension of sustainable development, whilst protecting and enhancing our natural, built and historic environment lies at the heart of the environmental dimension. (paras.8.b/c NPPF). For this reason, as the development is evidently not well designed and would not deliver these objectives and cannot in consequence be deemed to represent sustainable development.
- 7.8 In terms of the 'planning balance' the substandard design in this appeal scheme weighs heavy in that balance in my judgement and dictates that the appeal be dismissed in accordance with national and local policies which together seek to deliver sustainable, well designed and beautiful adaptable places for current and future generations to use and enjoy. .

Appendices -

Appendix 1 Delegated Report and putative reasons for ref

Appendix 2 Consultation response of Mr Benjy Firth, Urban Design Officer

Appendix3: Representations received in response to Policies ENV1, OV2 and DM15 of the Publication Draft Local Plan 2017-2033 and proposed modifications

Appendix 4: Note on Landscape and Ecology issues in relation to Design by Catherine Bailey CMLI

DELEGATED REPORT FOR APPLICATION NUMBER 190647

Site Address: Land adjoining, The Gables, Kelvedon Road, Tiptree, CO5 0LU
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It is noted that the report below is drafted to ascertain what the Council's decision on application 190647 would have been had it been able to determine it on the date signed at the bottom of the report. The application will be determined by the Planning Inspectorate as the applicants have made an appeal against non-determination.

Relevant Policies:

National Policies

- The National Planning Policy Framework 2021 (NPPF)
- The Planning Practice Guidance (PPG)
- The National Design Guide (2019 updated 2021)
- National Model Design Code (Parts 1 & 2) July 2021

Core Strategy

In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) are relevant:

- SD1 - Sustainable Development Locations (in part – see below)
- SD3 - Community Facilities
- CE1 - Centres and Employment Classification and Hierarchy (in part – see below)
- CE3 - Employment Zones
- H1 - Housing Delivery (in part – see below)
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- H5 - Gypsies, Travellers, and Travelling Showpeople
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 – Environment
- ER1 - Energy, Resources, Waste, Water and Recycling

Development Policies

In addition, the following are relevant: Adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- DP12 Dwelling Standards
- DP15 Retention of Open Space and Indoor Sports Facilities

- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

Site Allocation Policies

Adopted Borough Site Allocations Policies (adopted 2010)

SA TIP1 Residential sites in Tiptree
SA TIP2 Transport in Tiptree

Neighbourhood Plans

The proposed Tiptree Neighbourhood Plan carries no weight currently as it is insufficiently advanced.

Adopted SPD

Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

- The Essex Design Guide
- External Materials in New Developments
- EPOA Vehicle Parking Standards
- Affordable Housing
- Community Facilities
- Open Space, Sport and Recreation
- Sustainable Construction
- Cycling Delivery Strategy
- Sustainable Drainage Systems Design Guide
- Street Services Delivery Strategy
- Planning for Broadband 2016
- Managing Archaeology in Development.
- Developing a Landscape for the Future
- ECC's Development & Public Rights of Way
- Air Quality Management Guidance Note, Areas & Order

Colchester Borough Local Plan 2017-2033:

Overview

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight as part of the development plan. The Section 2 Emerging Local Plan remains to complete the examination process, with hearing sessions having taken place between 20 and 30 April 2021. Section 2 policies must be assessed on a case by case basis in accordance with NPPF paragraph 48 to determine the weight which can be attributed to each policy.

Policies SD1, H1 and CE1 are superseded by Policies SP3, SP4 and SP5 of the Section 1 Local Plan in relation to the overall housing and employment requirement figures. The remaining elements of Policies SD1, H1 and CE1 are not superseded and remain relevant for decision-making purposes. Core Strategy Policy SD2 is fully superseded by Policy SP6 Infrastructure and Connectivity of the Section 1 Local Plan

The Council can demonstrate a five year housing land supply (see further below).

Adopted Section 1 Local Plan

On 1st February 2021, Full Council resolved to adopt the modified Section 1 Local Plan in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004. The final version of the Adopted North Essex Authorities' Shared Strategic Section 1 Local Plan is on the council's website [here](#).

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. Section 2 of each plan contains policies and allocations addressing authority-specific issues.

Appendix 1 Section 1 Local Plan 2017-2033 – referred to further in this report below - outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Policies SD1, H1 and CE1 of the Core Strategy are partially superseded. The hierarchy elements of Policies SD1, H1 and CE1 remain valid, as given the strategic nature of Policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures. Having regard to the strategic nature of Section 1 of the Local Plan. Policy SD2 of the Core Strategy is fully superseded by Policy SP6 of the Section 1 Local Plan

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by Policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

Emerging Section 2 Local Plan

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 progressing to examination hearing sessions in April. Section 1 of the plan is therefore considered to carry full weight.

Section 2 will be afforded weight due to its very advanced stage. The exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

Appendix 1 – Policies Superseded from the Core Strategy Focused Review 2014 by the Shared Strategic Section 1 Local Plan

General Local Plan Status

The Colchester emerging Local Plan (eLP) was submitted to the Planning Inspectorate in October 2017. The Plan is in two parts with Section 1 being a shared Strategic Plan for the North Essex

Authorities (Colchester, Braintree, and Tendring). Following Examination in Public (EiP) the Section 1 Local Plan was found sound and Colchester Borough Council adopted the Section 1 Local Plan on 1 February 2021 in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004.

Policy SP2 should be referred to when applying the Habitats Regulations requirements to secure RAMs contributions where appropriate. This does not update the approach that the Council have been implementing but the Policy context has updated status with the adoption of Section 1 which includes a specific policy covering this issue.

A few policies in the Core Strategy (SD1, H1, CE1) are superseded in part by the adopted Section 1 Local Plan, and only SD2 in full only (by SP6). This is outlined below in detail and a summary table for all Section1 Policies.

Policy SD2 – Now Fully superseded by SP6 Infrastructure and Connectivity

~~The Borough Council will work with partners to ensure that facilities and infrastructure are provided to support sustainable communities in Colchester. New facilities and infrastructure must be located and designed so that they are accessible and compatible with the character and needs of the local community.~~

~~New development will be required to provide the necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from the proposal. Development will also be expected to contribute, as appropriate, to strategic projects that support sustainable development and the wider community.~~

~~The Council will seek to ensure that new development makes a reasonable contribution to the provision of related facilities and infrastructure. This will either be through a planning obligation (usually contained within a Section 106 agreement) and/or, if applicable, through a Community Infrastructure Levy (CIL) payment, following adoption of a CIL charging schedule.~~

~~A CIL charging schedule would set a specified charge for each square metre of gross internal floorspace, related to the use class of the development. CIL payments will contribute to the provision of infrastructure to support development. Planning obligations and s278 agreements will continue to be used to make individual applications acceptable. The Council will publish a list of infrastructure to be funded through CIL to ensure developers do not pay twice for the same item of infrastructure. The viability of developments will be considered when determining the extent and priority of development contributions.~~

SD2 Is now replaced by SP6. Infrastructure and Connectivity Part One ELP 2017-2033 Policy SD2 is thus no longer relevant as it is wholly superseded.

Policy SD1 – In part

~~Colchester Borough Council will promote sustainable development and regeneration to deliver at least 14,200 jobs between 2001 and 2021 and at least 19,000 homes between 2001 and 2023.~~

~~When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that applications can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.~~

~~Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay unless material considerations indicate otherwise.~~

This wording is replaced by SP1. All other parts of SD1 remain relevant.

Policy H1 – In part

~~The Borough Council will plan, monitor and manage the delivery of at least 19,000 new homes in Colchester Borough between 2001 and 2023.~~

Is replaced by SP3 and SP4. All other parts of H1 remain relevant.

Policy CE1- In part

~~The Borough Council will encourage economic development and will plan for the delivery of at least 14,200 jobs in Colchester between 2001 and 2021~~

Is replaced by SP5. All other parts of CE1 remain relevant.

Section 1 Adopted Policy	Context of Section 1 Policy	Relevant Core Strategy Policy status
Policy SP 1 Presumption in Favour of Sustainable Development	Restates national Policy	<p>Replaces SD1 - in part.</p> <p>Following text of SD1 is replaced by SP1.</p> <p><i>Colchester Borough Council will promote sustainable development and regeneration to deliver at least 14,200 jobs between 2001 and 2021 and at least 19,000 homes between 2001 and 2023.</i></p> <p><i>When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that applications can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.</i></p> <p><i>Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will</i></p>

		<i>be approved without delay unless material considerations indicate otherwise.</i>
Policy SP 2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)	Statutory requirement under the Habitats Regs- Policy provides a new authorisation for contributions	New policy relevant to confirm approach implementing the Habitats Regulations. Full status for decisions post 1.02.2021
Policy SP 3 Spatial Strategy for North Essex	Strategic – relies on Section 2 eLP for Spatial hierarchy and Colchester strategy	High level N/A
Policy SP 4 Meeting Housing Needs	Sets the housing supply figure for the Plan period at 920 per year. Section to allocate sites and determine the spatial distribution	Replaces H1 - in part. Following text of H1 replaced by SP4. <i>The Borough Council will plan, monitor and manage the delivery of at least 19,000 new homes in Colchester Borough between 2001 and 2023.</i> All other parts of H1 remain relevant
Policy SP 5 Employment	Strategic target – relies on Section 2 eLP to allocated sites	Replaces CE1 – in part. Following text from CE1 replaced by SP5. <i>The Borough Council will encourage economic development and will plan for the delivery of at least 14,200 jobs in Colchester between 2001 and 2021.</i> All other parts of CE1 remain relevant.
Policy SP 6 Infrastructure & Connectivity	Strategic and restates national policy Section 2 covers matters specifically	High level/Garden Community – Section A Sections B, C, D and E of policy apply to all allocations and development proposals in the North Essex Authorities area.

		These sections replace SD2.
Policy SP 7 Place Shaping Principles	Strategic / restates national policy and eLP Section 2 covers matters specifically	High level N/A
Policy SP 8 Development & Delivery of a New Garden Community in North Essex	New- specific to the Garden Community	Garden Community N/A
Policy SP 9 Tendring/Colchester Borders Garden Community	New- specific to the Garden Community	Garden Community N/A

Note- All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

Case Officer's Report:

Relevant Background

There is no planning history specifically relevant to this scheme.

Permission was granted for use of part the land for parking vehicles / trucks and storage of mowers in 1992 (ref: COL/92/0310) and this permission was renewed in 1997 (ref: COL/97/1580). Permission for two-storey side and rear extensions (F/COL/03/0351) and a boot room have also been granted (ref: 101741) more recently for the existing residential use on the site.

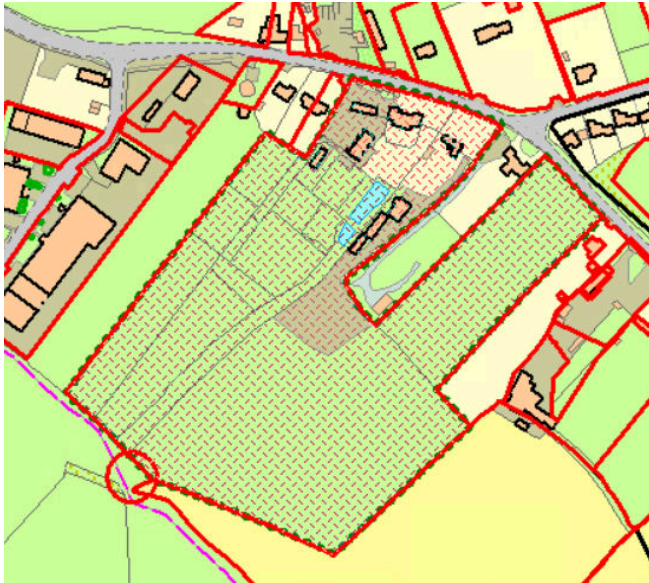
Permission has been previously granted for a conversion of a single storey garage into a residential annex (F/COL/06/1390) on part of the site. Another part of the site also had an application and appeal dismissed for the erection of one dwelling on highway related matters (ref: COL/94/1556 & T/APP/A1530/A/95/252398/P7).

Outline planning permission for residential development has since been granted on land adjacent to the site at north and south of Grange Road for the erection of 103 dwellings with areas of Public Open Space, provision of a new roundabout access and other ancillary infrastructure and works including drainage provision (ref: 122134). A reserved matters application has been approved subsequently and construction of this development has commenced (ref: 151886). This site is included within the development boundary in the emerging Local Plan Policies Map.

Site Description

The site is located to north west of Tiptree, south of the B1023 (Kelvedon Road) which links Tiptree with the neighbouring settlements of Feering and Kelvedon. 4.3 The site comprises approximately 5.16ha in total and includes a residential dwelling (Tower End), gypsy and traveller accommodation (Ponys Farm), other residential outbuildings and ancillary space, and disused scrub land.

The site is broadly horseshoe shaped surrounding on three side an additional residential dwelling (The Gables) which is not included within the application area.



The site boundaries are clearly defined in the main by substantial hedgerows, trees and landscaping. There are some additional informal hedgerow/ditch features within the site that form sub-divisions between the ownership parcels. A public right of way runs along the southern boundary of the site, but is outside of the control of the applicant and application site respectively.

There is a site wide TPO in place.

Consultation Responses

Anglian Water

The foul drainage from this development is in the catchment of Tiptree Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows.

Archaeology

From his saved correspondence Rik confirmed to the applicant's agent that no further archaeological works were required in relation to this site. Trial trenching completely blank.

Arboricultural Planner

Regarding the proposed development and the AIA Rev B (March 2021):

I am in agreement with the layout as shown. The proposal requires only minimal loss of trees most of which are of lower value as per Bs5837:2012.

In conclusion, I am satisfied with the arboricultural content of the proposal. Agreement to the landscape aspect of the application subject to condition.

Contaminated Land

GEMCO, Phase 1 Geoenvironmental Assessment, Land South of Kelvedon Road, Tiptree, Ref 1342 R01: Issue 2, dated 13/11/20

I am in receipt of the above, which has assessed potential contamination risks for the proposed development: this is an acceptable report for Environmental Protection's purposes.

I note that:

- During the site visit, three heating oil tanks in good condition were identified within the western parcel; in the central parcel was a large inaccessible building with suspected asbestos containing cladding and areas of recent localised burning; in the south west corner of the eastern parcel were a number of vehicle tyres and a stockpile of mixed rubble, including suspected asbestos containing materials along its western boundary; localised evidence of made ground.
- The application site has historically been used for agricultural/equine purposes.
- Various infilled former gravel pits are identified beyond the site boundary between 50m and 700m from the application site.
- It has been concluded that there are potential risks to future site users from the made ground and stockpiles, where these will be coincident with areas of soft landscaping in the proposed development.
- It has been recommended that an intrusive investigation, including sampling and relevant laboratory analysis (including for asbestos) should be undertaken to confirm the extent and nature of the made ground and to clarify the assumed initial conceptual site model.

An appropriate asbestos survey has been recommended for all existing buildings prior to demolition and the applicant should be reminded of their duties and obligations with respect to all relevant identified material, in accordance with the Control of Asbestos Regulations 2012, to prevent the creation of any new contamination pathways.

However, based on the information provided, it would appear that this site could be made suitable for the proposed use, with contamination matters dealt with by way of Condition. Consequently, should this application be approved, Environmental Protection would recommend inclusion of the following Conditions:

ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)

ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

ZG3 - *Validation Certificate*

Essex County Fire and Rescue

Access appears satisfactory. More detail will be provided at Building Control stage.

Environmental Protection

An Air Quality Assessment is not needed in this instance if the following EV charging is provided.

EV Charging points

Residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off road parking) and/or 1 charging point per 10 spaces (where off road parking is unallocated)

Noise

Prior to construction of the development above ground level, a detailed acoustic assessment and mitigation report, produced by a competent person, which provides details of the noise exposure from the road at the facade of residential dwellings, internal noise levels in habitable rooms and noise levels in all associated amenity spaces shall be submitted to and approved, in writing, by the Local Planning Authority. Where the internal noise levels exceed those stated in the current version of BS8233 with windows open, enhanced passive ventilation with appropriate sound insulating properties shall be provided to ensure compliance with the current version of BS8233 with windows closed and that maximum internal noise levels at night do not exceed 45dBA on more than 10 occasions a night. Where exposure exceeds the noise levels of 60dBLAeq 16 hours (daytime, 07:00-23:00, outside), 55dBLAeq 8 hours (night, 23:00-07:00, outside) any reliance upon building envelope insulation with closed windows should be justified in supporting documents that cross reference the mitigation measures used. In addition, noise levels in external amenity spaces shall not exceed 55dBLAeq 16 hours, daytime. The development shall thereafter be carried out in accordance with any details approved, and shall be retained in accordance with these details thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

ZPA – Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

the parking of vehicles of site operatives and visitors;

hours of deliveries and hours of work;

loading and unloading of plant and materials;

storage of plant and materials used in constructing the development;

the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

wheel washing facilities;

measures to control noise and vibration;

measures to control the emission of dust and dirt during construction; and

a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

ZCG - Communal Storage Areas

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

Boundary fencing

We recommend a 2m high close-boarded fence is erected along any boundary with existing properties.

Highway Authority

I've reviewed what I believe to be the latest layout as uploaded to your website on 7th April 2021 and so please find set out below my comments.

1. The extent of highway should be added as sourced from <https://www.essexhighways.org/transport-and-roads/highway-schemes-and-developments/adoptions-and-land/highway-status-enquiries.aspx> (any problems with online payment/filling in the form please email highway.status@essexhighways.org who process the requests)
2. The proposed visibility splays should be shown at the site access off the B1023. These should accord with the speed limit or 85th percentile vehicle speeds as determined by a speed survey
3. A swept path for a refuse freighter at the site access should be shown to ensure it would not cross the B1023 centre line
4. There should be a minimum 2 metre wide footway shown across the two sections of site frontage along the B1023
5. The proposed visibility splays for the private drive off the B1023 which would serve plots 74-76 should be shown. Again, these should accord with the speed limit or 85th percentile vehicle speeds as determined by a speed survey. The same applies to the proposed footpath connection
6. There is a size 3 turning head annotated in front of plot 3 & 4 but not actually shown
7. The private drives along the main site spine road are shown with radius kerbs when dropped kerb footway crossovers would suffice
8. The size 3 turning head adjacent plot 28 looks to be inadequately dimensioned
9. There should be a size 3 turning head to serve plots 37-52
10. The layout from plots 58-63 in a southerly direction does not represent an adoptable layout and therefore it is assumed would remain private
11. Assuming the whole site would be the subject of a 20 mph zone, traffic calming should be shown to such a way as to ensure the 20 mph zone would be self-enforcing in accordance with the TSRGD

12. All junction and forward visibility splays should be shown

As mentioned previously, I remain concerned about the lack of adequate pedestrian and cycle connectivity between the proposal site and the village centre and therefore would appreciate the appellant confirming how this would be improved. Also, what improvements are proposed to encourage the use of public transport. Any proposed works should be shown on a drawing with the application red/blue line and extent of highway clearly shown.

Highways England

No objection.

Landscape Planning Policy Officer

The scheme design relies heavily for mitigation on the '*mature boundary vegetation*' for both landscape and visual mitigation. However, the layout shows that a significant part of the southern boundary is to be enclosed into private gardens, thereby giving no control through management of this critical bit of landscape mitigation. It could all be removed by householders. In addition, the fencing is identified as being 1.8m high close boarded fencing which runs straight through the centreline of the hedgerow with trees. To erect this fence would require, therefore, either the severe cutting back of the hedgerow and trees or their removal. This just does not work in design terms and undermines the LVIA approach to mitigation of '*Retention, management and enhancement of existing boundary vegetation including key trees*'. If the close boarded fence is placed on the south side of the tree/hedge line this will further suburbanise views from the countryside and the existing PRow thus increasing the visual impact on the adjoining landscape character. Close boarded fencing is negative for some species movements.

A three-storey block of flats (units 100-107) is included in the layout close to the southern boundary. There is no evidence this will not be visible from the surrounding open countryside.

A limited attempt appears to have been taken to conserve the landscape features that run through the centre of the site, namely the hedgerow and ponds. There appears to have been a boundary along this line since at least 1897, although whether it was a hedgerow or fence line is not clear. The ecology survey concludes that the only way to mitigate the loss of the ponds and the GCN in pond 3 is by off-site mitigation through a district licensing scheme, thus the opportunity to avoid or compensate harm onsite has not been taken. It appears as though 26 trees (as described in the arboriculture assessment) along this hedge line will be lost as a result of the layout. Paragraph 31 of NPPF 2021 makes clear that: '*Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.*' and '*that existing trees are retained wherever possible.*'

Our emerging Local Plan and the current Environment Bill requires 10% net gain which may need to be factored in.

LLFA (ECC)

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a **holding objection** to the granting of planning permission based on the following: There has been no additional

information to address our below comments. In addition the proposals have now changed. The drainage scheme should be updated accordingly to address these changes. It should also state how the removal of the existing ponds will not negatively impact surface water flood risk. • Although, the preliminary calculations for the greenfield and post development runoff rates have been provided, however calculations for additional drainage features such as swales added to the site has not been provided. • Updated plans uploaded on the planning portal show changes in the SUDS and drainage layout, however updated engineering drawings and calculations associated to the changes have not been provided. • The basin proposed earlier is now not shown in the updated plans. It is recommended that a basin or pond should be provided as they were proposed to provide a 100year plus 40% climate change attenuation in addition to water quality improvement from pollutant drained off impermeable roads as required by the Essex SuDS Design Guide. Also, such SUDS features would provide multifunctional benefits such as biodiversity and recreational spaces. • Provide water quality simple mitigation index calculations to reflect the updated SUDS layout as per the Essex SuDS Design Guide. • In line with the Essex SuDS Design Guide, rainwater reuse should be considered first when managing surface water drainage. It should be shown how this has been considered. We also have the following advisory comments: • The 0.2m wall around the basin should be avoided where possible as the multifunctionality of the feature should be prioritised. Therefore additional mitigation measures should be considered at the detailed design stage. In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

Further response received dated 12 August 2021 confirms that “having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission

The proposed development will only meet the requirements of the NPPF if the measures detailed in the FRA and the documents submitted with this application are implemented as agreed.”

Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS, and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation, and note that you have recorded this decision within your planning documentation.

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS

Urban Design

Note these comments were provided prior to new NPPF July 2021 given the increased emphasis on design quality, the comments and objections raised should be afforded greater significance.

These comments are offered further to comments made 8th December 2020 and following subsequent revisions. The policy context of this site remains somewhat unsettled and as such the below comments are made without prejudice to the acceptability of the principle of developing the site.

The proposed density remains at odds with surrounding densities and the prevailing character of the area. The revised location of the POS is considered far more appropriate. **There remains a lack of incidental green spaces beyond the central POS and it is not possible to comment on the provision of blue and green infrastructure in the absence of a landscaping plan.**

Pedestrian permeability has been enhanced via the southern pedestrian link to Kelvedon Road and as a result achieves a broadly acceptable standard. The proposed road layout appears relatively acceptable in terms of its positioning and the majority of prominent vistas and corners are treated in an appropriate manner. **However, it is not possible to assess if a clear hierarchy of roads is achieved in the absence of hard/soft landscaping details.** The use of a variety of parking treatments is welcomed. The acceptability of larger parking courts would be dependent on structural landscaping, details of which are absent. Policy compliant provision of parking and private amenity space appears to be achieved.

The use of a limited number of house types, a broadly vernacular aesthetic and a consistent materials palette across the site achieves an identifiable site wide character. The use of additive forms and a randomised colourful materials palette creates a degree of visual interest, however substantive vernacular detailing is lacking. As a result of the interrelationship between plots and with the highway, three character areas are evident in plan form. **However, given the homogeneity of architecture and materials, combined with the lack of landscaping details, the character areas lack depth and distinctiveness.**

In summary, the proposed layout is broadly acceptable, however **the built environment lacks substantive architectural detailing and fails to achieve distinctive character areas.** Other general issues are highlighted below.

Policy Compliance

Based upon the above assessment **the proposal fails to create a positive and coherent identity that future users of the space will be able to identify with. Due to a lack of substantive design detail that contributes positively to placemaking, the proposal also fails to provide defined and recognisable character areas and other spaces that create a sense of place, promoting inclusion and cohesion.**

As a result, it is **not considered that the proposal would establish a strong sense of place, add to the overall quality of the area or, create a safe and accessible place with a high standard of amenity for future users.** The proposed development would therefore be **contrary to the above outlined national and local planning policies and guidance.**

Conclusions and Recommended Actions

In light of the above, **the proposal cannot currently be supported in design terms. Revisions should focus on the delivery of distinctive character areas within the site.**

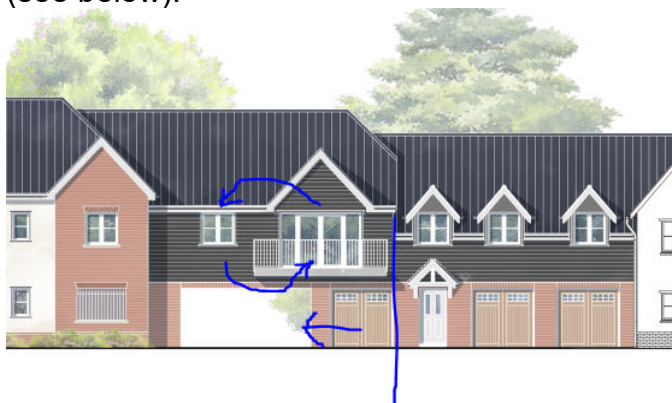
This should be achieved through the provision of landscaping details (most pertinent: surfacing and frontage treatments) and revisions/enhancements to architectural detailing of units.

More general issues that require addressing/suggested revisions include:

- Plots 74 & 76 first floor side facing windows create amenity issues. → Remove said windows.
- First floor windows to the rear of the garage of house type 4.9 create amenity issues. → Remove said windows.
- Plots 2-10, 16, 18-21, 88, 89 and 74 lack cycle storage.
- Brick walls should be used for public facing enclosures. → Plots 88, 90, 99, 109, 114 and 116 require amending.
- The visitor parking space adjacent to plot 11 appears cramped and overly prominent.
- It is not clear which units will be render and which will be weatherboard.
- House types 3.10 and 4.5 have varying size windows on separate plans.
- Ensure plans are submitted for each house type in the relevant material (e.g. house type 4.1 in brick).
- House types 3.9 and 3.12 have an unbalanced composition. → Apply some form of 'crows foot' detail to gable to reinforce balance, e.g. see right.
- The eastern elevation of block A appears ill-proportioned as a result of the asymmetric roof (see below).



- Building elements and openings on Block B appear poorly aligned. → Provide visual articulation between building elements and ensure openings do not span across elements (see below).



- The visual articulation and rhythm of Block C is improved. However, the vernacular aesthetic adopted is at odds with the three storey height. → A town house aesthetic for

the three storey elements may be more appropriate. Possibly utilising pilasters to articulate the rhythm (as per the below) adopting a consistent slate roof and maintaining the feature central gable.



Neighbours/Interested Parties

This scheme generated a number of objections from neighbours and interested parties.

There were 2 representations of support, 58 objections and 17 general comments/observations.

Some are very detailed, particularly those from adjacent landowners and they have all been carefully considered but it is beyond the scope of this report to set out all of the issues raised verbatim. It is noted that many of these comments came in prior to the change of description.

In summary the objections to the scheme noted the following reasons:

The scheme is premature.

The scheme is too dense.

The proposal is too large.

It prejudices the NP and the allocation.

The scheme even as amended is very poorly designed.

The scheme is outside of the settlement limits.

These houses are not needed.

The scheme is poorly designed.

It won't deliver the requirements of the NP.

It won't deliver the primary street

The scheme will be harmful to my residential amenity.

It will be harmful to the amenity of other consented schemes.

I will be surrounded by development.

I moved here for space and the views but that will be ruined.

The water pressure is already very poor here.

The road network can't take any more development in this area.

There are far too many cars around here already.

The changes to the highway network are fundamentally dangerous.

The access/mini roundabout is a terrible idea.

The site is not suitably sustainably located.

There is enough development in Tiptree already.

The surgery is oversubscribed.

Harm to property value.
Barbrook Lane was won at appeal.
Listen to the residents please!
Tiptree is a village.
The site is ecologically important.
It is already dangerous for the kids to get to school.
No one sticks to the speed limit.
The proposed roundabout is unworkable.
The Dentist is oversubscribed.
The area is not lit well and only has a few streetlights.
This does not comply with the Local Plan, Emerging Local Plan nor the Tiptree Neighbourhood Plan.
The density is too high.
At this density there will be nothing left for the promoters/land owners who have an interest in the rest of this TNP allocation.
Does this count towards the 600 houses Tiptree needs?
Infrastructure first please!
These houses are not needed.
A four way junction on the A12 is needed.
We have no Police here and crime is on the rise.
We have a high water table here – what about surface water run-off?
Relocating the G&T site will not be straightforward as may not be policy compliant.

In support, the need for housing and the suitability of the site was noted, including the location on the right side of Tiptree.

The library may close.

Why was there no public consultation prior to submission?

10% open space is not enough.

Bungalows are needed but not provided.

There needs to be more parking, especially for the flats.

No trial trenching for below ground heritage assets.

The ecological impact must be assessed including the off site impact on Ramsar's.

Any considerations arising under the Equality Act 2010 from representations received or within application supporting documents

None raised explicitly. One passing reference in a representation received. A bespoke equality impact assessment has been carried out but is not on the public file.

This has been very carefully considered but it is held that with the mitigation requested, that being the only method reasonably within the applicant's power in this instance, the scheme complies with the Equality Act 2010.

Tiptree Parish Council Comments

Most recently:

Tiptree Parish Council objects to this revised application as per comments previously submitted, namely:

- a) The application is outside the current settlement boundary.
- b) It pre-empted the Neighbourhood Plan. The current settlement boundary will be superseded by a revised settlement boundary when this plan is adopted post-

referendum. Planning proposals should either conform to the current settlement boundary or wait for the adoption of the new settlement boundary.

c) To accept this planning proposal would be unfair to those developers that are following the due process.

The Tiptree NP group noted similar comments but added:

Whilst this plan does meet many of the requirements of the emerging Neighbourhood Plan, the proposals do not fully conform to the requirements of the emerging Plan. We would like to see the promoters engaging with adjacent site promoters in the area designated as 'Tower End' in the emerging Neighbourhood Plan in order to ensure comprehensive development. This is with particular regard to the following:

- a. Housing density. The draft Neighbourhood Plan designates for the construction of 175 dwellings at Tower End. There should be agreement between promoters to deliver this total within the area designated on the draft Plan.
- b. Dwelling mix. This should be in line with the emerging Neighbourhood Plan, which follows the emerging Local Plan and requires 38% of all units to be 1 or 2 bedrooms (4.9% 1-bed and 33.3% 2-bed)
- c. Design of the Primary Street – does not appear to be 6.75m wide.
- d. Ensuring the completion of the primary street through engaging with Lawson Planning partnership to ensure the street can cross the strip of land belonging to Robbie Cowling (ref Objection comments submitted by Cowling (2/12/19) and Lawson Planning Partnership Ltd. (29/11/19).

It is noted that other Parish Council's in the area also objected – for example Messing cum Inworth.

Material Planning Considerations

Five Year Housing Land Supply

Section 1 of the Emerging Local Plan was adopted by the Council on the 1 February 2021 and therefore carries full weight.

Section 1 includes strategic policies covering housing and employment, as well as infrastructure, place shaping and the allocation of a Garden Community. Policy SP4 sets out the annual housing requirement, which for Colchester is 920 units. This equates to a minimum housing requirement across the plan period to 2033 of 18,400 new homes.

Although the Garden Community is allocated in Section 1, all other site allocations are made within Section 2 of the Plan which is still to complete examination. Within Section 2 the Council has allocated adequate sites to deliver against the requirements set out in the strategic policy within the adopted Section 1. All allocated sites are considered to be deliverable and developable.

In addition and in accordance with the NPPF, the Council maintains a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy. The Council has consistently delivered against its requirements which has been demonstrated through the Housing Delivery Test. It is therefore appropriate to add a 5% buffer to the 5-year requirement. This results in a 5 year target of 4,830 dwellings (5 x 920 + 5%).

The Council's published Annual Housing Position Statement (May 2020) demonstrated a housing supply of 6,108 dwellings which equated to 5.4 years based on an annual target of 1,078 dwellings which was calculated using the Standard Methodology, prior to the Local Plan being adopted. The 5YHLS was tested at appeal and found to be robust, the most recent cases being on Land at Maldon Road, Tiptree (Appeal Ref: APP/A1530/W/20/3248038) and Land at Braiswick (Appeal Ref: APP/A1530/W/20/324575).

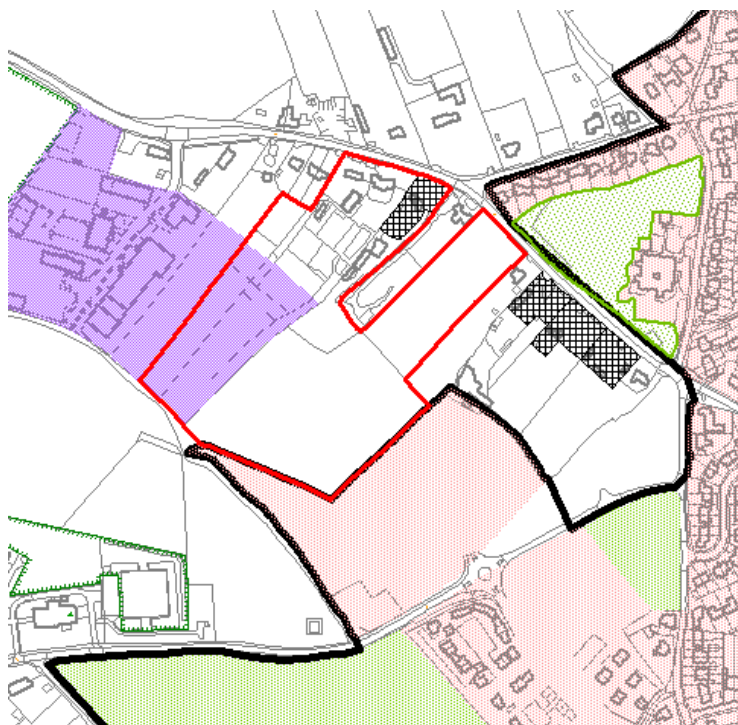
This position has been further improved now the Council has an adopted housing requirement of 920. When the 5% buffer is added the annual target is 966. In accordance with paragraph 73 of the NPPF, the adoption of the strategic housing policy in Section 1 of the Local Plan, means that the adopted housing requirement is the basis for determining the 5YHLS, rather than the application of the standard methodology.

The Council has recently updated its Annual Position Statement in relation to 5-year supply. This shows the Council has a supply of 5564 dwellings against a target of 4830 which equates to a 5.75 year supply over the period 2021/22 – 2025/26.

Given the above, it is therefore considered that the Council can demonstrate a five year housing land supply, and that the tilted balance at paragraph 11 of the NPPF does not apply.

Policy Principle

In terms of the adopted Local Plan, the site is outside of the settlement limits (black line), it is partially an Employment Zone (purple wash) and has a Gypsy and Traveller Site contained within (black hatching):



The Emerging Local Plan Section 2 is at a very advanced stage, with examination hearing sessions held in April 2021. The Council are awaiting further communication from the Inspector, which is expected imminently.

The Section 2 Local Plan identifies Tiptree as a Sustainable Settlement in the Spatial Strategy (SG1). Policy SS14 outlines that the Tiptree Neighbourhood Plan will allocate specific sites to deliver 600 dwellings over the plan period to 2033, in accordance with the broad directions of growth shown on the Tiptree Policies Map. This proposal is in accordance with the northern broad direction of growth.

Through the examination process, modifications have been proposed by the Council to Policy SS14 and the supporting Policies Map to remove the west and southwest broad directions of growth.

No modifications have been proposed to alter the north broad direction of growth, in this regard, the Plan remains as submitted.

Paragraph 48 of the NPPF states that weight can be given to emerging plans according to the stage of preparation, unresolved objections and degree of consistency of the relevant policies to the NPPF. As the Section 2 Local Plan is at such an advanced stage in the plan making process, weight can be attributed. This proposal therefore accords with Policies SG1 and SS14, as the site is in conformity with a broad direction of growth in Tiptree.

The Tiptree NP

The Tiptree Neighbourhood Plan Examination commenced in August 2020. The Examiner issued his final report on 9 October 2020; recommending that the Tiptree NP cannot proceed to referendum. This is summarised in paragraph 5.2 of his Report. *“Overall, I find the dominating reliance on community objectives within the SEA process, without proportionate and robust evidence to support the spatial strategy, to be flawed. Therefore, coupled with the inclusion of a route across land in an adjoining parish, I conclude that the plan **does not meet the Basic Conditions or the legal requirements**”.*

As the Plan cannot proceed to referendum, the Tiptree Neighbourhood Plan has now returned to the Regulation 14 stage in the plan making process. In accordance with NPPF Paragraph 48, the Tiptree Neighbourhood Plan cannot be attributed weight in the decision-making process.

Gypsy & Traveller Matters

A small part of the application site (0.18ha parcel of land) is allocated as a Gypsy and Traveller site in Colchester Borough Council's (CBC) adopted Local Plan (2011). This site is known as Pony's Farm. This planning application proposes the use of the site for residential dwellings and sets out how it is intended there will be no net loss of gypsy and traveller provision as a result of the scheme.

Policy SA H2 - Gypsy and Traveller Accommodation of CBC's adopted Local Plan, allocated sites within the Borough area to provide accommodation for Gypsy and Travellers. Table 1 shows a breakdown of the allocated Gypsy/Traveller sites within Colchester Borough Council's adopted Local Plan (as shown at Policy SA H2) alongside respective site areas. The site areas have been recorded using the site boundaries

defined on the associated adopted Proposals Maps, and the number of pitches on each site are those confirmed within Policy SA H2.

The agents state that present owner/occupier of Pony's Farm is Mr N Taylor. Mr N Taylor has entered into an agreement applicant to vacate his plot, if planning permission is granted. We understand that Mr N Taylor intends to relocate onto the existing nearby gypsy and traveller site at Colt Farm, approximately 100m to the east. There will therefore be no net loss of pitches.

Policy H5 – Gypsies, Travellers, and Travelling Showpeople, provides the criteria to assist in the identification of new sites. Policy H5 States the following:

"The Council will identify sites to meet the established need of gypsies, travellers and travelling show people in the borough.

The Council will seek to locate sites within reasonable proximity to existing settlements, and with access to shops, schools and other community facilities. Site should be also providing adequate space for vehicles and appropriate highway access. Any identified need for 'transit' (temporary) sites for gypsies and travellers will be met in appropriate locations related to the current working patterns of the travelling community."

As Colt Farm has already been allocated through the Local Plan, it is evident that CBC view Colt Farm as an acceptable location for the provision of Gypsy/Traveller accommodation.

Colt Farm currently accommodates 2 pitches on 0.25ha of land, and has average pitch size of 0.125ha. Introducing a 3rd pitch would reduce the average pitch size to 0.08ha, which is still larger than the minimum pitch size requirement.

This will need to be secured via a legal agreement. The applicant is agreeable to that approach, but no binding mechanism is currently in place to secure this.

Employment Land

As stated in the Planning Statement Addendum October 2020, this site includes a small undeveloped portion (approximately 1ha) of the Tower End Business Park. It is noted the constraints of this undeveloped portion of the employment allocation including land ownership and access.

The Tiptree Neighbourhood Plan proposed to mitigate this loss of employment land by including an area of employment within the mixed-use allocation at Highlands Nursey and Elm Farm (Policy TIP14). As the Tiptree Neighbourhood Plan can no longer be given weight, it is necessary to revert to the Adopted Local Plan on this matter.

Policy DP5 safeguards employment allocations and outlines the criteria-based approach to be considered for change of use. The applicants argue that this land has been allocated for many years and has not come forward and there is not reasonable likelihood of it coming forward now. The loss of any employment land is not supported in principle, however given the specific circumstances of this particular site and that the existing developed portion of the Tower End Business Park is to be retained it is considered that the supply and availability of employment land is sufficient to meet the Borough and local requirements. This is a matter to be considered in the overall planning balance. Para.122

of the NPPF gives support to this approach of re-purposing allocated employment land where there is no prospect of it being brought forward.

Design Considerations



As can be seen from the Urban Designer consultation responses above, the scheme has many flaws and shortcomings identified as requiring significant revisions to be made for the scheme to be considered acceptable by the Ipa. Consequently, the scheme is not considered to constitute good design. It cannot reasonably be held to be beautiful, and it does not successfully create a sense of place.

Paragraph 20 of the National Design Guide (NDG, MCHLG Updated 2021, 1.10.19) identifies the following components of good design:

- Layout or masterplan;
- The form and scale of buildings;
- Their appearance;
- Landscape;
- Materials, and
- their detailing.

Para.37 of the NDG identifies ten characteristics of well-designed places:

Context – enhances the surroundings;
 Identity – Attractive and distinctive;
 Built form – Coherent pattern of development;
 Movement – Accessible and easy to move around;
 Nature – enhanced and optimised;
 Public Spaces – safe, socially inclusive;
 Uses – mixed and integrated;

Homes and buildings – functional, healthy and sustainable;
Resources – Efficient and resilient;
Lifespan – made to last.

The shortcomings of the scheme may be summarised under the following headings:

Layout as proposed.

The application site is determined by land ownerships and not good design practice. The omission of 'The Gables' from the application site and the creation of a 'C' shaped site creates an overwhelming barrier to achieving good design by preventing free movement through the site with limited permeability. Approximately 40% of the site lacks east - west linkages and freedom of movement as a result. A limited attempt appears to have been taken to conserve the landscape features that run through the centre of the site, namely the hedgerow and ponds. The secondary streets and cul-de-sacs aligned south east and north west from the spine road are abruptly terminated by the site boundary (or garaging) and unsatisfactory visually and functionally with no onward connectivity.

Inter relationship with the Gables and wider landscape

The scheme is constrained by the dwelling at 'The Gables' which deeply punctures, but does not comprise part of, the site. There is no recognition that if this scheme is acceptable then the owners of The Gables are likely to seek to develop their site. This is reflected in their representations. The layout provides very limited potential for future connectivity, leaving one site land-locked by another. If connections were available, the proximity of a number of the proposed dwellings to the boundary of The Gables would make it very difficult to deliver a well-designed scheme with high levels of amenity.

A master planned approach is needed. It is likely that had a master planned approach been adopted then the shortcomings in the submitted layout could have been avoided and opportunities taken to prioritise place making. The layout fails to take opportunities to celebrate the location of the site on the settlement edge adjoining open countryside and to create a positive relationship with its wider setting. The development is insular and introverted and would create an island of suburban-inspired development that lacks any contextual references to the local traditions of settlement morphology in the Tiptree area with informally grouped homes surrounding grazing heathland in a wood-pasture landscape.

Detailed layout, spaces, viewpoints and vistas, trees and house types.

The main vista (blue circle 1) terminates in a brutal manner with a fence with no visual interest whatsoever. A further two key vistas terminate without built form and are in locations where even a fence is unlikely to be appropriate.

The proposed house types are generic, lacking in detail and references to the local architectural traditions with a resulting lack of local distinctiveness. The details provided are generic and superficial. Furthermore, no details of sustainable construction or on site micro generation are included.

The blocks of flats are over-scaled and inappropriate to this location on a village edge. The character areas are not well defined by the use of coherent block form, a hierarchy of spaces and shared architectural detailing and materials. A single area of public open space is provided centrally within the site and secondary street frontages are dominated by built form with little opportunity for planting, street trees and seasonal interest from planting.

No hierarchy of spaces would be created throughout the development nor detailed provision for play and social interaction. The resulting character of the 'place' would not be attractive nor distinctive. Nature is not enhanced nor optimised through the development with a single area of POS and the remainder of the site area under private ownership/maintenance regimes.

The scheme retains the most important trees on site but requires the loss of a number of lower category trees and the existing hedgerow within the site as a landscape feature. Para. 131 of the NPPF places a greater emphasis on the importance of trees in new development to enhance the quality, character and climate resilience of urban environments. New streets should be tree lined and species contextually appropriate. Whilst the principal distributor road is shown to be tree lined, the trees appear to be close to the frontages of houses and not set within the adopted highway. It seems likely that in such circumstances only small trees are capable of inclusion and these are likely to come under pressure for removal as they develop and shade homes, drop leaves and are seen as a potential nuisance.

Instead, a well-designed scheme should seek to ensure that the street design is capable of accommodating trees of appropriate stature within the public realm of the adopted highway to secure their long-term maintenance and retention. The submitted scheme does not achieve this aim with trees and built frontages in close proximity and likely to result in antagonism and removal. The scheme requires the removal of two existing ponds within the site (one with GCN population) and yet makes inadequate provision for on site mitigation and biodiversity net gain including the creation the creation of natural surface water SUDS features.

Inter-relationship with adjacent settlement including connectivity.

The application site is essentially located on the settlement edge and has an important interface with the surrounding countryside to the north west and south east. It is highly regrettable that the northern western and southern built frontages turn their backs to the countryside with hard boundary treatments inevitably creating an alien and incongruous interface to the contextual landscape in a wholly disrespectful manner. The scheme thereby fails not only to enhance context but even to preserve it adequately.

Where hedgerows do exist currently, unless these remain within public space and capable of control, it is likely they will be removed over time (or outgrow and die out or be felled) and replaced by low maintenance timber fencing or other hard boundary treatments. The scheme proposes a close boarded fence along the SE boundary hedgerow and this would require the severe cutting back of the hedgerow and associated trees to facilitate installation. The principal street terminates abruptly at the south western site boundary whilst secondary streets aligned east and west are also terminated against the site boundary.

Ecology

The application is supported by a Preliminary Ecology Report from 2019 and an updated Ecology Report dated 2020 that reporting the results of the surveys that had been recommended. That found:

>There is no existing bat roost within any of the buildings on site. There are no field signs of any past bat roost presence. No further building bat roost assessment or comment is required.

>For any future tree removal, a suitable bat roost assessment will be first required – with a subsequent suitable presence or absence survey for any medium/high value roost feature identified.

>There is a small population of Common Lizards along the central hedgerow on site. These reptiles will require suitable retention mitigation as part of any planning approval.

>The site has no invertebrate presence that would warrant further survey effort. No further invertebrate survey efforts are required.

>A Great Crested Newt presence was recorded in pond 3 within the proposed development site.

The tree removal bat survey can be carried out via condition. The common lizard retention/mitigation can also be achieved by condition. The GCN's are to be dealt with via the district level licensing scheme run by Natural England.

It is therefore held that with appropriate ecological mitigation conditions, the scheme is acceptable in ecological terms.

Habitats Regulations Assessment (HRA) /Appropriate Assessment (AA)

It is necessary to assess the application in accordance with the Habitats and Species Regulations 2017 (as amended). The whole of Colchester Borough is within the zone of influence of a European designated site and it is anticipated that the development is likely to have a significant effect upon the interest features of relevant habitat sites through increased recreational pressure, when considered either alone or in-combination with other plans and projects. An appropriate assessment was therefore required to assess recreational disturbance impacts as part of the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS).

A shadow HRA was requested and was duly provided. The LPA then drafted an appropriate assessment (AA).

The applicants argue that there is not space for on-site SANGS and are relying on the RAMS financial contribution only. This further demonstrates the density of the scheme as the majority of scheme with 100 or more house do provide on-site measures.

The AA concluded that on balance, with a financial contribution to the Essex Coast RAMS as mitigation the scheme would be acceptable.

Natural England support the findings of the AA. The RAMS financial contribution will be secured via legal agreement.

Flood Risk

The site is located in Flood Zone 1. An FRA has been provided and this assessment has investigated the possibility of groundwater flooding and flooding from other sources at the

site. It is considered that there will be a low risk of groundwater flooding across the site and very low risk of flooding from other sources such as surface water.

An assessment of the practical use of sustainable drainage techniques has been carried out. As the soil types will support the effective use of infiltration devices, it is proposed that surface water from driveways, parking areas and minor access roads will be drained using permeable paving, and surface water from roofs drained to soakaways.

The detail of the SuDS scheme is still being bottomed out. As the LLFA still have a holding objection with regards to the detail as set out in their response above, this needs to be the subject of a holding reason for refusal. It is reasonably likely that the issue remaining will be resolved out and if so this reason can be withdrawn at a later date.

Health Impact Assessment

Policy DP2 requires all development should be designed to help promote healthy lifestyles and avoid causing adverse impacts on public health. Health Impact Assessments (HIA) are required for all residential development in excess of 50 units, with the purpose of the HIA being to identify the potential health consequences of a proposal on a given population, maximise the positive health benefits and minimise potential adverse effects on health and inequalities. A HIA must consider a proposal's environmental impact upon health, support for healthy activities such as walking and cycling, and impact upon existing health services and facilities. Where significant impacts are identified, planning obligations will be required to meet the health service impacts of the development.

The NHS have assessed the HIA and in this instance do not object to it. They have requested a financial contribution towards expanding their services and the applicants have accepted this.

Air Quality

Environmental Protection had initially asked for an Air Quality Assessment when the number of dwellings proposed was 150 but following clarification from the AQ Team at Chelmsford CC it was concluded it was not needed. The numbers were then reduced to 130. The site is not in an AQMA and is in an edge of settlement location. In this instance, subject to the conditions they have suggested for EV charging points, it is held that the scheme is not reasonably likely to cause demonstrably harmful impact on air quality.

Highways

Many of the representations received note the impact of this scheme on the highway network. Many consider the housing to be fundamentally unacceptable due to the impact of any new car trips in the area. Some raise issues of detail with regards to the highway geometry.

As can be seen from the latest response above, there are still issues with the two access points onto Kelvedon Road. The highway boundary is not yet known so it has not yet been established that the visibility splays proposed or relied upon are achievable. Further to this the internal/external layout has a number of geometry issues as identified by the highway authority:

13. The proposed visibility splays should be shown at the site access off the B1023. These should accord with the speed limit or 85th percentile vehicle speeds as determined by a speed survey

14. A swept path for a refuse freighter at the site access should be shown to ensure it would not cross the B1023 centre line
15. There should be a minimum 2 metre wide footway shown across the two sections of site frontage along the B1023
16. The proposed visibility splays for the private drive off the B1023 which would serve plots 74-76 should be shown. Again, these should accord with the speed limit or 85th percentile vehicle speeds as determined by a speed survey. The same applies to the proposed footpath connection
17. There is a size 3 turning head annotated in front of plot 3 & 4 but not actually shown
18. The private drives along the main site spine road are shown with radius kerbs when dropped kerb footway crossovers would suffice
19. The size 3 turning head adjacent plot 28 looks to be inadequately dimensioned
20. There should be a size 3 turning head to serve plots 37-52
21. The layout from plots 58-63 in a southerly direction does not represent an adoptable layout and therefore it is assumed would remain private
22. Assuming the whole site would be the subject of a 20 mph zone, traffic calming should be shown to such a way as to ensure the 20 mph zone would be self-enforcing in accordance with the TSRGD
23. All junction and forward visibility splays should be shown

These matters warrant a holding reason for refusal at this time. As with the SuDS, it is reasonably likely that these will be resolved, and if so that this can be withdrawn at a later date.

Impact on Amenity

Windows have been angled away from existing gardens for the most part to avoid overlooking and there is no concern with regards to loss of light or oppressiveness. The dwelling at 'The Gables' will certainly feel a sense of change as they will be surrounded by new residential development, including the car park for the flats close to their rear elevation. It's not a wholly comfortable situation but is symptomatic of the unusual site shape. On balance it is not held to be materially harmful and capable of landscape mitigation.



The representations from other neighbours and from the developer of the adjacent site have been carefully considered but it is not considered that the scheme is materially harmful to neighbouring amenity. It is accepted that some of the relationships with the new dwellings to the south are close and, in some respects, unfortunate – for example plots 90 and 91, however they are not held to be materially harmful to neighbouring amenity to the point that warrants a refusal of the scheme on that basis.

Other Matters

Many of the representation noted the impact on infrastructure in the area. The impacts on services will be mitigated by the contributions as set out below. Other representations noted issues with the scheme in terms of the Tiptree NP and the impact on the rest of the allocation/the failure to comply with the requirements of the NP. As the NP can be given no weight these do not warrant a refusal. Then need for housing is a national requirement. The number required for Tiptree to be allocated via the NP is still a matter for consideration.

Development Team Planning Obligations/Developer Contributions

The proposals were considered by the Colchester Development Team on the 12 November 2020 in accordance with Regulation 122(2) of the Community Infrastructure Regulations (2010).

Three planning obligations were agreed as necessary to secure: affordable housing, public open space and relocation of the existing Gypsy and Traveller pitch to an adjacent site.

Affordable Housing – Policy compliant obligation request as follows:-

- 30% affordable housing (on the basis that this site is not allocated as residential under the currently local plan.
- 39 affordable dwellings requested.
- Dwelling sizes and types of the affordable housing to be proportionate to the market housing.
- 95% of the affordable dwellings to meet Part M4 Cat 2 with the exception of upper floor flats.
- 5% to meet Part M4 Cat 3 2 B wheelchair accessible (this would equate to 2 dwellings out of the 39 dwellings).
- Tenure mix of no less than 80% affordable rent and no more than 20% shared ownership. This would equate to no less than 31 dwellings for affordable rent.
- If Shared Ownership dwellings are included in the scheme, they can be a mix of sizes but the majority must not be family homes.
- Affordable housing must meet a minimum of Part M4 Cat 2 (with the exception of the upper floor flats).

Beds	Property	Type	Total	Proposed Affordable	30% Policy Affordable	Affordable requested
1	Flat	1b/2p Wheelchair Cat 3	3	3	0.9	3
1	Flat	1b/2p	7	7	2.1	5
2	Flat	2b/3p	2	2	0.6	0
2	Flat	2b/4p	9	9	2.7	9
2	FOG	2b/4	1	0	0.3	0
3	House	3b/4p	2	0	0.6	0
3	House	3b/4p (3.8 & 3.9)	19	6	5.7	6
3	House	3b/4p (3.1)	2	0	0.6	0
3	House	3b/6p (3.6)	20	0	6	0
3	House	3b/5p (3.2) ensuite	1	1	0.3	1
3	House	3b/6p (3.10)	15	7	4.5	7
3	House	3b/6p (3.11) ensuite	1	0	0.3	0
3	House	3b/6p (3.12)	7	4	2.1	4
4	House	4 bed	36	0	10.8	4
4	House	5 bed	5	0	1.5	0
			130	39	39	39

Financial Contributions were requested and agreed as follows having regard to para.55-58 NPPF :

Community Facilities: A total request for £375,833.56. Project identified – New Multi use youth facility - Tiptree Scout Hut. A complete rebuild is the desired option for both the Scout Group, the Parish Council and CBC. The new ‘Scout hut – youth facility’ would be open to all uniformed youth groups and other youth organisations and would be built on land owned by the Parish Council. The proposal is considered CIL compliant as the project is within Tiptree and the Parish Council and the Scouting Association believe that a new multi-use youth facility is necessary to both support current and future populations. The increase in population due to this development will no doubt cause further pressure on existing sites, so it is integral that a contribution is agreed to sustain the local services and to mitigate the impact of the proposed development

Our standard Community Facility methodology has been used.

<https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01208> and the resulting calculation is as follows:

Contributions required per unit

No. Bedrooms	
Studios and 1 bedroom	£772.53
2 bedrooms	£1,545.06
3 bedrooms	£2,703.85
4 bedrooms	£3,862.65
5 bedrooms	£4,635.18
6 bedrooms	£5,407.71

Total contributions required

7 (1 bed units) x £772.25 =	£5,407.71
18 (2 bed units) x £1545.06 =	£27,811.08
57 (3 bed units) x £2703.85 =	£154,119.45
44 (4 bed units) x £3862.65 =	£169,956.60
4 (5 bed units) x £4635.18 =	£18,540.72

= £375,833.56 in accordance with adopted SPD.

NHS – £54,000 requested to create additional surgery capacity at Tiptree Medical Centre on basis of formulae derived from NHS England (A Health Impact Assessment).

Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposal

Premises	Additional Population Growth (150 dwellings) ⁵	Additional floorspace required to meet growth (m ²) ⁶	Spare Capacity (NIA) ⁷	Capital required to create additional floor space (£) ⁸
	345	23.66	-433.51	£54,418
Total	345	23.66	-433.51	£54,418

Notes:

5. Calculated using the Colchester Borough average household size of 2.3 taken from the 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number).
6. Based on 120m² per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
7. Existing capacity within premises as shown in Table 1.
8. Based on standard m² cost multiplier for primary healthcare in the East Anglia Region from the BCIS Public Sector Q3 2015 price & cost Index, adjusted for professional fees, fit out and contingencies budget (£2,300/m²), rounded to nearest £100.

AC
GNI

This request is CIL compliant as it seeks to mitigate impact of growth on primary healthcare facilities that serve the development site. The figure is calculated on a standardised methodology derived from the known demand generated by residents on primary healthcare facilities.

Updated additional request has since been received dated 04.08.21 as set out below: The proposed development is likely to have an impact on the services of Tiptree Medical Centre GP practice operating within the vicinity of the application site. This GP practice does not have capacity for the additional growth resulting from this development. The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. As the Commissioner of Primary Care Services, North East Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

The development would give rise to a need for improvements to capacity, in line with emerging STP Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Tiptree Medical Centre or through other solutions that address capacity and increased demand as outlined in 5.3 - Health & Wellbeing Statement. For this a proportion of the cost would need to be met by the developer calculated as follows.

Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposal

Premises	Additional Population Growth (130 dwellings) ⁵	Additional floorspace required to meet growth	Spare Capacity (NIA) ⁷	Capital required to create additional
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		(m ²) ₆ MUST BE TO TWO DECIMAL PLACES		floor space (£) ₈
	299	20.50	-464.41	£79,376
Total	299	20.50	-464.41	£79,376

Notes:

1. Calculated using the Colchester Borough average household size of 2.3 taken from the 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number).
2. Based on 120m² per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"

Open space/Parks & Recreation – Request based upon formula set out within Provision of Open Space, Sport and Recreational Facilities SPD (adopted 24 July 2006) totals £792,000. But if open space on site is to be managed by CBC, an additional request is made for £31,974.50 in respect of maintenance.

Financial contribution proposed to be allocated on basis of:

Ward Projects (65%) £514,800 towards:

- £220,000 - Grove Lake – dredging of both ponds and landscaping -
- £100,000 - Grove Road Recreation Ground – to provide a Multi-Use Games Surface that will be free to the residents of Tiptree, which could include a Five-A- Side kick about area and basketball and/or netball hoops -
- £125,000 - Facilities at Warriors Rest – provision of woodland footpaths, seating/picnic area and to that will be free to the residents of Tiptree
- £40,000 - Grove Road Recreation Ground Adult Gym
- £20,000 - Caxton Close / Community Centre, enhancing of infants' playground

Borough Projects (35%) £277,200 towards:

- £134,000 - Leisure World projects to increase capacity
- £25,000 - High Woods Country Park Visitor Centre enhancement to centre to help with accessibility and counter arrangements.
- £80,000 - High Woods Country enhancement of playground
- £38,300 - High Woods Country Park enhance to pathways for better accessibility for all users at Friars Grove Plantation and Brinkley Grove Wood

The request was considered compliant with the CIL Regulations as the quantum of the request is based on the formulae within the adopted SPD and the projects identified for spend have been allocated funding to deliver mitigation for impacts of growth on existing facilities in accordance with CIL Reg 122(2) and para.55-58 NPPF.

Education – A total contribution of £1,051,889.40 was requested based on a formula-based agreement, unit mix fluctuations will be addressed. Updated figures provided setting out primary and secondary school places generated directly by the development: 34.20 primary school pupils, at a cost-per-place of £15,281.00 = £522,610.20. This sum is to be index-linked to April 2018. 22.80 secondary school pupils, at a cost-per-place of £23,214.00 = £529,279.20. This sum is to be index-linked to April 2018. Request in accordance with ECC Developers Guide to Infrastructure Contributions (2020) an evidence based SPD that provides a standardised methodology for calculating the quantum due from the developer to mitigate the impact of growth on education. This is

considered CIL Reg 122(2) compliant as the request is necessary and directly related to the development and fair and reasonably related in scale to the development.

Conclusion

The scheme is held to constitute poor design and does not meet the requirements of the recently amended NPPF 2021 or the allied National Design Guide. It fails to secure mitigation for off-site protected areas, fails to secure the other mitigation required and at the time of writing, failed to demonstrate that the scheme would not cause a severe impact on the highway network nor have a suitable on site SuDS scheme.

Therefore, had it remained for the Council to determine this application, planning permission would have been refused for the following reasons:

1.0 Design

The National Planning Policy Framework (2021) sets out the government's planning policies for England and how these are expected to be applied through allied guidance.

Good design is central to delivering sustainable development and in particular the social and environmental dimensions. The Framework states that *'the creation of well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities health and social well being'* is integral to the social dimension of sustainable development, whilst protecting and enhancing our natural, built and historic environment lies at the heart of the environmental dimension. (paras.8.b/c NPPF).

The Framework explicitly states that *'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'* and that *'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*. (para.126 NPPF). The Framework sets out the key design objectives that proposals should satisfy at para.130 whilst confirming at para.134 that *'development that is not well designed should be refused especially where it fails to reflect local design policies and Government guidance on design.'*

The Council considers that the proposed development does not meet the key design objectives for high quality design set out in national policy and guidance (para. 130 NPPF and para.37 of the National Design Guide) and that objectively does not, by definition, represent high quality design or sustainable development. For these sound planning reasons the development should be refused as it conflicts with the Government's intention to promote high quality design and beautiful places that respond to and enhance local distinctiveness.

The proposed development fails specifically to:

- Respond positively to site context;
- Create a coherent and distinctive identity that the community will identify positively with;
- Employ a cohesive and coherent pattern of development that reinforces local distinctiveness;
- Create a highly accessible and permeable layout that integrates well with neighbouring development and routes;

- Enhance and optimise the opportunities for biodiversity including net gain;
- Create public spaces of varying scale, purpose and character throughout the scheme to create a hierarchy of new spaces for safe social interaction for residents of all ages, including play;
- Provide opportunities for mixed uses and ensure that the development is socially inclusive through an appropriate mix of house types and tenures secured by legal agreement;
- Deliver homes with a richness of architectural detail and sustainability credentials;
- Use resources efficiently and minimise emissions to mitigate climate change; and
- Create an adaptable and resilient pattern of development to ensure longevity of use.

The proposal accordingly conflicts with the objectives of adopted LDF 2001-2021 policies UR2 – Built Design and Character, ENV1 Environment of the Core Strategy (2008, Revised 2014) and allied Development Policy DP1 Design and Amenity (2010, 2014). In addition, the proposals conflict with the policy objectives of the emerging Local Plan 2017-2033 Policies SP7 – Place Shaping Principles, ENV1 – Environment, and DM15 - Design and Amenity. These policies combined seek to deliver responsive, inclusive, sustainable and high-quality design through new development, which the proposal fails to achieve.

2.0 Impact on Protected Areas

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a Special Protection Area must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. The proposed residential development does not meet these tests or requirements, and it must provide appropriate mitigation of likely adverse effects in this context.

There is no mechanism in place to secure appropriate on-site mitigation in accordance with The Conservation of Habitat and Species Regulations 2017. Furthermore, there is no legal mechanism in place to secure a financial contribution in accordance with the requirements of the adopted Essex Coast RAMS SPD (May 2020). In the absence of this on-site and off-site mitigation there is no certainty that the development would not adversely affect the integrity of Habitats sites. The proposal is therefore considered contrary to Regulation 63 of The Conservation of Habitat and Species Regulations 2017 and contrary to the Local Development Framework Development Policy DP21 - Nature Conservation (adopted 2010, revised 2014), and Policy ENV1 - Environment of the emerging Local Plan (2017-2033).

3.0 Lack of Mechanism to secure mitigation/obligations/financial contributions

The application fails to include a legally binding mechanism to secure essential planning obligations and financial contributions required to deliver the proposed development and provide essential infrastructure to support growth and the needs of new residents. The Obligations comprise 30% affordable housing provision, provision of public open space and relocation of a Gypsy and Traveller site to a nearby off-site location (as set out in the applicants supporting statement to facilitate delivery of the development). The financial contributions necessary to deliver the essential requisite local infrastructure comprise: the

expansion of GP healthcare facilities, sport and recreation facilities; community facilities, education (primary and secondary school places).

In the absence of a legally binding mechanism to secure delivery of these obligations/contributions, the proposal is therefore contrary to national and local policies which together seek to ensure that the requisite infrastructure is delivered to support growth and mitigate the impact of development. National policies comprise the sustainable development principles within the NPPF (paragraphs 8, 61, 62, 92 and 96) and specifically paras 34, 55-58. The absence of an appropriate delivery mechanism would also be contrary to adopted Local Plan 2017-2033 Policy SP6 Infrastructure and Connectivity, and LDF policies (2010, revised 2014) comprising Core Strategy Policy Policy H4 (Affordable Housing) together with adopted Development Policies DP3 (Planning Obligations and the Community Infrastructure Levy), DP16 (Private Amenity Space and Open Space Provision for New Residential Development), Policy H5 (Gypsies, Travellers, and Travelling Showpeople) and Policy SA H2 (Gypsy and Traveller Accommodation). Furthermore, such an omission and resulting non-provision would be contrary to the relevant adopted Supplementary Planning Documents titled: Affordable Housing (adopted 15th August 2011); Provision of Community Facilities (adopted 28th September 2009 updated July 2013), Provision of Open Space, Sport and Recreational Facilities (adopted 24 July 2006). Finally, such an omission is contrary to Supplementary Guidance issued by Essex County Council (Developers' Guide to Infrastructure Contributions (revised 2016) and NHS England (A Health Impact Assessment).

4.0 Highways

Development Plan Policy DP17 (2010, revised 2014) requires access to all development to be created in such a manner to maintain the right and safe passage of all highway users. As far as can be determined from the information submitted to support the planning application, the applicant has not demonstrated that they own or control sufficient land to provide the required vehicular visibility splays. The lack of such visibility would result in an unacceptable degree of hazard to all highway users to the detriment of highway safety. Furthermore, issues have been identified by the highway authority concerning the highway geometry of the site namely:

1. The proposed visibility splays should be shown at the site access off the B1023. These should accord with the speed limit or 85th percentile vehicle speeds as determined by a speed survey
2. A swept path for a refuse freighter at the site access should be shown to ensure it would not cross the B1023 centre line
3. There should be a minimum 2 metre wide footway shown across the two sections of site frontage along the B1023
4. The proposed visibility splays for the private drive off the B1023 which would serve plots 74-76 should be shown. Again, these should accord with the speed limit or 85th percentile vehicle speeds as determined by a speed survey. The same applies to the proposed footpath connection
5. There is a size 3 turning head annotated in front of plot 3 & 4 but not actually shown
6. The private drives along the main site spine road are shown with radius kerbs when dropped kerb footway crossovers would suffice
7. The size 3 turning head adjacent plot 28 looks to be inadequately dimensioned
8. There should be a size 3 turning head to serve plots 37-52

9. The layout from plots 58-63 in a southerly direction does not represent an adoptable layout and therefore it is assumed would remain private
10. Assuming the whole site would be the subject of a 20 mph zone, traffic calming should be shown in such a way as to ensure the 20 mph zone would be self-enforcing in accordance with the TSRGD
11. All junction and forward visibility splays should be shown

These would result in potential safety issues and would therefore result in a non-adoptable layout. The appellant has failed to resolve these issues.

Development plan Policy DP17 also requires that all developments seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrian cycling and public transport access. The proposed development makes inadequate provision for pedestrian and cycle connectivity between the development and the village centre and therefore would require the appellants to demonstrate design improvements to remedy this. No detail is provided of what improvements are proposed to encourage the use of public transport. [Any proposed works should be set out on a drawing with the application red/blue line and extent of highway clearly shown].

Case Officer's Initials and Date: JXR 12.08.2021	Authorising Officer's Initials and Date: SJC 12.08.21
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Consultation – Urban Design Officer	
Planning Officer	James Ryan
Urban Design Officer:	Benjy Firth
Location:	The Gables, Kelvedon Road, Tiptree, Colchester, CO5 0LU
Application No:	190647
Response Date: 8 th December 2020	

Site Visit Carried Out?

☐ Yes

Date of Visit:

☐ No

Description of Proposed Development

A revised scheme (including reduction in dwelling numbers) for the demolition of existing buildings on the site and redevelopment to provide 130 residential dwellings with access, link road to allow for potential future connections, associated parking, private amenity space and public open space.

Policy Context

The National Planning Policy Framework (2019) sets out government's planning policies for England and how these are expected to be applied. The framework sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, going on to state that 'good design is a key aspect of sustainable development'. The framework also states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. The framework is supported by a collection of planning practice guidance which includes a National Design Guide. This document seeks to deliver places that are beautiful, enduring and successful by setting out the characteristics of well-designed places and outlining what good design means in practice.

At a local level these policies are carried through and adopted as part of the Colchester Borough Council Local Plan 2001-2021. Relevant policies include Core Strategy Policy UR2 and Development Policy DPI, which seek to secure high quality and inclusive design in all developments and avoid unacceptable impacts on amenity. These policies are supported by more detailed guidance provided supplementary planning documents such as the Essex Design guide.

The Council's Emerging Local Plan is currently at the examination stage and as such is considered to be at an advanced stage and can thus be afforded weight within the determination of planning applications. This is relevant in this instance given that the application relates to an allocation within the Emerging Plan.

Assessment

The policy context of this site appears somewhat unsettled and as such the below comments are made without prejudice to the acceptability of the principle of developing the site.

The application site covers an area of approximately 5.1 hectares and has an irregular but reasonably square footprint, with the exception of the eastern boundary which dovetails around existing properties. This is less than desirable in design terms and results in areas of the proposal feeling fragmented. The site sits adjacent to the settlement boundary and marks the transition from the urban area to the rural hinterland. To the east of the site sits the existing settlement, to the south a new housing development (<20dph) and to the north (beyond the industrial site) and east sits open countryside with sporadic parcels of development. As such site sits in an urban fringe location and has a prevailing rural character, though this is not currently reflected in the proposed layout.

The application seeks to place dwellings on the site at a density of 25 dwellings per hectare. This is at odds with surrounding densities and the prevailing character of the area. Achieving densities of this magnitude would require the placement of dwellings much closer together than those existing in the surrounding area and the use of terracing, as shown on the indicative layout plan. This would rule out the use of a rural system of spatial organisation within the site and render appropriate forms of layout, such as arcadia, unachievable. The resulting development would therefore be more akin to a more urban situation, appearing cramped and overdeveloped in contrast to the surrounding area. Were uncharacteristic densities to be accepted on the site, they would be expected to be graded across the site, with higher densities adjacent to the existing settlement and lowed densities along the rural edge.

In terms of the spatial layout adopted, the proposed positioning of the public open space is considered unacceptable. This should not be a peripheral element of the scheme, but rather a central focal point. This space should be appropriately defined and should not be enclosed by the side/rear of buildings, or adjacent to private amenity spaces. Where built form sits adjacent to the public open space it should ideally be fronted by dwellings (preferably served by rear access parking). The proposed public space also appears to fall short of the 10% requirement set out within adopted policy. The permeability and functionality of this area is hard to determine in the absence of a landscaping plan.

There is a lack of green and blue infrastructure within the proposed layout. Beyond the public open space there are no areas of incidental green space. Whilst beyond the main spine road, trees within the public realm are relatively limited and a number are unrealistically placed (impacting the amenity of dwellings). No blue infrastructure is apparent on the proposed layout and it appears that existing elements are removed. These features should form an integrated part of the schemes design.

Pedestrian permeability throughout the site is generally poor, as is the sites pedestrian connectivity with surrounding land uses. Pedestrian priority should be created within the site by ensuring that pedestrian connections to neighbouring sites are not reliant on shared surfaces and private drives. Likewise the southern pedestrian link to Kelvedon Road (shown below) should be a dedicated pedestrian route and should be widened and landscaped to enhance its usability.



The proposed link road to allow for future potential connections is overly prominent and poorly terminated given the lack of any wider master plan beyond the site boundary. Accommodating connections to potential future sites should be achieved in a less dominant manner or interim arrangement should be proposed. Beyond this the proposed road layout appears acceptable in terms of its positioning and the majority of prominent vistas and corners are treated in a relatively appropriate manner. However, the below vista should be amended in order that it is not terminated by the rear parking court and structure on the below corner should be amended to turn the corner more appropriately.



Additionally, the road layout as proposed appears overly engineered. This should be rectified by following the principles of tracking (as identified by 'Manual for Streets').

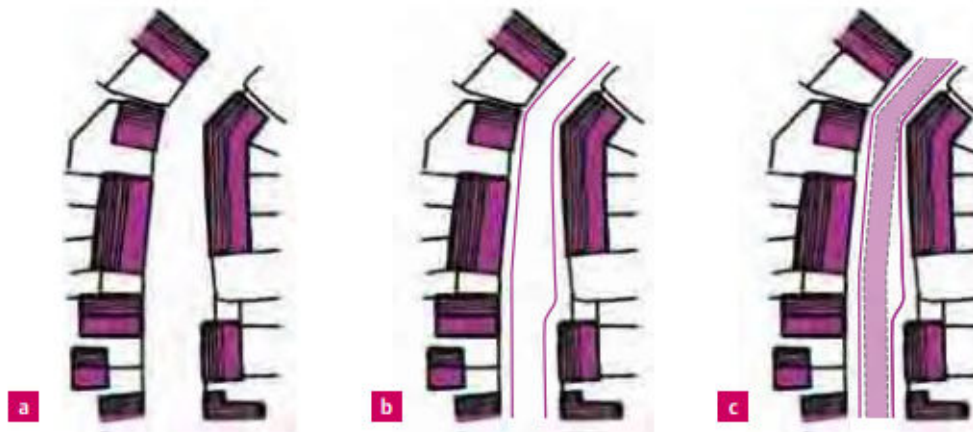


Figure 7.4 Left to right: (a) the buildings and urban edge of a street help to form the place; (b) the kerb line can be used to reinforce this; and (c) the remaining carriageway space is tracked for movement and for the provision of places where people may park their vehicles.

The adoption of a variety of parking treatments is welcomed. However, the rear parking court to the south of the site is overly large and accommodates parking for too many units, in the absence of any form of structural parking. This parking court should be broken down into at least two parking courts of consideration could be given to creating courtyard blocks within this area of the site (example below).



The parking court to the rear of the central block of flats also needs to be visually broken down to reduce its prominence, by the introduction of some structural parking. The provision of visitor parking on private drives is also overly common and less than desirable, as it should serve the wider development as a whole. This is most pertinent on the private drives accessed directly from

Kelvedon Road, where the proportion of visitor parking does not reflect the proportion of dwellings accessible from the drive.

The use of character areas is welcomed and the proposed areas appear appropriate given the layout. In terms of the relationship between the dwellings/built form the proposed character areas are evident, however beyond this feature this is not the case. The relationship between the dwelling and the street, boundary treatments and landscaping should all feed in to the specific character of each area, but currently appear somewhat homogenous across the site. Additionally, variances in building height and materials do not feed into the specific character areas and appear to be somewhat more random. As a result the character areas currently lack depth. It should be noted that all proposed 1.8m tall public facing boundary treatments should be brick walls.

The proposed built form displays a variety of materials and architectural details that create a broadly vernacular aesthetic and ensures a good degree of visual interest (though the lack of logic to their use does have implications for the definition of the character areas, as discussed above). However, substantive vernacular detailing is lacking and the scale and proportions of the built form conflicts with this vernacular approach, with vernacular forms appearing somewhat inflated. Other notable issues with the built form include:

- Flats and 3 storey structures are uncharacteristic of the area.
- There is an under provision of amenity space for the flats.
- 2.5 storey dwellings are poorly proportioned.
- Soldier course appear structurally unsound.
- The proportions and directional emphasis of windows on some units varies across the unit and more pertinently across individual elevations.
- Plots 57, 60 and 62 have the potential to cause overlooking issues.
- The northern elevation of flat block C is lacking in quality given its prominent location, as is the side elevation of plot 104.
- French doors on public facing elevations are inappropriate.

The below extracts from the Essex Design Guide are particularly relevant in this regard -

The solidity of brickwork should be expressed by inseting doors and windows within their openings by at least a half-brick depth, and by using sub-sills.

Window arches and lintels should appear adequate to carry the load of the brickwork above.

Rendered or boarded timber-framed buildings should have windows and doors set near the face of the wall to express the thinness of the construction. Painted timber architraves around the openings and pence board heads will add a similar emphasis.

Meter cupboards and service intakes should be located out of sight on flank elevations or in ground-level chambers, provided they are screened by planting or accommodated in purpose-made joinery that fits the pattern of openings on the elevation.

Policy Compliance

The proposed development, by virtue of its density and design, is not sympathetic to local character and history, including the surrounding built environment and landscape setting. Additionally, the proposal fails to establish a strong sense of place as a result of the shortcomings of the proposed public realm. As a result, the proposal would not add to the overall character and quality of the area. The proposed development would therefore be contrary to the above outlined national and local planning policies and guidance.

Conclusions and Recommended Actions

In light of the above, the proposal can not currently be supported in design terms. In order to gain support the proposal needs to be amended to address the above comments. A good starting point would be to look at reducing the density of the scheme as it will have a positive impact on other elements of the proposal. It is essential that the shortfall of public open space is addressed and that this space forms a focal point within the development that is interconnected with a wider package of both green and blue infrastructure. Enhancements to the pedestrian permeability and connectivity of the proposal are also critical. Achieving a stronger sense of identity for each of the individual character areas will also achieve substantial benefits for the design of the public realm.

Suggested Conditions

Should the Officer be minded to approve the application in the absence of a further consultation, please contact me for suggested conditions.

References

National Planning Policy Framework
National Design Guide
Colchester Borough Council Core Strategy
Colchester Borough Council Development Policies
Essex Design Guide
Manual for Streets

Consultation – Urban Design Officer	
Planning Officer	James Ryan
Urban Design Officer:	Benjy Firth
Location:	The Gables, Kelvedon Road, Tiptree, Colchester, CO5 0LU
Application No:	190647
Response Date:	23 rd April 2021

Site Visit Carried Out?

☐

Yes

Date of Visit:

☐

No

Description of Proposed Development

A revised scheme for the demolition of existing buildings on the site and redevelopment to provide 130 residential dwellings with access, link road to allow for potential future connections, associated parking, private amenity space and public open space.

Policy Context

The National Planning Policy Framework (2019) sets out government's planning policies for England and how these are expected to be applied. The framework sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, going on to state that 'good design is a key aspect of sustainable development'. The framework also states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. The framework is supported by a collection of planning practice guidance which includes a National Design Guide. This document seeks to deliver places that are beautiful, enduring and successful by setting out the characteristics of well-designed places and outlining what good design means in practice.

At a local level these policies are carried through and adopted as part of the Colchester Borough Council Local Plan 2001-2021. Relevant policies include Core Strategy Policy UR2 and Development Policy DPI, which seek to secure high quality and inclusive design in all developments and avoid unacceptable impacts on amenity. These policies are supported by more detailed guidance provided supplementary planning documents such as the Essex Design guide.

The Council's Emerging Local Plan is currently at the examination stage and as such is considered to be at an advanced stage and can thus be afforded weight within the determination of planning applications.

Assessment

These comments are offered further to comments made 8th December 2020 and following subsequent revisions. The policy context of this site remains somewhat unsettled and as such the below comments are made without prejudice to the acceptability of the principle of developing the site.

The proposed density remains at odds with surrounding densities and the prevailing character of the area. The revised location of the POS is considered far more appropriate. There remains a lack of incidental green spaces beyond the central POS and it is not possible to comment on the provision of blue and green infrastructure in the absence of a landscaping plan.

Pedestrian permeability has been enhanced via the southern pedestrian link to Kelvedon Road and as a result achieves a broadly acceptable standard. The proposed road layout appears relatively acceptable in terms of its positioning and the majority of prominent vistas and corners are treated in an appropriate manner. However, it is not possible to assess if a clear hierarchy of roads is achieved in the absence of hard/soft landscaping details. The use of a variety of parking treatments is welcomed. The acceptability of larger parking courts would be dependent on structural landscaping, details of which are absent. Policy compliant provision of parking and private amenity space appears to be achieved.

The use of a limited number of house types, a broadly vernacular aesthetic and a consistent materials palette across the site achieves an identifiable site wide character. The use of additive forms and a randomised colourful materials palette creates a degree of visual interest, however substantive vernacular detailing is lacking. As a result of the interrelationship between plots and with the highway, three character areas are evident in plan form. However, given the homogeneity of architecture and materials, combined with the lack of landscaping details, the character areas lack depth and distinctiveness.

In summary, the proposed layout is broadly acceptable, however the built environment lacks substantive architectural detailing and fails to achieve distinctive character areas. Other general issues are highlighted below.

Policy Compliance

Based upon the above assessment the proposal fails to create a positive and coherent identity that future users of the space will be able to identify with. Due to a lack of substantive design detail that contributes positively to placemaking, the proposal also fails to provide defined and recognisable character areas and other spaces that create a sense of place, promoting inclusion and cohesion.

As a result, it is not considered that the proposal would establish a strong sense of place, add to the overall quality of the area or, create a safe and accessible place with a high standard of amenity for future users. The proposed development would therefore be contrary to the above outlined national and local planning policies and guidance.

Conclusions and Recommended Actions

In light of the above, the proposal cannot currently be supported in design terms. Revisions should focus on the delivery of distinctive character areas within the site. This should be achieved through the provision of landscaping details (most pertinent: surfacing and frontage treatments) and revisions/enhancements to architectural detailing of units.

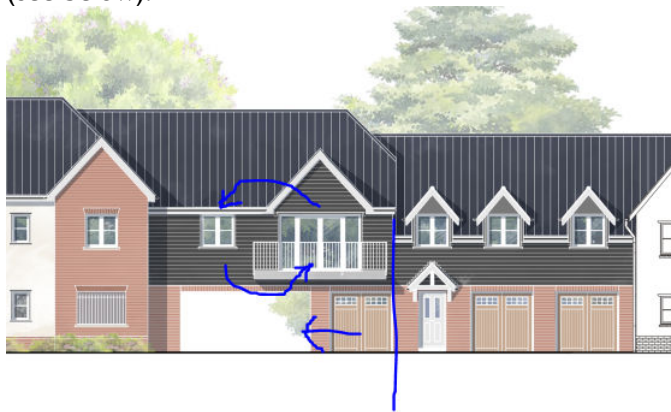
More general issues that require addressing/suggested revisions include:

- Plots 74 & 76 first floor side facing windows create amenity issues. → Remove said windows.
- First floor windows to the rear of the garage of house type 4.9 create amenity issues. → Remove said windows.
- Plots 2-10, 16, 18-21, 88, 89 and 74 lack cycle storage.

- Brick walls should be used for public facing enclosures. → Plots 88, 90, 99, 109, 114 and 116 require amending.
- The visitor parking space adjacent to plot 11 appears cramped and overly prominent.
- It is not clear which units will be render and which will be weatherboard.
- House types 3.10 and 4.5 have varying size windows on separate plans.
- Ensure plans are submitted for each house type in the relevant material (e.g. house type 4.1 in brick).
- House types 3.9 and 3.12 have an unbalanced composition. → Apply some form of 'crows foot' detail to gable to reinforce balance, e.g. see right.
- The eastern elevation of block A appears il-proportioned as a result of the assymetric roof (see below).



- Building elements and openings on Block B appear poorly aligned. → Provide visual articulation between building elements and ensure openings do not span across elements (see below).



- The visual articulation and rhythm of Block C is improved. However, the vernacular aesthetic adopted is at odds with the three storey height. → A town house aesthetic for the three storey elements may be more appropriate. Possibly utilising pilasters to articulate the rhythm (as per the below) adopting a consistent slate roof and maintaining the feature central gable.



Suggested Conditions

Should the Officer be minded to approve the application in the absence of a further consultation, please contact me for suggested conditions.

References

National Planning Policy Framework
National Design Guide
Colchester Borough Council Core Strategy
Colchester Borough Council Development Policies
Essex Design Guide

Appendix 3 Summary of Representations to Inspectors Main Mods on Section 2 Policies CBLP 2017-2033

MM89 – Policy DM15 Design and Amenity				
7864 Support	Sport England	The proposed modifications to policy DM15 directly respond to representations made by Sport England on the Publication Draft version of the Local Plan. The modified policy is therefore supported as it would now be considered to accord with Government policy in paragraph 92(c) of the NPPF (2021) and Sport England's 'Uniting the Movement' Strategy in relation to promoting active environments including Sport England's Active Design guidance.	None Stated	Noted.

no representations received

MM20 – Policy ENV1 Environment				
8395 Support	Anglian Water Services	Welcome the following; The inclusion of the requirement for 10% biodiversity net gain and its addition to Policy ENV1. The clarification that in making decisions the Council will seek to encourage development proposals which improve the quality of the water environment. Inclusion of the reference to the Anglian River Basin Management Plan.	In summary, the changes set out in the Main Modifications serve to increase the effectiveness and consequent soundness of the Local Plan.	Noted.
8982 object	Marden Homes Ltd	Further flexibility required regarding Biodiversity Net Gain. See attachment for further information.	None stated	This issue was explored through Matter 3 during the Hearing Sessions.
8914	Natural England	It is a concern that the proposed wording for the policy indicates that the expectations in relation to mitigation and biodiversity net gain (BNG) for developments that have adverse effects on biodiversity are less stringent than for those developments that would not cause such adverse impacts. The key criteria to compare would be criterion (v) of the first section and criterion (iii) of the second section. The fact that criterion (iii) seems to set a lower bar means that there is also an inconsistency between the proposed wording of the policy and the proposed modification to paragraph 13.8 (MM17) which states that: "As a minimum 10% biodiversity net gain is required...". Also, the specific wording proposed for criterion (iii) would mean that either "satisfactory biodiversity net gain" or "mitigation" are required to meet the criterion rather than both being required	None stated	This issue was explored through Matter 3 during the Hearing Sessions. The Statement of Common Ground between the Council and Natural England does not consider biodiversity net gain.
8940 object	Ava Wood	Lowland Acid Grassland should be recognized as an irreplaceable habitat.	Policy Env1(D) Add the following words after "veteran trees" "And Lowland Acid Grassland"	This issue was explored through Matter 3 during the Hearing Sessions.

		An application has previously been made in Copford which was not fully in compliance with CBC policy on numbers of affordable houses to be delivered and was subsequently withdrawn. It is important to understand the issue of scale and location in the context of this modification as this application may be resubmitted along with others with different scale and location.	avoid confusion with potential future applications regarding other Council policies on this matter.	It is consistent with national policy and Policy DM8.
8317 Support	Mr Rhys Smithson	I support this in principle as it appears to provide Parish Councils with a greater say in the location of new developments. However, this will only work if it is supported at all stages of the planning process.	None Stated	Noted.

MM75 – Policy OV2 Countryside				
7986 Object	Mr Neil Gilbranch	The policy states "small" rural exception sites will be supported on "appropriate" sites. This is subjective	The words Small and Appropriate should be defined objectively to	This was considered at the Hearing sessions for Matter 10 and Matter 14 .

Appendix 3 Summary of Representations to Inspectors Main Mods on Section 2 Policies CBLP 2017-2033

		An application has previously been made in Copford which was not fully in compliance with CBC policy on numbers of affordable houses to be delivered and was subsequently withdrawn. It is important to understand the issue of scale and location in the context of this modification as this application may be resubmitted along with others with different scale and location.	avoid confusion with potential future applications regarding other Council policies on this matter.	It is consistent with national policy and Policy DM8.
8317 Support	Mr Rhys Smithson	I support this in principle as it appears to provide Parish Councils with a greater say in the location of new developments. However, this will only work if it is supported at all stages of the planning process.	None Stated	Noted.

Appendix 4

Note on Landscape and Ecology

Catherine Bailey, Senior Environmental Planner: BSc Hons, MPhil, MA, CMLI.

Context – enhances the surroundings?

1. The appellant's Planning Statement (CD4.2 para 3.7) claims that '*The proposed density of approximately 30 dwellings per hectare shall provide a scheme which is in keeping with the location of the site on the edge of this large village. The site will therefore provide a sensitive transition between Tiptree village and the more rural environment beyond to the west*'. However, Mr. Cairns' Proof identifies, in Para 6.4-6.6, that the proposal is not informed by the contextual character and does not provide a sensitive transition by virtue of its built scale and character, including along the Kelvedon Road frontage. Mr. Cairns conclusion is supported by the Townscape Character Assessment, 2006, where the study describes for Townscape Character Area H: '*... There is generally mixed definition between public and private space throughout the Character Area with some gardens facing directly onto the road, with no front boundaries, whilst others are separated by a combination of low walls and hedges...*' (CD11.5, Page 276) (my underlining).
2. The Appellant recognises that there is existing substantial tree and hedgerow planting along the majority of the site boundaries. (CD 4.2 para 2.2). Mr Cairns identifies in Para 6.11, however, that '*... the proposed boundary treatment plan (308.01) indicates a close-boarded fence 1.8 m in height along the northern boundary ... and a combination of brick walling and fencing to the remainder of the outer boundaries to the appeal site...*', and that this is not an appropriate outer boundary treatment to a development on the edge of a rural settlement. A large part of the Site sits within the F1 Messing Wooded Farmland character type (CD 11.1). and still retains characteristics of that landscape character area, including boundary hedgerows with hedgerow trees. The line of vegetation through the centre of the site, the southern/south-western hedgerow and the one along Kelevedon Road are all along historic boundary lines as shown on Fig 6 of the Appellant's LVIA (CD 6b.5 Figure 6). The Colchester Borough Historic Environment Characterisation Project (2009) confirms that within Historic Environment Characterisation Zone 10.2, Inworth Area, in which the site sits, the historic landscape character includes a largely pre-18th century pattern of irregular fields interspersed with areas of later enclosure of common fields (CD11.3, Page 200). It is likely that this land parcel in part forms part of that field pattern. The Townscape Character Assessment, 2006, identifies that overall, the sensitivity and value of this landscape type is Moderate/High, (CD11.5 Fig 3.7).
3. The LVIA carried out by Liz Lake Associates recognises that conserving the mostly rural character of the area is one of the Landscape Planning Guidelines in the Colchester Landscape Character Assessment (CD 6b.5a, para 3.2.15), and yet the proposed boundary treatment does not appear to reflect that guidance. Also, the Land Management Guidelines include: '*Conserve and restore the existing hedgerow network ...*' (CD 6b.5a, para 3.2.16). However, the removal of the hedgerow along Kelvedon Road to give access to 3 No

dwellings (Plan DAP 399.01, Unit numbers 74,75 and 76), as well as the substantial incorporation of hedgerows and trees into back or side gardens (Plan DAP 399.01, Unit numbers 1, 3-4, 28-29, 32-34, 71-72, 80-82, 88, 90, 92-99) does not fit with this landscape planning or management guidance and does not constitute respect for the local character or create biodiversity-led design. These unit numbers do not include the additional areas of scrub or hedgerow that would need removal that are not shown on the layout plan DAP 399.01.

4. Incorporation of hedgerows and other vegetation into private gardens, gives neither the appellant nor the local authority any control over their maintenance and long-term survival of these features. It is also likely that vegetation will need to be removed or cut back at the construction stage in order to facilitate installation of fence posts and paneling. Many of the buildings, driveways and fence lines are identified as within the Root Protection Areas (RPAs) of trees (as well as in areas of existing hedgerows or scrub where RPAs have not been identified) and many garden areas (notably Units 56-66, and 69-72 as shown on Drg PO4-TTP in the appendix of the Arboricultural impact Assessment, CD 4.10) are shown to have substantial areas of their gardens covered by existing hedgerow growth or scrub (CD 4.10, and Tree Constraints Plan, CD 4.11). If not removed as part of garden creation and fence constriction, these will be vulnerable to removal once the properties are occupied, as residents seek to maximise their usable space, create greater light or reduce leaf fall.

Identity - Attractive and Distinctive

5. Mr. Cairns identifies that Flat Block A rises to three storeys at the southwest corner of the site where it abuts the countryside and that this is an inappropriate proposal at the edge of the settlement adjoining the open countryside (Mr. Cairns, para 6.14). Notwithstanding the impact of this development unit on the overall quality of the scheme design, it is likely to be visible over the existing hedgerow, and to have an effect on the neighbouring landscape, therefore.
6. However, whilst viewpoint photographs have been provided in the Appellants LVIA (CD 6b.5a-c, CD 6c.5), no visualisations have been supplied to facilitate understanding of the development scale. This makes judgements on the nature and severity of effects, either to users of the PRoW or indirect adverse landscape effects on the adjoining local landscape, difficult to gauge. The provision of visualisations is required by CBC's online advice for strategic landscape proposals for most major applications and are identified as part of the minimal requirements of a planning application. The Landscape Institute (LI) Technical Guidance (CD 11.4, Para 1.2, Table 1) identifies the reasons for visualisations and the appropriate visualisation type, and supports the CBC advice.
7. Viewpoints 3, 4, 11, 12, 13, and 16 in the LVIA (CD 6b5a-c and CD 6c.5) would benefit from wireframes or 3D massing models in order to understand the effects better. Flat Block A has the potential to form a detracting feature in the local landscape as well as for users of the adjoining PRoW.

Nature - enhanced and optimised

8. The Planning Statement identifies that '*Structural planting will provide a buffer along the boundary of the site that meets the existing residential dwelling set into the scheme*'. And '*Existing planting, trees and hedgerows along the other site boundaries will be maintained and enhanced to ensure the site remains defined and screened amidst the wider landscape*.' (CD 4.2 para 3.13). However, there is no indication from drawing DAP 399.01 that the proposed '*structural planting*' is more than a number of standard trees squeezed in at the boundaries. This will not form an effective or functional buffer to the development.
9. I evaluate the proposed boundary planting below:
 - Along the south-eastern boundary it looks as though 5 No standard trees are to be provided.
 - Along the Kelvedon Road frontage east of the Gables (Units 73, 77 and 78) the existing mature, intact hedgerow is to be removed and replaced by approximately 3 No. standard trees.
 - At Flat Block C there are 6 No. standard trees proposed along the Kelvedon Road roadside.
 - By units 35 and 36 it looks as though 2 No. standard trees are proposed
 - Along the north-western boundary it appears as though 4 No. standard trees are proposed, all in private gardens or in inaccessible space, so out of the control of developer or public authority care and management. This boundary is over 200m long, so the trees are proposed c 50m apart, so their screening effect (and also ecological) will be minimal.
 - Along the south-western boundary it looks as though 3 No additional trees are proposed, and those that are in private back gardens. Much, if not all, the scrub/hedgerow along this boundary will need to be cut back or removed in order to facilitate garden creation and boundary fencing.
10. The Arboricultural Impact Assessment (AIA) (CD 4.10) identifies that at the time of the application 28 No. trees were proposed to be removed in order to facilitate the proposals, 10 No. of which are category B, which is the second highest category. This is out of a total of 39 trees and 9 groups identified in the Planning Statement, amounting to a significant percentage (CD 4.2 para 2.8). This is on top of cutting back or down existing hedgerows or scrub (not assessed under the AIA) to facilitate development (CD 4.10, Drg PO4-TTP in the appendix, and CD 4.11, Tree Constraints Plan).
11. The Preliminary Ecological Appraisal (CD 4.6a & b Para 10.12) identifies that '*The main field units have significant mainly continuous hedgerow boundary features with maturing individual trees. These hedgerow/tree features will be important wildlife corridors for foraging/commuting bats and nesting birds. Their retention protection and enhancement would be an essential part of the site's development*.' The applicant claims (Ref PS 3.14) that '*The retention and enhancement of planting across the site will also seek to protect and improve the biodiversity value of the site through providing habitats for specific*

ecological species' However, as discussed above, it is likely a significant number of hedgerows in some form will either be cut back or removed to accommodate development or incorporated into back gardens and, in time, subject to reduction or removal by householders. The scheme needs reconsideration to give greater room for existing trees and hedgerows to be incorporated into suitable accessible natural greenspace.

12. Mr. Cairn's identifies that the proposed front gardens are limited in size and so provide little opportunity to support wildlife and create habitat (Mr. Cairns, Para 6.20), and that most street trees are proposed in front gardens rather than public realm which will limit the selection of proposed species in terms of size due to the proximity to proposed buildings. This also puts them outside the control of the developer or local authority in terms of long-term management and survival, as with the boundary planting proposals. Therefore, the capacity of the street trees to contribute to nature conservation, amenity and canopy cover provision will be limited. The proposed numbers are likely to be further reduced once requirements for utilities and street lighting through reserved matters and planning conditions are discharged. The survival and lifespan of newly planted street trees in the UK is known to be low if not planted effectively and managed long-term.
13. As there is a Priority Habitat Deciduous Woodland to the south-west and Ancient semi-natural Woodland to the west, the scheme could be contributing more substantially to the conservation and enhancement of both the local green infrastructure network and future Local Nature Recovery Network, and creating a landscape-led design, by incorporating the existing hedgerows and trees into generous public realm wherever possible, allowing space for natural regeneration or small-scale tree whip planting as opposed to standard trees, in order to maximise the connectivity of the existing green infrastructure network. The government has established the requirement for Local Nature Recovery Networks to drive nature's recovery and provide wider environmental benefits through the Environment Act (2021).
14. The National Design Guide (CD 12.2, Page 28) states that '*Well-designed developments include site-specific enhancements to achieve biodiversity net gains at neighbourhood, street and household level. Green corridors can be used to extend and enhance existing ecosystems. Existing areas of valuable biodiversity are protected and enhanced*'. In my judgement this development does not succeed in this, particularly in relation to conserving and enhancing the existing green corridors and network effectively, and this is a failure in layout and design.

Public spaces – safe, social and inclusive?

15. In relation to Public Open Space (POS), the appellant's Planning Statement identifies '*... small areas throughout the rest of the site that break up built form,*' (CD 4.2 para 3.10). There are small pockets of unbuilt land on the site, but these arguably do not fulfil the criteria as POS, as they consist of:
 - a. an area of greensward alongside the Kelvedon Road, which is of limited usability due to its proximity to the road,

- b. a section of c3m wide verge along the Kelvedon Road
- c. and a narrow verge-like strip of c3m width along about half of the south-east boundary.

These appear in general to be spaces left-over after the laying out of the housing units not landscape-led greenspace planning. None of these would constitute significant, high quality or multi-functional green space, I judge.

16. The National Design Guide (CD 12.2, Page 26-28) advises that natural features should be integrated into well-designed development, and that public open spaces should be high quality, provide attractive open spaces and in locations that are easy to access, provide usable green spaces with different functions to suit a diverse range of needs. They should '*provide opportunities for comfort, relaxation, stimulation and social interaction in a safe environment*'. The ancillary open spaces at this development currently appear either left-over space or intended mainly for dog-walkers. I judge that a reduction and realignment of housing units is needed in order to provide additional accessible amenity or semi-natural space within the heart of the development, and attractive, functional green infrastructure at the perimeter.
17. The central open space is substantially given over to SuDS, and may struggle with its multifunctional roles. If this is also a space for nature conservation and enhancement, where do children play ball games? If a space for quiet reflection, how do those of reduced mobility reach the centre of the SuDS space? Where do people go at times of high-water level or run-off?