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# Land adjoining The Gables, Kelvedon Road, Tiptree, CO5 0LU

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Planning Balance and Planning Policy

Proof of Evidence of Mr James Firth MRTPI

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

Colchester Borough Council Application Reference:  
190647



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## 1. Experience and Scope of Evidence

- 1.1. My name is James Firth. I am a Planning Director at Savills, Chelmsford office.
- 1.2. I have a BA (Hons) degree in Geography from the University of Southampton and a MSc in Spatial Planning from University College London.
- 1.3. I am a member of the Royal Town Planning Institute.
- 1.4. I have 16 years' experience in planning, working primarily within Essex throughout this period.
- 1.5. This has included Local Authority roles in Planning Policy and Development Management roles at Rochford District Council and Colchester Borough Council, for 2 years and 5 years respectively.
- 1.6. Prior to joining Savills I spent 9 years in planning consultancy roles at Strutt & Parker most recently as Director and Head of Chelmsford and National Planning.
- 1.7. I have good local knowledge of the Colchester Borough having worked and lived in the Essex area for a long period.
- 1.8. I have overseen the current Marden Homes planning application in my role at Strutt & Parker and more recently at Savills. I have familiarised myself with the application proposals, previous work during the application period and visited the site.

### Scope of evidence

- 1.9. My evidence addresses compliance with the development plan as a whole, and the planning balance exercise considering the requirements of s.38(6) (Planning & Compensation Act 2004).
- 1.10. I have relied on the evidence from David Plant of DAP Architects with regards to design matters.
- 1.11. I have additionally relied on evidence from Sam Hollingworth, Savills on housing need matters.

### Endorsement

- 1.12. The evidence which I have prepared and provide for appeal APP/A1530/W/21/3278575 in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution; the Royal Town Planning Institute. I confirm that the opinions expressed are my true and professional opinions.

## 2. Site Description

- 2.1. Tiptree, located to the south west of Colchester Borough, is identified as a Key District Settlement in the Colchester Core Strategy (Spatial Vision 3.1) and Rural District Centre in the Adopted Part 1 Colchester Local Plan (3.4 Spatial Context).
- 2.2. The appeal site is located in Tiptree, to the south of Kelvedon Road (B1023) which runs between Tiptree and Feering.
- 2.3. The site measures 5.16 hectares and currently accommodates a residential dwelling, some gypsy and traveller accommodation, residential outbuildings, stables and paddocks.
- 2.4. To the north west, the appeal site adjoins existing residential properties fronting Kelvedon Road.
- 2.5. To rear of these properties the appeal site adjoins an existing field that appears to be unused land or paddock land. Beyond this field is the existing Tower Business Park.
- 2.6. Tiptree Water Tower, built 1933 is also located to the north west of the appeal site on the frontage with Kelvedon Road. Whilst being a notable local feature, it is not a listed building.
- 2.7. To the south east, the site immediately abuts development currently being constructed, which is accessed from Grange Road. This development, referred to as 'Springfields', was granted approval under reference 122134 and reserved matters under reference 151886. It consists of development to the north and south of Grange Road alongside landscape and highway works, and the provision of public open space (including a new village green and allotments). The reserved matters were approved 27/04/2016. The development to the north of Grange Road consists of 39 properties including detached and semi-detached. The design of these properties consists of render cladding with brick plinth and some chimney details. These range from 2 bed to 5 bed as indicated on the approved drawings under permission 151886. On visiting the site recently much of this development was built out with some of the areas, mainly to the west and north west of the site area, remaining under construction. The north west boundary with the appeal site the Springfields development is designed with some units fronting out with the road and visitor parking also located within this area. A close-boarded boundary fence has been erected between the road and the existing hedge line boundary which is located within the appeal site.
- 2.8. A Public Right of Way (Public Footpath PROW 150) leaves Grange Road to the west of the Springfields site and runs to the west of the appeal site. This then runs to the west of the Tower End Business Park site before connecting into routes further to the north west. The PROW, although nearby, remains outside of the appeal site and runs across land in the ownership of others. The section of PROW running closest to the appeal site is relatively short in length at approximately 40 metres. There is an existing hedge and tree boundary in this location, however some views are afforded through.

- 2.9. The Gables, an existing detached residential property fronting Kelvedon Road, adjoins the appeal site to three sides. The property includes existing front, rear and side facing windows at ground and first floor levels. The property benefits from an existing large curtilage including a rear amenity garden area of approximately 45 metres in depth measured from the rear elevation of the property to the boundary (measured using aerial photography). Beyond this is a further area, understood to be within the same ownership, of approximately 70 metres in depth and which is used as a grassed area and has had permissions for some storage use in the past. The rear boundary of the property is therefore approximately 115 metres from the rear boundary the appeal site. To the sides the property is located considerably closer being approximately 14 metres to the north west boundary and almost immediately adjoining the boundary to the south east.
- 2.10. To the north east the appeal site adjoins the property at Stourton, an existing detached two storey residential dwelling, as well as existing gypsy and traveller sites.
- 2.11. The site is located close to existing bus stops (unmarked) on Kelvedon Road (referred to on ECC mapping as Oak Road).
- 2.12. The site is located approximately 250 metres from the entrance to Baynard Primary School, and approximately 500m the businesses at junction of the B1023 and B1022. Beyond this junction, approximately 1.5 km from the site are a wide range of local services and facilities including two large superstores, a medical centre, a library, a bank, café's, a community centre and other local businesses.
- 2.13. The current use of the appeal site consists of residential property, residential curtilage including a small existing garden area and pond, along with stables and paddock land.
- 2.14. The appeal site falls within an area comprising a mix of residential and business uses.

## 3. Planning History

- 3.1. Permission for two-storey side and rear extensions (F/COL/03/0351) and a boot room have been granted (ref: 101741) most recently for the existing residential use on the site.
- 3.2. Permission has also 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 (ref: COL/94/1556 & T/APP/A1530/A/95/252398/P7).
- 3.3. The above history is now of some age and is not considered to have particular relevance or weight in the current determination.
- 3.4. Outline permission for residential development has since been granted on land adjacent to the site at Grange Road (north and south) 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 Adopted Tiptree Proposals Map (2010) (CD7.19) and the emerging local plan policies map as proposed to be amended through main modifications (CD9.6).

## 4. Application History

- 4.1. The planning application (reference 190647) was originally submitted to Colchester Borough Council on 7 March 2019.
- 4.2. At the time of submission the application proposed the following:
- 4.3. Demolition of existing buildings on the site and redevelopment to provide 150 residential dwellings with access, link road to allow for potential future connections, associated parking, private amenity space and public open space.
- 4.4. The application was supported by:
- Planning Statement prepared by Strutt & Parker
  - Design and Access Statement prepared by Patrick Stroud Designs Ltd.
  - Health Impact Assessment prepared by Strutt & Parker
  - Transport Assessment prepared by Journey Transport Planning
  - Preliminary Ecological Assessment prepared by Eco-Planning UK
  - Flood Risk Assessment and Surface Water Drainage/SUDS Strategy prepared by Evans Rivers and Coastal
  - Archaeological Desk-Based Assessment and Walkover Survey prepared by Archaeological Solutions Ltd.
  - Phase I Geoenvironmental Assessment prepared by GEMCO
  - Arboricultural Impact Assessment, Tree Constraints Plan and Tree Protection Plan prepared by Underhill Tree
  - Consultancy
  - Topographical Survey prepared by JTaylor Site Surveying Limited
  - Architectural Plans prepared by Patrick Stroud Designs Ltd.
  - Plans and Elevations
- 4.5. During the application process there has been extensive engagement with Local Planning Authority officers. As a result of this process there have been a number of revisions made to the scheme.
- 4.6. These consisted of:
- Updated submission November 2020
- 4.7. Reduction in proposed number of units to 130.
- 4.8. Submission of:
- Planning Statement Addendum prepared by Strutt & Parker

- Updated Transport Assessment prepared by Journey Transport Planning
- Flood Risk Assessment and Surface Water Drainage/SUDs Strategy prepared by Rupert Evans Coastal
- Landscape and Visual Impact Assessment prepared by Liz Lake Associates
- Arboricultural Impact Assessment prepared by Underhill Consultancy
- Archaeological Evaluation prepared by Archaeology South-East
- Ecological Report and Faunal Surveys prepared by Eco-Planning UK
- Updated Architectural Plans and Documents prepared by DAP Architects:
  - Design and Access Statement
  - Proposed Site Layout
  - Proposed Storey Heights Plan
  - Proposed Housing Mix Plan
  - Proposed Tenure Plan
  - Proposed Refuse and Cycle Strategy
  - Proposed Parking Strategy
  - Proposed Materials Plan
  - Proposed Boundary Treatment Plan
  - Proposed Garden Areas Plan
  - Proposed Street Scenes
  - Detailed Floor Plans and Elevations for Apartments
  - Detailed Floor Plans and Elevations for House types

## Updated submission April 2021

4.9. Following comments from CBCs Urban Design team the scheme was further revised to include:

- Pedestrian permeability enhanced through the site via additional footpath
- Open space relocated to more central location, also includes drainage/eco corridor. Indicative area for 400sqm LEAP has also been indicated within Open Space.
- Main road narrowed to 5.5m with 2no. footpaths either side, service roads have been removed enabling generous front gardens to adjacent plots. Road stops short of boundary enabling possible future connection.
- 3 Flat Blocks are located in generous amounts of space allowing for soft landscaping particularly Flat Block C at the sites entrance. Additionally, each Block is now provided with its own Communal amenity space and private amenity space. (Although most units are provided with in excess of 12sqm of Private Amenity space)
- Car parking to the rear of Plots 108-130 has been rationalised to include landscaping and planting within.
- Private fence has been offset from northern boundary by 2m to enable the inclusion of the hedgerow in management company control to ensure its long term protection

4.10. In addition, the following changes were made to the Housetypes:

- HT3.6 window positions and upper floor dormer position amended
- HT3.11 redesigned, now side-facing as requested
- String courses removed
- No French/Double doors are located on public elevations with the exception of the flats over garages which is at first floor and overlooks the public open space
- All 3 flat blocks redesigned

4.11. Other changes included:

- The proposed affordable housing mix were reviewed to accord with requests by CBC Housing Team through the Development Team consultation process
- Shadow HRA details and supporting report
- Changes to Landscaping proposals
- Updates to LVIA
- Updated Arboricultural Impact Assessment to take account of comment from CBCs tree officer
- Updated Transport Assessment
  - Access road is proposed as 5.5m wide with a 2.0m footway on both sides.
  - Access road to allow for potential future upgrade if required
    - With respect to the access road upgrading, in accordance with the Street Type Table in the Essex Design Guide 2018 the access have been designed to allow for an upgraded to a Feeder Road/Link Road status with a 6.75m carriageway and one 2.0m footway and one 3.5m cycle/footway. This is stated as sufficient once the number of units served exceeds 400 units or it serves a bus route.
    - Road and footway to be adoptable then verge between for management company and to include street trees.
  - Pedestrian crossing and connectivity proposals over Kelvedon Road

Revised drainage information submitted June 2021

4.12. Updated calculations provided to the LLFA.

Appeal under Town and Country Planning Act 1990 – Section 78 (2) non-determination

4.13. An appeal was submitted on 7<sup>th</sup> July 2021 following the necessary pre-notification.

Amendments to take account of emerging policy and liaison with highways authority (February 2022)

- 4.14. A number of minor changes were made to the proposals and submitted to the LPA and Inspectorate in February 2022. The primary purpose of the changes being to take account of emerging policy requirements in the Section 2 Local Plan.
- 4.15. This submission included:
- Wintering Bird Survey prepared by JBA Ecology
  - Updated Bat Roost Assessment prepared by JBA Ecology
  - Reptile Mitigation Strategy prepared by JBA Ecology
  - GCN District License Certificate for Marden Homes
  - Biodiversity Net Gain Assessment prepared by JBA Ecology
  - Employment Land Supply Note prepared by Savills
  - Landscape Masterplan prepared by Liz Lake Associates
  - Canopy Cover Assessment prepared by Underhill Consultancy
  - Updated Flood Risk Assessment and Surface Water Drainage/SuDS Strategy Rev B and Calculations submitted July 2021 prepared by Evans Rivers and Coastal
  - Updated Drainage Calculations and Covering Statement Feb 2022 prepared by Evans Rivers and Coastal
  - Transport Assessment prepared by Journey Transport Planning
  - Arboricultural Impact Assessment prepared by Underhill Consultancy
  - Highways Crossing Opportunities (as appended to Highways SoCG and S106)
  - Proposed Gypsy and Traveller Relocation Proposals (as included in S106)
  - Updated Design Pack
- 4.16. The changes made included:
- Wintering Bird Survey information
  - Biodiversity Net Gain and Landscape Strategy
  - Updates on Ecology
- 4.17. The submission was accepted by the Inspector on 28 February 2022.

## 5. Description of Current Proposal

5.1. The current appeal proposal seeks permission 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***

5.2. The latest supporting application documents and revision references are included in the Core Document library.

5.3. By way of summary:

- The proposals provide for a mix of dwelling types from 1 bedroom to 5 bedroom. Locations are indicated on drawing CD13.8.
- Latest accommodation scheme provided in CD6c.16.
- The Proposed Storey Heights Plan (CD13.17) sets out development of 1.5 to 3 storeys. The majority of proposed dwellings being 2 storey.
- Affordable Housing is provided across different parts of the scheme and on a range of types of units as indicated on the supporting plan (CD13.19).
- Refuse and Cycle Parking (CD6c.20) , shows cycle parking for all units where no garaging is provided and refuse bin locations with drag distances.
- Proposed Parking Strategy (CD6c.21) indicates parking locations including visitor and disabled parking.
- Proposed Materials Plan (CD6c.22) indicates the intended approach to materials including roof tile. Red Brick, Render, Weatherboard, Red Clay tile and Grey Slate tile are all proposed. Further detail on this is provided by the architects.
- Boundary Treatments (CD6c.23) proposed includes 1.8m high timber fencing with 1.8 high brick walls in key locations.
- Proposed Garden Sizes and Open Space areas are indicated on drawing (CD6.c24).

### Proposed planning obligations

5.4. Work on the section 106 heads of terms has been progressing during the application and appeal process. The latest draft of the section 106 includes the following:

- Archaeological Information Contribution - £348
- Community Contribution - £352,659.53
- Parks and Recreation Contribution - £157,500 (Borough) and £292,500 (Ward)
- RAMS Contribution - £16,549
- Healthcare Contribution - £73,376

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- Education Contribution - £23,214
- Provision of affordable housing – 39 dwellings
  - 37 of the Affordable Housing Dwellings to comply with Building Regulations 2015 Part M(4) Category 2
  - 2 of the Affordable Housing Dwellings to comply with Building Regulations 2015 Part M(4) Category 3(2b) and be wheelchair accessible
- Open Space Maintenance Sum & Management Plan
- Relocation of gypsy and traveller pitch
- Monitoring fees

## 6. Planning Policy

### 6.1. Statutory considerations

6.2. Those most relevant to the appeal proposal are considered to include:

- Section 70 Town and Country Planning Act 1990
- Planning and Compulsory Purchase Act 2004 – Section 38(6)
- The Conservation of Habitats and Species Regulations 2017 ('The Habitat Regulations')

### 6.3. The Development Plan

6.4. At the time of writing the Development Plan for the appeal proposal considered of:

- Colchester Borough Council Section 1 Local Plan (2021)
- Core Strategy (2008)
- Development Policies (2010)
- Site Allocations (2010)
- Focused Review (Core Strategy and Development Policies) (2014)

6.5. I note that the Section 2 Local Plan is at an advanced stage, with the Local Plan Inspector's Report likely to be issued shortly. I have therefore also given this particular consideration in my analysis.

### 6.6. Relevant Policies

6.7. Relevant policies within the development plan are considered to include the following.

#### Colchester Borough Council Section 1 Local Plan

- SP1 – Presumption in Favour of Sustainable Development
- SP2 - Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 - Spatial Strategy for North Essex
- SP4 – Meeting Housing Needs
- SP5 – Employment
- SP6 – Infrastructure and Connectivity
- SP7 – Place Shaping Principles

#### Core Strategy (adopted 2008, amended 2014)

- SD1 - Sustainable Development Locations
- SD3 - Community Facilities

- CE1 - Centres and Employment Classification and Hierarchy
- CE3 - Employment Zones
- H1 - Housing Delivery
- 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 (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 2010)

- SA H2 Gypsy and Traveller Accommodation
- SA TIP1 Residential sites in Tiptree
- SA TIP2 Transport in Tiptree

## 6.8. Material Considerations

### Emerging Colchester Section 2 Local Plan

- 6.9. At the time of writing this plan is at an advanced stage and it is considered holds significant weight.
- 6.10. Should the Local Plan Inspector's Report be issued prior to the inquiry this would add further weight to the policies sufficient to supersede those in the current development plan.
- 6.11. I also understand the Section 2 Local Plan may be adopted prior to the Inquiry sessions.

- SG4 – Local Economic Areas
- SG8 – Neighbourhood Plans
- ENV1 – Environment
- CC1 – Climate Change
- PP1 – Generic Infrastructure and Mitigation Requirements
- SS14 – Tiptree
- DM1 – Health and Wellbeing
- DM2 – Community Facilities
- DM8 – Affordable Housing
- DM9 – Development Density
- DM11 – Gypsies, Travellers and Travelling Showpeople
- DM12 – Housing Standards
- DM15 – Design and Amenity
- DM18 – Provision of Public Open Space
- DM19 – Private Amenity Space
- DM20 – Promoting Sustainable Transport and Changing Travel Behaviour
- DM21 – Sustainable Access to Development
- DM22 – Parking
- DM23 – Flood Risk and Water Management
- DM24 – Sustainable Urban Drainage Systems
- DM25 – Renewable Energy, Water, Waste and Recycling

### National Policy

- 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

## Adopted Supplementary Planning Documents

6.12. 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

## Neighbourhood Plans

6.13. At the time of writing I consider the proposed Tiptree Neighbourhood Plan carries no weight currently as it is insufficiently advanced.

6.14. **Assessment against the Development Plan**

6.15. The assessment of the proposals against the Development Plan as a whole as per the statutory requirements is covered as part of my assessment below.

6.16. This is consistent with the approach set out in the judgement on *Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC* [2021] EWCA Civ 104 which found that:

- policies of the development plan will often inform the balancing exercise required under paragraph 11(d)(ii);
- in many cases it will facilitate the assessment of adverse impacts and benefits in the tilted balance to consider not only the relevant policies of the NPPF but also the corresponding policies of the development plan;
- a complete assessment under paragraph 11(d)(ii), in which adverse impacts and benefits are fully weighed and considered, may well be better achieved if relevant policies of the development plan are taken into account; and

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- whether and how policies of the plan are taken into account in the application of paragraph 11(d)(ii) will be a matter for the decision-maker's planning judgment, in the circumstances of the case in hand.

## 7. Principle of Development and the basis for assessment of Planning Balance (The Tilted Balance)

- 7.1. Section 70 Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 require that if regard is to be had to the Development Plan the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.2. Paragraph 11 of the Framework sets out the approach to decision taking on applications in particular:
- c) approving development proposals that accord with an up-to-date development plan without delay or;*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 7.3. With regards to the requirements of section 38(6) and part c) of paragraph 11 as far as that is considered relevant, my analysis of the proposal against the development plan as a whole as required by section 38(6) is covered as part of my assessment of the proposal below.
- 7.4. I find that the proposals are in conformity with the development plan when taken as a whole, this includes the policies in the adopted plan, and those policies in the emerging Section 2 Local Plan. Where I find there is conflict with particular policies or parts of the development plan I have set this out.
- 7.5. With regards to paragraph 11 part d) there are two considerations to the trigger of the tilted balance.
- 7.6. Firstly, whether there are relevant development plan policies. There are clearly a considerable number of development plan policies that will have some relevance to the proposal. These are set out above.
- 7.7. The second trigger is whether the policies which are most important for determining the application are out-of-date. This requires consideration of firstly which policies are most important to the proposal, and then consideration of whether these policies are out-of-date.
- 7.8. Relevant considerations in this regard include:

7.8.1. *Wavendon Properties Ltd v Secretary of State for Housing Communities and Local Government and another* [2019] EWHC 1524 (Admin), [2019] PTSR 2077. In this judgement Dove J. sets out the first step in the exercise is to identify the policies that are the most important for determining the application; the second is to examine each of those policies to see if it is out-of-date; and the third is to stand back and assess whether, taken overall, those policies could be concluded to be out-of-date for the purposes of the decision. “The application of the tilted balance in cases where only one policy of several of those most important for the decision was out of date and several others were up-to-date and did not support the grant of consent, would be inconsistent with that purpose”. The task therefore involves the identification of the basket of most important policies based on which the decision to be taken.

7.8.2. *Peel Investments v Secretary of State for Housing, Communities & Local Government* [2020] EWCA Civ 1175. This judgement found that policies are out-of-date for the purposes of paragraph 11d of the NPPF if they have been overtaken by events that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason, so that they are now out-of-date. It was also found that whether a policy is out-of-date and, if so, with what consequences, are matters of planning judgement, not dependent on issues of legal interpretation.

## 7.9. **Most important policies**

### Current Adopted Development Plan

7.10. Whilst there are a range of policies that will be relevant to the decision a large number of these are more general management policies that will be relevant to all proposals. Whilst still potentially very relevant to the decision I do not consider these as forming part of the most important policies particularly when having regard to the principle of development. In identifying those policies that I consider most important I have therefore had particular regard to the nature of the proposals, the current use of the site, as well as the current designation of the site on the Council Policies Map.

7.11. Those policies from the adopted Development Plan that I consider most important are:

- Policy SA TIP1 - Residential sites in Tiptree
- Policy SA TIP2 - Transport in Tiptree
- Development Policies DP5 – Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- Policy SA H2 – Gypsy and Traveller Accommodation
- Policy ENV1 – Environment

7.12. I have provided comments on these policies below to consider whether they are out of date.

## Policy SA TIP1 - Residential sites in Tiptree

- 7.13. This Policy is the part of the Development Plan (Site Allocations 2010) that is intended to deal with residential sites in Tiptree. This policy identifies only one site allocation at Grange Road, and the policy requirements specify they apply to allocated sites. The Policies also refers to smaller sites within areas allocated predominately residential on the Proposals Map which will contributing to the delivery of the housing targets identified in the Adopted Colchester Borough Core Strategy.
- 7.14. The Housing Targets in Policy H1 of the Core Strategy have now been superseded by Policy SP4 in the Section 1 Local Plan (as indicated by Appendix A of the Section 1 LP). Policy SP4 of the Section 1 Local Plan sets out a requirement of 920 dwellings per annum and a minimum of 18,400 homes in Colchester in the period 2013-2033.
- 7.15. Given to approach adopted in Policy SA TIP1 is based upon Core Strategy Housing Targets (as referenced in the policy itself) I consider this policy out of date.
- 7.16. Notwithstanding the Council's position of housing land supply, it is clear that Policy SA TIP1 does not allocate sufficient sites to meet needs over the Section 1 Local Plan period. The current settlement boundary for Tiptree is in this respect out of date.
- 7.17. It is notable that in light of the adoption of Section 1 Local Plan a revised policy for Tiptree is being progressed as part of the Section 2 Local Plan and I consider the weight attributable to this as part of the assessment of emerging policies below.

## Policy SA TIP2 - Transport in Tiptree

- 7.18. This Policy is the part of the Development Plan (Site Allocations 2010) that is intended to deal with transport issues arising alongside growth in Tiptree. This policy refers to allocated housing sites in Tiptree being required to provide highway capacity and safety improvements. It is states these are "likely to include but not be limited to the Grange Road/Vine Road and Kelvedon Road junctions". The highway network around Grange Road/Vine Road in particular has been subject to significant change and improvement in recent years. In this respect the policy has also been overtaken by events and is out of date. Furthermore the policy wording itself specifically relates to allocated sites.
- 7.19. . The later part of the policy refers to a package of sustainable transport measures and to designing development to encourage walking and cycling.. References to sustainable travel measures remain relevant and are also covered within the Framework. Given the reference to allocated sites to meet previous housing targets, and that the highway network changes and improvements identified have already been undertaken in this respect I would also consider this part of the policy to be out of date.

Development Policies DP5 – Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

- 7.20. This policy is considered most important as the policies map identifies an area of the application site for employment purposes.
- 7.21. The employment allocation at Tower End Business Park covers an area of 4.12 ha. This includes approximately 2.59 ha of land in existing employment use around the business. It then also includes an adjoining field to the east (outside of the appeal proposal site) of approximately 0.6ha, and then part of the appeal site of approximately 0.93ha.
- 7.22. The parts of the employment allocation that are currently undeveloped do not have road frontage and are set back from the Kelvedon Road. Having visited the site there is also no obvious opportunity for an access through from the Tower End Business Park given the existing employment units in place on that site.
- 7.23. In 2015 Colchester Borough Council published the Colchester Employment Land Needs Assessment: Final Report (2015) ('the 2015 Report') (CD14.6) as part of its emerging Local Plan evidence base. This report clearly post-dates the allocation of the site for employment in the 2010 Site Allocations Plan. The 2015 evidence base report considered the Tower End / Tower House site as a fully developed employment site with "no apparent scope for further development". Further details on this area provided in the Savills Planning Note "Colchester Employment Land Needs and Tiptree" January 2022 (CD13.6).
- 7.24. The appeal site is therefore has not been considered as forming part of employment land supply as part of the Council's own evidence base.
- 7.25. To develop the site for employment purposes would clearly require an appropriate access, which cannot be achieved given the relevant landowners are seeking to bring the land forward for residential purposes. More importantly from a land use perspective, the Council's evidence base demonstrates that the land is not required for these purposes.
- 7.26. Paragraph 122 of the Framework states that "*Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan*" inter alia "*applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.*". The redevelopment of the site to meet housing needs is therefore also supported at this level.
- 7.27. The allocation of part of the site for employment purposes has therefore clearly been overtaken by events since its identification on the policies map. Policy DP5 is in this respect out of date.

## Policy SA H2 – Gypsy and Traveller Accommodation

- 7.28. This policy identifies sites allocated for gypsy and traveller accommodation. This includes 1 pitch as Ponys Farms, Kelvedon Road, Tiptree, which forms part of the application site. The policy itself does not include a requirement for protection of existing sites. The policy refers the decision maker to Core Strategy Policy H5 which itself refers to Government national Planning Policy for Traveller Sites and to the Framework.
- 7.29. I consider this policy remains up to date. The appeal proposal ensures there will be no net loss of gypsy and traveller provision through ensuring the currently residents can relocate to the nearby site at The Paddocks.

## Policy ENV1 – Environment

- 7.30. Policy ENV1 amongst other matters states that *“Unallocated greenfield land outside of settlement boundaries (to be defined/reviewed in the Site Allocations DPD) will be protected and where possible enhanced, in accordance with the Landscape Character Assessment. Within such areas development will be strictly controlled to conserve the environmental assets and open character of the Borough.”*
- 7.31. The appeal site sits outside the current settlement boundary and the development is therefore recognised and being in conflict.
- 7.32. However, as set out in relation to Policy SA TIP1 above, the current settlement boundary for Tiptree was last reviewed as part of the 2010 Site Allocations DPD. It does not reflect the latest housing targets within the Section 1 Local Plan or the acknowledged need for review of this settlement boundary. Thus the settlement boundary is acknowledged to be no longer fit for purpose insofar as it operates as a constraint on development recognised as being necessary. As such it is clearly out of date.
- 7.33. The need for this review of the settlement boundary is further set out in the Section 2 Local Plan including in Policy SS14 specifically. Policy SS14 directs growth to the north/north west of Tiptree in the vicinity of the application site. I consider this a significant material consideration given the advanced stage of the plan.
- 7.34. Policy ENV1 and the settlement boundary for Tiptree should be considered out of date in this context.

## Summary in relation to Current Development Plan

- 7.35. Of the basket of most important policies above, the majority of those policies are out of date (including the Tiptree Settlement Boundary) and have been overtaken by events since their adoption. Paragraph 11d of the framework states that where the policies most important for determining the application are out-of-date, permission should be granted unless the any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (the tilted balance). I therefore consider the tilted balance is engaged.

7.36. This does not of course remove the need to consider those parts of the Development Plan that are relevant to the application. These are considered below and the development is considered to conformity with the development plan and the framework when considered as a whole.

7.37. **Section 2 Local Plan**

7.38. The Section 2 Local Plan is at an advanced stage.

7.39. Paragraph 48 of the framework sets out that *weight may be given to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

7.40. The weight that can be attributed to particular policies will therefore vary including consideration of the extent of objection to those policies, however it is likely due to the advanced stage of the plan that it will hold significant weight in decision making.

7.41. Notwithstanding the above it is also considered likely the Local Plan Inspector's Report may be issued and potentially the plan adopted prior to the Inquiry. Should this occur the plan will potentially form part of the development plan by the time of the Inquiry sessions. In the event the plan is adopted I understand it would supersede policies from the Site Allocations and Development Policies documents.

7.42. Having regard to the Section 2 Local Plan, the most important policies would be as follows:

- Policy SS14: Tiptree
- Policy SG4: Local Economic Areas
- Policy DM11: Gypsies, Travellers, and Travelling Showpeople
- Policy ENV1: Environment

Policy SS14: Tiptree

7.43. As proposed to be amended by main modifications this policy now reads:

**Policy SS14: Tiptree**

*Within the preferred directions of growth shown on the Tiptree policies map, to the south west and north/north west, subject to existing constraints, the Tiptree Neighbourhood Plan will:*

- i) Define the extent of a new settlement boundary for Tiptree;*
- ii) Allocate specific sites for housing allocations to deliver a minimum of 400 dwellings;*
- iii) Set out any associated policies needed to support this housing delivery i.e. housing mix, type of housing and density for each site allocated for housing;*

- iv) *Set out the policy framework within the parish to guide the delivery of any infrastructure/community facilities required to support the development in accordance with the requirements of Policies SG7 and PP1. This will include a detailed transport assessment with a view to confirming provision of the first phases of a road between the B1022 and B1023;*
- v) *Consider cross boundary issues;*
- vi) *Identify other allocations in the Parish, including employment and open space.*
- vii) *Proposals for development outside of the settlement boundary, or settlement boundary defined by the Tiptree Neighbourhood Plan once adopted, will not be supported. This policy should be read in conjunction with the generic Neighbourhood Planning policy SG8, policy SG3 and policies in the Tiptree Neighbourhood Plan, once it has been adopted.*

*Before granting planning consent, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.*

- 7.44. The policy, as with other policies in the plan, identifies a requirement for a minimum of 400 dwellings within Tiptree.
- 7.45. There is strong support for the appeal proposals through the requirement for the growth to be in preferred directions of growth to the south west and north/north west of Tiptree. These are also indicated on the proposals map.
- 7.46. There is however a conflict within the policy itself as well as with the application proposals with regards to the second paragraph of Policy SS14 which does not support proposals for development outside of the settlement boundary.
- 7.47. This reflects a conflict within the policy itself which identifies a requirement for a minimum of 400 homes which is to be achieved by growth outside of the settlement boundary, but does not set out a clear mechanism for applications to be assessed prior to any neighbourhood plan that may or may not come forward.
- 7.48. I deal with the weight that can be attributed to the neighbourhood plan later in my evidence.
- 7.49. With regards to an application at the present time the decision taker is presented with a conflict in respect of this part of the policy.
- 7.50. The settlement boundary for Tiptree has been carried forward from the last Local Plan with the addition of arrows indicating preferred directions of growth.
- 7.51. The position therefore is that the Plan recognises that existing settlement boundary (revised as part of the Site Allocations DPD 2010) is out of date for this purpose and has been superseded by the requirements of the more recent Development Plan including the adopted Section 1 Plan and the requirements of Policy SS14 in particular. The Plan does not, however, grapple with the issue of defining an appropriate settlement boundary and relies on the Neighbourhood Planning process to define the new boundaries. This leaves the existing settlement boundaries in place and something of an anomaly in planning terms. The settlement boundary referred to in what could be a very recently adopted Local Plan would be out of date. The operative part of the policy:
- “Proposals for development outside of the settlement boundary, or settlement boundary defined by the Tiptree Neighbourhood Plan once adopted, will not be supported”*
- 7.52. This will necessarily mean that unless and until the new fit for purpose boundary is identified reliance on the “old” boundary renders the policy instantly out of date and engages consideration of the application of the tilted balance.
- 7.53. In accordance with Section 38 PCPA 2004 decisions are to be made in favour of the more recently adopted policy.

- 7.54. With regards to the principle of development, restraint of development in this area based on the settlement boundary in this area of Tiptree would be inconsistent with the focus of the plan and the settlement boundary and this part of Policy SS14 is out of date on this basis.

Policy SG4: Local Economic Areas

- 7.55. Notwithstanding the Council's evidence base in the 2015 Colchester Employment Land Needs Assessment: Final Report (2015) (CD14.6) as referred to above in respect of Policy DP5 (Development Policies DPD) the allocation of part of the site for employment purposes has been retained. The allocation of part of the site for employment however has been overtaken by the Council's now stated position on employment including the responses on the application from the Council's policy team. The allocation appears to have been carried forward without review despite the acknowledgement of the lack of need or suitability of the site. For this purpose the employment allocation at Tiptree is considered out of date.
- 7.56. Notwithstanding this position, should weight be given to Policy SG4 the extent of conformity and relative weight to be given to this policy is considered in the planning balance below.

Policy DM11: Gypsies, Travellers, and Travelling Showpeople

- 7.57. This policy now introduces a requirement that "Planning permission will be refused for the change of use of all Gypsy and Traveller sites or Travelling Showpeople yards identified in the Gypsy and Traveller Accommodation Assessment unless acceptable replacement accommodation can be provided, or it can be demonstrated that the site is no longer required to meet any identified needs." The policy is not considered to be out of date.

Policy ENV1: Environment

- 7.58. Policy ENV1 within the Section 2 Local Plan states at part E that "*The local planning authority will carefully balance the requirement for new development within the countryside to meet identified development needs in accordance with Colchester's spatial strategy, and to support the vitality of rural communities*". It goes on to set out that "*The intrinsic character and beauty of the countryside will be recognised and assessed, and development will only be permitted where it would not adversely affect the intrinsic character and beauty of the countryside and complies with other relevant policies*".
- 7.59. To the extent that the policy relies on the settlement boundary for Tiptree, this is considered out of date due to the requirements of Policy SS14 as set out above in relation to that policy.
- 7.60. The proposed development is of course in accordance with the spatial strategy and preferred direction of growth identified within Policy SS14. Areas of the site are already previously developed or allocated for employment or gypsy and traveller accommodation purposes. I therefore consider this lessens the degree of conflict with Policy ENV1.

## Summary in relation to Emerging Section 2 Local Plan

- 7.61. Of the basket of most important policies from the Section 2 Local Plan, the elements of those policies relevant to the decision in principle including the settlement boundary in this area of Tiptree and the allocation of the site for employment purposes are considered to be out of date. Whilst the Gypsy and Traveller policy is not out of date, when assessed as a whole, the most important policies for determination the application and principle of development are out of date.
- 7.62. **Conclusions on Titled Balance**
- 7.63. The proposals conflict with parts of the existing Adopted Development Plan and the emerging section 2 Local Plan including the settlement boundary for Tiptree as referenced in Adopted Policy ENV1.
- 7.64. Section 38(6) requires the consideration of material considerations, which in this case includes the out of date settlement boundary dating from the 2010 Site Allocations DPD.
- 7.65. These considerations are such that I consider the settlement boundary and relevant policies that rely on it should be considered out of date, therefore the titled balance engaged.
- 7.66. Paragraph 11d of the framework states that where the policies most important for determining the application are out-of-date, permission should be granted unless the any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (the tilted balance).
- 7.67. The site is not located in any area or near assets of particular importance as specified by footnote 7 and would avoid impact on any such assets. Impacts through recreational disturbance are now dealt with through legal agreement and NPPF para 182 is also now not engaged. Footnote 7 therefore does not take effect.
- 7.68. On the basis paragraph 11d is triggered the decision taker is required to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.69. I cover this assessment as well as that required under Section 38(6) and Section 70 as part of the Planning Balance exercise later in my evidence.
- 7.70. Notwithstanding the position above, I also set out below that even if the proposal were considered against a flat balance position, on my assessment the material considerations and benefits of the application proposals are such that they outweigh the adverse impacts including conflict with parts of the development plan.

## Proof of Evidence of Mr James Firth

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7.71. In this context the considerations set out above with regards to the out of date settlement boundary, dating from the 2010 Site Allocations DPD, are of course significant material considerations. Section 38(6) requires consideration of material considerations and allows for a determination otherwise than in accordance with the Development Plan where these indicate otherwise. I otherwise consider there to be limited conflict with the Development Plan and the proposals to otherwise accord with the Plan when assessed as a whole.

## 8. Planning Balance Assessment

### 8.1. Whether the proposal represents Sustainable Development

8.2. Paragraphs 7 to 10 of the Framework set out the approach to sustainable development including that the presumption in favour of sustainable development sits at the heart of the framework in paragraph 11. Paragraph 8 to sets out the economic, social and environmental objectives; and paragraph 11 refers to the need to consider the policies within the framework as a whole. The Development Plan similarly seeks to achieve sustainable development. I have considered the social, environmental and economic objectives of sustainable development as part of the planning balance exercise.

### 8.3. Provision of Affordable Housing

8.4. 39 of the 130 homes proposed to be provided as affordable homes. Provision for this is made in the draft section 106 legal agreement.

8.5. The mix of affordable homes provided is very close to the mix requested by the Council Housing Officer. This is demonstrated below:

	REQUESTED	ACTUAL	DIFFERENCE
<b>1B</b>	8	8	0
<b>2B</b>	9	8	-1
<b>3B</b>	18	19	1
<b>4B</b>	4	4	0
<b>TOTAL</b>	39	39	0

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- 8.6. The applicant has indicated they are liaised with various registered providers (RPs) and have received offers from six RPs. There is therefore good certainty of the homes being provided should permission be granted.
- 8.7. The affordable homes are additionally all provided to meet M4(2) standards with 3 units building provided to meet M4(3) wheelchair accessible standards (8%). This exceeds the 5% of affordable requirement in emerging policy DM12.
- 8.8. Matters of affordable housing need are also dealt with more fully by Sam Hollingworth (Savills). I have relied on this evidence as well as that within the draft Statement of Common Ground with the Council on this issue.
- 8.9. The most recent assessment of affordable housing need available for Colchester Borough is that contained within the Braintree, Chelmsford, Colchester and Tendring Objectively Assessed Housing Need Study November 2016 update. This suggested a need for 267 affordable dwellings per annum between 2013 and 2037. Whilst this data is somewhat dated, it is agreed that the current affordable housing need is no fewer than 267 dpa.
- 8.10. For the year 2020/21, 40 new affordable housing units were delivered, equating to 5.4% of total net dwelling completions for the year (confirmed by the Colchester Borough Council Annual Monitoring Report 2021 (December 2021) (CD10.13). Affordable housing delivery for years 2013/14 to 2020/21 was as follows:

Year	Affordable dwellings delivered	% of total net dwellings delivered	% of annual affordable requirement met	Cumulative shortfall
2013/14	72	9.9	27.0	195
2014/15	259	26.2	97.0	203
2015/16	106	11.4	39.7	364
2016/17	100	10.96	37.5	531
2017/18	132	12.5	49.4	666
2018/19	110	9.4	41.2	823
2019/20	202	18	75.7	888
2020/21	40	5.4	15.0	1,115
TOTAL	1,021	13.1	48.0	-

- 8.11. In his evidence Sam Hollingworth also sets out that in the last 8 years, 48% of total affordable housing needs have been met in the Borough, resulting in a cumulative shortfall of 1,115 affordable homes.
- 8.12. For the remainder of the plan period for which completion figures are not available (2021-2033), and accounting for shortfall 2012-2021 this equates to a need of 4,319 affordable homes, or 360dpa. The draft Statement of Common Ground indicates that Colchester Borough Council holds a housing register of people interested in Council or Registered Provider homes. There are currently 3,009 households on this register. In 2020-21 there were only 474 lets of affordable housing compared to 3,000 households on the register (Housing and Homelessness Summary Year end 2020-2021).
- 8.13. Colchester Borough Council's housing trajectory does not break down the number of homes anticipated to be delivered by tenure, and as such does not quantify projected affordable housing delivery.
- 8.14. It is therefore clear that affordable needs are not currently being met with a significant shortfall.
- 8.15. The provision of affordable housing represents a significant benefit of the Appeal proposal that should be afforded very substantial weight in the consideration of the Appeal.

8.16. **Provision of Housing in a Sustainable Location**

- 8.17. Matters of housing need are dealt with more fully by Sam Hollingworth (Savills). I have relied on this evidence as well as that within the draft Statement of Common Ground with the Council on this issue.
- 8.18. Core Strategy Policy SD1 (Sustainable Development Locations) identifies a settlement hierarchy and states that *“growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy”*. Tiptree is identified as a District Settlement, second only to the Regional Centre of Colchester Town and Stanway.
- 8.19. Policy SP4 in the Adopted Section 1 Local Plan (February 2021) sets an annual housing requirement of 920 dpa; and a total minimum housing requirement for the period 2013-2033 of 18,400 dwellings. This figure was determined in the context of the NPPF 2012, and included no uplift to account for market conditions.
- 8.20. Policy SA TIP1 (Site Allocations 2010) - Residential sites in Tiptree identifies sites for allocation within Tiptree based the previous Core Strategy targets. These have now been superseded by the Section 1 Local Plan and I consider Policy SA TIP1 out of date on this basis.
- 8.21. The Section 2 Local Plan is at an advanced stage and is considered to hold significant weight. Paragraph 48 of the framework sets out the weight to be afford to emerging plan. The plan is at an advanced stage. The Section 2 Local Plan vision for Colchester in 2033 states identifies Tiptree, Wivenhoe and West Mersea as the largest of the Borough’s sustainable settlements and will provide essential services and facilities to their rural hinterland. Tiptree is identified as a Sustainable Settlement in Policy SG1 / Table SG1.
- 8.22. Policy SG2 Housing Delivery identifies Tiptree as providing 400 homes towards housing provision and cross references to Policy SS14.
- 8.23. Policy SS14 itself identifies “broad areas of growth” or “preferred directions of growth” as per the proposed main modifications. These arrows are indicated on the policies map. Policy SS14 as proposed to be amended by the main modifications also makes clear these are “to the south west and north/north west, subject to existing constraints”. It is furthermore clarified that the Tiptree Neighbourhood Plan will define a new settlement boundary for Tiptree to allocated sites for housing allocations to deliver a minimum of 400 dwellings.
- 8.24. In light of the above policy position I consider that the principle of the provision of housing in this location accords with the objections of the development plan and relevant policies for Colchester when taken as a whole.
- 8.25. I consider that in this context the current settlement boundary for Tiptree as set out above in relation to Policy SS14 should be considered to be out of date, in particular due to the fact this is based on the previous Core Strategy housing targets and the conflict with emerging Policy SS14 itself which identifies a need for development outside the settlement boundary in locations *“to the south west and north / north west”*.

- 8.26. I deal with considerations related to the Neighbourhood Plan and Policy SS14 later in my evidence.
- 8.27. It is clear that the provision of housing in this location is in line with the policy context for the site and would deliver a valuable contribution to housing supply.
- 8.28. A minimum of 400 units in Tiptree are in emerging Policy SS14 and 400 units are also identified in adopted Local Plan Section 1 Policy SG2 as forming part of the housing provision to meet housing needs over the plan period. The application therefore brings forward housing in line with this approach.
- 8.29. Further considerations in this case are the quantum of homes to be provided and that the application is from a housebuilder with a track record in delivery of market and affordable housing. This has included recent schemes at Channels, Chelmsford; and Ingatestone, Brentwood. The applicant has indicated that a provisional programme build out programme subject to planning approval in June 2022 would be commence works September 2022 with completion Summer 2025 (build duration 30-36 months).
- 8.30. With regards to housing needs, Sam Hollingworth sets out further detail on housing need matters and I rely on his evidence.
- 8.31. This finds the Council is able to demonstrate a deliverable housing supply for 2021-2026 of 5,545 dwellings. The Council is therefore able to demonstrate a five-year housing land supply – this equates to a 5.74-year supply – calculated in accordance with the NPPF.
- 8.32. I also note that he finds local housing need for Colchester as at 1 April 2021 calculated in accordance with current national policy (i.e. the Standard Method) is 1,061 dpa. This does not represent the housing requirement for the purposes of calculating the housing land supply position in accordance with the NPPF. It is nevertheless still a material consideration in respect of the Appeal.
- 8.33. Paragraph 60 of the framework sets out the Government’s objectives of significantly boosting the supply of homes.
- 8.34. Housing targets in the Section 1 Local Plan and emerging Policy SS14 are expressed as minimums.
- 8.35. The area in which the site is located is identified in emerging Policy SS14 as a preferred direction of growth along with a requirement to a new settlement boundary, the existing settlement boundary being based on previous housing targets within the Core Strategy.
- 8.36. The housing land supply whilst exceeding 5 years calculated in an NPPF compliant manner is at 5.74 and does not represent a significant over provision or significant pipeline against needs. In [2019] EWHC 1211 (Admin), *Canterbury CC v SSHCLG* , and *Cron dall vs SSHCLG*, Dove J found at 108 that [The Inspector] “was entitled to conclude, as he did, that the policy objective of significantly boosting the supply of homes contained in paragraph 59 did not cease to apply when housing land supply in excess of five years could be established.”

- 8.37. In the context of the government objective to boost the supply of housing the supply of housing would in normal circumstances attract at least moderate weight in the planning balance. In this case there are further additional considerations which include:
- The significant quantum of housing that would be provided (130 homes)
  - That the relevant adopted and emerging plan policies specifically express the targets as minimums
  - That the area in which the site is located is identified in emerging Policy SS14 as a preferred direction of growth along with a requirement to a new settlement boundary
  - The application is from an Essex based housebuilder with a track record in delivery of market and affordable housing.
  - The evidence given by Sam Hollingworth, including the presence of a NPPF compliant five year supply, but one that does not significant exceed the 5 year requirement (5.74 years based on 920 dpa), and may not be met should the standard method be used (ie. Current policy for plan making, 1,061dpa)
- 8.38. In this context I consider the provision of housing, generally, represents a benefit of the Appeal proposal that should be afforded very substantial weight in the consideration of the Appeal.

## 8.39. **Biodiversity Net Gain and Ecology**

- 8.40. Policy ENV1 from the Adopted Core Strategy sets out development should, amongst other matters, “*protect habitats and species and conserve and enhance the biodiversity of the Borough*”.
- 8.41. The Adopted Development Plan does not set out a specific requirement for Biodiversity Net Gain beyond the reference above and elsewhere within Policy ENV1.
- 8.42. The Environment Act received royal assent on 9th November 2021. The provisions regarding Net Gain are set out in Part 6 Nature and Biodiversity. Section 147(3) of the act deals with commencement provisions and sets out that Part 6 (Nature and Biodiversity) will not come into force until such day as the Secretary of State makes in further regulations. The legal requirements for biodiversity net gain are therefore not currently in place.
- 8.43. The emerging Section 2 Local Plan at Policy ENV1 requires proposals to “Incorporates beneficial biodiversity conservation features, measurable biodiversity net gain of at least 10% in line with the principles outlined in the Natural England Biodiversity Metric, and habitat creation where appropriate”.
- 8.44. As identified in the submitted Biodiversity Net Gain assessment (JBA) (CD13.5) carried out in accordance with Defra Biodiversity Metric 3.0 (updated July 2021), it is concluded that the development can potentially deliver an overall gain of 20.34% for habitat units and a 24.93% gain for hedgerows/linear features. This gain is provided on-site without needing to rely on off-site mitigation.
- 8.45. The provision on site in this respect therefore significantly exceeds current statutory or policy requirements and is a significant benefit consistent with the wider objectives of the environment policies in the Development Plan, the environmental objective of sustainable development as set out the in the framework, and paragraph 179b of the framework in particular. There is potential to secure this by way of planning condition.
- 8.46. In the recent appeal decision at Mill Road, Henham, Uttlesford (APP/C1570/W/21/3272403) (CD14.7) November 2021, the Inspector found at paragraph 109 that a 20% net gain in biodiversity should be given significant weight in the planning balance.
- 8.47. I therefore consider that significant weight should be afforded to the biodiversity net gain resulting from the proposals.
- 8.48. Other policy requirements regarding ecology are considered as part of the policy assessment appended to the statement. Emerging Policy SS14 contains a requirement for wintering bird surveys for which the appeal was previously delayed. The wintering bird survey has been completed (CD13.1). This report found that by avoidance of impact and by sensitive mitigation, compensation and enhancement measures, the value of the site for wintering birds will be maintained and enhanced by the development. These measures are reflected on the landscape strategy plan or could otherwise be secured by planning condition. The proposals would therefore accord with the policy requirements in this regard.

8.49. **Development Density and Efficient Use of Land**

- 8.50. The site is in part Previously Developed Land, and includes a number of existing buildings and structures, it is in part allocated for employment development in the adopted and emerging Development Plan and includes land presently allocated and used as gypsy and traveller accommodation. As I set out with regards to the Spatial Hierarchy and Sustainable Growth Locations the site is also located in an area to with the Development Plan and Emerging Development Plan seeks to direct development.
- 8.51. The Framework at paragraph 130 that decision should ensure developments optimise the potential of the site. At paragraph 125 the framework also specifically requires that “Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies 37 and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site”. Paragraph 125(c) also specifically requires that local planning authorities should refuse applications which they consider fail to make efficient use of land.
- 8.52. Based on a total site area of 5.15 hectares, the provision of 130 homes provides for an overall density against the gross site area of 25.24 dwellings per hectare. The Essex Design Guide states that density should be calculated against net site area excluding features such as open space. Excluding the main area of open space (10% of site area) this provides for a density of 28 dph.
- 8.53. The approach to density varies in the different character areas in the site as exemplified in the DAP RIBA Stage 3 Design Document (CD13.37). The Avenue Character Area (CA1) has a density of approximately 23 dph. The Village Street Character Area (CA2) has a density of 32 dph. The Rural Lane Character Area (CA3) has a density of 16 dph.
- 8.54. Core Strategy Policy H2 sets out the relevant policy on Housing Density which requires “densities that make efficient use of land and relate to the context. New developments must enhance local character and optimise the capacity of accessible locations.”
- 8.55. Emerging Policy DM9 Development Density from the Part 2 Local Plan provides support for development densities that make efficient use of land and relate to the specific opportunities and constraints of proposed development sites.
- 8.56. Policy DM9 goes on to set out a set of criteria to be considered, the proposed development again meets these requirements. In particular includes consideration of the character of the site and its surroundings. This is considered in detail at 3.7 of the DAP design statement (CD13.37).
- 8.57. Access, and highway which have now been fully addressed through the Statement of Common Ground with ECC. With regards to connectivity the proposal allow for pedestrian and cycle connectivity.

- 8.58. Landscape, trees and hedgerows are retained in the majority. Out of a total of 39 trees and 9 groups, 10 trees and 2 groups are to be removed as part of the proposal. Four of these trees were found to be dead by the tree survey. Only 2 trees of moderate quality are to be removed and no high quality trees were found on site. There is extensive further planting proposed to increase tree canopy cover as well as provide for significant biodiversity net gain. The development is of strategic scale under policy SG6 and provides for open space and sustainable drainage. Parking is provided in compliance with ECC parking standards; the Scheme accords with Policy DM12 Housing Standards; and Housing mix is covered in the DAP evidence.
- 8.59. The Essex Design Guide (CD12.7) provides detailed guidance on density and its importance with regards to access, health and wellbeing and landscape. The guide also lists factors that have a direct influence on density. The DAP evidence refers to the approach taken to the site with consideration to these issues.
- 8.60. The proposal would provide for homes in a settlement identified in the Development Plan as sustainable in a location identified as a preferred area for growth. The site has existing allocations for development including for employment purposes and it is clear the site will not reasonably come forward for that purposes. The site in part represents Previously Developed Land. The proposals also accord with the relevant policies in the Development Plan and take account of relevant guidance. The optimisation of the site and the efficient use of land in this location is therefore a factor to which I give moderate positive weight in the planning balance.

## 8.61. **Trees and Canopy Cover**

- 8.62. The adopted development plan at Core Strategy Policy PR2 (People friendly streets) sets out that the street environment can be improved with a combination of factors including street trees and well-maintained landscaping. Policy SP7 (Place Shaping Principles) of the Section 1 Local Plan additionally requires that development protects and enhances assets of natural value.
- 8.63. Out of a total of 39 trees and 9 groups, 10 trees and 2 groups are to be removed as part of the proposal. Four of these trees were found to be dead by the tree survey. Only 2 trees of moderate quality are to be removed and no high quality trees were found on site. Any loss is more than mitigated for by replacement planting including circa 166 new trees as identified on the landscape strategy and tree canopy assessment.
- 8.64. The approach to tree retention is agreed with CBC tree officer, as confirmed in Officer delegated report.
- 8.65. Policy CC1 Climate change in the Emerging Section 2 Local Plan now requires a Canopy Cover Assessment for all major applications. The policy states that proposal should “seek where appropriate to increase the level of canopy cover on site by a minimum of 10%”. Notwithstanding the emerging nature of the policy and the caveats regarding seeking and where appropriate, a canopy assessment has been undertaken on the site to reflect the proposals including the significant level of tree planting proposed on the landscape masterplan.
- 8.66. This Canopy Cover Assessment (CD13.8) sets out there will be a 10% increase in canopy cover at year one, a circa 50% increase in canopy cover by year ten, and a circa 85% increase in canopy cover by year twenty.
- 8.67. The Canopy Cover of England’s Towns and Cities states that the aim should be that targets for tree canopy cover should be achievable within 10-20 years from planting.
- 8.68. In this case a 10% increase will be achieved a year one with a circa 50% increase at year ten.
- 8.69. This significantly exceeds the guidance and policy requirement, and is a significant benefit of the proposals.
- 8.70. Mitigating and adapting to climate change forms part of the overarching environmental objective of the planning system as set out at paragraph 8 of the framework.
- 8.71. I therefore give this environmental benefit moderate weight in the planning balance.

## 8.72. Highways and Connectivity

- 8.73. Adopted Development Policy DP17 (Accessibility and Access) set out that all development should seek to enhance accessibility for sustainable of transport. The later part of the policy also considers the impact on the highway network.
- 8.74. Policy SA TIP2 (Transport in Tiptree) deals with transport works associated with allocated housing sites in Tiptree. Those allocations themselves are of course now out of date. The works around Grange Road and Vine Road as identified in the policy have also already been delivered and the policy is out of date in this respect. The references to sustainable transport measures are reflected in other parts of the Development Plan and more generally in the Framework.
- 8.75. Emerging Policy PP1 (Generic Infrastructure and Mitigation Requirements) sets out considerations that proposals must address where relevant. This includes iv) safe pedestrian access from the site to existing footways to enhance connectivity.
- 8.76. Emerging Policy DM1 (Health and Wellbeing) further supports walking and cycling which requires all development to be designed to promoted healthy and active lifestyles including creating attractive opportunities for walking and cycling.
- 8.77. Policy DM15 requires proposals demonstrate they amongst other matters, encourage walking, cycling, public transport and community vitality, whilst adequately integrating safe vehicle access.
- 8.78. Policy DM21 specific requires all new development to seek to enhance accessibility for sustainable modes of transport.
- 8.79. The Cycle Delivery Strategy SPD is referenced in the policy however the routes identified in this document and its appendices are focused around Colchester Town itself.
- 8.80. The Framework further supports layouts that encourage walking and cycling at paragraph 92 and 104 in particular.
- 8.81. A Transport Assessment submitted with the application (CD13.11) confirms no significant or material impact on the operation of the local highway network. A statement of common ground has also now been prepared with the Highway Authority address highway matters. This confirms the development will not result in an unacceptable impact on highway safety, and the residual cumulative impacts on the road network will not be severe, in accordance with Paragraph 111 of the National Planning Policy Framework (2021).

- 8.82. Notwithstanding the above, the development of 130 homes will of course have some impact on the highway network, based on TRICS trip rates this finds up to 68 vehicular trips in the AM peak and 64 vehicular trips in the PM peak. The relevant junctions are found to still operate within capacity. These trips will of course still have impact on the highway network and I consider this impact as weighing negatively in the planning balance to a moderate extent taking into account the quantum of movements and the fact junctions are indicated to still operate within capacity.
- 8.83. The scheme layout has been designed to incorporate routes for walking and cycling with it, including shared spaces where appropriate and a walking and cycling link to Kelvedon Road. Dropped kerb crossing points are proposed in a number of locations to further improve connectivity. The upgrade of the footway outside the site is also proposed.
- 8.84. The proposed highway works also include provision for new dropped kerbs, as set out in the draft S106 and CD13.45, and bus stop signage at the existing unmarked stops at Kelvedon Road could be improved through condition. These are located within close proximity to the application site.
- 8.85. These improvements will enable good access to nearby facilities including primary school and onward to Tiptree centre.
- 8.86. A further and important community benefit is improved pedestrian connectivity as a result of the proposals to connect the Tower End Business Park and other existing premises in this area to the rest of Tiptree with footway provision.
- 8.87. The scheme proposals will provide for improved crossing and footways in the area of the Kelvedon Road and Oak Road junction. Presently there is a lack of footway here on the northern side of the road, with a narrow footway to the southern side. There is also a lack of proper dropped kerb crossing. This has particular impact on those with disabilities and require the use of a wheelchair or those with young children. The scheme will provide for better connectivity for all uses of this area and improve access towards the business park addressing the needs of such uses is specifically supported by paragraph 112 of the framework in relation to applications, however the improvement to the existing situation for other residents or those who wish to access facilities in the area is another significant benefit.
- 8.88. The proposed improvements to bus stop provision and dropped kerb arrangements will also have similar benefits for the wider public including the uses and employees at the business park, further encouraging sustainable travel.
- 8.89. As part of the Recreational Avoidance Mitigation Strategy for the site the availability of and connectivity to nearby recreational footpath routes have also been identified and demonstrated in plan form. This includes convenient access to nearby rural footpaths in the area of Tower End Business Park and connectivity into other routes around Tiptree itself.

- 8.90. The proposals are therefore in accordance with the development plan, the highway impacts are deemed to be acceptable as per the Statement of Common Ground. The improvements to connectivity in particular to those with reduced mobility through proper dropped kerb crossing and path facilities are important, particularly in the context of improved sustainable access to employment facilities at the Business Park. I therefore give this issue moderate positive weight in the planning balance.

8.91. **Economic Benefits**

- 8.92. The Adopted Development Plan at Section 1 of the Local Plan Policy SP1 secures to secure development that improves the economic, social and environmental conditions in the area. This is consistent with paragraph 38 of the Framework.
- 8.93. Paragraph 81 of the Framework expressly states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.94. Through use of standard HBF calculations (CD14.8) the building on 130 homes on the site is likely to support the employment of 403 people. Provide for approximately 4 apprentices, graduates or trainees.
- 8.95. The local economy would also benefit from New Homes Bonus and Council Tax receipts.
- 8.96. HBF calculations show it is estimated to generate £1,566,890 in tax revenue and £146,829 in Council tax revenue (CD14.8).
- 8.97. Additional household expenditure would be generated and given the location of the site I consider much of it would be likely to be spent within the local Tiptree area including the considerable number of shops and services available in the centre of Tiptree itself.
- 8.98. The applicant's sites manager has indicated the build programme on the site would likely to last between 30-36 months. The jobs provided during construction could last up to circa 3 years (CD14.9).
- 8.99. In the case of the Bloor Homes Appeal at Tiptree APP/A1530/W/20/3248038 (CD7.2) the inspector found at paragraph 136 that whilst economic benefits will not be unique to such schemes, that does not make the benefits any less significant. In that case taken together the economic benefits were considered to be significant, and this was given significant weight as confirmed at paragraph 148 of the decision.
- 8.100. Whilst a lower quantum of units is proposed in the case of the current Marden Homes proposal, the benefits that could be delivered would still be significant in the context of settlement. Construction benefits are estimated to continue over a 2.5 to 3 year build out period. The appeal proposals will also bring forward homes in a location nearby to existing employment opportunities at Tower End Business Park and additionally support existing services in the centre of Tiptree. I therefore consider this is a benefit that should be attributed significant weight.

## 8.101. **Employment Land Allocation**

- 8.102. Section 38(6) and the Framework at paragraph 15 are clear that the planning system should be genuinely plan-led. Part of the site is allocated for employment purposes in the plan and I therefore consider the relevant policies in this regard to be amongst the most important to the application.
- 8.103. The employment allocation at Tower End Business Park covers an area of 4.12 ha. This includes approximately 2.59 ha of land in existing employment use around the business. It then also includes an adjoining field to the east (outside of the appeal proposal site) of approximately 0.6ha, and then part of the appeal site of approximately 0.93ha.
- 8.104. The parts of the employment allocation that are currently undeveloped do not have road frontage and are set back from the Kelvedon Road. Having visited the site there is also no obvious opportunity for an access through from the Tower End Business Park given the existing employment units in place on that site.
- 8.105. In 2015 Colchester Borough Council published the Colchester Employment Land Needs Assessment: Final Report (2015) ('the 2015 Report') (CD14.6) as part of its emerging Local Plan evidence base. This report clearly post-date the allocation of the site for employment in the 2010 Site Allocations Plan. The 2015 evidence base report considered the Tower End / Tower House site as a fully developed employment site with "*no apparent scope for further development*". Further details on this area provided in the Savills Planning Note "Colchester Employment Land Needs and Tiptree" January 2022 (CD13.6).
- 8.106. The appeal site has therefore not be considered as forming part of employment land supply as part of the Council's own evidence base.
- 8.107. To develop the site for employment purposes would clearly require an appropriate access, which cannot be achieved given the relevant landowners are seeking to bring the land forward for residential purposes. Furthermore the Council's evidence base demonstrates that the land is not required for these purposes.
- 8.108. Paragraph 122 of the Framework states that "*Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan*" inter alia "*applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.*". The redevelopment of the site to meet housing needs is therefore also supported at this level.
- 8.109. The allocation of part of the site for employment purposes has therefore clearly been overtaken by events since its identification on the policies map. Policy DP5 is in this respect out of date.
- 8.110. Given the above considerations, the proposal does not result in loss of employment capacity and does not conflict with the objectives of Policy CE2.

- 8.111. Adopted Policy DP5 seeks to safeguard land allocated for employment purposes. For the reasons set out above including the Council's own evidence base and responses from policy officers, it is considered that the policy and allocation of employment land in this area of Tiptree should be considered out of date. Notwithstanding this should the policy not be considered to be out of date or should weight be given to the policy it is necessary to consider the proposals against criteria listed in the policy. A detailed response on this is provided in the accompanying policy table alongside other relevant policies (Appendix A). I find there is a degree of conflict with Policy DP5 however the objective to safeguard and protect employment land is still met, given it is accepted by the Council that the appeal site cannot realistically provide for employment and should not be safeguarded for this purpose.
- 8.112. With regards to the Emerging Section 2 Local Plan, the allocation of the site for employment purposes appears to have been carried over from the previous Development Plan notwithstanding the Council's evidence demonstrating there is "*no apparent scope for further development*". The application of Policy SG4 in the Emerging Section 2 Local Plan is therefore similarly out of date. Notwithstanding this compliance with Policy SG4 of the Plan is considered as part of the accompanying policy table assessment (Appendix B). Whilst there is a degree of conflict with regards to detailed criteria the proposals in Policy SG4 to which I attach limited weight, the proposals remain in full conformity with the objectivity of the policy to protect employment provision and I consider the proposals are in conformity with the policy when read as a whole

## 8.113. **Gypsy and Traveller Accommodation**

- 8.114. Policy SH2 (Site Allocations 2010) identifies part of the application site (Pony's Farm) for Gypsy and Traveller provision. The allocation is also shown on the adopted Policies Map. Core Strategy Policy H5 sets out the council will identify sites to meet the established needs of gypsies and travellers. The adopted policies do not expressly protect existing provision.
- 8.115. Policy DM11 of the Emerging Section 2 Local Plan introduces a requirement that "Planning permission will be refused for the change of use of all Gypsy and Traveller sites or Travelling Showpeople yards identified in the Gypsy and Traveller Accommodation Assessment unless acceptable replacement accommodation can be provided, or it can be demonstrated that the site is no longer required to meet any identified needs."
- 8.116. The proposals provide for the existing gypsy and traveller resident on site to relocate to the nearby site at the Paddocks, also within the same ownership and benefiting from an existing planning permission. This is secured by way of section 106 legal agreement. The proposals therefore ensure there is no loss of Gypsy and Traveller provision and the proposals are in conformity with this policy.
- 8.117. The proposal meets gypsy and traveller needs and maintains the current overall level of provision. I therefore consider the proposals do not conflict with the development plan and give this issue neutral weight in the planning balance.

## 8.119. Infrastructure and Planning Obligations

8.120. The development will have impact on local infrastructure and I give this issue moderate adverse weight in the planning balance.

8.121. To mitigate for impacts however, the proposals provide for significant planning obligations and financial contributions in line with Regulation 122 of the CIL Regulations and paragraph 57 of the Framework.

8.122. The latest draft of the section 106 includes the following:

- Archaeological Information Contribution - £348
- Community Contribution - £375,833.56
- Parks and Recreation Contribution - £157,000 (Borough) and £292,500 (Ward)
- RAMS Contribution - £16,549
- Healthcare Contribution - £73,376
- Education Contribution - £23,214
- Provision of affordable housing – 39 dwellings
- 37 of the Affordable Housing Dwellings to comply with Building Regulations 2015 Part M(4) Category 2
- 2 of the Affordable Housing Dwellings to comply with Building Regulations 2015 Part M(4) Category 3(2b) and be wheelchair accessible
- Open Space Maintenance Sum & Management Plan
- Relocation of gypsy and traveller pitch
- Highways and connectivity improvements
- Monitoring fees

8.123. Whilst these obligations are intended to mitigate for the impact of the development however they will also have beneficial implications for other residents and members of the community.

8.124. In addition to the affordable housing measures as already covered elsewhere in my evidence, this also includes a very significant community contribution of £352,659.53 which the draft legal agreement sets out is to be used towards the provision of a new Scout and Girlguiding Hut Youth Facility on land in the ownership of Tiptree Parish Council . This upgraded facility will clearly benefit other uses as well as those living within the development site itself. This is a public benefit to which I give limited positive weight in the planning balance.

## 8.125. **Emerging Neighbourhood Plan**

8.126. Section 38(6) and the Framework at paragraph 15 are clear that the planning system should be genuinely plan-led. In this context Neighbourhood Plans, when adopted, form part of the Development Plan and at other advanced stages can also be important material considerations in the planning process.

8.127. The Tiptree Parish neighbourhood area was designated by Colchester Borough Council in 2015.

8.128. The Tiptree Neighbourhood Plan (TNP) Regulation 14 Pre-Submission Draft was published for consultation from 8 June 2019 and 21 July 2019 (CD7.12). A number of concerns were raised through the consultation, including:

- Conflict with the emerging Colchester Local Plan.
- Lack of evidence to support the proposed strategy.
- Lack of transparency regarding the site selection process.
- Failure to consider relevant factors in the identification of preferred sites.
- Concerns regard the Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) which accompanied the draft TNP, including in relation to the Environmental Assessment of Plans and Programmes Regulations (2004) ('the SEA Regulations').

8.129. Notwithstanding such issues being identified through Regulation 14 stage consultation, the subsequent iteration of the TNP (Regulation 16) (CD7.13) failed to address a number of the issues raised.

8.130. The TNP Regulation 16 draft was initially published for consultation on 30 April 2020. However, following concerns regarding the lawfulness of this consultation, it was withdrawn.

8.131. Consultation on this draft recommenced on 22 June 2020.

8.132. Examination of the TNP took place in August 2020.

8.133. The resulting TNP Report of Examination (RoE) is dated 9 October 2020, but was not published by Colchester Borough Council until December 2020 (CD7.20).

8.134. The RoE concluded the TNP failed to meet the Basic Conditions necessary for it to progress to referendum. Defects in the TNP identified through this process were substantial, including matters pertaining to legal compliance, and rendered the submitted TNP incapable of being rectified. Issues included the following:

- The TNP proposed a new link road which extended into a neighbouring Parish, beyond the Neighbourhood Plan area, and thus the TNP did not meet legal requirements;
- Lack of robust and proportionate evidence to support pivotal objectives of the TNP, including absence of empirical evidence to support the proposed new link road;
- Failure to properly consider reasonable alternatives (a requirement of the SEA Regulations), and options "set up to fail";

- It was “more than likely” there had been a premature fixing of the spatial strategy proposed by the TNP, contrary to the SEA Regulations;
- Lack of engagement with neighbouring Messing-cum-Inworth Parish Council, and objections from Maldon District Council, regarding impact of the TNP on traffic flows;
- Proposals for the new link road failed the basic conditions, with there being a lack of evidence that the proposed link road was needed, would be of benefit, was deliverable, or represented the optimum route;
- Given the outcome of the TNP Examination, the formerly emerging TNP should be given little to no weight in the determination of this Appeal.

- 8.135. Having regard to the issues identified through the RoE, if a revised TNP is to be capable of meeting legal requirements and the Basic Conditions, it is evident that substantial additional work is required and it will be necessary to revert to an early stage in the plan-making process.
- 8.136. Tiptree Parish Council is not under a statutory obligation to prepare a Neighbourhood Plan, but nevertheless is embarking on another attempt to do so.
- 8.137. Preparation of a new TNP appears to still be at very early stage. Assuming the TNP will seek to allocate sites for development, it is evident that SA/SEA will be required. Given defects identified in respect of the previous SA/SEA, as well as the time that has elapsed, it is likely this process will have to be restarted.
- 8.138. The PPG states that an emerging Neighbourhood Plan is “*likely to be a material consideration in many cases*”. But clarifies that weight to be afforded is dependent on the stage of preparation, and whether there are any unresolved objections.
- 8.139. Separately, Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a Local Planning Authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. The PPG also stresses the importance of a referendum on any Neighbourhood Plan, noting that this ensures the community has the final say on a Neighbourhood Plan.
- 8.140. The framework at paragraph 49 provides a clear steer as to how to consider whether applications made ahead of Plans might be premature. It confirms there are only limited circumstances where an application is likely to be considered premature, where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan;*
- and b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*
- 8.141. The PPG confirms that the above applies to Neighbourhood Plans.
- 8.142. Clearly, neither of the above criteria apply in respect of the proposed development of the Site and a revised TNP.
- 8.143. A revised TNP is still at an early stage of work and it has yet to be subject to any consultation. It is considered that any emerging ideas in respect of the preparation of the TNP cannot have any weight.

- 8.144. A future TNP will be required to be in general conformity with the Development Plan. The Development Plan includes Colchester Local Plan Section 1, which states (Policy SP3) that existing settlements will be the principal focus for additional growth across the North Essex Authorities; and that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role. Table SD1 of the Colchester Core Strategy identifies Tiptree as a second tier settlement in the Borough's hierarchy – below only Colchester Town and Stanway. As such, a future TNP would be inconsistent with the current Development Plan if it failed to support growth of Tiptree.
- 8.145. The emerging Colchester Local Plan Section 2 (LPS2) also sets out requirements for a neighbourhood plan once it becomes part of the Development Plan. The Section 2 plan is at an advanced stage, with main modifications following Examination hearing sessions having been consulted upon. Policy SS14 of the LPS1, as per proposed main modifications, directs a minimum of 400 dwellings to Tiptree; and identifies preferred directions of growth for residential development within which the TNP will allocate land for development subject to existing constraints. This includes preferred directions of growth to the south west and north/north west.
- 8.146. As such, the emerging Local Plan directs a future TNP to consider the location in which the Site is situated as a preferred one for residential allocation.
- 8.147. Separately and in addition, even if the revised TNP were to be advanced (which it is not) and if it were to seek to fail to support development of the Site (which given the stage of the revised TNP, is currently unknown) this would not render the proposed development of the Site unacceptable in principle.
- 8.148. The Appeal Decision in respect of Land at Maplewell Road, Woodhouse Eaves (APP/X2410/W/21/3271340) (CD14.10) confirms that even if a Neighbourhood Plan which is at a very advanced stage (in this case, has been through Examination) and does not support a proposed development, this does not render such proposed development necessarily unacceptable. In the Maplewell Road Appeal Decision, the Inspector recognised that the irrespective of the outcome of the appeal, and notwithstanding the advanced nature of the Neighbourhood Plan and that it did not support the appeal proposal in this case, the Woodhouse Parish Neighbourhood Plan (WNP) would be of "great value". The Appeal Inspector went on to state:
- 8.149. "I fully expect the [Neighbourhood Plan] delivers far more than seeking to resist development of this site alone, and so would have a strong and useful role to play in shaping the future of Woodhouse Eaves [even if the appeal were to be allowed]...I see no reason why allowing the appeal should necessarily 'derail' or 'undermine' the Neighbourhood Plan process. For these reasons, the weight that I can afford to this matter is limited".

- 8.150. To reiterate, the above conclusion was reached in the context of the emerging Neighbourhood Plan already very advanced and having already been through Examination. In terms of progress, the TNP is at the opposite end of the spectrum. As such, in the case of this Appeal it is even clearer that proposed development would not undermine the potential for the Neighbourhood Plan to make meaningful decisions regarding future development in the Parish than was the case in the Maplewell Appeal. This is particularly the case given the emerging Development Plan expressly specifies a minimum number of dwellings for Tiptree.
- 8.151. A further reason that the revised TNP cannot be afforded weight is, as confirmed through case law, the Neighbourhood Plan Examination process only allows for “somewhat superficial” scrutiny of policies. The judgment in *Woodcock Holdings Ltd. v. Secretary of State for Communities and Local Government* [2015] EWHC 1173 (Admin) (CD14.11) held that the issue of whether more housing could be accommodated in a settlement than proposed would not be a matter for a Neighbourhood Plan examination, and thus could not form the basis for any prematurity objections in the consideration of planning applications ahead of a Neighbourhood Plan.
- 8.152. I therefore give the issue of impact on any future neighbourhood plan limited negative weight in the planning balance.

## 8.153. Future Connections

- 8.154. Notwithstanding the current lack of weight that should be afforded the neighbourhood plan in planning terms, the applicant has sought through the design of the scheme to make allowance for a potential future road links through the site to adjoining land given this is a known aspiration of the community and neighbourhood plan group. The allowance for such a road link is also consistent with Emerging Policy SS14 which also makes reference to the neighbourhood plan including a detailed transport assessment with a view to confirming provision of the first phases of a road between the B1022 and B1023. At present the Neighbourhood Plan online evidence base does not appear to include any such detailed transport assessment and the Neighbourhood Plan is at an early stage. The Transport Assessment submitted with the scheme and the liaison with the Highways Authority has confirmed there is no need for such a link to be delivered at this stage in order to make the impact of the current development acceptable. The allowance for such a future link as part of the scheme however reduces the extent of conflict with Policy SS14 in this regard and does not prejudice the ability to deliver such a link in the future.
- 8.155. The draft Highways Statement of Common Ground sets out at XVII the approach to onward connectivity. This includes provision for a 6.75m wide link road with a 2m footway on one side and a 3.5m foot/cycleway on the other.
- 8.156. Space for this is maintained as part of the scheme clear of built development and either within Highway control or that of a management company (CD13.36 and CD13.49)
- 8.157. The SoCG also sets out that the site access could be a right hand turn or roundabout arrangement if providing onward connectivity and either arrangement could be accommodated within the constraints of the proposed layout and without third party land.
- 8.158. The allowance for such future connectivity ensures that the current proposal does not prejudice the ability for onwards connections to the land to the south and/or the potential for the scheme forming part of a future link road.
- 8.159. Whilst such schemes do not presently form part of the Adopted Development Plan, and the consideration of a link is only referenced in Policy SS14, this is nonetheless a potential wider benefit of the scheme that I give limited positive weight in the planning balance.

8.160. **Design**

- 8.161. Design issues are dealt with by the evidence of David Plant of DAP architects.
- 8.162. I have considered the scheme against the relevant policies within the Development Plan as part of my analysis and this is included as part of the attached policy tables (Appendix A & B). In this respect I rely on the evidence of David Plant.
- 8.163. I have also considered the degree of weight that should be attributed to design issues.
- 8.164. A high standard of design is required by a number of parts of the Development Plan. Core Strategy Policy SD1 requires that development will be expected to achieve a high standard of design, sustainability and compatibility with local character.
- 8.165. Core Strategy Policy UR2 (Built Design and Character) requires development to be of *“high quality and inclusive design in all developments”*.
- 8.166. Policy PR2 (People Friendly Streets) seeks to secure attractive, safe and people-friendly streets which will encourage more walking, cycling, recreation and local shopping.
- 8.167. Policy DP1 (Design and Amenity) requires all development to be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability
- 8.168. Policy SP7 (Place Shaping Principles) from the Adopted Section 1 Local Plan further sets out the place shaping principles that all new development should reflect.
- 8.169. The emerging Section 2 Local Plan also sets out requirements for high standards of design, construction and layout at Policy DM12 (Housing Standards) and Policy DM15 (Design and Amenity) in particular.
- 8.170. Paragraph 126 of the framework sets out that *“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”*
- 8.171. The National Design Guide (NDG, MCHLG Updated 2021,1.10.19) at paragraph 20 identifies the following components of good design
- Layout or masterplan;
  - The form and scale of buildings;
  - Their appearance;
  - Landscape;
  - Materials, and
  - their detailing.

8.172. Paragraph 37 of the National Design Guide 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; and
- Lifespan – made to last.

8.173. The approach of the scheme with regards to these issues is dealt with through the evidence of David Plant of DAP architects. Further detail to the design approach is also provided in design documents, 1, 2 and 3+ (CD6b.13a, CD6b.13b and CD13.37) which set out the approach to Design & Access.

8.174. It is clear that a high standard of design is a key requirement of the adopted and emerging Development Plan as well as in the Framework and National Design Guide. There are numerous references within policy and supporting guidance which will be relevant to the proposal.

8.175. Design is clearly an important considerations for the scheme and in particular for the appeal given that I understand that whether the scheme represents high quality design is a disputed matter between the parties.

8.176. The requirement for high quality design is a requirement for all schemes as well as a key aspect of achieving sustainable development as per paragraph 126 of the framework.

8.177. The evidence of David Plant sets out that the scheme will provide for a high quality development that is consistent with the requirements of the development plan.

8.178. On the basis that the achievement of high quality design is expected of all schemes I do not consider this to weigh heavily positively or negatively in the planning balance. It is an expected requirement of the Development Plan and relevant policy.

- 8.179. Notwithstanding this, a particular part of the design approach in this case has been the bespoke nature of the design of scheme. The applicant Marden Homes are a SME housebuilder and this has enabled a design approach that is bespoke to the circumstances. There has been no applicant requirement for the use of standard house types and the architects have therefore been provided with the opportunity for an entirely bespoke approach to the scheme. This is of particular benefit and ensures the scheme can better respond to the site context and a design approach appropriate for the site. I therefore give this limited positive weight in the planning balance.
- 8.180. The Development Plan and relevant guidance contains a number of detailed requirements and standards with regards to design and layout. This includes requirements for matters such as amenity space, public open space, sustainable drainage, parking, and refuse and recycling. Emerging Policy DM12 also sets out a criteria list of particular considerations for residential development. I have set out a response to these issues as part of the accompanying policy analysis.
- 8.181. Climate Change and Sustainable Construction is a particular design consideration, especially within the emerging Local Plan at Policy CC1 (Climate Change) which notes that Colchester Borough Council made a Climate Emergency declaration in 2019. Consideration of Sustainable Construction is covered in the evidence of David Plant and the policy considered as part of the accompanying policy table (Appendix B). There is scope for the measures referenced to be secured through planning condition if required.
- 8.182. With regards to Sustainable Drainage, the proposals for SUDS have been amended to ensure the open space can provide for drainage as well as open space and include a Local Equipped Area for Play. The integration of SUDS with open space being required by the ECC SUDS Design Guide 2020 wherever possible (Paragraph 2.12, SUDS Design Guide, 2020) (CD14.12). The Flood Risk Assessment prepared by Evans Consulting sets out that an assessment of the practical use of sustainable drainage techniques has been carried out. As soil types will not support the effective use of infiltration devices, it is proposed that surface water is attenuated through the use of permeable paving and a detention basin prior to discharge into the local Anglian Water surface water sewer system in line with greenfield run off rates. The LLFA has confirmed they have no objection.
- 8.183. Other design related matters such as residential amenity and potential noise impacts have all been assessed by the LPA as acceptable as set out in the officer delegated report. I also consider that policy requirements are met and give these issues neutral weight in the planning balance.
- 8.184. Having regard to the evidence of David Plant and the aforementioned policy analysis, I consider that the proposals accord with the development plan requirements in respect of design and layout matters when assessed as a whole.

## 8.185. Landscape

- 8.186. The Adopted Development Plan at Policy DP1 requires consideration of landscape setting as well as for schemes to Respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area. Policy DP21 also requires the significance of other historic landscape features should be considered and, where appropriate, assimilated in new development. Similar requirements are carried forward in Policy DM15 (Design and Amenity) in the emerging development plan. Policy ENV1 requires unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced, in accordance with the Landscape Character Assessment.
- 8.187. The application is supported by a Landscape and Visual Impact Assessment undertaken by Liz Lake Associates (CD6b.5a, CD6b.5b, 6b.5c and 6c.5). At 3.2.10 (Part 1 – CD6b.5a) this finds that the site forms part of the plateau and is contained by urban development characteristics on three sides, including recently completed housing to the south and east with an industrial estate to the north west, with an existing hedgerow being retained to the western boundary, and to that extent it was considered not have a tranquil context. In addition, it was found the Site has rather limited visibility, in part due to containment and was found to not be a visually exposed Site on the plateau itself or affecting a ridge side. As such, there were found to be no key sensitivities in landscape or visual terms that would appear to be a constraint to development when considering a residential extension in this location.
- 8.188. The LVIA also found at 3.4.4 that site contains some elements such as mature boundary/field hedges with trees, and ponds on the plateau that form part of the Site, with surrounding woodland blocks located beyond the Site in the wider LCA, that were deemed to be representative attributes of the local landscape and contribute to its character; whilst there are were found to be some elements that contrast with the LCA some with urban characteristics at the settlement edge and influence the rural quality and perceptual aspects of the landscape.
- 8.189. The majority of the recommendations within the LVIA (paragraph 4.3.2 Part 1) are accommodated in to the proposed scheme. In particular boundary hedgerows are retained. Where there is some removal of features within the site this is limited as demonstrated by the low numbers of trees to be lost. Where the pond feature is to be removed this is to be replaced by a new pond provision further along the same alignment as shown on the landscape strategy drawing.
- 8.190. With regards to landscape effects the LVIA finds the significance of the landscape effects of the proposed development upon completion is considered a Moderate to Slight Adverse Effect. It is stated mitigation can reduce the effects of change over time where the effect on the local landscape character would be a Slight Adverse Effect.
- 8.191. The significance of the visual effect of the proposed development upon completion is found in the LVIA to generally range within Moderate to Slight Adverse to Negligible Effect across all identified viewpoints. It is found that as the scheme matures and the landscape provides increasing screening of the built form, the overall significance of the visual effect is generally considered to reduce to a range of Slight Adverse Effect to a Negligible Effect.

- 8.192. The proposals will have some landscape impact as set out above and to that extent there is a degree of conflict with policy and a degree of landscape harm. As set out above this the effect as judged by Liz Lake Associates are no more than moderate. The site as set out previously is already in part allocated for development through employment and gypsy allocations, and in any area identified as a preferred direction of growth in the emerging Local Plan.
- 8.193. The proposals are accompanied by a Landscape Strategy Plan (CD13.7) prepared by Liz Lake Associates setting out the approach to the site. This provides for significant new landscaping and tree planting as reflected by the Canopy Cover Assessment (CD13.8). Hedgerow boundaries are also to be retained and there is provision made for street trees.
- 8.194. Notwithstanding the above considerations, the development of homes on a site that is presently in the most part undeveloped will of course result in impact on the landscape. I therefore give the landscape harm resulting from the development of the site moderate negative weight in the planning balance.

8.195. **Recreational Avoidance Mitigation Strategy (RAMS) / Habitat Regulations**

- 8.196. As noted in the LPA case, the Conservation of Habitats and Species Regulations 2017 ('The Habitat Regulations') requires 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'.
- 8.197. A Habitat Regulation Assessment has been undertaken by CBC (CD7.21) which finds the development would likely have a significant effect on certain sites through increased recreational pressure. The mitigation measures as proposed through the application are then considered along with a contribution in line with Essex Coast RAMS. It is stated the LPA are broadly in agreement with the shadow HRA and the required contribution for RAMS is also set out. Since the time of preparation of this record the proposed mitigations have been updated and it is agreed in the draft section 106 legal agreement that contributions will include:
- RAMS contribution of £16,549
  - Open Space specification to include benches and dog waste bins (draft legal agreement schedule 5).
  - Parks and Recreation Borough Contribution of £157,500 to be used towards improvements at Leisure World, Tiptree.
  - Parks and Recreation Ward Contribution of £292,500 to be used towards improvements at Warriors Rest
- 8.198. These will provide for improved on site measures, financial contributions to Essex RAMS, as well as financial contributions to alternative provision in the vicinity of the site to reduce recreational impact elsewhere.
- 8.199. Furthermore the ecologist JBA have provided a Local Connections plan (JBA 21/346 ECO04 SR) which demonstrates the good availability of local dog walking routes in the vicinity of the site.
- 8.200. Having regards to the above, I would consider the findings of the Council in their assessment CD 7.21 should remain that the measures are sufficient to mitigate against the off-site harm.
- 8.201. The proposal will therefore meet the requirements of 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). Paragraph 182 of the framework is similarly not engaged.
- 8.202. Whilst the measures above are focused on mitigating the impacts of the development, the improvement of nearby facilities at Leisure World and Warriors Rest and the provision of facilities such as benches within open space within the site will of course also be available to and benefit the wider community. I therefore give this limited positive weight in the planning balance.

8.203. **Other considerations**

8.204. Other policy considerations are covered in the supporting appendices which provides an assessment against relevant policies in the adopted and emerging development plan including reference to other material considerations where relevant. In the analysis above however I have sought to identify the key issues weighing on the positive and negative side of the planning balance.

## 8.205. Planning Balance Conclusions

8.206. I have weighed up the benefits of the scheme against the adverse impact of the scheme.

8.207. I have then considered the appropriate weighting to be applied and then set out my conclusions with regards to both the titled balance required by para 11(d) and the flat balance exercise required under section 38(6).

8.208. A summary of the social, economic and environmental benefits and adverse impacts is set out below.

### Benefits

- Provision of Affordable Housing (social benefit) – Very Substantial weight
- Provision of 130 homes (social benefit) – Very Substantial weight
- Biodiversity Net Gain (environmental benefit) – Significant weight
- Contribution to the economy (economic benefit) – Significant weight
- Sustainable Location consistent with settlement hierarchy (social and environmental benefit) - Moderate weight
- Optimisation and efficient use of land (social and environmental benefit) – Moderate weight
- Tree canopy (environmental benefit) – Moderate weight
- Connectivity improvements (social benefit) – Moderate weight
- Bespoke Design (social, environmental and economic benefit) – Limited weight
- Safeguarding route for a road link / wider connectivity (social, environmental and economic benefit) – Limited weight
- Off-site environmental mitigation / Recreational Avoidance Mitigation Strategy (environmental benefit) – Limited weight

### Adverse impacts

- Conflict with parts of the Development Plan (social, environmental and economic)– Moderate weight
- Harm to the landscape as a result of the development (environmental) – Moderate weight
- Impacts on the highway network (social, environmental and economic) – Moderate weight
- Impacts on local infrastructure (social, environmental and economic) – Moderate weight
- Conflict with the existing employment allocation (economic) – Limited weight
- Conflict with existing gypsy and traveller allocation (social and environmental) – Limited weight
- Impact on the emerging Neighbourhood Plan (social, environmental and economic) – Limited weight

8.209. **Other considerations**

8.210. Where other issues have been taken into account but not considered to weigh positively or negatively on the planning balance I have not listed above. These issues are however considered in the Planning Assessment against the Development Plan and as material considerations where relevant.

8.211. **Conclusions**

8.212. In assessing the proposals against the development plan, it is necessary to establish whether the proposal is in accordance with the development plan as a whole. To the extent that there is minor conflict with parts of the development plan I have considered this as part of the policy assessment referenced above and appended to this proof of evidence. I consider that when assessed as a whole there is limited conflict and the proposals are in accordance with the plan as a whole.

8.213. In respect of the planning balance, I conclude that on the titled balance the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits, and that planning permission should be granted.

8.214. On a flat balance basis, I also conclude that the relevant material considerations including the benefits of the scheme in social, economic and environmental terms as set out above, combined with the limited areas of conflict with the development plan and lack of harm, are also considered such to outweigh the adverse impacts and support the grant of planning permission.

## 9. Local Planning Authority Position, Putative Reasons for Refusal, and Statements of Common Ground

- 9.1. The Council's Putative Reasons for Refusal and Officer Report (CD10.12) set out the following:
- 9.2. 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.
- 9.3. Putative Reasons for Refusal were set out as 1.0 Design, 2.0 Impact on Protected Areas, 3.0 Lack of Mechanism to secure mitigations/obligations/financial contributions, 4.0 Highways.
- 9.4. **Statements of Common Ground**
- 9.5. It is considered there are areas of common ground between the LPA and the appellant which have been set out the draft Statements of Common Ground. This also includes where further work or discussions have been undertaken since August 2021, for example recent engagement with Essex County Council highways.
- 9.6. Draft Statements of Common Ground include:
- Housing Land Supply Position (sent to CBC 23/02/22)
  - Highways (sent to CBC 24/02/22)
  - Recreational disturbance Avoidance and Mitigation Strategy (RAMS) (sent to CBC 23/02/22)
- 9.7. It is anticipated further Statements of Common Ground may be prepared where possible ahead of the relevant deadline.
- 9.8. **Response to Putative Reasons for Refusal**
- 9.9. The above reasons for refusal for the Council have all been fully addressed in the Statement of Common Ground, my analysis above, or the evidence from David Plant of DAP Architects.

### Design

- 9.10. The evidence from David Plant of DAP Architects shows the scheme does not constitute poor design and meets the requirements of the NPPF 2021 and allied National Design Guide when considered as a whole.

- 9.11. A suitable SUDS scheme is shown on the landscape strategy plan and detailed in the FRA to which there is no objection from the LLFA.

Impact on Protected Areas

- 9.12. Mitigation for off-site protected areas is secured through the draft section 106 legal agreement and covered in detail above.

Lack of Mechanism to secure mitigation/obligations/financial contributions

- 9.13. Other required mitigation is also secured through the draft legal agreement including a substantial section 106 package in line with the requests from the Local Authority Development Team meeting.

Highways

- 9.14. The highway submissions and Statement of Common Ground show the scheme will not cause a severe impact on the highway network. The scheme includes a pedestrian and cycle link from the site to Kelvedon Road, and proposals for improvements to footway and crossing points. The draft highways Statement of Common Ground also proposes that it would be appropriate to apply a condition to require the distribution of Residential Travel Packs to new residents to further encourage the use of sustainable methods of transport.

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Policy No.	Policy Text	Status	Degree of Conformity
<b>CORE STRATEGY (2008) FOCUSED REVIEW 2014</b>			
<b>SD1</b>	<p><b>SD1 – Sustainable Development Locations</b></p> <p><del>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. Replaced by SP1</del></p> <p>Throughout the borough, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy below and the Key Diagrams. Development proposals will be expected to make efficient use of land and take a sequential approach that gives priority to accessible locations and previously developed land (PDL). Proposals should seek to promote sustainability by minimising and/or mitigating pressure on the natural, built and historic environment, utilities and infrastructure, and areas at risk of flooding.</p> <p>In support of Colchester’s aim to be a prestigious regional centre, the Borough Council will promote high quality design and will focus on enhancing the character and quality of the Town Centre, the Regeneration Areas and key Gateways to Colchester. Development in Colchester Town will be primarily focused on the following broad locations (see Key Diagrams):</p> <ul style="list-style-type: none"> <li>• Town Centre</li> <li>• North Growth Area</li> <li>• East Growth Area</li> <li>• South Growth Area</li> <li>• Stanway Growth Area</li> </ul> <p>The Council will also seek to sustain the character and vitality of small towns, villages and the countryside, and development will be expected to achieve a high standard of design, sustainability and compatibility with local character.</p> <p><del>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. Replaced by SP1</del></p> <p>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.</p> <p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:</p>		<p>High conformity</p> <p>Proposed development is in one of the most accessible and sustainable locations in accordance with the Settlement Hierarchy, and the proposals also make an efficient use of the land available.</p> <p>Any pressure incurred is mitigated through the proposals to ensure sustainable development.</p> <p>The development achieves a high standard of design and sustainability as demonstrated through assessment of the adopted policies below such as UR2, ENV1, ER1, DP1 and SP7.</p> <p>Appraisals of local existing development have directly informed the proposals to ensure they are compatible with local character (Design Doc 3+ CD13.37 Sections 3.7-3.11).</p>

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Policy No.	Policy Text	Status	Degree of Conformity										
	<p>- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole: or</p> <p>- Specific policies in that Framework indicate that development should be restricted.</p>												
<p><b>SD3</b></p>	<p>The Borough Council will work with partners to deliver key community facilities (see Table SD3) to support the Sustainable Community Strategy and to develop Colchester as a prestigious regional centre.</p> <p>The Council will also provide facilities for the local communities, based upon an analysis of needs, with particular regard to disadvantaged groups. New development will be required to provide, or contribute towards the provision of community facilities to meet the needs of new communities and mitigate impacts on existing communities. Safe, direct routes for walking and cycling and appropriate bus services will be established to serve existing and new pre-school, primary, and secondary school sites.</p> <p>Community facilities should be located in centres or other accessible locations to maximise community access and build a sense of local community identity. The Council supports the retention and enhancement of existing community facilities and encourages multi-purpose community facilities that can provide a range of services and facilities to the community at one accessible location. Where existing facilities can be enhanced to serve new development, the Council will work with developers and local partners to audit existing facilities and assess the requirement for additional facilities to deliver comprehensive provision of services to serve these extended communities. The Council will work with local partners, such as Parish Councils or Community Associations, to plan and manage community facilities.</p> <p><b>Table SD3: Delivery of Key Community Facilities</b></p> <table border="1" data-bbox="293 946 837 1315"> <thead> <tr> <th data-bbox="293 946 454 962">Growth Areas</th> <th data-bbox="454 946 837 962">Project</th> </tr> </thead> <tbody> <tr> <td data-bbox="293 962 454 1018">Town Centre</td> <td data-bbox="454 962 837 1018">Firstsite (Community arts facility) Cultural Quarter Magistrates' Court</td> </tr> <tr> <td data-bbox="293 1018 454 1166">North Growth Area</td> <td data-bbox="454 1018 837 1166">Community stadium and regional conference centre Colchester General Hospital expansion 4 new primary schools (ie., at Turner Village, Severalls, and two in the urban extension) Early years and childcare facilities Either new secondary school site (on a precautionary basis); and/or expansion of existing secondary school provision at nearby schools</td> </tr> <tr> <td data-bbox="293 1166 454 1190">East Growth Area</td> <td data-bbox="454 1166 837 1190">University of Essex expansion</td> </tr> <tr> <td data-bbox="293 1190 454 1315">General</td> <td data-bbox="454 1190 837 1315">Facilities to support 2012 Olympics 7 new health centres 6 forms of secondary school capacity 6 new primary schools New and improved community halls Extra pre-school, primary, and secondary school provision (including new schools where appropriate).</td> </tr> </tbody> </table> <p><small>*refer to policy TA3 &amp; TA4 for transport infrastructure and policy PR2 for open space.</small></p>	Growth Areas	Project	Town Centre	Firstsite (Community arts facility) Cultural Quarter Magistrates' Court	North Growth Area	Community stadium and regional conference centre Colchester General Hospital expansion 4 new primary schools (ie., at Turner Village, Severalls, and two in the urban extension) Early years and childcare facilities Either new secondary school site (on a precautionary basis); and/or expansion of existing secondary school provision at nearby schools	East Growth Area	University of Essex expansion	General	Facilities to support 2012 Olympics 7 new health centres 6 forms of secondary school capacity 6 new primary schools New and improved community halls Extra pre-school, primary, and secondary school provision (including new schools where appropriate).		<p>High conformity</p> <p>The application will be making contributions to needs of new and existing community in the form of Healthcare, Education, Parks and Recreation and Community facilities by virtue of the obligations agreed in the draft S106 based on respective assessments of existing facilities and expected demand.</p> <p>S106 relevant Heads of Terms:</p> <ul style="list-style-type: none"> <li>• Community Contribution - £352,659.53</li> <li>• Parks and Recreation Contribution - £157,500 (Borough) and £292,500 (Ward)</li> <li>• Healthcare Contribution - £73,376</li> <li>• Education Contribution - £23,214</li> </ul>
Growth Areas	Project												
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Policy No.	Policy Text	Status	Degree of Conformity
<p><b>CE1</b></p>	<p><b>CE1 – Centres and Employment Classification and Hierarchy</b></p> <p><del>The Borough Council will encourage economic development and will plan for the delivery of at least 14,200 jobs in Colchester between 2004 and 2021.</del> Replaced by SP5</p> <p>The Council will promote employment generating developments through the regeneration and intensification of previously developed land, and through the allocation of land necessary to support employment growth at sustainable locations.</p> <p>The Council will promote and maintain a Centres and Employment Classification and Hierarchy (Tables CE1a &amp; CE1b) to coordinate the use and scale of developments with the accessibility and role of the various mixed use Centres and Employment Zones in Colchester. Mixed-use centres will support a wide range of compatible uses, whilst Employment Zones will accommodate other business developments as identified in Table CE1b. Development scales will need to be consistent with the Hierarchy and larger scale development should be focused on the Town Centre, Urban Gateways and Strategic Employment Sites.</p> <p>Employment developments that conflict with the Centres and Employment Classification and Hierarchy will not normally be supported. Small scale developments may be acceptable in residential or countryside locations if they have low travel needs and low impacts, such as:</p> <ul style="list-style-type: none"> <li>• Small shops and facilities providing for the daily needs of a local residential catchment,</li> <li>• Rural businesses, recreation and tourist developments to meet local needs and support rural economies.</li> </ul> <p>The Council will seek to protect and enhance employment throughout the borough. Development that will increase employment capacity will be encouraged, whilst development that will result in a loss of employment capacity will not normally be supported.</p> <p>The Council will also encourage economic diversity and business development to facilitate small and medium enterprises. A mix of business types and premises will be sought in employment developments to provide opportunities for all businesses and create diverse and successful economic environments.</p>		<p>Some conflict with the allocation of part of the site for Employment however the policy refers only to protection of employment through the borough rather than allocated employment land.</p> <p>The employment designation is considered out of date in light of Council evidence base and Council stated position.</p> <p>The site is not considered as forming part of employment land supply as set out in the Council’s own evidence base (CD14.6 – CBC Employment Land Needs Assessment 2015). As referred to in CD10.12 (Employment Land Supply Note), the loss of the land would not directly result in a loss of employment capacity in the Borough.</p>
<p><b>CE3</b></p>	<p><b>CE3 – Employment Zones</b></p> <p>Employment Zones will accommodate business developments that are not suited to Mixed Use Centres, including industry and warehousing (see Table CE1b).</p> <p>Strategic Employment Zones (SEZ) are identified at North Colchester, Stanway and the University of Essex, which provide ample capacity to accommodate projected business growth during the plan period. The Borough Council will seek to focus</p>		<p>Some conflict with the allocation of part of the site for Employment however the majority of the policy is not relevant in respect that it simply refers to allocation of Local Employment Zones as opposed to their protection or their development for other uses.</p>

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	<p>business development at these Strategic Employment Zones, and will improve the supporting transport infrastructure.</p> <p>The Council will seek to deliver approximately 45,100sqm (gross) of industry and warehousing floor space, primarily within the North Colchester and Stanway Strategic Employment Zones. The Council will also support the delivery of existing office commitments in all the Strategic Employment Zones, however further office development will be directed towards the Town Centre in accordance with the sequential approach set out in policy CE2a.</p> <p>The Council will encourage the provision of incubator units and grow-on space to support the development of small and medium enterprises. Local Employment Zones will be defined in the Site Allocations DPD based on existing and proposed concentrations of rural and local employment in order to support and promote rural enterprise and local employment.</p> <p>Retail developments will not normally be supported in Employment Zones, except for small scale developments that provide for the needs of the local workforce or are ancillary to an industrial use.</p>		
<p><b>H1</b></p>	<p><b>H1 – Housing Delivery</b></p> <p><del>The Borough Council will plan, monitor and manage the delivery of at least 19,000 new homes in Colchester Borough between 2001 and 2023.</del> Replaced by SP3 and SP4</p> <p>This housing development will be focused on the following key areas:</p> <ul style="list-style-type: none"> <li>• Town Centre</li> <li>• North Growth Area</li> <li>• East Growth Area</li> <li>• South Growth Area</li> <li>• Stanway Growth Area</li> </ul> <p>The majority of housing development will be located within regeneration areas in Colchester Town, but broad greenfield locations to the north and southwest of Colchester Town have also been identified for additional housing provision. The overall distribution of new housing, as shown in Table H1a, will be guided by the Settlement Hierarchy and the Key Diagrams.</p> <p>Colchester will seek to provide over 80% of housing on previously developed land during the plan period. Accordingly housing development will be expected to contribute to the achievement of sustainable development that gives priority to new development in locations with good public transport accessibility and/or by means other than the private car and previously developed land (PDL).</p> <p>The Council will also ensure that a sufficient supply of deliverable and developable land is available to deliver over 830 new homes each year.</p>		<p>High conformity</p> <p>The overall distribution of housing should be guided by Settlement Hierarchy, within which Tiptree is recognised as a key development area.</p> <p>The housing development would contribute to the achievement of sustainable development and be in a location with good public transport accessibility and by means other than the private car.</p>

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	<p><b>Table H1a - Colchester's Housing Provision</b></p> <table border="1" data-bbox="286 248 846 564"> <thead> <tr> <th>Settlements and Key Development Areas</th> <th>LDF Housing Provision (2001 – 2021)</th> <th>Additional Greenfield Land (2016 – 2023)*</th> <th>Totals</th> </tr> </thead> <tbody> <tr> <td>Colchester Town</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Town Centre and fringe</td> <td>2000</td> <td></td> <td rowspan="6">16,700</td> </tr> <tr> <td>North Growth Area</td> <td>4000</td> <td>2200</td> </tr> <tr> <td>East Growth Area</td> <td>2600</td> <td></td> </tr> <tr> <td>South Growth Area</td> <td>3000</td> <td></td> </tr> <tr> <td>Stanway Growth Area</td> <td>1000</td> <td>800</td> </tr> <tr> <td>Other areas</td> <td>1100</td> <td></td> </tr> <tr> <td>Tiptree</td> <td></td> <td>680</td> <td>2,300</td> </tr> <tr> <td>West Mersea</td> <td>280</td> <td></td> <td rowspan="7">19,000</td> </tr> <tr> <td>Wivenhoe/Rowhedge</td> <td>635</td> <td></td> </tr> <tr> <td>Marks Tey</td> <td>70</td> <td></td> </tr> <tr> <td>West Bergholt</td> <td>50</td> <td></td> </tr> <tr> <td>Great Horkesley</td> <td>150</td> <td></td> </tr> <tr> <td>Other Villages</td> <td>435</td> <td></td> </tr> <tr> <td><b>Approx Total</b></td> <td><b>15,860</b></td> <td><b>3,140</b></td> </tr> </tbody> </table> <p>* LDF will provide housing with capacity beyond 2021 to ensure a 15 year supply in accordance with PPS3. The figures shown are intended as minimum numbers. The dates shown are subject to change should monitoring prove this is necessary.</p> <p><b>Table H1b – Estimated Housing Delivery and PDL Trajectories</b></p> <table border="1" data-bbox="286 647 846 718"> <thead> <tr> <th>Area</th> <th>2001-2006</th> <th>2006-2011</th> <th>2011-2016</th> <th>2016-2021</th> <th>2021 - 2023</th> </tr> </thead> <tbody> <tr> <td>Housing Delivery</td> <td>4630</td> <td>4370</td> <td>4200</td> <td>4200</td> <td>1600</td> </tr> <tr> <td>PDL%</td> <td>84%</td> <td>90%</td> <td>85%</td> <td>70%</td> <td>65%</td> </tr> </tbody> </table>	Settlements and Key Development Areas	LDF Housing Provision (2001 – 2021)	Additional Greenfield Land (2016 – 2023)*	Totals	Colchester Town				Town Centre and fringe	2000		16,700	North Growth Area	4000	2200	East Growth Area	2600		South Growth Area	3000		Stanway Growth Area	1000	800	Other areas	1100		Tiptree		680	2,300	West Mersea	280		19,000	Wivenhoe/Rowhedge	635		Marks Tey	70		West Bergholt	50		Great Horkesley	150		Other Villages	435		<b>Approx Total</b>	<b>15,860</b>	<b>3,140</b>	Area	2001-2006	2006-2011	2011-2016	2016-2021	2021 - 2023	Housing Delivery	4630	4370	4200	4200	1600	PDL%	84%	90%	85%	70%	65%		
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<p><b>H2</b></p>	<p><b>H2 – Housing Density</b></p> <p>The Borough Council will seek housing densities that make efficient use of land and relate to the context. New developments must enhance local character and optimise the capacity of accessible locations.</p> <p>Locations with good access to centres, particularly the Town Centre and the Urban Gateways, are more suited to higher density development, although a flexible approach will be important to ensure that densities are compatible with the surrounding townscape. Other locations with lesser access to centres and public transport should involve more moderate densities. The density of developments also needs to be informed by the provision of open space and parking, the character of the area, and the mix of housing.</p>		<p>High conformity</p> <p>The proposed scheme would make efficient use of the land whilst relating to the wider context and patterns of development in Tiptree.</p> <p>The site is in an accessible location with good access to Tiptree village centre, and its associated facilities, as well as having bus stops outside which provide access to surrounding settlements such as Kelvedon and Witham which have mainline train stations.</p>																																																																							
<p><b>H3</b></p>	<p><b>H3 – Housing Diversity</b></p> <p>Colchester Borough Council intends to secure a range of housing types and tenures on developments across the Borough in order to create inclusive and sustainable communities. Housing developments should provide a mix of housing types to suit a range of different households, whilst also realising the opportunities presented by accessible locations. The mix of housing types should therefore be informed by an appraisal of community context and housing need.</p> <p>Housing developments will also need to contribute to the provision of affordable housing and homes that are suitable to the needs of older persons, persons with disabilities and those with special needs.</p>		<p>High conformity</p> <p>The development would provide homes varying in size and type from 1 bedroom to 5 bedroom, as houses and apartments, which ensure that this accessible location can be utilised by a range of different households.</p> <p>The provision also includes on site affordable homes of 1 to 4 bedrooms.</p>																																																																							

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			All of the affordable homes and 34% of the market homes are M4(2) compliant, with two of the affordable apartments being fully accessible as M4(3) compliant homes (CDs 13.29-13.35).																								
<b>H4</b>	<p><b>H4 – Affordable Housing</b></p> <p>The Borough Council is committed to improving housing affordability in Colchester. The Council will be seeking to secure 20% of new dwellings (including conversions) to be provided as affordable housing (normally on site), as follows:</p> <ul style="list-style-type: none"> <li>• In Colchester Town and Stanway, Tiptree, Wivenhoe and West Mersea, affordable housing will be required on housing developments for 10 or more dwellings.</li> <li>• In the other villages, affordable housing will be required on housing developments for 5 or more dwellings.</li> <li>• An equivalent financial contribution will also be sought for developments below these thresholds.</li> </ul> <p>Where it is considered that a site forms part of a larger development area, affordable housing will be apportioned with reference to the site area as a whole.</p> <p>This level balances the objectively assessed need for affordable housing in the Borough established by the Council's evidence base against the requirement for flexibility to take account of changing market conditions. For sites where an alternative level of affordable housing is proposed below the target, it will need to be supported by evidence in the form of a viability appraisal.</p> <p>In exceptional circumstances, where high development costs undermine the viability of housing delivery, developers will be expected to demonstrate an alternative affordable housing provision.</p> <p>Affordable housing development in the villages of rural Colchester Borough will be supported on rural exception sites contiguous with village settlement boundaries, provided a local need is demonstrated by the Town/Parish Council on behalf of their residents based on the evidence gained from an approved local housing needs survey. A proportion of market housing which facilitates the provision of significant additional affordable housing may be appropriate on rural exception sites. Information to demonstrate that the market housing is essential to cross-subsidise the delivery of the affordable housing and that the development would not be viable without this crosssubsidy will be required. At the scheme level, the number of open market units on the rural exception site will be strictly limited to only the number of units required to facilitate the provision of significant affordable housing units on a rural exception site. The number of affordable units on a site should always be greater than the number of open market units delivered in this way. The actual number will be determined on local circumstances, evidence of local need and the overall viability of the scheme. General</p>		<p>High conformity</p> <p>Scheme provides 39 affordable homes, making up 30% of the total housing provision (CD6c.16). Provision for this is made in the draft section 106 legal agreement.</p> <p>The affordable homes will be integrated with market homes across the site, and tenure blind from a design and amenity perspective.</p> <p>The mix of affordable homes provided is very close to the mix requested by the Council Housing Officer. This is demonstrated below.</p> <table border="1" data-bbox="1335 906 2119 1249"> <thead> <tr> <th></th> <th>REQUESTED</th> <th>ACTUAL</th> <th>DIFFERENCE</th> </tr> </thead> <tbody> <tr> <td>1B</td> <td>8</td> <td>8</td> <td>0</td> </tr> <tr> <td>2B</td> <td>9</td> <td>8</td> <td>-1</td> </tr> <tr> <td>3B</td> <td>18</td> <td>19</td> <td>1</td> </tr> <tr> <td>4B</td> <td>4</td> <td>4</td> <td>0</td> </tr> <tr> <td>TOTAL</td> <td>39</td> <td>39</td> <td>0</td> </tr> </tbody> </table>		REQUESTED	ACTUAL	DIFFERENCE	1B	8	8	0	2B	9	8	-1	3B	18	19	1	4B	4	4	0	TOTAL	39	39	0
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	<p>design of the homes should be comparable regardless of tenure within a single integrated development layout.</p> <p>The Council will require developments to integrate affordable housing and market housing, with a consistent standard of quality design and public spaces, to create mixed and sustainable communities.</p>		
<b>H5</b>	<p><b>H5 – Gypsies, Travellers and Travelling Showpeople</b></p> <p>The Council will identify sites to meet the established needs of gypsies, travellers and travelling showpeople in the Borough.</p> <p>The Council will seek to locate sites within reasonable proximity to existing settlements, and with access to shops, schools and other community facilities. Sites should also provide 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.</p> <p>In the intervening period up to the adoption of a new Local Plan, the Borough Council will use the national Planning Policy for Traveller Sites and the National Planning Policy Framework as material considerations in the determination of planning applications for gypsy, traveller and travelling show people accommodation.</p>		<p>High conformity</p> <p>Policy primarily relates to the provision of sites. The draft S106 (Schedule 9) commits the relocation of existing residents on the Pony's Farm pitch to be lost, to The Paddocks, to ensure no net loss of provision. The Paddocks has formal planning permission for gypsy &amp; traveller accommodation (Application ref: 070113) and this permission allows up to 4 mobile homes or touring caravans which is presently not occupied to full capacity. Both of the sites are within the same ownership.</p>
<b>UR2</b>	<p><b>UR2 – Built Design and Character</b></p> <p>The Borough Council will promote and secure high quality and inclusive design in all developments to make better places for both residents and visitors. The design of development should be informed by context appraisals and should create places that are locally distinctive, people-friendly, provide natural surveillance to design out crime, and which enhance the built character and public realm of the area. High-quality design should also create well-integrated places that are usable, accessible, durable and adaptable. Creative design will be encouraged to inject fresh visual interest into the public realm and to showcase innovative sustainable construction methods. Developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported.</p> <p>The Council is committed to enhancing Colchester's unique historic character which is highly valued by residents and an important tourist attraction. Buildings, Conservation Areas, archaeological sites, parklands, views, the river and other features that contribute positively to the character of the built environment shall be protected from demolition or inappropriate development. Archaeological assessments will be required on development sites that possess known archaeological deposits, or where it is considered that there is good reason for such remains to exist. Important archaeological sites and their settings will be preserved in situ.</p>		<p>High conformity</p> <p>Context appraisals have been undertaken by DAP (CD13.37 Sections 3.7-3.11) and have informed the final proposals and bespoke house types.</p> <p>This includes reference to Essex Design Guide (CD12.7) principles.</p> <p>There are no designated heritage assets or Conservation Areas in the vicinity of the site but the wider heritage character has been assessed (CD6b.13a Section 1.7) to inform the final design.</p> <p>Archaeology trial trenching has also taken place and confirmed no findings and no requirement for any further investigations on the site in this regard (CD6b.7). This has been agreed by the Council's Consultant Archaeological Advisor.</p>

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<p><b>PR1</b></p>	<p><b>PR1 – Open Space</b></p> <p>The Borough Council aims to provide a network of open spaces, sports facilities and recreational opportunities that meet local community needs and facilitate active lifestyles by providing leisure spaces within walking distance of people’s home, school and work. The Council will also aim to provide a network of strategic green links between the rural hinterland, river corridors, and key green spaces within Colchester Town. The Council will protect and enhance the existing network of green links, open spaces, and sports facilities and secure additional areas where deficiencies are identified.</p> <p>The provision of public open space in developments should be informed by an appraisal of local context and community need, with a particular regard to the impact of site development on biodiversity. New development must provide for the recreational needs of new communities and mitigate impacts on existing communities. This open space provision also needs to alleviate recreational pressure on sites of high nature conservation value (e.g. Natura 2000) from the growing population.</p> <p>The Borough Council will expect all new homes to provide easy access to private/communal open space. The area of open space should be informed by the needs of residents and the accessibility of the location. Private/communal open space must be designed to optimise its use and meet the recreational needs of residents.</p>		<p>High conformity</p> <p>The scheme will provide on-site open space which will be usable and accessible to all, whilst also serving a role on the sustainable drainage strategy for the site. This space will also seek to maximise the potential of this area to contribute to biodiversity net gain and retains and enhances the existing ecological value of the hedgerows kept within this space for example (CD13.7).</p> <p>The space will be accessible by pedestrian routes, and with ramps into the lowered area, and thus will contribute, alongside off site measures, to alleviating recreational pressure on sites of high nature conservation value from new residents in addition to the off-site mitigation proposed.</p> <p>A local equipped area of play is also provided.</p>
<p><b>PR2</b></p>	<p><b>PR2 – People-friendly Streets</b></p> <p>The Borough Council will promote and secure attractive, safe and people-friendly streets which will encourage more walking, cycling, recreation and local shopping.</p> <p>Streets are important public spaces that should be designed to suit people of all ages and degrees of mobility. The street environment can be improved with a combination of the following (not exclusive):</p> <ul style="list-style-type: none"> <li>• Quality pavements and well-coordinated street furniture</li> <li>• Improvements to footpaths and cycle routes</li> <li>• Street trees and well-maintained landscaping</li> <li>• Clear and minimal signage</li> <li>• Traffic management schemes</li> <li>• Shared spaces and home zones</li> <li>• Cycle paths</li> <li>• Crime deterrence and safety measures, including lighting and CCTV</li> <li>• Public art</li> </ul> <p>Centres will be the focus for streetscape improvements to provide attractive environments for people to live, work, shop and relax. In some cases traffic will need to be calmed to provide a safe and attractive street environment. The Town Centre and Urban Gateways will be priority areas for streetscape improvements and traffic management to support the development of a prestigious regional centre.</p>		<p>High conformity</p> <p>Landscape strategy (CD13.7) includes street trees and front garden planting to soften street scenes and environments. A management company will also ensure the management of communal spaces and areas of highway not to be adopted by the Highway Authority.</p> <p>Matters such as lighting, CCTV, public art and signage are points of detail that could be agreed with the Council through future conditions.</p> <p>The proposals include a segregated footpath/cycle route into the site. Also proposed are shared surfaces and footways within the site to ensure safe routes in, out and through the site.</p> <p>Internal road network and site accesses are designed to meet Manual for Streets specifications and other relevant local design guidance such as the Essex Design Guide (CD12.7). The site</p>

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	<p>New developments will be required to contribute towards public realm improvements. They should also provide active street frontages to create attractive and safe street environments. New roads, both public and private, should be designed to meet Manual for Streets specifications and local design guidance.</p>		<p>layout as proposed (CD13.16) has been fully technically reviewed by ECC Highways, who have confirmed that they have no objection to the layout respectively.</p>
<p><b>TA1</b></p>	<p><b>TA1 – Accessibility and Changing Travel Behaviour</b></p> <p>The Council will work with partners to improve accessibility and change travel behaviour as part of a comprehensive transport strategy for Colchester.</p> <p>The Council will improve accessibility by enhancing sustainable transport links and encouraging development that reduces the need to travel. Sustainable transport will be improved to provide better connections between the community and their needs. In congested areas, the Council will seek to prioritise the movement of sustainable transport. Innovative solutions will also be implemented to overcome severance that is currently inflicted by busy roads.</p> <p>Future development in the Borough will be focused on highly accessible locations, such as centres, to reduce the need to travel. Developments that are car-dependent or promote unsustainable travel behaviour will not be supported.</p> <p>Travel behaviour change towards sustainable modes will be encouraged through travel plans, improvements to gateways, and by managing travel demand. Major developments, employers and institutions should develop travel plans to promote sustainable travel behaviour. The quality of gateways will be enhanced, whilst traffic and car parking will be carefully managed, to encourage sustainable travel within Colchester.</p>		<p>High conformity</p> <p>Bus stops immediately outside of the site will allow new residents to make use of existing sustainable transport links, as detailed in the Transport Assessment (CD13.11 Para 3.8-3.13 and Appendix 10). New footway and potential crossing points will improve access. Bus services along Kelvedon Road serve Kelvedon and Witham where mainline train connections are available.</p> <p>All houses will be provided with an EV charging point, and charging points will also be provided in shared parking courts (CD13.21).</p>
<p><b>TA2</b></p>	<p><b>TA2 – Walking and Cycling</b></p> <p>The Council will work with partners to promote walking and cycling as an integral and highly sustainable means of transport. Regional and rural links, including national cycle routes, will be improved and better connected with local destinations. The design and construction of facilities and infrastructure will be improved to make walking and cycling more attractive, direct and safe. Quality and convenient pedestrian crossings will be promoted to facilitate safe and direct movement across busy roads.</p> <p>Walking and cycling improvements will be focused on centres, schools, workplaces, and public transport interchanges. In particular, the Council will seek to provide excellent walking and cycling connections into and through the Town Centre. Development shall contribute towards these connections and quality cycle parking where appropriate.</p>		<p>High conformity</p> <p>Extended footway and separate pedestrian/cycle access into the site, and cycle storage is provided for all dwellings either in garages, storage sheds or shared facilities (CD13.20).</p>

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<p><b>TA3</b></p>	<p><b>TA3 – Public Transport</b></p> <p>The Council will work with partners to further improve public transport and increase modal shift towards sustainable modes. Colchester’s role as a Regional Transport Node will be promoted by optimising connections with the regional network and improving the frequency, speed, reliability and promotion of public transport services. Demand responsive services will also be promoted to help rural communities access their needs.</p> <p>Gateways to Colchester will be enhanced to provide attractive entry points, a sense of place, and excellent onward connections. The Urban Gateways at Colchester North Rail Station, Hythe Rail Station and Colchester Town Rail and Bus Stations at St Botolphs will be improved to facilitate regeneration in the surrounding areas. Improvements to rail stations and bus interchanges will be sought to assist interchange between modes and promote sustainable travel behaviour.</p> <p>Within Colchester Town, a comprehensive public transport network, including Quality Bus Partnerships will connect communities with growth areas, centres, employment and community facilities. The Council will work with partners to deliver the North and East Transit Corridors to facilitate rapid public transport services and avoid congestion. Park and Ride facilities will also provide visitors with sustainable access to the Town Centre and other major destinations.</p>		<p>High conformity</p> <p>Bus stops nearby to the site will allow new residents to make use of existing sustainable transport links. New footway and crossing points proposed in draft S106 will ensure improved access. Bus services along Kelvedon Road serve Kelvedon and Witham where mainline train connections are available (CD13.11 Para 3.8-3.13 and Appendix 10).</p>
<p><b>TA4</b></p>	<p><b>TA4 – Roads and Traffic</b></p> <p>The Borough Council will work with partners to accommodate necessary car travel making the best use of the existing network and manage demand for road traffic. Facilities for road/rail freight interchanges and servicing will be accommodated.</p> <p>The Council will support improvements to the strategic road network (see Table TA4) to facilitate regional travel needs, particularly freight movements in the Haven Gateway, whilst minimising the impacts of traffic on the rural area network. In urban areas, the Council seeks to manage demand for car travel and make the best use of the existing network. Improvements will be made to the urban road network to support sustainable development and to reduce the negative impacts of congestion.</p> <p>The demand for car travel will be managed to prevent adverse impacts on sustainable transportation, air quality, local amenity and built character. Streets and junctions should be designed to provide people-friendly street environments and to give priority to sustainable transport. Within the Town Centre, through-traffic will be reduced to encourage trips to be undertaken via more sustainable modes, and servicing will be facilitated in a manner that is sensitive to the streetscape.</p> <p>Development will need to contribute towards transport infrastructure improvements to support the development itself, and to enhance the broader network to mitigate impacts on existing communities.</p>		<p>High conformity</p> <p>The Transport Assessment submitted as part of the application (CD13.11) confirms that the proposals will not have a significant or material impact on the operation of the local highway network and as such no implications on strategic road network.</p> <p>Streets and junctions have been fully appraised by ECC Highways to ensure useable and safe for all users, not just vehicles.</p>

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<p><b>TA5</b></p>	<p><b>TA5 – Parking</b></p> <p>The Council will work with partners to ensure that car parking is managed to support the economy and sustainable communities. Facilities for freight and servicing will be accommodated.</p> <p>Within the Town Centre, long stay car parking will be reduced to discourage car trips that could easily be made by more sustainable modes. Short stay parking will be provided where necessary to facilitate the economic and social wellbeing of the Town Centre. Park and Ride will be provided to offer a more sustainable alternative to town centre car parking. Disabled, cycle and motorcycle parking will continue to be provided where appropriate.</p> <p>Development should manage parking to accord with the accessibility of the location and to ensure people-friendly street environments. Within Centres and other accessible locations, car parking should be minimised and located underground, under deck and behind buildings. Redevelopment of existing surface car parking will also be encouraged to make efficient use of land and improve the townscape.</p> <p>Business parking for staff, visitors and operational uses will be managed as part of company Travel Plans. Car free and low car development will be encouraged in the Town Centre. Residents parking schemes will be supported in areas where there is a high demand for on-street parking. In areas where there is limited parking supply and good access to alternative transport, the introduction of a ‘Car club’ will be encouraged.</p>		<p>High conformity</p> <p>Parking is provided to fully comply with ECC Parking Standards, as shown on the Parking Strategy which accompanies the application (CD13.21).</p>
<p><b>ENV1</b></p>	<p><b>ENV1 – Environment</b></p> <p>The Borough Council will conserve and enhance Colchester’s natural and historic environment, countryside and coastline. The Council will safeguard the Borough’s biodiversity, geology, history and archaeology through the protection and enhancement of sites of international, national, regional and local importance. In particular, developments that have an adverse impact on Natura 2000 sites or the Dedham Vale Area of Outstanding Natural Beauty will not be supported.</p> <p>Within the Coastal Protection Belt development will not be permitted that would adversely affect the open and rural character of the undeveloped coastline, and its historic features, sites of nature conservation importance and wildlife habitats.</p> <p>The network of strategic green links between the rural hinterland, river corridors, and key green spaces and areas of accessible open space that contribute to the green infrastructure across the Borough will be protected and enhanced.</p> <p>Development will be supported at appropriate locations to improve public access, visual amenity and rehabilitate the natural environment. Development will need to minimise and mitigate adverse impacts on river, coastal and ground water quality.</p>	<p>Most Important / Out of date (settlement boundary)</p>	<p>Some conflict as outside of settlement boundary although settlement boundary out of date. Good conformity with other environmental considerations.</p> <p>There are no designations on the site itself. The site is in a zone of influence for Tiptree Heath SSSI however the ecological assessment (CD6b.8) that accompanied the planning application confirms that the proposed development will not reduce the size or conservation status of these designated sites nor affect their management regimes or future ecological potential.</p> <p>In addition a RAMS mitigation payment of £127.30 per dwelling will be secured through the S106 agreement. Given the scale of the development, further on and off site mitigation is required and the scope of this has been agreed through CBCs HRA and Natural England’s response which agreed this approach.</p>

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Policy No.	Policy Text	Status	Degree of Conformity
	<p>The Council will seek to direct development away from land at risk of fluvial or coastal flooding in accordance with PPS25, including areas where the risk of flooding is likely to increase as a result of climate change.</p> <p>Unallocated greenfield land outside of settlement boundaries (to be defined/reviewed in the Site Allocations DPD) will be protected and where possible enhanced, in accordance with the Landscape Character Assessment. Within such areas development will be strictly controlled to conserve the environmental assets and open character of the Borough. Where new development needs, or is compatible with, a rural location, it should demonstrably:</p> <ul style="list-style-type: none"> <li>i. be in accord with national, regional and local policies for development within rural areas, including those for European and nationally designated areas; and</li> <li>ii. be appropriate in terms of its scale, siting, and design; and</li> <li>iii. protect, conserve or enhance landscape and townscape character, including maintaining settlement separation; and</li> <li>iv. protect, conserve or enhance the interests of natural and historic assets; and</li> <li>v. apply a sequential approach to land at risk of fluvial or coastal flooding in line with the guidance of PPS25; and</li> <li>vi. protect habitats and species and conserve and enhance the biodiversity of the Borough; and</li> <li>vii. provide for any necessary mitigating or compensatory measures.</li> </ul>		<p>The site is not at risk of fluvial or coastal flooding.</p> <p>Whilst the development is on land outside of the adopted settlement boundary, this settlement boundaries are out of date given the position with regards to the Section 1 Local Plan and Emerging Policy SS14. The land is identified as a preferred location of growth, contains some existing development, and in part has allocations for employment and gypsy and traveller development.</p>
ER1	<p><b>ER1 – Energy, Resources, Waste, Water and Recycling</b></p> <p>The Council's commitment to carbon reduction includes the promotion of efficient use of energy and resources, alongside waste minimisation and recycling.</p> <p>The Council will encourage the delivery of renewable energy projects, including micro-generation, in the Borough to reduce Colchester's carbon footprint. New developments will be encouraged to provide over 15% of energy demand through local renewable and low carbon technology (LCT) sources.</p> <p>Sustainable construction techniques will also need to be employed in tandem with high quality design and materials to reduce energy demand, waste and the use of natural resources, including the sustainable management of the Borough's water resources. Residential dwellings will be encouraged to achieve a minimum 3 star rating in accordance with the Code for Sustainable Homes. Non-residential developments will be encouraged to achieve a minimum BREEAM rating of 'Very Good'.</p> <p>The Council will support housing developments that reduce carbon emissions by 25% from 2010, 44% from 2013 and zero carbon homes from 2016 in accordance with national building regulations.</p>		<p>Good conformity, further details to be secured via condition</p> <p>The design proposals take a Fabric First approach to design in the interests of reducing carbon emissions and meeting Building Regulation requirements. CD13.37 Section 3.20 refers further.</p> <p>Dwellings will have the potential to install water efficient appliances such as washing machines, dishwashers, dual and low flush toilets, reduced flow and aerated taps and showers, and isolation valves and leak detection means for example (CD13.37 Section 3.19).</p> <p>Refuse and recycling storage will be provided for all houses, and shared refuse storage facilities will be provided for all apartments (CD13.20).</p>

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Policy No.	Policy Text	Status	Degree of Conformity
	<p>The Council is seeking to minimise waste and improve reuse and recycling rates through better recycling services and public awareness programs. To assist this aim, new developments will be expected to provide facilities and employ best practice technology to optimise the opportunities for recycling and minimising waste.</p>		
<b>DEVELOPMENT POLICIES (2010) FOCUSED REVIEW 2014</b>			
<b>DP1</b>	<p><b>DP1 – Design and Amenity</b></p> <p>All development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. Development proposals must demonstrate that they, and any ancillary activities associated with them, will:</p> <ul style="list-style-type: none"> <li>(i) Respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, proportions, materials, townscape and/or landscape setting, and detailed design features. Wherever possible development should remove existing unsightly features as part of the overall development proposal;</li> <li>(ii) Provide a design and layout that takes into account the potential users of the site including giving priority to pedestrian, cycling and public transport access, and the provision of satisfactory access provision for disabled people and those with restricted mobility;</li> <li>(iii) Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight;</li> <li>(iv) Create a safe and secure environment;</li> <li>(v) Respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area; and</li> <li>(vi) Incorporate any necessary infrastructure and services including recycling and waste facilities and, where appropriate, Sustainable Drainage Systems (SuDS), and undertake appropriate remediation of contaminated land.</li> <li>(vii) Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. For the purpose of this policy ancillary activities associated with development will be considered to include vehicle movement.</li> </ul>		<p>High conformity</p> <ul style="list-style-type: none"> <li>i) CD13.37 provides full analysis of surrounding developments and character. Tree and landscape feature retention has driven the site layout and been agreed with CBC Tree Officer A pond is being provided to replace the one lost.</li> <li>ii) Path to Kelvedon Road for pedestrians/cyclists. Footways and shared surfaces throughout. Level access across the scheme, and shallow ramps into open space depression.</li> <li>iii) Existing residential properties have driven the design layout to ensure no detrimental impacts in respect of privacy, overlooking, security etc (CD6b13a Section 1.9 and 1.14).</li> <li>iv) Landscaping and lighting scheme will evolve through conditions to ensure appropriate treatment of open spaces and parking courts. Affordable housing is integrated throughout the scheme.</li> <li>v) Tree and landscape feature retention has driven the site layout and been agreed with CBC Tree Officer. A pond is being provided to replace the one lost..Land contamination assessment supported planning application (CD6b9-6b12). Sustainable drainage system is proposed for the site wide drainage strategy and includes a large multi-functional drainage basin ((CD13.9 &amp; 13.10). All dwellings include a bin store to the front of the property, or have a garage, or storage shed in the garden (CD13.20).</li> <li>i) The orientation and pitched roofs of a large proportion of dwellings would make them suitable to accommodating solar panels. Design principles</li> </ul>

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Policy No.	Policy Text	Status	Degree of Conformity
			<p>adopted include solar gain and solar shading, passive ventilation, use of locally sourced materials, high performance double glazing, air tightness and off grid heating. A fabric first approach has been taken to the design of the scheme and dwellings and thus consideration has been had for dwelling orientation, glazing to habitable spaces, insulation etc. At least Part L 2013 Building Reg requirements will be achieved. Potable water demand will be less than 110/litres/person/day. The scheme has been designed to use air source heat pumps as opposed to gas boilers. EV charging provision provided for each dwelling. All detailed in CD13.37 (Design Doc3+) Section 3.19 and 3.20.</p>
<p><b>DP2</b></p>	<p><b>DP2 – Health Assessments</b></p> <p>All development should be designed to help promote healthy lifestyles and avoid causing adverse impacts on public health.</p> <p>Health Impact Assessments (HIA) will be required for all residential development in excess of 50 units and non-residential development in excess of 1,000 square metres. The purpose of the HIA will be 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. Any HIA must be prepared in accordance with the advice and best practice for such assessments.</p>		<p>High conformity</p> <p>HIA was submitted with the application (CD4.4) and reviewed by CCG. This informed request for healthcare contribution. Healthcare contribution of £79,376 for improvements by way of refurbishment, reconfiguration, extension or possible relocation of the Tiptree Medical Centre agreed in S106.</p> <p>No impact on health and wellbeing anticipated as a result of the opportunities and mitigation proposed.</p>
<p><b>DP3</b></p>	<p><b>DP3 – Planning Obligations and the Community Infrastructure Levy</b></p> <p>The Council may choose to implement a Community Infrastructure Levy (CIL), further to the enabling provisions in the 2008 Planning Act. The CIL will be a charge used to help fund necessary local and sub-regional infrastructure which supports the objectives of the Core Strategy and the development of the area. A CIL charging schedule would stipulate a charge, per square metre of gross internal floorspace, for each main use class of development. A proportion of CIL funds would be passed to Parish/Town councils. The Council will work with partners to deliver key infrastructure projects, as identified in the Core Strategy. The Council will continue to seek planning obligations through Section 106 agreements with details set out in Supplementary Planning Documents.</p>		<p>Not relevant – CIL not implemented.</p>

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Policy No.	Policy Text	Status	Degree of Conformity
<b>DP5</b>	<p><b>DP5 – Appropriate Employment Uses and Protection of Employment Land and Existing Businesses</b></p> <p>Appropriate employment uses within designated employment zones will include:</p> <p>(a) Business (B1), general industrial (B2), storage and distribution (B8);            (b) Display, repair and sale of vehicles and vehicle parts, including cars, boats and caravans;            (c) Indoor sports uses, exhibition centres and conference centres;            (d) A limited element of retailing where this is ancillary to another main use under (a);            (e) Services specifically provided for the benefit of businesses based on, or workers employed within, the Employment Zone; and            (f) Other employment-generating uses, such as those related to recreation and tourism, which meet local needs and/or promote rural enterprise.</p> <p>In certain employment zones in the rural areas and growth areas some of the above uses will not be appropriate. The Site Allocations DPD sets out site specific issues for local employment sites including sites in rural areas where B8 (distribution) employment uses will not normally be permitted, and includes specific policies setting out appropriate employment uses on strategic sites within the growth areas. In accordance with the Core Strategy B1 office uses will be directed to the town centre and mixed use centres.</p> <p>Employment uses in rural local employment zones will need to give special consideration to the context of the site. Development on these sites should seek to minimise impact on the rural landscape and be appropriate in terms of scale, height and built-form. Expansion of businesses outside of the local employment zone will be considered in relation to Policy DP9.</p> <p>Sites and premises currently used or allocated for employment purposes will be safeguarded for appropriate employment uses. Any use that may have an adverse effect on employment generation will only be permitted where the Local Planning Authority is satisfied that:</p> <p>(i) The supply, availability and variety of alternative employment land is sufficient to meet borough and local requirements;            (ii) Evidence can be provided to demonstrate that no suitable and viable employment use can be found, or is likely to be found in the foreseeable future;            (iii) There would be substantial planning benefit in permitting an alternative use, for example in removing a use which creates residential amenity problems such as noise or odours;            (iv) There are demonstrable economic benefits to the area that would result from allowing redevelopment, for example by facilitating the retention of a business in the area through funding a new site or premises; and</p>	<p><b>Most Important / Out of date (allocation)</b></p>	<p>Some conflict with the allocation of part of the site for Employment. The employment designation however is considered out of date in light of Council evidence base and Council stated position. Furthermore the proposals are able to demonstrate compliance with the criteria within the policy.</p> <p>i) Employment Land Supply Note (CD13.6) and the associated CBC Employment Land Needs Assessment (CD14.6) recognises that the land is not needed to meet employment land demand for Colchester.</p> <p>ii) Site has been allocated for employment since 2010 Site Allocations and not developed in this time. The site can only be accessed through third party land and thus cannot be delivered independently.</p> <p>iii) The alternative use would allow for the development of the land which is otherwise inaccessible and undevelopable. The proposals will provide homes and affordable housing, a substantial and very substantial planning benefit.</p> <p>iv) Demonstrable economic benefits would be achieved from the residential development of the site by providing jobs and trade during the construction process,. The development would furthermore support the vitality of the village and existing local businesses.</p> <p>v) The scheme is not in a coastal area.</p> <p>The development of the site would not result in the displacement of any existing businesses as the site has never been developed despite its allocation.</p>

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	<p>(v) The traditional maritime character of the coastal areas would not be adversely affected.</p> <p>Where redevelopment of employment land is accepted for a new employment use or an alternative use, particular consideration will be given towards ensuring the future viability of individual businesses (e.g. tenants of an estate or premises) that might be displaced. Planning contributions towards alternative employment, regeneration and training schemes will be sought where sites are redeveloped for nonemployment uses and alternative employment land is not provided.</p>		
<p><b>DP12</b></p>	<p><b>DP12 – Dwelling Standards</b></p> <p>Residential development will be guided by high standards for design, construction and layout. In considering proposals for new residential development, the Council will have regard to the following:</p> <ul style="list-style-type: none"> <li>(i) The avoidance of adverse overshadowing between buildings or over neighbouring land uses, and of other adverse microclimatic effects resulting from medium and high rise buildings at a high density;</li> <li>(ii) Acceptable levels of daylight to all habitable rooms and no single aspect north-facing homes;</li> <li>(iii) Acceptable levels of privacy for rear-facing habitable rooms and sitting-out areas;</li> <li>(iv) A management and maintenance plan to be prepared for multioccupancy buildings and implemented via planning conditions to ensure the future maintenance of the building and external spaces;</li> <li>(v) Flexibility in the internal layout of dwellings to allow adaptability to different lifestyles;</li> <li>(vi) Vehicle parking (including secure cycle and motorcycle parking) to an appropriate standard, as set by Essex County Council and policy DP19, and provided in a visually acceptable manner. In the case of flats, secure cycle storage should be incorporated into flat blocks and readily located at the building entrances, and;</li> <li>(vii) An accessible bin and recycling storage area, and external drying areas.</li> </ul>		<p>High conformity</p> <ul style="list-style-type: none"> <li>i) As per proposed site layout (CD13.6), all dwellings appropriate distance and angles from existing dwellings in compliance with Essex Design Guide (CD12.7).</li> <li>ii) As per proposed site layout (CD13.6), DAP design approach has applied these principles across the scheme and in accordance with Essex Design Guide (CD12.7).</li> <li>iii) As per proposed site layout (CD13.6), DAP design approach has applied these principles across the scheme and in accordance with Essex Design Guide (CD12.7).</li> <li>iv) Can be dealt with by future condition.</li> <li>v) All unit floorspace totals (see Accommodation Schedule (CD6b.30) meet or exceed minimum requirements set out in the Nationally Described Space Standards (CD12.9). 92% of affordable homes are M4(2) compliant, with 8% M4(3), and 34% of market homes are M4(2) compliant (CDs 13.29-13.35).</li> <li>vi) Vehicle parking provided in accordance with Essex Parking Standards (CD13.21). Cycle parking for apartments are integrated or close to entrance where achievable. Otherwise provided in parking courts. Houses have garage or shed for cycle storage where no garage (CD13.20).</li> </ul>

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			vii) All refuse stores are accessible (CD13.20). All apartments have external areas where drying lines could be fixed.
DP15	<p><b>DP15 – Retention of Open Space and Indoor Sports Facilities</b></p> <p>Development, including change of use, of any existing or proposed public or private open space, outdoor sports ground, school playing field forming part of an educational establishment and allotments (as identified on the Proposals Map) will not be supported unless it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>(i) Alternative and improved provision will be created in a location well related to the functional requirements of the relocated use and its existing and future users;</li> <li>(ii) The proposal would not result in the loss of an area important for its amenity or contribution to the green infrastructure network or to the character of the area in general; and</li> <li>(iii) It achieves the aims of the Colchester Parks and Green Spaces Strategy.</li> </ul> <p>Development proposals resulting in a loss of indoor recreation or sporting facilities must additionally demonstrate that:</p> <ul style="list-style-type: none"> <li>(iv) There is an identified excess provision within the catchment of the facility and no likely shortfall is expected within the plan period; or</li> <li>(v) Alternative and improved recreational provision will be supplied in a location well-related to the functional requirements of the relocated use and its existing and future users.</li> </ul> <p>In all cases, development will not be permitted that would result in any deficiencies in public open space requirements or increase existing deficiencies in the area either at the time of the proposal or be likely to result in a shortfall within the plan period. Additionally, development that would result in the loss of any small incidental areas of open space, not specifically identified on the Proposals Map but which contribute to the character of existing residential neighbourhoods, and any registered common, heathland or village green or which contribute to green infrastructure will not be permitted.</p>		<p>Not relevant as no public or private open spaces, sports grounds or playing fields are to be lost as a result of the development.</p> <p>The proposals provide a central area of open space which covers 10.8% of the application site area to support new residents (CD13.24). S106 contributions are also agreed to be used on Ward and Borough Parks and Recreation project, including Warriors Rest in Tiptree which is 1.1km from the site.</p>
DP16	<p><b>DP16 – Private Amenity Space and Open Space Provision for New Residential Development</b></p> <p>Private Amenity</p> <p>All new residential development shall provide private amenity space to a high standard, where the siting, orientation, size and layout make for a secure and usable space, which has an inviting appearance for residents and is appropriate to the</p>		<p>High conformity</p> <p>All garden sizes at least 50m<sup>2</sup>, 60m<sup>2</sup> or 100m<sup>2</sup> for 1-2 bed, 3 bed and 4 bed houses respectively (CD13.24 and 6c.16).</p>

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	<p>surrounding context. All private amenity spaces shall be designed so as to avoid significant overlooking.</p> <p>For the most accessible developments where, in accordance with Policy H2 in the Core Strategy, a density of over 75 dwellings per hectare may be appropriate, a minimum of 25m<sup>2</sup> of useable private amenity space shall be provided for each home (either as gardens, balconies or roof gardens/terraces). Elsewhere, the following standards shall apply:</p> <p>For houses:</p> <ul style="list-style-type: none"> <li>• One or two bedroom houses – a minimum of 50m<sup>2</sup></li> <li>• 3 bedroom houses – a minimum of 60m<sup>2</sup></li> <li>• 4 bedroom houses – a minimum of 100m<sup>2</sup></li> </ul> <p>For flats:</p> <ul style="list-style-type: none"> <li>• a minimum of 25m<sup>2</sup> per flat provided communally (where balconies are provided the space provided may be taken off the communal requirement)</li> </ul> <p>A higher standard of private amenity space may be required for small infill (including backland) schemes, to reflect the character of the surrounding area, in accordance with the adopted 'Backland and Infill Development' SPD. Development will not be permitted if it unacceptably reduces the level of existing private amenity space provision for existing buildings, particularly dwellings.</p> <p>Open Space</p> <p>In addition to private amenity space, all new residential development will be expected to provide new public areas of accessible strategic or local open space. Precise levels of provision will depend on the location of the proposal and the nature of open space needs in the area but as a guideline, at least 10% of the gross site area should be provided as useable open space. Where the Council accepts commuted sums in lieu of open space, the commuted sums will be used to provide additional open space or to improve existing open space in the locality of the development. Contributions may be pooled to provide larger areas of strategic open space where a need has been identified.</p> <p>A commuted sum is only likely to be acceptable in the following circumstances:</p> <ol style="list-style-type: none"> <li>(i) smaller developments of less than 0.5 ha, or where for some other reason strategic open space requirements cannot be met within the site;</li> <li>(ii) developments of dwellings for the elderly (where some compensating increase in private amenity space may be required);</li> </ol> <p>in a town centre location or where it is justified by an outstanding urban design approach based on site constraints and opportunities.</p>		<p>Total amenity provision of at least 25m<sup>2</sup> per apartment (CD13.24) made up of private external spaces for each apartment, and shared communal space. The table below demonstrates how the private balcony provision is factored into the total communal space provision.</p> <table border="1" data-bbox="1335 443 2121 1099"> <thead> <tr> <th></th> <th>Total Balcony Provision</th> <th>Total Communal</th> <th>Total Amenity</th> </tr> </thead> <tbody> <tr> <td>Apartment Block A (100-107)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>25m<sup>2</sup> per flat communally (- balcony provision) = 8 x 25 = 200</td> <td>105.98</td> <td>349.2</td> <td>455.18</td> </tr> <tr> <td>Apartment Block B (58-63)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>25m<sup>2</sup> per flat communally (- balcony provision) = 6 x 25 = 150</td> <td>47.95</td> <td>132.6</td> <td>180.55</td> </tr> <tr> <td>Apartment Block C (37-52)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>25m<sup>2</sup> per flat communally (- balcony provision) = 16 x 25 = 400</td> <td>176.7</td> <td>237.1</td> <td>413.8</td> </tr> </tbody> </table> <p>At least 10% of the site is provided as useable open space (CD13.24) so no further commuted sum required.</p>		Total Balcony Provision	Total Communal	Total Amenity	Apartment Block A (100-107)				25m <sup>2</sup> per flat communally (- balcony provision) = 8 x 25 = 200	105.98	349.2	455.18	Apartment Block B (58-63)				25m <sup>2</sup> per flat communally (- balcony provision) = 6 x 25 = 150	47.95	132.6	180.55	Apartment Block C (37-52)				25m <sup>2</sup> per flat communally (- balcony provision) = 16 x 25 = 400	176.7	237.1	413.8
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<p><b>DP17</b></p>	<p><b>DP17 – Accessibility and Access</b></p> <p>All developments should seek to enhance accessibility for sustainable modes of transport, by giving priority to pedestrian, cycling and public transport access to ensure they are safe, convenient and attractive, and linked to existing networks. Proposals for development shall incorporate satisfactory and appropriate provision for:</p> <ul style="list-style-type: none"> <li>(i) Pedestrians, including disabled persons and those with impaired mobility;</li> <li>(ii) Cyclists, including routes, secure cycle parking and changing facilities where appropriate;</li> <li>(iii) Public transport and measures that reduce dependency on private vehicles;</li> <li>(iv) Linkages to networks as appropriate including the development of new pedestrian and cycle paths and the development of transit corridors in north and east Colchester;</li> <li>(v) Servicing and emergency vehicles.</li> </ul> <p>Access to all development should be created in a manner which maintains the right and safe passage of all highway users. Development will only be allowed where there is physical and environmental capacity to accommodate the type and amount of traffic generated in a safe manner. The access and any traffic generated shall not unreasonably harm the surroundings, including the amenity of neighbouring properties and/or the public rights of way network.</p> <p>Proposals will need to be accompanied by a Transport Assessment or Statement as well as a Travel Plan or Residential Travel Pack as considered appropriate by the local planning authority. The Essex County Council Transportation Development Management Policies Guidance Note provides further detail on requirements relating to accessibility and access including Transport Assessment and Statement thresholds for each land use category.</p>		<p>High conformity</p> <p>The site is fully accessible for all users:</p> <ul style="list-style-type: none"> <li>i) Footways and shared surfaces throughout the entire scheme. Improved crossing points along Kelvedon Road also proposed in draft S106.</li> <li>ii) Separate pedestrian and cycle route into the site and cycle parking provided for all apartments and houses.</li> <li>iii) Bus stops outside of the site which provide onward connectivity at Kelvedon and Witham in particular (CD13.11 Appendix 10).</li> <li>iv) New footways proposed along site frontage along Kelvedon Road to ensure connection to existing pedestrian routes into the village centre.</li> <li>v) Site fully tracked for refuse and emergency vehicles as confirmed in with ECC Highways through SoCG.</li> </ul> <p>Transport assessment submitted with the application (CD13.11) and confirms no significant or material impact on the operation of the local highway network.</p>
<p><b>DP19</b></p>	<p><b>DP19 – Parking Standards</b></p> <p>The Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009. The SPD sets design standards and provision levels for a comprehensive range of uses and transport modes. The level of parking provision required will depend on the location, type and intensity of use. For residential uses, specifically, a minimum of 1 car parking space should be provided for each 1-bedroom dwelling or 2 car parking spaces for each dwelling of 2 or more bedrooms, in addition to 0.25 spaces per dwelling for visitors. A lower standard may be acceptable or required where it can be clearly demonstrated that there is a high level of access to services, such as a town centre location. Cycle parking will be required for all developments. Provision must also be made for disabled and motorcycle parking.</p>		<p>High conformity</p> <p>The scheme includes parking provision fully in compliance with EPOA Parking Standards 2009, as demonstrated on the submitted Parking Strategy (CD13.21), with the plot by plot provision also confirmed in the Accommodation Schedule (CD6c.16).</p> <p>Cycle parking provided for all units also (CD13.20).</p>

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Policy No.	Policy Text	Status	Degree of Conformity
<p><b>DP20</b></p>	<p><b>DP20 – Flood Risk and Management of Surface Water Drainage</b></p> <p>Development will only be supported where it can be demonstrated that the proposal meets requirements in PPS25 (Development and Flood Risk), recommendations in Colchester’s Strategic Flood Risk Assessment, and includes satisfactory flood defence measures or flood mitigation measures such as Sustainable Drainage Systems (SuDS) to minimise the risk of increased flooding both within the development boundary and off site in Flood Zones 2 and 3. Proposals that include measures to enhance the flood resilience of new or renovated buildings will be encouraged.</p> <p>All development proposals shall incorporate measures for the conservation and sustainable use of water. These measures shall include appropriate SuDS for managing surface water runoff within the overall design and layout of the site and measures to conserve water within individual building designs. The use of SuDS will be particularly important as part of green field developments to manage surface water run-off rates, and in areas close to underground aquifers and landfill sites to reduce the risk of pollution.</p>		<p>High conformity</p> <p>The site is in Flood Zone 1 and is there at the lowest risk of flooding.</p> <p>A SuDS Strategy is proposed (CD13.9 &amp; 13.10) which includes the use of a central attenuation basin to maintain greenfield run off rates and also filter surface water runoff. The basin will also provide useable open space as well as a place for high value planting to support biodiversity. No objection from LLFA.</p>
<p><b>DP21</b></p>	<p><b>DP21 – Nature Conservation and Protected Lanes</b></p> <p>Development proposals where the principal objective is to conserve or enhance biodiversity and geodiversity interests will be supported in principle. For all proposals, development will only be supported where it:</p> <ul style="list-style-type: none"> <li>(i) Is supported with acceptable ecological surveys where appropriate. Where there is reason to suspect the presence of protected species, applications should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs;</li> <li>(ii) Will conserve or enhance the biodiversity value of greenfield and brownfield sites and minimise fragmentation of habitats;</li> <li>(iii) Maximises opportunities for the restoration, enhancement and connection of natural habitats in accordance with the Essex Biodiversity Action Plan; and</li> <li>(iv) Incorporates beneficial biodiversity conservation features and habitat creation where appropriate.</li> </ul> <p>Additionally, proposals for development that would cause direct or indirect adverse harm to nationally designated sites or other designated areas or protected species will not be permitted unless:</p> <ul style="list-style-type: none"> <li>(a) They cannot be located on alternative sites that would cause less harm;</li> <li>(b) The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and</li> <li>(c) Satisfactory prevention, mitigation and compensation measures are provided.</li> </ul>		<p>High Conformity</p> <ul style="list-style-type: none"> <li>i) All required surveys were submitted with the application. Some of these have been updated to ensure they are up to date prior to the Inquiry. Where presence identified, mitigation is proposed. A reptile mitigation strategy has been provided (CD13.9 and 13.10) and a payment to the Great Crested Newt District Licensing Scheme has also been agreed (CD13.4). Hedgerow and tree clearance will be undertaken in accordance with guidance in relation to nesting seasons.</li> <li>ii) Will conserve or enhance the biodiversity value of greenfield and brownfield sites and minimise fragmentation of habitats; and</li> <li>iii) A landscape strategy has been prepared (CD13.7) as informed by the ecological assessments and existing landscape value to ensure that opportunities for protection and enhancement are captured.</li> <li>iv) As per the Biodiversity Net Gain Assessment (CD13.5), the development has the potential to achieve 20.34% onsite biodiversity net gain.</li> </ul>

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Policy No.	Policy Text	Status	Degree of Conformity
	<p>Protected Lanes of historic and/or landscape value shown on the Proposals Map will be protected from development that would adversely affect their physical appearance or would give rise to a material increase in the amount of traffic using them.</p> <p>The significance of other historic landscape features should be considered and, where appropriate, assimilated in new development.</p>		<p>The proposals will not cause significant direct or indirect adverse harm by nature of the mitigation and enhancement opportunities incorporated into the scheme as a result of the assessments undertaken.</p>
<b>SITE ALLOCATIONS POLICIES (2010)</b>			
<b>SA TIP1</b>	<p><b>SA TIP1: – Residential sites in Tiptree</b></p> <p>Within Tiptree a number of small sites have been identified within areas allocated predominately residential on the Proposals Map which will contribute to the delivery of the housing targets identified in the Adopted Colchester Borough Core Strategy.</p> <p>In addition to this a site at Grange Road is allocated to deliver approximately 140 homes. Development of this site is not expected to commence until 2016. Development cannot take place until there is capacity at the Tiptree Sewage Treatment Works.</p> <p>Development of the site will also be expected to deliver the following infrastructure;</p> <ul style="list-style-type: none"> <li>• Transport improvements (see policy SA TIP2)</li> <li>• Open space, allotments, sport and recreational facilities in Grange Road.</li> </ul>	<p>Most Important / Out of date</p>	<p>No conflict</p> <p>The policy is based on Core Strategy housing targets as stated which are now out of date and have been superseded.</p> <p>Whilst the site was not allocated under this policy, the policy does not expressly limit development to allocated sites only.</p>
<b>SA TIP2</b>	<p><b>SA TIP2: Transport in Tiptree</b></p> <p>Development of the allocated housing sites in Tiptree will be required to provide highway capacity and safety improvements within the vicinity of the site (likely to include but not be limited to the Grange Road/Vine Road and Kelvedon Road junctions) as well as the routes between Tiptree and the A12 in particular via Feering/Kelvedon. Development will also be expected to contribute to a package of sustainable transport measures including public transport. Travel Plans and Residential Travel Packs will be required. The design of any development will incorporate measures to encourage walking and cycling within the site and to the village centre, other local facilities, and linkages to the National Cycle Network.</p>	<p>Most Important / Out of date</p>	<p>No conflict</p> <p>This policy deals with transport in Tiptree resulting from new housing sites and in that respect could be considered most important. It does however in the first section at least, expressly only deal with allocated housing sites. The proposed development is not allocated in the current plan and therefore this policy is partly not applicable. The policy is therefore out of date in this respect.</p> <p>With regards to sustainable travel measures, travel plans and/or residential travel packs could be provided by way of condition. The scheme provides a segregated cycle and pedestrian access to encourage safe access, and cycle parking provided to all new residents will support the use of cycles. Footway and crossing improvements to Kelvedon Road will better the existing situation and encourage safe access to the bus stops outside the site and onwards into the village.</p>

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Policy No.	Policy Text	Status	Degree of Conformity
<p><b>SA H2</b></p>	<p><b>SA H2: Gypsy and Traveller Accommodation</b></p> <p>The following locations are allocated for gypsy and traveller accommodation, as shown on the Proposals Map. The sites will be considered suitable for the number of pitches listed below.</p> <ol style="list-style-type: none"> <li>1. Severalls Lane, Colchester - 12 pitches</li> <li>2. Clearview, Rectory Road, Aldham - 1 pitch</li> <li>3. Colt Farm, Tiptree - 2 pitches</li> <li>4. Emmanuel, Kelvedon Road, Tiptree - 1 pitch</li> <li>5. Nunns Farm, Lower Road, Layer Breton - 1 pitch</li> <li>6. The Paddocks, Kelvedon Road, Tiptree - 2 pitches</li> <li>7. Stableview, Newbridge Road, Tiptree - 2 pitches</li> <li>8. Bridge Side, Turkey Cock Lane, Stanway - 3 pitches</li> <li>9. Ponys Farm, Kelvedon Road, Tiptree - 1 pitch</li> <li>10. Land adj. to Gwynlian, Kelvedon Road, Tiptree - 2 pitches</li> <li>11. Orchard Place, Vernons Road, Chappel - 3 pitches</li> </ol> <p>Total 30 pitches</p> <p>The Council will consider the need to allocate additional sites to provide for provision post-2011 in light of further government guidance. Any such review will have regard to the need identified in the Essex Gypsy and Traveller Accommodation Assessment (GTAA) and any authorised pitches provided through planning applications up to that date. Core Strategy Policy H5 provides criteria to assist in the identification of sites and determination of planning applications.</p>	<p>Most Important</p>	<p>High conformity</p> <p>The current provision at site no. 9 (1 pitch) to be re-provided as third pitch on site no. 6.</p> <p>The draft S106 (Schedule 9) commits the relocation of the Pony's Farm provision to be lost, to The Paddocks, to ensure no net loss of provision of sites to meet the needs of gypsies and travellers. The Paddocks has formal planning permission for gypsy &amp; traveller (Application ref: 070113) and this permission allows up to 4 mobile homes or touring caravans which is not currently utilised to full capacity. Both of the sites are within the same ownership.</p>
<b>SECTION 1 LOCAL PLAN (2013-2033)</b>			
<p><b>SP1</b></p>	<p><b>Policy SP1: Presumption in Favour of Sustainable Development</b></p> <p>When considering development proposals the Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. They will always work pro-actively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Development that complies with the Plan will be approved without delay, unless material considerations indicate otherwise.</p>		<p>High conformity</p> <p>The site can provide sustainable development by improving economic, social and environmental conditions in the area. Proposals also complies with all other elements of the Plan and as such should be approved without delay.</p>
<p><b>SP2</b></p>	<p><b>Policy SP2: Recreational disturbance Avoidance and Mitigation Strategy (RAMS)</b></p> <p>Contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS).</p>		<p>High conformity</p> <p>RAMS payment of £127.30 per dwelling agreed through draft S106 agreement (£16,549 total). On site and off site mitigation is also proposed to alleviate recreational pressure on the protected areas as assessed through CBCs HRA and accepted by Natural</p>

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Policy No.	Policy Text	Status	Degree of Conformity
			England. This has approach has been agreed with CBC through the RAMS SoCG.
<b>SP3</b>	<p><b>Policy SP3: Spatial Strategy for North Essex</b></p> <p>Existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.</p> <p>Future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. Re-use of previously developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.</p> <p>In Section 2 of its Local Plan each local planning authority will identify a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs.</p> <p>Beyond the main settlements the authorities will support diversification of the rural economy and conservation and enhancement of the natural environment.</p> <p>As part of the sustainable strategy for growth, the Tendring / Colchester Borders Garden Community will be developed and delivered at the broad location shown on Key Diagram 10.2 and on the Colchester and Tendring Local Plans Policies Maps. This new community will provide a strategic location for homes and employment within the Plan period in North Essex. The expectation is that substantial additional housing and employment development will be delivered in the Garden Community beyond the current Local Plan period.</p>		<p>High conformity</p> <p>Tiptree is an existing settlement and should therefore be a principal focus for additional growth across the North Essex Authorities area within the Local Plan period.</p> <p>The site adjoins the settlement. Tiptree is a large village with a good provision of local services and facilities. It has good bus connections and has an important role in the Colchester area given its facilities and ability to support a large population. Development should therefore be located within or adjacent to its existing settlements and the proposed development is modest and proportionate to the size of the settlement and its role in the Borough.</p> <p>The proposed location would not prevent Tiptree from maintaining its distinctive character and role, nor lead to coalescence with any nearby settlements.</p> <p>Section 2 not yet adopted the settlement hierarchy but recognised as a sustainable settlement in the submission draft.</p>
<b>SP4</b>	<p><b>Policy SP4: Meeting Housing Needs</b></p> <p>The local planning authorities will identify sufficient deliverable sites, developable sites and/or broad locations for their respective plan period, to meet the housing requirements in the table below, and will incorporate additional provision to ensure flexibility and choice and competition for land.</p> <p>Each authority will maintain a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer in accordance with national policy, and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy and relevant policies in the plan. The annual housing requirement figures set out below will be used as the basis for assessing each</p>		<p>High conformity</p> <p>The development will provide housing on a deliverable site in a broad location for growth that has been identified in the emerging Section 2 Local Plan.</p>

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Policy No.	Policy Text	Status	Degree of Conformity															
	<p>authority's five-year housing land supply, subject to any adjustments in Section 2 of each plan to address any undersupply since 2013.</p> <p>The authorities will review their housing requirements regularly in accordance with national policy requirements, and in doing so will have regard to the housing needs of the wider area.</p> <table border="1" data-bbox="282 403 965 595"> <thead> <tr> <th>Local Authority</th> <th>Housing requirement per annum</th> <th>Total minimum housing requirement for the plan period (2013 – 2033)</th> </tr> </thead> <tbody> <tr> <td>Braintree</td> <td>716</td> <td>14,320</td> </tr> <tr> <td>Colchester</td> <td>920</td> <td>18,400</td> </tr> <tr> <td>Tendring</td> <td>550</td> <td>11,000</td> </tr> <tr> <td><b>Total</b></td> <td><b>2,186</b></td> <td><b>43,720</b></td> </tr> </tbody> </table>	Local Authority	Housing requirement per annum	Total minimum housing requirement for the plan period (2013 – 2033)	Braintree	716	14,320	Colchester	920	18,400	Tendring	550	11,000	<b>Total</b>	<b>2,186</b>	<b>43,720</b>		
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<p><b>SP5</b></p>	<p><b>Policy SP5: Employment</b></p> <p>A strong, sustainable and diverse economy will be promoted across North Essex with the local planning authorities pursuing a flexible approach to economic sectors showing growth potential across the Plan period.</p> <p>In order to meet the requirements for office, research &amp; development, industrial, storage and distribution uses and to maintain appropriate flexibility in provision to meet the needs of different sectors, Section 2 of each plan will allocate employment land to ensure that provision is made within the ranges set out in the table below.</p> <p>Hectares of employment land required for office, research &amp; development, industrial, storage and distribution uses:</p> <table border="1" data-bbox="282 970 1077 1169"> <thead> <tr> <th></th> <th>Baseline</th> <th>Higher Growth Scenario</th> </tr> </thead> <tbody> <tr> <td>Braintree</td> <td>20.9</td> <td>43.3</td> </tr> <tr> <td>Colchester</td> <td>22.0</td> <td>30</td> </tr> <tr> <td>Tendring</td> <td>12.0</td> <td>20.0</td> </tr> <tr> <td><b>North Essex</b></td> <td><b>54.9</b></td> <td><b>93.3</b></td> </tr> </tbody> </table>		Baseline	Higher Growth Scenario	Braintree	20.9	43.3	Colchester	22.0	30	Tendring	12.0	20.0	<b>North Essex</b>	<b>54.9</b>	<b>93.3</b>		<p>Some conflict with the allocation of part of the site for Employment. The employment designation however is considered out of date in light of Council evidence base and Council stated position. The supply in Policy SP5 does not rely on the application site.</p> <p>The latest CBC Employment Land Needs Assessment: Final Report (2015) concludes that there was an adequate supply of employment land in the Rural District Centre (including Tiptree), despite discounting the undeveloped portions of the Tower House allocation, as detailed in Employment Land Supply Note Jan 2022 (CD13.6). The assessment also recognised that there is “no apparent scope for further development” on the undeveloped parts of the allocation, such as the land forming part of this application.</p>
	Baseline	Higher Growth Scenario																
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Appendix A - Adopted Development Plan

Policy No.	Policy Text	Status	Degree of Conformity
<p><b>SP6</b></p>	<p><b>Policy SP6: Infrastructure &amp; Connectivity</b></p> <p>All development must be supported by the provision of the infrastructure, services and facilities that are identified to serve the needs arising from the development. The requirements in section A of this policy apply only to the Tendring / Colchester Borders Garden Community, whilst the remaining sections B, C, D and E apply to all allocations and development proposals in the North Essex Authorities area.</p> <p>A.Tendring / Colchester Borders Garden Community</p> <ol style="list-style-type: none"> <li>1. The Development Plan Document (DPD) for the Tendring / Colchester Borders Garden Community will include:               <ol style="list-style-type: none"> <li>a) An infrastructure delivery strategy and phasing plan that sets out how infrastructure, services and facilities will be provided. Infrastructure delivery will align with each development phase and be supported by suitable mechanisms to deliver the infrastructure both on and off-site;</li> <li>b) Details of the design and delivery of Route 1 of the rapid transit system, and a programme for the integration of the garden community into the system. The route will be designed to accommodate future route enhancements and technology improvements; and</li> <li>c) Target modal shares for each transport mode and details of sustainable transport measures to support their achievement.</li> </ol> </li> <li>2. Before any planning approval is granted for development forming part of the Tendring / Colchester Borders Garden Community, the following strategic transport infrastructure must have secured planning consent and funding approval:               <ol style="list-style-type: none"> <li>a) A120-A133 link road: and</li> <li>b) Route 1 of the rapid transit system as defined in the North Essex Rapid Transit System: From Vision to Plan document (July 2019).</li> </ol> </li> <li>3. Sustainable transport measures will be provided from first occupation at the Tendring / Colchester Borders Garden Community to support the achievement of the target modal shares as defined in the DPD for the garden community.</li> <li>4. Other strategic infrastructure requirements for the Tendring / Colchester Borders Garden Community are set out in sections D, E and F of Policy SP9, and will be further defined in the DPD for the garden community.</li> </ol> <p>B. Transportation and Travel</p> <p>The local planning authorities will work with government departments, Highways England, Essex County Council, Network Rail, rail and bus operators, developers and other partners to deliver the following;</p>		<p>Good conformity</p> <ol style="list-style-type: none"> <li>A. Not relevant.</li> <li>B. Scheme provides footway enhancements along Kelvedon Road and safe pedestrian and cycle access throughout the new site. Site also provide EV charging for cars (CD13.21).</li> <li>C. The draft S106 agreement confirms contributions for improvements to local existing medical and secondary education facilities to directly mitigate the expected impacts of the proposed development. The scheme will also provide opportunities for on-site enjoyment of public open space, a play area, and circular walking routes.</li> <li>D. All new homes will have access to broadband and other digital connections. Details can be agreed by condition if required.</li> <li>E. Anglian Water consultation response (04/12/2020) confirmed suitable capacity in existing wastewater network.</li> </ol>

Appendix A - Adopted Development Plan

Policy No.	Policy Text	Status	Degree of Conformity
	<ul style="list-style-type: none"> <li>• Changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles;</li> <li>• A comprehensive network of segregated walking and cycling routes linking key centres of activity;</li> <li>• Improved urban and inter-urban public transport, and new and innovative ways of providing public transport, including:               <ul style="list-style-type: none"> <li>- high quality rapid transit networks and connections in and around urban areas with links to the new garden community;</li> <li>- maximising the use of the local rail network to serve existing communities and locations for large-scale growth;</li> <li>- a bus network providing a high-frequency, reliable and efficient service, integrated with other transport modes serving areas of new demand; promoting wider use of community transport schemes;</li> </ul> </li> <li>• Increased rail capacity, reliability and punctuality, and reduced overall journey times by rail;</li> <li>• New and improved road infrastructure and strategic highway connections to reduce congestion and provide more reliable journey times along the A12, A120 and A133, specifically:               <ul style="list-style-type: none"> <li>- Improved access to and capacity of junctions on the A12 and other main roads;</li> <li>- A dualled A120 from Braintree to the A12.</li> </ul> </li> <li>• Innovative strategies for the management of private car use and parking including the promotion of car clubs and car sharing, and provision of electric car charging points.</li> </ul> <p>C. Social Infrastructure The local planning authorities will work with relevant providers and developers to facilitate the delivery of a wide range of social infrastructure required for healthy, active and inclusive communities, minimising negative health and social impacts, both in avoidance and mitigation, as far as is practicable.</p> <p>Education</p> <ul style="list-style-type: none"> <li>• Sufficient school places will be provided in the form of expanded or new primary and secondary schools together with early years and childcare facilities that are phased with new development, with larger developments setting aside land and/or contributing to the cost of delivering land for new schools where required. Practical vocational training, apprenticeships, and further and higher education will be provided and supported.</li> </ul> <p>Health and Wellbeing</p> <ul style="list-style-type: none"> <li>• Healthcare infrastructure will be provided as part of new developments of appropriate scale in the form of expanded or new facilities including primary and acute care; pharmacies; dental surgeries; opticians; supporting community services including hospices, treatment and counselling centres.</li> </ul>		

Appendix A - Adopted Development Plan

Policy No.	Policy Text	Status	Degree of Conformity
	<ul style="list-style-type: none"> <li>• Require new development to maximise its positive contribution in creating healthy communities and minimise its negative health impacts, both in avoidance and mitigation, as far as is practicable.</li> <li>• The conditions for a healthy community will be provided through the pattern of development, good urban design, access to local services and facilities; green open space and safe places for active play and food growing, and which are all accessible by walking, cycling and public transport.</li> </ul> <p>D. Digital Connectivity Comprehensive digital access to support business and community activity will be delivered through the roll-out of ultrafast broadband across North Essex to secure the earliest availability of full fibre connections for all existing and new developments (residential and non-residential). All new properties will allow for the provision for ultrafast broadband in order to allow connection to that network as and when it is made available.</p> <p>E. Water &amp; Waste water The local planning authorities will work with Anglian Water, Affinity Water, the Environment Agency and developers to ensure that there is sufficient capacity in the water supply and waste water infrastructure to serve new development. Where necessary, improvements to water infrastructure, waste water treatment and off-site drainage should be made ahead of the occupation of dwellings to ensure compliance with environmental legislation.</p>		
<b>SP7</b>	<p><b>Policy SP7: Place Shaping Principles</b></p> <p>All new development must meet high standards of urban and architectural design. Development frameworks, masterplans, design codes, and other design guidance documents will be prepared in consultation with stakeholders where they are needed to support this objective.</p> <p>All new development should reflect the following place shaping principles, where applicable:</p> <ul style="list-style-type: none"> <li>i) Respond positively to local character and context to preserve and enhance the quality of existing places and their environs;</li> <li>ii) Provide buildings that exhibit individual architectural quality within well-considered public and private realms;</li> <li>iii) Protect and enhance assets of historical or natural value;</li> <li>iv) Incorporate biodiversity creation and enhancement measures;</li> <li>v) Create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car;</li> <li>vi) Provide a mix of land uses, services and densities with well-defined public and private spaces to create sustainable well-designed neighbourhoods;</li> <li>vii) Enhance the public realm through additional landscaping, street furniture and other distinctive features that help to create a sense of place;</li> <li>viii) Provide streets and spaces that are overlooked and active and promote inclusive access;</li> </ul>		<p>High conformity</p> <ul style="list-style-type: none"> <li>i) Local character and context appraisals undertaken and scheme derived from this work (CD13.37 Sections 3.7-3.11).</li> <li>ii) The housetypes are bespoke and high quality, and are interspersed with private and public amenity space. The scheme also protects the amenity of existing neighbouring development.</li> <li>iii) There are no assets of historical value within the vicinity of the site. Existing landscape features such as trees, waterbodies and hedgerows have been informed the final layout.</li> <li>iv) Landscaping strategy (CD13.7) and design ensures biodiversity net gain of 20.34% as confirmed in Biodiversity Net Gain Assessment (CD13.5).</li> <li>v) The site is accessible on foot, by cycle and by bus.</li> <li>vi) The scale of the site is conducive to a residential-only provision however it is supported by new open space</li> </ul>

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Policy No.	Policy Text	Status	Degree of Conformity
	<ul style="list-style-type: none"> <li data-bbox="324 231 1106 279">ix) Include parking facilities that are well integrated as part of the overall design and are adaptable if levels of private car ownership fall;</li> <li data-bbox="324 279 1106 351">x) Provide an integrated and connected network of biodiverse public open space and green and blue infrastructure, thereby helping to alleviate recreational pressure on designated sites;</li> <li data-bbox="324 351 1106 446">xi) Include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate water and wastewater and flood mitigation measures including the use of open space to provide flora and fauna rich sustainable drainage solutions; and</li> <li data-bbox="324 446 1106 502">xii) Protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.</li> </ul>		<p data-bbox="1473 231 2072 287">and a play area, as well as connectivity to existing services and facilities within Tiptree.</p> <ul style="list-style-type: none"> <li data-bbox="1377 295 2116 375">vii) Landscaping strategy provided to ensure consideration of landscaping, street furniture particularly to enhance circular walks through site</li> <li data-bbox="1377 383 2116 470">viii) Secure by design principles applied across the site to ensure overlooking of parking courts and active street frontages for example.</li> <li data-bbox="1377 478 2094 566">ix) Range of types of parking which will be landscaped and seek to reduce visual car dominance of the scheme</li> <li data-bbox="1377 574 2116 718">x) Green/blue infrastructure and public open space network seeks to make best use of spaces and existing features on the site. Multi use of central open space to ensure it contributes to drainage, ecology, play and landscaping.</li> <li data-bbox="1377 726 2116 933">xi) SuDS strategy includes large basin which will be landscaped to ensure ecological value. Also propose permeable driveways and rainwater harvesting through use of waterbutts across the scheme for example (CD13.9 &amp; 13.10). Water efficiency encouraged through construction/appliances (CD13.37 Section 3.19).</li> <li data-bbox="1377 941 2116 1061">xii) No impacts on amenity of neighbouring residents and users through consideration of these constraints to inform the layout/design (CD6b13a Section 1.9 and 1.14).</li> </ul>

Appendix B - Emerging Development Plan

Policy No.	Policy Text	Status	Degree of conformity
<b>SECTION 2</b>			
<b>SG1</b>	<p><b>Policy SG1: Colchester's Spatial Strategy</b></p> <p>Throughout the Borough, growth will be located at the most accessible and sustainable locations in accordance with the spatial strategy for North Essex set forth in Policy SP3 in Section One and with the spatial hierarchy set out in Table SG1.</p> <p>The spatial hierarchy ranks areas of the Borough in order of their sustainability merits and the size, function and services provided in each area. The centres hierarchy is set out in Policy SG3.</p> <p>Development will be focused on accessible locations to reduce the need to travel. Development will be supported where a real travel choice is provided and sustainable travel for different purposes is promoted throughout the day.</p> <p>This spatial hierarchy focuses growth on the urban area of Colchester, reflecting its position as the main location for jobs, housing, services, and transport. Within this urban area, the Central Area of Colchester including the Town Centre is the most sustainable location for new development given that it can accommodate higher densities reliant on its good access to public transport and concentrated mix of uses which minimise the need to travel. The surrounding built up, North, South, East and West (including Stanway) urban areas of Colchester provide the next sub-level of well-connected, sustainable locations for growth. The next tier of preferred growth includes a Garden Community straddling the boundary with Tendring District Council providing a new greenfield sustainable community which will grow gradually, over time, extending beyond the plan period. The second tier also includes existing Sustainable Settlements within the Borough most of which are planned for appropriate growth.</p> <p>In the remaining Other Villages and Countryside of Colchester, new development will only be acceptable where it accords with policies OV1 and OV2. New development in the open countryside will be required to respect the character and appearance of landscapes and the built environment and preserve or enhance the historic environment and biodiversity to safeguard the rural character of the Borough.</p>		<p>High conformity</p> <p>Tiptree is recognised as a sustainable settlement based on its sustainability merits, size, function and services, and thus the site is in a sustainable location given that it is immediately adjacent and easily accessible to such a settlement. The Development Plan therefore recognises Tiptree as a sustainable location for growth.</p> <p>The site is recognised as an accessible location in line with its identification as a preferred direction of growth. Further detail on nearby bus stops located nearby to the site, pedestrian and cycle connectivity to the village, is detailed in the Transport Assessment (CD13.11 Para 3.8-3.13 and Appendix 10). New footway and potential crossing points are proposed as part of the scheme. Bus services along Kelvedon Road serve Kelvedon and Witham where mainline train connections are available.</p>
<b>SG2</b>	<p><b>Policy SG2: Housing Delivery</b></p> <p>The Local Planning Authority will plan, monitor and manage the delivery of at least 14,720 new homes in Colchester Borough between 2017 and 2033. The housing target is based on a robust Objectively Assessed Housing Need figure of 920 homes a year and provides alignment with the targets for the delivery of employment land.</p> <p>The overall distribution of new housing, as shown in Table SG2, is guided by the settlement hierarchy set out in the Spatial Strategy and Policy SG1. New housing development will be focused on the following key areas:</p> <ul style="list-style-type: none"> <li>Colchester urban area (Place policies for Central, North, South, East and West Colchester)</li> </ul>		<p>High conformity</p> <p>Tiptree is identified within the plan as a Sustainable Settlement.</p> <p>Development adjacent to Tiptree will support vitality and viability of the settlement.</p> <p>Policy SS14 sets out a requirement for a minimum of 400 homes within Tiptree.</p>

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	<ul style="list-style-type: none"> <li>• Tendring / Colchester Borders Garden Community (Section 1 Policy SP98)</li> </ul> <p>Detailed decisions on the location, type and level of development to be carried out in the Garden Community will be made through a joint plan to be agreed with Tendring District Council, as outlined in Section 1 of this plan.</p> <p>To maintain the vitality and viability of the Borough's smaller towns and villages, an appropriate level of new development will be brought forward in Sustainable Settlements to support new homes and economic and social development. Details on those allocations are provided in Policies SS1- SS16 (Sustainable Settlements).</p>		
<p><b>SG4</b></p>	<p><b>Policy SG4: Local Economic Areas</b></p> <p>The Local Economic Areas as defined on the policies maps and listed in policy tables SG3 and SG4, will be safeguarded primarily for B class uses and office use within E Class where appropriate to provide, protect and enhance employment provision in a range of locations across the borough to enable balanced job and housing growth. Planning permission will be granted for the redevelopment or change of use for non-Class B uses where:</p> <ul style="list-style-type: none"> <li>i) it can be demonstrated that there is no reasonable prospect of the site concerned being used for Class B purposes; and</li> <li>ii) The supply, availability and variety of B use class employment land is sufficient to meet Borough and local needs; and</li> <li>iii) it can be demonstrated that the alternative use cannot be reasonably located elsewhere within the area it serves; and</li> <li>iv) The proposal does not generate potential conflict with the existing proposed B class uses / activities on the site; and</li> <li>v) the use will not give rise to unacceptable traffic generation, noise, smells or vehicle parking; and</li> <li>vi) The proposal provides the opportunity to maximise the sites potential for economic growth and support the continued operation of existing employment uses within the economic area.</li> </ul> <p>Opportunities to enhance and renew more dated buildings within Local Economic Areas will be supported when proposals are promoted for improvements to existing operations or for new operations where the use and scale is appropriate.</p>	<p>Most Important</p>	<p>Some conflict with the allocation of part of the site for Employment, however the site is not considered as forming part of employment land supply as set out in the Council's own evidence base. As referred in CD10.12, the loss of the land would not directly result in a loss of employment capacity in the Borough. The employment allocation at Tiptree is in the represent out of date.</p> <ul style="list-style-type: none"> <li>i) Site has been allocated for employment since 2010 Site Allocations and not developed in this time. The site can only be accessed through third part land and thus cannot be delivered independently.</li> <li>ii) Employment Land Supply Note (CD13.6) recognises that the land is not needed to meet employment land demand for Colchester.</li> <li>iii) The general area is identified as a broad area for residential growth in emerging Policy SS14 and Policies Map(CD8.4 and CD9.2).</li> <li>iv) There are no existing employment uses on the site. In addition, there remains a buffer of land between the application site and existing employment uses.</li> <li>v) The proposed residential use will not result in unacceptable impacts in respect of noise, traffic generation, smells or vehicle parking due to the nature of such a use. Fully compliant parking</li> </ul>

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			<p>(CD13.21) will also ensure that parking requirements are met within the site and not impact the surrounding area.</p> <p>vi) It is acknowledged in the Council evidence base that there is no scope for employment development on the site.</p>
<p><b>SG7</b></p>	<p><b>Policy SG7: Infrastructure Delivery and Impact Mitigation</b></p> <p>All new development should be supported by, and have good access to, all necessary infrastructure.</p> <p>Permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. It must further be demonstrated that such capacity as is required will prove sustainable over time both in physical and financial terms.</p> <p>Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider. Such measures may include (not exclusively):</p> <ul style="list-style-type: none"> <li>i) Financial contributions towards new or expanded facilities and the maintenance thereof;</li> <li>ii) On-site provision (which may include building works);</li> <li>iii) Off-site capacity improvement works; and/or</li> <li>iv) The provision of land.</li> </ul> <p>Developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments.</p> <p>Measures required to mitigate the impacts of recreational disturbance on habitats sites will be delivered as detailed in the adopted Essex Coast Recreational disturbance Avoidance and Mitigation Strategy.</p> <p>Small sites can have a cumulative effect on infrastructure and proportional contributions will be sought from all developments where this is demonstrated to be the case. Developers and land owners must work positively with the Local Planning Authority, neighbouring authorities and other infrastructure providers throughout the planning process to ensure that the cumulative impact of development is considered and then mitigated, at the appropriate time, in line with published policies and guidance.</p> <p>Exceptions to this policy will only be considered whereby:</p>		<p>High conformity</p> <p>Policy SS14 has recognised that Tiptree has the capacity to support growth of at least 400 homes.</p> <p>A significant section 106 package of financial contributions is proposed with the scheme. This includes:</p> <p>A financial contribution towards a new Scout Hut has been agreed within the Draft S106 (£352,659.53).</p> <p>A RAMS contribution has also been agreed in the Draft S106 (£16,549).</p> <p>The proposals provide for requested mitigation identified by the local planning authority.</p>

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	<ul style="list-style-type: none"> <li>i) It is proven that the benefit of the development proceeding without full mitigation outweighs the collective harm;</li> <li>ii) A fully transparent open book viability assessment has proven that full mitigation cannot be afforded, allowing only for the minimum level of developer profit and land owner receipt necessary for the development to proceed;</li> <li>iii) Full and thorough investigation has been undertaken to find innovative solutions to issues and all possible steps have been taken to minimise the residual level of unmitigated impacts; and</li> <li>iv) Obligations are entered into by the developer that provide for appropriate additional mitigation in the event that viability improves prior to completion of the development.</li> </ul>		
<p><b>SG8</b></p>	<p><b>Policy SG8: Neighbourhood Plans</b></p> <p>Towns and villages are encouraged to plan for the specific needs of their communities by developing Neighbourhood Plans. The Local Planning Authority will support Parish and Town Councils and Neighbourhood Forums (in unparished areas) to prepare Neighbourhood Plans containing locally determined policies to guide land use and meet future development needs in their areas.</p> <p>Once a Neighbourhood Plan is made, this becomes part of the Development Plan.</p> <p>Neighbourhood Plans have been made for Boxted, Myland and Braiswick, Wivenhoe, West Bergholt and Eight Ash Green and these now form part of the Development Plan for Colchester.</p> <p>Neighbourhood Plans are required to be compliant with the following Strategic Policies in this Plan: Section 1 Policies SP1-9 and Section 2 Policies SG1-8, ENV1- 5, CC1 and PP1.</p>		<p>High conformity</p> <p>There is presently no Neighbourhood Plan for Tiptree. Whilst we understand the process of preparation has restarted Tiptree Neighbourhood Plan cannot currently be afforded any weight (NPPF, Para 48) . Tiptree Neighbourhood Plan does not form part of the Development Plan.</p>
<p><b>ENV1</b></p>	<p><b>Policy ENV1: Environment</b></p> <p>The Local Planning Authority will conserve and enhance Colchester’s natural and historic environment, countryside and coastline. The Local Planning Authority will safeguard the Borough’s biodiversity, geology, history and archaeology, which help define the landscape character of the Borough, through the protection and enhancement of sites of international, national, regional and local importance. The Local Planning Authority will require development to be in compliance with, and contribute positively towards, delivering the aims and objectives of the Anglian River Basin Management Plan.</p> <p><u>A. Designated sites</u></p>	<p>Most Important</p>	<p>Overall conformity</p> <p>Part E of the policy refers to balancing the requirement for new development within the countryside with its impacts. There is no direct reference to settlement boundary as with the previous plan. To the extent the policy relies on the settlement boundary for Tiptree this is considered to be out of date due to the requirements set out in Policy SS14.</p> <p>With regards to the other considerations, where there is potential for adverse impact this is being mitigated through a new</p>

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<p>Development proposals that have adverse effects on the integrity of habitats sites, Sites of Special Scientific Interest or significant adverse impacts on the special qualities of the Dedham Vale Area of Outstanding Natural Beauty (including its setting) (either alone or in-combination) will not be supported.</p> <p><u>B. Essex Coast RAMS</u></p> <p>A Recreational disturbance Avoidance and Mitigation Strategy has been completed in compliance with the Habitats Directive and Habitats Regulations. Further to Section 1 Policy SP2, contributions will be secured from qualifying residential development, within the Zones of Influence as defined in the adopted RAMS, towards mitigation measures identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).</p> <p><u>C. Biodiversity and geodiversity</u></p> <p>Development proposals where the principal objective is to conserve or enhance biodiversity and geodiversity interests will be supported in principle. For all proposals, development will only be supported where it:</p> <ul style="list-style-type: none"> <li>i) Is supported with appropriate ecological surveys where necessary; and</li> <li>ii) Where there is reason to suspect the presence of a protected species (and impact to), or Species/Habitats of Principal Importance, applications should be accompanied by an ecological survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for their needs and demonstrate the mitigation hierarchy has been followed; and;</li> <li>iii) Will conserve or enhance the biodiversity value of greenfield and brownfield sites and minimise fragmentation of habitats; and</li> <li>iv) Maximises opportunities for the preservation, restoration, enhancement and connection of natural habitats in accordance with the UK and Essex Biodiversity Action Plans or future replacements; and</li> <li>v) Incorporates beneficial biodiversity conservation features, measurable biodiversity net gain of at least 10% in line with the principles outlined in the Natural England Biodiversity Metric, and habitat creation where appropriate.</li> </ul> <p>Proposals for development that would cause significant direct or indirect adverse harm to nationally designated sites or other designated areas, protected species, Habitats and Species of Principle Importance will not be permitted unless:</p> <ul style="list-style-type: none"> <li>i) They cannot be located on alternative sites that would cause less harm; and</li> <li>ii) The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and</li> <li>iii) Satisfactory biodiversity net gain, mitigation, or as a last resort,</li> <li>iv) Compensation measures are provided.</li> </ul>	<p>landscaping strategy and biodiversity net gain across the development as a whole.</p> <ul style="list-style-type: none"> <li>A. There are no designations on the site itself. The site is in a zone of influence for Tiptree Heath SSSI however the ecological assessment (CD6b.8) that accompanied the planning application confirms that the proposed development will not reduce the size or conservation status of these designated sites nor affect their management regimes or future ecological potential.</li> <li>B. A RAMS mitigation payment of £127.30 per dwelling (£16,549) will be secured through the S106 agreement. Given the scale of the development, further on and off site mitigation is required and the scope of this has been agreed through CBCs HRA and Natural England's response which as confirmed within the RAMS SoCG.</li> <li>C. <ul style="list-style-type: none"> <li>i) All required surveys were submitted with the application. Some of these have been updated to ensure they are up to date prior to the Inquiry.</li> <li>ii) Where presence identified, mitigation is proposed. A reptile mitigation strategy has been provided (CD13.3) and a payment to the Great Crested Newt District Licensing Scheme has also been agreed. Hedgerow and tree clearance will be undertaken in accordance with guidance in relation to nesting seasons.</li> <li>iii) All recognised value will be protected and enhanced where possible in accordance with the relevant surveys and assessments that have been undertaken.</li> <li>iv) A landscape strategy has been prepared (CD13.7) as informed by the ecological assessments and existing landscape value to ensure that opportunities for protection and enhancement are captured.</li> <li>v) As per the Biodiversity Net Gain Assessment (CD13.5), the development has the potential to 20.34% onsite biodiversity net gain.</li> </ul> </li> </ul>
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	<p>The Local Planning Authority will take a precautionary approach where insufficient information is provided about avoidance, mitigation and compensation measures and secure mitigation and compensation through planning conditions/obligations where necessary.</p> <p><u>D. Irreplaceable habitats</u> Proposals that would result in the loss of irreplaceable habitats, such as ancient woodland, Important Hedgerows and veteran trees will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy, to the satisfaction of the local planning authority, exists.</p> <p><u>E. Countryside</u> The local planning authority will carefully balance the requirement for new development within the countryside to meet identified development needs in accordance with Colchester's spatial strategy, and to support the vitality of rural communities, whilst ensuring that development does not have an adverse impact on the different roles, the relationship between and separate identities of settlements, valued landscapes, the intrinsic character and beauty of the countryside and visual amenity.</p> <p>The intrinsic character and beauty of the countryside will be recognised and assessed, and development will only be permitted where it would not adversely affect the intrinsic character and beauty of the countryside and complies with other relevant policies. Within valued landscapes, development will only be permitted where it would not impact upon and would protect and enhance the factors that contribute to valued landscapes.</p>		<p>The proposals will not cause significant direct or indirect adverse harm by nature of the mitigation and enhancement opportunities incorporated into the scheme as a result of the assessments undertaken.</p> <p>D. No irreplaceable habitats shall be lost as a result of the proposed development.</p> <p>E. The site is in part previously developed. Whilst the remaining land could be considered countryside given location outside of existing settlement boundary, the settlement boundary should be considered out of date. The site location has been identified as a suitable location for growth in Policy SS14. A LVIA (CD6b.5a-5c and 6c.5) also accompanied the application and has been reviewed by CBC.</p>
<p><b>CC1</b></p>	<p><b>Policy CC1: Climate Change</b></p> <p>Colchester Borough Council made a Climate Emergency declaration in 2019. A Climate Challenge and Sustainability Strategy and a Carbon Management Plan will support the Climate Emergency Action Plan and will set out detailed specific carbon reduction projects. In addressing the move to a low carbon future for Colchester, the Local Planning Authority will plan for new development in locations and ways that reduce greenhouse gas emissions, adopt the principles set out in the energy hierarchy and provide resilience to the impacts of a changing climate.</p> <p>A low carbon future for Colchester will be achieved by:</p> <ul style="list-style-type: none"> <li>i) Encouraging and supporting the provision of renewable and low carbon technologies.</li> <li>ii) Encouraging new development to provide a proportion of the energy demand through renewable or low carbon sources.</li> <li>iii) Encouraging design and construction techniques which contribute to climate change mitigation and adaptation by using landform, layout, building orientation, massing, tree planting and landscaping to minimise energy consumption and provide resilience to a changing climate.</li> </ul>		<p>Good conformity, potential for further details to be secured by condition</p> <ul style="list-style-type: none"> <li>i) The orientation and pitched roofs of a large proportion of dwellings would make them suitable to accommodating solar panels. Design principles adopted include solar gain and solar shading, passive ventilation, use of locally sourced materials, high performance double glazing, air tightness and off grid heating.</li> <li>ii) The scheme has been designed to use air source heat pumps as opposed to gas boilers. EV charging provision provided for each dwelling.</li> <li>iii) A fabric first approach has been taken to the design of the scheme and dwellings and thus consideration has been had for dwelling orientation, glazing to habitable spaces, insulation etc. At least Part L 2013 Building</li> </ul>

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	<ul style="list-style-type: none"> <li>iv) (xx) A Canopy Cover Assessment will be required for all major applications<sup>2</sup>. Development proposals should seek where appropriate to increase the level of canopy cover on site by a minimum of 10%. In circumstances, where this is not possible or desirable, compensatory provision should be identified and secured through a legal obligation.</li> <li>v) Requiring both innovative design and technologies that reduce the impacts of climate change within the garden community.</li> <li>vi) Supporting opportunities to deliver decentralised energy systems, particularly those which are powered by a renewable or low carbon source. Supporting connection to an existing decentralised energy supply system where there is capacity to supply the proposed development, or design for future connection where there are proposals for such a system.</li> <li>vii) Requiring development in the Northern Gateway to connect to, or be capable of connecting to the district heating scheme where there is capacity to supply the proposed development and where it is appropriate and viable to do so.</li> <li>viii) Supporting energy efficiency improvements to existing buildings in the Borough where appropriate.</li> <li>ix) Minimising waste and improving reuse and recycling rates.</li> <li>x) Development will be directed to locations with the least impact on flooding or water resources. All development should consider the impact of and promotion of design responses to flood risk for the lifetime of the development and the availability of water and wastewater infrastructure for the lifetime of the development.</li> <li>xi) Green infrastructure should be used to manage and enhance existing habitats. Opportunities should be taken to create new habitats and assist with species migration. Consideration should be given to the use of green infrastructure to provide shade during higher temperatures and for flood mitigation. The potential role of green infrastructure as 'productive landscapes' should also be considered.</li> </ul>		<p>Reg requirements will be achieved. Potable water demand will be less than 110/litres/person/day.</p> <p>Details re: i) to iii) provided in CD13.37 Section 3.19 and 3.20.</p> <ul style="list-style-type: none"> <li>iv) A canopy cover assessment has been undertaken and confirms the proposed landscape strategy will ensure 10% increase to existing canopy cover within year one and circa 50% by year ten(CD13.8).</li> <li>v) Not relevant – garden communities.</li> <li>vi) The scheme proposes the use of air source heat pumps to reduce reliance on centralised energy supply as confirmed in CD13.37.</li> <li>vii) Not relevant – Northern Gateway.</li> <li>viii) Not relevant – no retained buildings.</li> <li>ix) A refuse strategy for the scheme has been presented (CD13.20) and will ensure the provision of waste and recycling storage for all residents.</li> <li>x) Site located in Flood Zone 1. The Sustainable Drainage Strategy (CD13.9 &amp; 13.10) is proposed to ensure greenfield run off rates are maintained or improved.</li> <li>xi) Where possible hedgerows to be retained and enhanced to contribute to reptile mitigation strategy. Site boundaries are also proposed to be retained and enhanced with tree and scrub planting. Landscape strategy for open space and SuDS basin will ensure maximum value for ecology and all users. Trees along northern boundary proposed outside of residential gardens to manage shade and ensure longevity.</li> </ul>
<p><b>PP1</b></p>	<p><b>Policy PP1: Generic Infrastructure and Mitigation Requirements</b></p> <p>In addition to site specific requirements identified in relevant policies, all proposals will be required to make contributions to the cost of infrastructure improvements and/or community facilities, including education, as required and supported by up-to-date evidence from appropriate sources including the Infrastructure Delivery Plan (IDP),</p>		<p>Good conformity</p> <p>SuDS strategy proposed and Anglian Water confirm foul water capacity. Appropriate and proportionate contributions to be secured via S106 agreement.</p>

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	<p>Parish/Town Council, or specially commissioned work. Contributions will be secured to an appropriate level by way of legal agreement or through CIL as required. In addition, proposals must, as relevant, address all of the following Borough wide requirements:</p> <ul style="list-style-type: none"> <li>i) Adequate wastewater treatment, water supply network enhancements, and sewage infrastructure enhancements for the relevant catchment area;</li> <li>ii) Appropriate SuDS for managing surface water runoff within the overall design and layout of the site;</li> <li>iii) Proportionate mitigation for area-wide transport issues as identified in the policies for North, East, South and West Colchester contained in the 'Places' section of the plan;</li> <li>iv) Safe pedestrian access from the site to existing footways to enhance connectivity;</li> <li>v) Suitable design and screening/landscaping to minimise any negative impact on the surrounding landscape and/or heritage assets;</li> <li>vi) Potential archaeological significance of the site as required, by way of pre-determination evaluation (geophysical survey and trial trenching). Any findings from the evaluation will need to be reflected in a detailed mitigation strategy for further investigation to be agreed and submitted with the application to preserve in-situ or adequately recorded by excavation, secured by a planning condition; and</li> <li>vii) Further to Section 1 Policy SP2, developments will be required to contribute towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS).</li> </ul>		<ul style="list-style-type: none"> <li>i) Anglian Water consultation response (04/12/2020) confirmed suitable capacity in existing wastewater network.</li> <li>ii) Appropriate SuDS being provided which prioritises above-ground storage. Providing a multi-functional basin which will ensure its contribution to site design and layout as well as drainage functions (CD13.9 &amp; 13.10).</li> <li>iii) No impacts on strategic network have been identified by ECC Highways.</li> <li>iv) New footways proposed along site frontage will ensure connection to existing ones. Additional crossing improvements are also being offered however in the interests of encouraging sustainable methods of transport.</li> <li>v) There are no designated heritage assets or Conservation Areas in the vicinity of the site but the wider heritage character has been assessed (CD6b.13a Section 1.7) to inform the final design. The design and landscape strategy have considered neighbouring properties, adjacent land uses (CD6b13a Section 1.9 and 1.14) and wider views CD6b.5a-5c and 6c.5. Mitigation is primarily provided in the form of retained and enhanced landscaped boundaries (CD13.7).</li> <li>vi) Archaeology trial trenching has also taken place and confirmed no findings and no requirement for any further investigations on the site in this regard (CD6b.7). This has been agreed by the Council's Consultant Archaeological Advisor.</li> <li>vii) RAMS payment (£16,549 total), on site mitigation provided through landscaping scheme and provision of open space and walking routes, as well as off-site mitigation agreed through S106 (Parks and Recreation (£157,500 (Borough) and £292,500 (Ward)) .</li> </ul>
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<p><b>SS14</b></p>	<p><b>Policy SS14: Tiptree</b>            Within the preferred directions of growth shown on the Tiptree policies map, to the south west and north/north west, subject to existing constraints, the Tiptree Neighbourhood Plan will:</p> <ul style="list-style-type: none"> <li>i) Define the extent of a new settlement boundary for Tiptree;</li> <li>ii) Allocate specific sites for housing allocations to deliver a minimum of 400 dwellings;</li> <li>iii) Set out any associated policies needed to support this housing delivery i.e. housing mix, type of housing and density for each site allocated for housing;</li> <li>iv) Set out the policy framework within the parish to guide the delivery of any infrastructure/community facilities required to support the development in accordance with the requirements of Policies SG7 and PP1. This will include a detailed transport assessment with a view to confirming provision of the first phases of a road between the B1022 and B1023;</li> <li>v) Consider cross boundary issues;</li> <li>vi) Identify other allocations in the Parish, including employment and open space.</li> </ul> <p>Proposals for development outside of the settlement boundary, or settlement boundary defined by the Tiptree Neighbourhood Plan once adopted, will not be supported. This policy should be read in conjunction with the generic Neighbourhood Planning policy SG8, policy SG3 and policies in the Tiptree Neighbourhood Plan, once it has been adopted.</p> <p>Before granting planning consent, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.</p>	<p>Most Important / Settlement Boundary Out of Date</p>	<p>High conformity with the preferred direction of growth. Other requirements are specifically for the Neighbourhood Plan.</p> <p>Points i) to vi) provide requirements for the Neighbourhood Plan</p> <p>The site is however located directly within the preferred directions of growth arrows shown on CD9.2, and to which this policy directly relates.</p> <p>In The policy sets a requirement for a new settlement boundary to provide for a minimum of 400 homes.</p> <p>On this basis the current settlement boundary must be considered out of date.</p> <p>As such, the tilted balance should be engaged (CD12.1 Para. 11d.).</p> <p>Wintering bird survey completed (CD13.1) and the development and landscaping strategy will ensure no minimal impacts and allow for the continued use of site boundaries and hedgerows by wintering birds.</p>
<p><b>DM1</b></p>	<p><b>Policy DM1: Health and Wellbeing</b></p> <p>All development should be designed to help promote healthy and active lifestyles and avoid causing adverse impacts on public health through:</p> <ul style="list-style-type: none"> <li>i) Ensuring good access to health facilities and services;</li> <li>ii) Providing a healthy living environment where healthy lifestyles can be promoted including green space and creating attractive opportunities for activities including walking, cycling, horse riding and formal sport, as well as clearly seeking to improve opportunities to increase levels of physical activity within the community; and</li> <li>iii) Providing appropriate mitigation to avoid harmful emissions.</li> </ul>		<p>High conformity</p> <p>Health impact assessment undertaken and proportionate NHS contributions agreed.</p> <ul style="list-style-type: none"> <li>i) Tiptree Medical Centre within a 2km walk from the site. Development will ensure connectivity to the village and bus stops outside the site will support access to other nearby settlements and health facilities (CD13.11 Appendix 10).</li> </ul>

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	<p>Health Impact Assessments (HIA) will be required for all residential development in excess of 100 units and non-residential development in excess of 2500 square metres and for other developments where the proposal is likely to have a significant impact on health and wellbeing. The purpose of the HIA will be 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. Any HIA must be prepared in accordance with up to date advice and best practice for such assessments.</p> <p>All developments with the potential to cause a deterioration in air quality will be required to provide comply with Policy ENV5</p> <p>Measures to mitigate any adverse impacts of the development will be provided and / or secured by planning conditions, Section 106 contributions or CIL.</p> <p>Developments which will have an unacceptable significant adverse impact on health and wellbeing which cannot be mitigated, or that fail to offer reasonable provisions, will not be permitted.</p>		<p>ii) Site includes policy compliant gardens and open space (CD13.24). Circular walks are possible through the site, supported by bench placement (CD13.7). Good access to Tiptree and existing sports and leisure facilities.</p> <p>iii) EV charging facilities to be provided to entire scheme (CD13.21) as well as cycle parking for all new residents (CD13.20).</p> <p>HIA was submitted with the application (CD4.4) and reviewed by CCG. This informed request for healthcare contribution. Healthcare contribution of £79,376 for improvements by way of refurbishment, reconfiguration, extension or possible relocation of the Tiptree Medical Centre agreed in S106.</p> <p>No impact on health and wellbeing anticipated as a result of the opportunities and mitigation proposed.</p>
<p><b>DM2</b></p>	<p><b>Policy DM2: Community Facilities</b></p> <p>The Local Planning Authority will seek the retention of all existing community facilities and services and allocations for such uses where they meet or will meet an identified local need.</p> <p>Any proposal that would result in the loss of a site or building currently or last used for, or allocated for the provision of facilities, services, leisure or cultural activities that benefit the community, will only be supported in cases where the Local Planning Authority is satisfied that:</p> <ul style="list-style-type: none"> <li>i) An alternative, equivalent community facility to meet local needs is, or will be, provided in an equally or more accessible location within walking distance of the locality (800 m); or</li> <li>ii) It has been proven that it would not be economically viable to retain the site/building for a community use; and (in both cases)</li> <li>iii) The community facility could not be provided or operated by either the current occupier or by any alternative occupier, and it has been marketed to the satisfaction of the Local Planning Authority in order to confirm that there is no interest and the site or building is genuinely redundant;</li> <li>iv) The proposal involves a state funded school which is seeking to relocate into new buildings or sell assets to fund improved education services.</li> </ul>		<p>High conformity</p> <p>Site does not result in the loss of a site or building used for the provision of facilities, services, leisure or cultural activities that benefit the community so no need to demonstrate i) to iv).</p> <p>The new development will provide a contribution of £352,659.53 towards the provision of a new Scout and Girl guiding Hut Facility on land in the ownership of Tiptree Parish Council, as to be secured through the S106.</p> <p>A contribution to secondary education has also been secured through the S106 which will be calculated based on the relevant cost generator, pupil product and indexation.</p>

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	<p>New development will be required to provide, or contribute towards the provision of community facilities including education, to meet the needs of new and expanded communities and mitigate impacts on existing communities, which will be secured by Section 106 contributions or CIL/equivalent infrastructure levy.</p> <p>Where existing facilities can be enhanced to serve new development, the Local Planning Authority will work with developers and local partners to audit existing facilities and deliver any requirements for such facilities to deliver comprehensive provision of services to serve these extended communities.</p>		
<p><b>DM4</b></p>	<p><b>Policy DM4: Sports Provision</b></p> <p>Colchester Borough Council will work with sports providers across the Borough to protect, enhance and deliver new sports and leisure facilities to encourage active lifestyles and to increase participation in formal and informal recreation.</p> <p>The delivery of new strategic sports facilities will be focused at hub sites including the Garden Community; North Colchester; the University of Essex and the Garrison. Development at these locations will be required to contribute to the delivery of the sport and leisure needs identified in the Sports Facilities Strategies, in the respective Sports Development Plans for The Garrison, University of Essex and North Colchester (Northern Gateway).</p> <p>New residential development, outside the strategic sports hubs in the Borough will also be required to contribute to the provision or enhancement of sport or leisure facilities where a need has been identified.</p> <p>The Local Planning Authority will seek to secure community use as part of all new strategic sports proposals and as part of other smaller sport and leisure schemes submitted, including school sports facilities, where it is practical to do so.</p> <p>Development, including change of use, of any existing or proposed sports ground or playing field will only be supported where it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>i) Alternative and improved provision will be created in a location well related to the functional requirements of the relocated use and its existing and future users; and</li> <li>ii) The proposal would not result in the loss of an area important for its amenity or contribution to the green infrastructure network or to the character of the area in general; and</li> <li>iii) It achieves the aims of the Colchester Sports Facilities Strategy.</li> </ul> <p>Development proposals resulting in a loss of indoor or outdoor sport/recreational facilities must additionally demonstrate that:</p> <ul style="list-style-type: none"> <li>iv) There is an identified excess provision within the catchment of the facility and no likely shortfall is expected within the plan period; or</li> </ul>		<p>High conformity</p> <p>A contribution has been agreed in respect of requests from the CBC Parks and Recreation team (£157,500 (Borough)) which has been proposed to be spent on improvement to Leisure World Tiptree. We understand this request has been made in the interests of ensuring no deficiency in sports provision in the area.</p> <p>Works to Warriors Rest in Tiptree are also suggested (£292,500 (Ward)) as a result of this agreed contribution.</p> <p>The application site does not include any existing sports grounds or playing fields.</p>

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	<p>v) Alternative and improved sport /recreational provision will be delivered at a location well-related to the functional requirements of the relocated use and its existing and future users.</p> <p>In all cases, development will not be permitted that would result in any deficiencies in sports provision or increase existing deficiencies in the area either at the time of the proposal or be likely to result in a shortfall within the plan period.</p>																						
<p><b>DM8</b></p>	<p><b>Policy DM8: Affordable Housing</b></p> <p>The Council is committed to improving housing affordability in Colchester. Accordingly 30% of new dwellings (including conversions) on housing developments of 10 or more dwellings (major developments) in urban areas and above 5 units in designated rural areas (in accordance with Planning Policy Guidance), should be provided as affordable housing (normally on site).</p> <p>Where it is considered that a site forms part of a larger development area, affordable housing will be apportioned with reference to the site area as a whole.</p> <p>This level balances the objectively assessed need for affordable housing in the Borough established by the evidence base, against the requirement for flexibility to take account of changing market conditions. At present the overwhelming need in Colchester is for affordable rented properties, which should be reflected in development proposals. For sites where an alternative level of affordable housing is proposed below the target, it will need to be supported by evidence in the form of a viability appraisal.</p> <p>In exceptional circumstances, where high development costs undermine the viability of housing delivery, developers will be expected to demonstrate an alternative affordable housing provision.</p> <p>The Local Planning Authority will require developments to integrate affordable housing and market housing, with a consistent standard of quality design and public spaces, to create mixed and sustainable communities. The affordable housing provision should proportionately reflect the mix of market units unless otherwise specified by the Local Planning Authority. In schemes over 15 units the affordable housing should be provided in more than one single parcel. Elsewhere the affordable housing mix on any site should normally be "pepper potted" throughout the scheme in groups, the size and location of which should be discussed and agreed with the Local Planning Authority.</p> <p>Affordable housing development in villages will be supported on rural exception sites adjacent or continuous to village settlement boundaries or where it will enhance or maintain the vitality of rural communities, provided a local need is demonstrated by the Parish Council on behalf of their residents, based on evidence gained from an approved local housing needs survey. A proportion of market housing which facilitates the provision of significant additional affordable housing may be appropriate on rural exception sites. Information to demonstrate that the market housing is essential to</p>		<p>High conformity</p> <p>Affordable housing provision in accordance with that requested by CBC housing team apart from one extra 3 bed dwelling in place of requested 2 bed flat.</p> <table border="1" data-bbox="1431 579 1995 866"> <thead> <tr> <th></th> <th>REQUESTED</th> <th>ACTUAL</th> <th>DIFFERENCE</th> </tr> </thead> <tbody> <tr> <td><b>1B</b></td> <td>8</td> <td>8</td> <td>0</td> </tr> <tr> <td><b>2B</b></td> <td>9</td> <td>8</td> <td>-1</td> </tr> <tr> <td><b>3B</b></td> <td>18</td> <td>19</td> <td>1</td> </tr> <tr> <td><b>4B</b></td> <td>4</td> <td>4</td> <td>0</td> </tr> </tbody> </table> <p>Provision is provided in three groups spread across the site to ensure integration (CD13.19), and shall be tenure blind.</p>		REQUESTED	ACTUAL	DIFFERENCE	<b>1B</b>	8	8	0	<b>2B</b>	9	8	-1	<b>3B</b>	18	19	1	<b>4B</b>	4	4	0
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	<p>cross-subsidise the delivery of the affordable housing and that the development would not be viable without this cross-subsidy will be required. At the scheme level, the number of open market units on the rural exception site will be strictly limited to only the number of units required to facilitate the provision of significant affordable housing units on a rural exception site. The number of affordable units and total floorspace on a site should always be greater than the number of open market units or floorspace. The actual number will be determined on local circumstances, evidence of local need and the overall viability of the scheme.</p>		
<p><b>DM9</b></p>	<p><b>Policy DM9: Development Density</b></p> <p>The Local Planning Authority will support development densities that make efficient use of land and relate to the specific opportunities and constraints of proposed development sites. Proposals with development densities that encourage sustainable transport and help sustain local amenities will be supported. In particular all residential development will need to be at an appropriate density and massing, having regard to:</p> <ul style="list-style-type: none"> <li>i) The character of the site and its immediate surroundings, as well as the wider locality, including where applicable the setting of important heritage assets;</li> <li>ii) The adequacy of the access and the local road network to accommodate the traffic likely to be generated by the proposed development as well as the scope to enhance walking and cycling access to local amenities and public transport;</li> <li>iii) The existing landscaping, trees and hedgerows on the site and the need for further landscaping;</li> <li>iv) The provision of appropriate on-site amenities to serve the development in accordance with policy SG6 and any relevant adopted guidance including the provision of open space and sustainable drainage facilities where suitable;</li> <li>v) The provision of appropriate parking to serve the development in accordance with the relevant standards and policy DM22.</li> <li>vi) An adequate standard of residential accommodation being provided for future occupants in accordance with policy DM12.</li> <li>vii) An appropriate mix and type of housing as informed by the various housing policies set out in the Local Plan.</li> </ul>		<p>High conformity</p> <p>Development can be delivered in accordance with all other relevant policies, as well as the character of the area.</p> <ul style="list-style-type: none"> <li>i) CD13.37 Sections 3.7-3.11 include full appraisal of nearby developments and existing character</li> <li>ii) Highway capacity confirmed through Transport Assessment and no objection from Highway Authority. Draft S106 Schedule 10 proposes pedestrian connectivity enhancements.</li> <li>iii) Approach to tree retention is agreed with CBC tree officer, as confirmed in Officer delegated report (CD10.12). Where possible hedgerows being retained given landscape and ecological value. Trees along northern boundary kept out of gardens to ensure longevity. Landscape strategy confirms opportunities for new planting and enhancement (CD13.7).</li> <li>iv) Public open space (10.8%), play area and SuDS basin to provided (CD13.7).</li> <li>v) Parking is providing in compliance with ECC Parking Standards as confirmed on submitted parking strategy (CD13.21)</li> <li>vi) Scheme accords with Policy DM12 – see below. High quality residential accommodation that will meet NDSS and provide amenity space in accordance with CBC policies.</li> <li>vii) Latest published CBC SHMA (CD10.5) is now considerably out of date so scheme proposes a market suitable mix of dwelling types and sizes.</li> </ul>

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			<p>Affordable housing provision has been directly informed by CBC Housing Team as per table below:</p> <table border="1" data-bbox="1413 288 2013 580"> <thead> <tr> <th></th> <th>REQUESTED</th> <th>ACTUAL</th> <th>DIFFERENCE</th> </tr> </thead> <tbody> <tr> <td><b>1B</b></td> <td>8</td> <td>8</td> <td>0</td> </tr> <tr> <td><b>2B</b></td> <td>9</td> <td>8</td> <td>-1</td> </tr> <tr> <td><b>3B</b></td> <td>18</td> <td>19</td> <td>1</td> </tr> <tr> <td><b>4B</b></td> <td>4</td> <td>4</td> <td>0</td> </tr> </tbody> </table>		REQUESTED	ACTUAL	DIFFERENCE	<b>1B</b>	8	8	0	<b>2B</b>	9	8	-1	<b>3B</b>	18	19	1	<b>4B</b>	4	4	0
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<p><b>DM11</b></p>	<p><b>Policy DM11: Gypsies, Travellers, and Travelling Showpeople</b></p> <p>The Local Planning Authority will identify sites to meet the established needs of gypsies, travellers and travelling showpeople in the Borough.</p> <p>There is an overall need for 15 pitches over the life of the plan to 2033 which takes into account the need for both the statutory requirement to provide 2 pitches for nomadic travellers as well as the additional need for 13 pitches for those identifying as gypsies and travellers.</p> <p>The need for 6 pitches by 2021 can be met by expansion of the existing site at Severalls Lane. The existing site has successfully operated since 2012 and is considered a sustainable location for small scale expansion. The need for the remainder of the plan period will be met through strategic sites and allocations within the Garden Community, to be finalised through the process of agreeing detailed allocations and masterplans for those areas.</p> <p>Proposals for any further applications will be judged on the basis that sites should be located within reasonable proximity to existing sustainable settlements, and with access to shops, schools and other community facilities. Sites should also provide adequate space for vehicles and appropriate highway access.</p> <p>Planning permission will be refused for the change of use of all Gypsy and Traveller sites or Travelling Showpeople yards identified in the Gypsy and Traveller Accommodation Assessment unless acceptable replacement accommodation can be provided, or it can be demonstrated that the site is no longer required to meet any identified needs.</p>	<p>Most Important</p>	<p>High conformity</p> <p>The policy requires replacement accommodation in the event of change of use of an existing site. The draft S106 (Schedule 9) commits the relocation of existing Pony’s Farm provision , to The Paddocks, to ensure no net loss of provision to meet the needs of gypsies and travellers. The Paddocks is currently allocated for 2 pitches, but it has been demonstrated through evidence referred to in CD6a.2 and 6b.2 that there is space available on this site to accommodate the relocated use. This has been accepted by the LPA. The Paddocks site has planning permission for gypsy &amp; traveller accommodation (Application ref: 070113) . This permission allows up to 4 mobile homes or touring caravans and therefore is not presently being used to full capacity. Both of the sites are within the same ownership.</p>																				

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	<p>Site selection should ensure that pitches are not located within areas at risk of flooding and are capable of being provided with appropriate drainage, water supply and other necessary utility services. For sewerage, a connection to the main sewer system will be preferable except when it is impractical to achieve.</p>		
<p><b>DM12</b></p>	<p><b>Policy DM12: Housing Standards</b> Residential development will be supported where high standards of design, construction and layout are promoted. In considering proposals for new residential development, the Local Planning Authority will have regard to the following:</p> <ul style="list-style-type: none"> <li>i) New buildings or extensions should be designed to minimise the overshadowing of neighbouring properties as well as to avoid other adverse microclimatic effects;</li> <li>ii) Acceptable levels of daylight to all habitable rooms and no single aspect north-facing homes;</li> <li>iii) Acceptable levels of privacy for rear-facing habitable rooms and sitting-out areas;</li> <li>iv) A management and maintenance plan to be prepared for multi-occupancy buildings and implemented via planning conditions to ensure the future maintenance of the building and external spaces;</li> <li>v) Internal space standards demonstrated to be in accordance with the National Described Space Standards (DCLG, 2015) or any future replacement of this;</li> <li>vi) A minimum of 10% of market housing and 95% of affordable housing to meet Building Regulations 2015 Part M4 (2) accessible and adaptable standards and 5% of affordable homes to be Part M4 (3)(2)(b) wheelchair user standards.</li> <li>vii) Vehicle parking standards as set out in Policy DM22 including the requirements for cycle parking facilities. In the case of flats, secure cycle storage should be incorporated into flat blocks and readily located at the building entrances;</li> <li>viii) An accessible refuse and recycling storage area, and external drying areas; and</li> <li>ix) Measures to maximise the potential of broadband provision and ensure other infrastructure requirements are met as referenced in Policy SG6; and</li> <li>x) All new applications for accommodation, with a top storey above 11m (about 4 storeys) in height, are required in accordance with Building Regulations to provide sprinkler systems. Consideration should also be given to the inclusion of sprinklers in houses in multiple occupation (HMOs), care homes and sheltered accommodation.</li> </ul>		<p>High conformity</p> <p>Layout and parking accord with relevant design guidance and requirements. Full scheme NDSS compliant. 34% market dwellings will be M4(2), 92% affordable dwellings will be M4(2) and 8% affordable dwellings will be M4(3).</p> <ul style="list-style-type: none"> <li>i) As per proposed site layout (CD13.6), all dwellings appropriate distance and angles from existing dwellings in compliance with Essex Design Guide (CD12.7).</li> <li>ii) As per proposed site layout (CD13.6), DAP design approach has applied these principles across the scheme and in accordance with Essex Design Guide (CD12.7).</li> <li>iii) As per proposed site layout (CD13.6), DAP design approach has applied these principles across the scheme and in accordance with Essex Design Guide (CD12.7).</li> <li>iv) Can be dealt with by future condition.</li> <li>v) All unit floorspace totals (see Accommodation Schedule (CD6b.30) meet or exceed minimum requirements set out in the Nationally Described Space Standards (CD12.9).</li> <li>vi) 92% of affordable homes are M4(2) compliant, with 8% M4(3), and 34% of market homes are M4(2) compliant (CDs 13.29-13.35).</li> <li>vii) Vehicle parking provided in accordance with Essex Parking Standards (CD13.21). Cycle parking for apartments are integrated or close to entrance where achievable. Otherwise provided in parking courts. Houses have garage or shed for cycle storage where no garage (CD13.20).</li> </ul>

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			<ul style="list-style-type: none"> <li>viii) All refuse stores are accessible (CD13.20). All apartments have external areas where drying lines could be fixed.</li> <li>ix) Full utilities and infrastructure to be provided – details to be agreed through condition.</li> <li>x) All buildings are less than 11m in height.</li> </ul>
<p><b>DM15</b></p>	<p><b>Policy DM15: Design and Amenity</b></p> <p>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 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.</p> <p>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:</p> <ul style="list-style-type: none"> <li>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;</li> <li>ii) Help establish a visually attractive sense of place for living, working and visiting, through good architecture and landscaping;</li> <li>iii) Promote and sustain an appropriate mix 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;</li> <li>iv) Provide attractive, well connected and legible streets and spaces, which encourage walking, cycling, public transport and community vitality, whilst adequately integrating safe vehicle access;</li> <li>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;</li> <li>vi) Create a safe, resilient and secure environment, which supports community cohesion and is not vulnerable to neglect;</li> <li>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;</li> </ul>		<p>High conformity</p> <p>All design principles applied and site provides a scheme which appropriate addresses its constraints and opportunities to provide a development which respects the character of Tiptree and amenity of neighbouring land uses.</p> <ul style="list-style-type: none"> <li>i) CD13.37 Sections 3.7-3.11 provides full analysis of surrounding developments and character. Tree and landscape feature retention has driven the site layout and been agreed with CBC Tree Officer as confirmed in the Delegated Report (CD10.12). Some waterbodies are to be retained whilst a pond is being provided to replace the one lost.</li> <li>ii) Scheme designed using bespoke housetypes (CD6c17-6c30). Number of site constraints including link road have informed the design. Landscape strategy proposed (CD13.7) which takes into account design and character intentions as well as landscape and ecological opportunities.</li> <li>iii) Scheme is fully residential but offers opportunities to enhance pedestrian connectivity to Tiptree along Kelvedon Road, as proposed in draft S106 Schedule 10. Also option to improve bus stops through condition if required. The site also has a separate access for cycle and pedestrian users to enhance safety and accessibility to all users.</li> <li>iv) Scheme has been fully appraised by ECC Highways through the application consultation process. Details of this are confirmed within the Highways SoCG. There are footways proposed along all main roads</li> </ul>

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	<ul style="list-style-type: none"> <li>viii) Minimise energy consumption/emissions and promote sustainable drainage, particularly with regard to transport, landform, layout, building orientation, massing, tree planting and landscaping;</li> <li>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 place-making; and</li> <li>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;</li> <li>xi) Encourage Active Design; and</li> <li>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.</li> </ul> <p>For the purpose of this policy ancillary activities associated with development will be considered to include vehicle movement.</p>		<ul style="list-style-type: none"> <li>v) Existing residential properties have driven the design layout to ensure no detrimental impacts in respect of privacy, overlooking, security etc (CD6b13a Section 1.9 and 1.14).</li> <li>vi) Landscaping and lighting scheme conditions can be used to ensure appropriate treatment of open spaces and parking courts. Affordable housing is integrated throughout the scheme (CD13.19).</li> <li>vii) The scheme includes open boundaries where possible. Space is reserved for a potential future link road which would provide capacity for up to 400 units (CD13.36).</li> <li>viii) See comments under CC1 regarding approach to sustainable design and construction. Sustainable drainage strategy also proposed using attenuation basin (CD13.9 &amp; 13.10).</li> <li>ix) All dwellings include a bin store to the front of the property, or have a garage, or storage shed in the garden (CD13.20). Parking is provided in compliance with standards (CD13.21). Scheme fully tracked for refuse access and no objections from Highways or CBC waste teams (see Highways SoCG).</li> <li>x) Scheme includes a play area and opportunities for circular walks, punctuated with benches and dog bins (CD13.7). Separate pedestrian/cycle access and improvements to crossing facilities on Kelvedon Road could be provided.</li> <li>xi) Landscape strategy identifies opportunities for planting across the entire scheme, making use of front gardens to frame roads and provide soft street frontages. Could provide additional ecological mitigation within the design such as hedgehog fencing, bird boxes etc at detailed landscaping stage through conditions. Trees retained down centre of site and enhanced with native scrub planting in these areas. Landscaped site frontage. Multi use central open space includes wildflower meadow and enhance</li> </ul>
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			tussocky grassland good for reptiles and new pond (CD13.7).
DM16	<p><b>Policy DM16: Historic Environment</b></p> <p>Development that will lead to substantial harm to or total loss of significance of a listed building, conservation area, historic park or garden or important archaeological remains (including the setting of heritage assets) will only be permitted in exceptional circumstances where the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where development will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal.</p> <p>Development affecting the historic environment should seek to conserve and enhance the significance of the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases there will be an expectation that any new development will enhance the historic environment or better reveal the significance of the heritage asset unless there are no identifiable opportunities available. In instances where existing features have a negative impact on the historic environment, as identified through character appraisals (or other method of identification of historic assets), the Local Planning Authority will request the removal of the features that undermine the historic environment as part of any proposed development. The Local Planning Authority will request the provision of creative and accessible interpretations of heritage assets impacted by development.</p> <p>Conservation of the historic environment will also be ensured by:</p> <ul style="list-style-type: none"> <li>(i) Identifying, characterising, protecting and enhancing Conservation Areas;</li> <li>(ii) Protection and enhancement of existing buildings and built areas which do not have Listed Building or Conservation Area status but have a particular local importance or character which it is desirable to keep;</li> <li>(iii) Preserving and enhancing Listed Buildings, Scheduled Monuments, Historic Parks and Gardens, including their respective settings, and other features, which contribute to the heritage of the Borough; and</li> <li>(iv) Sites of archaeological interest will be clearly identified and protected, and sites that become known, whether through formal evaluation as part of a Planning Application or otherwise, will similarly be protected according to their importance.</li> </ul> <p>Heritage Impact Assessments and/or Archaeological Evaluations will be required for proposals related to or impacting on the setting of heritage assets and/or known or possible archaeological sites, and where there is potential for encountering archaeological sites so that sufficient information is provided to assess the significance of the heritage assets and to assess the impacts of development on historic assets together with any proposed mitigation measures.</p>		<p>High conformity</p> <p>The scheme will not lead to substantial harm to a listed building, conservation area or historic park/garden.</p> <p>Trial trenching has been undertaken and confirms no finds of significance, and that no further investigations are required.</p> <ul style="list-style-type: none"> <li>i) Not relevant as no relationship with a Conservation Area.</li> <li>ii) There are no listed buildings or Conservation Area, nor is the site a built areas that has particular local importance or character.</li> <li>iii) There are no assets that contribute to the heritage of the Borough in the immediate vicinity. There are no designated heritage assets or Conservation Areas in the vicinity of the site but the wider heritage character has been assessed (CD6b.13a Section 1.7) to inform the final design.</li> <li>iv) Archaeology trial trenching has also taken place and confirmed no findings and no requirement for any further investigations on the site in this regard (CD6b.7). This has been agreed by the Council's Consultant Archaeological Advisor.</li> </ul>

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<p><b>DM18</b></p>	<p><b>Policy DM18: Provision of Public Open Space</b></p> <p>New residential development must provide for the recreational needs of new communities. The provision of open space helps to alleviate recreational pressure on sites of high nature conservation value (e.g. habitats sites) and also increases opportunities for participation in healthy lifestyles.</p> <p>All new residential development will be expected to provide new public areas of accessible open space. Precise levels of provision will depend on the location of the proposal and the nature of open space needs in the area but as a guideline, at least 10% of the gross site area should be provided as useable open space. The Local Planning Authority will expect large sites of 5 hectares or more to provide at least one strategic area of open space within the site. This will be secured through planning obligations or CIL/equivalent infrastructure levy.</p> <p>Where the Local Planning Authority accepts commuted sums in lieu of open space, the commuted sums will be used to provide additional open space or to improve existing open space in the locality of the development. Contributions may be pooled towards larger infrastructure projects and/or to provide larger areas of strategic open space where a need has been identified. A commuted sum is only likely to be acceptable in the following circumstances:</p> <ul style="list-style-type: none"> <li>i) smaller developments of less than 0.5 ha, or where for some other reason open space requirements cannot be met within the site; or</li> <li>ii) developments of dwellings which are legally secured for occupation by the elderly (where some compensating increase in private amenity space may be required); or</li> <li>iii) in a town centre location or where it is justified by an outstanding urban design approach based on site constraints and opportunities.</li> </ul>		<p>High conformity</p> <p>Scheme provides one central area of open space which is 5540.6sqm as shown on CD13.24, and comprises 10.8% of the site area as a whole.</p>
<p><b>DM19</b></p>	<p><b>Policy DM19: Private Amenity Space</b></p> <p>The Local Planning Authority will expect all new residential development to provide easy access to private amenity space and in the case of flatted development, private communal amenity space. The area of amenity space should be informed by the needs of residents and the accessibility of the location. Private amenity space and communal amenity space must be designed to optimise its use and meet the recreational needs of residents.</p> <p>All new residential development shall provide private amenity space to a high standard, where the siting, orientation, size and layout make for a secure and usable space, which has an inviting appearance for residents and is appropriate to the surrounding context. All private amenity spaces shall be designed so as to avoid significant overlooking.</p> <p>The following standards shall apply:</p>		<p>High conformity</p> <p>All garden sizes at least 50m<sup>2</sup>, 60m<sup>2</sup> or 100m<sup>2</sup> for 1-2 bed, 3 bed and 4 bed houses respectively (CD6c.16).</p> <p>Total amenity provision of at least 25m<sup>2</sup> per apartment made up of private external spaces for each apartment, and shared communal space. The table below demonstrates how the private balcony provision is factored into the total communal space provision.</p>

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	<p>For houses:</p> <ul style="list-style-type: none"> <li>• One or two bedroom houses – a minimum of 50m2</li> <li>• Three bedroom houses – a minimum of 60m2</li> <li>• Four bedroom houses – a minimum of 100m2</li> </ul> <p>For flats:</p> <ul style="list-style-type: none"> <li>• A minimum of 25m2 per flat provided communally (where balconies are provided the space provided may be taken off the communal requirement).</li> </ul> <p>A larger amount of private amenity space may be required for small infill (including backland) schemes to reflect the character of the surrounding area. Proposals for infill development will not be permitted if they unacceptably reduce the level of existing private amenity space provision for existing dwellings.</p> <p>For proposals in accessible locations (in accordance with Policy DM9) where higher densities may be appropriate, reduced garden sizes for houses may be acceptable but a minimum of 25m2 of useable private amenity space shall be provided for every home (either as gardens, balconies or roof gardens/terraces).</p>		<table border="1"> <thead> <tr> <th></th> <th>Total Balcony Provision</th> <th>Total Communal</th> <th>Total Amenity</th> </tr> </thead> <tbody> <tr> <td>Apartment Block A (100-107)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>25m2 per flat communally (- balcony provision) = 8 x 25 = 200</td> <td>105.98</td> <td>349.2</td> <td>455.18</td> </tr> <tr> <td>Apartment Block B (58-63)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>25m2 per flat communally (- balcony provision) = 6 x 25 = 150</td> <td>47.95</td> <td>132.6</td> <td>180.55</td> </tr> <tr> <td>Apartment Block C (37-52)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>25m2 per flat communally (- balcony provision) = 16 x 25 = 400</td> <td>176.7</td> <td>237.1</td> <td>413.8</td> </tr> </tbody> </table>		Total Balcony Provision	Total Communal	Total Amenity	Apartment Block A (100-107)				25m2 per flat communally (- balcony provision) = 8 x 25 = 200	105.98	349.2	455.18	Apartment Block B (58-63)				25m2 per flat communally (- balcony provision) = 6 x 25 = 150	47.95	132.6	180.55	Apartment Block C (37-52)				25m2 per flat communally (- balcony provision) = 16 x 25 = 400	176.7	237.1	413.8
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<p><b>DM20</b></p>	<p><b>Policy DM20: Promoting Sustainable Transport and Changing Travel Behaviour</b></p> <p>The Local Planning Authority will work with developers and other partners to increase modal shift towards sustainable modes by improving accessibility of development through the promotion of walking and cycling as an integral part of development, and by further improving public transport. In line with policy SG1 (Spatial Strategy), development that reduces the need to travel will be encouraged and sustainable transport will be improved to provide better connections between communities and their needs. This will be achieved by:</p> <ol style="list-style-type: none"> <li>Safeguarding existing and proposed routes for walking, cycling and public transport, including rapid transit, park and ride, and green infrastructure, from development. New development will be expected to contribute towards maintaining continuity and enhancing these connections where appropriate;</li> <li>Focusing new walking and cycling improvements on areas of employment, education and health facilities, and on the town centre and public transport interchanges;</li> <li>Ensuring new developments are supported by quality public transport linking them to the main urban areas and major centres of employment,</li> </ol>		<p>High conformity</p> <p>Site is in a sustainable location, provides EV charging and safeguards land for a future link road if required. Cycle and pedestrian access is also provided.</p> <ol style="list-style-type: none"> <li>2m footway along Kelvedon Road will ensure existing pedestrian route extended to the site and provide walking access to existing facilities in the vicinity. EV charging also provided across the scheme (CD13.21).</li> <li>Footway improvements and new crossing points (Draft S106 Schedule 10).</li> <li>There are existing unmarked bus stops just outside of the site and proposed crossing enhancements (Draft</li> </ol>																												

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	<p>health and education. Access to public transport should be within walking or cycling distance of any new development;</p> <p>iv) Reducing the need to travel by car by promoting higher densities near retail centres and public transport hubs, and encouraging mixed use development in appropriate locations;</p> <p>v) Enhancing public transport gateways to Colchester to provide attractive entry points to, and excellent onward connections from, the rail stations in urban Colchester and Marks Tey, Wivenhoe, and Colchester Bus Station.</p> <p>The Local Planning Authority will also work with partners to accommodate necessary car travel making the best use of the existing network and managing the demand for road traffic. The Local Planning Authority will support improvements to the strategic road, rail and cycle network where appropriate evidence is provided and local consultation undertaken.</p> <p>Improvements will be made to the road network to support sustainable development and to reduce the impact of congestion. The demand for car travel will be managed to prevent adverse impacts on sustainable transportation, air quality, safety, local amenity and built character by:</p> <p>vi) Encouraging a reduction in through traffic in the town centre to encourage trips to be undertaken by more sustainable modes;</p> <p>vii) Encouraging use of new technology to better manage traffic, provide alternatives, facilitate the use of ultra-low emission vehicles and reduce the need to travel, particularly at peak times.</p> <p>Where appropriate the use of sustainable travel in rural areas will be encouraged to minimise the impact of transport on sensitive rural areas. The Local Planning Authority will seek to make best use of rural rail services through promotion and improving access at stations.</p>		<p>S106 Schedule 10) will further support access to these.</p> <p>iv) Site in a primarily residential area not close to retail centre or transport hub. Proposed density is considered appropriate to the surrounding land uses and connectivity as per DAP evidence.</p> <p>v) Site not a public transport gateway.</p> <p>vi) The development will not directly impact town centre trips.</p> <p>vii) The proposals do not impact on town centres or air quality. EV parking is provided.</p>
<p><b>DM21</b></p>	<p><b>Policy DM21: Sustainable Access to Development</b></p> <p>All new developments should seek to enhance accessibility for sustainable modes of transport. Proposals for development should:</p> <p>i) Give priority to the movement of people walking and cycling;</p> <p>ii) Create safe, secure, convenient and attractive layouts which minimise conflicts between traffic, cyclists and pedestrians;</p> <p>iii) Link the development to the surrounding walking, cycling and public transport networks taking into consideration the Cycle Strategy SPD;</p> <p>iv) Provide and give access to quality public transport facilities;</p> <p>v) Ensure streets and junctions are designed to provide people-friendly street environments and to give priority to sustainable transport;</p> <p>vi) Incorporate charging facilities for electric and other ultra-low emission vehicles where appropriate, or as a minimum the ability to easily introduce such facilities in the future;</p>		<p>High conformity</p> <p>i) Footways provided along all internal roads (where not shared surfaces) and separate pedestrian/cycle access into the site also provided (CD13.16).</p> <p>ii) Separate pedestrian/cycle access into the site. Road hierarchy also proposed across the site to ensure all roads either have footways or are designed as shared surfaces. Circular pedestrian routes available across the site as a whole (CD13.7). Secure by design principles applied and lighting to be agreed through any future conditions.</p>

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	<p>vii) Ensuring accessibility for those with impaired mobility; and viii) Accommodate the efficient delivery of goods and services.</p> <p>Access to all development should be created in a manner which maintains the right and safe passage of all highway users. Where development requires a new road or road access it should be designed to give high priority to the needs of pedestrians and cyclists.</p> <p>Development will only be allowed where there is physical and environmental capacity to accommodate the type and amount of traffic generated in a safe manner. Developments that generate significant amounts of movement will require a Transport Statement or Transport Assessment in line with the thresholds set in the latest Essex County Council development management policies relating to highways. Where lower than standard trip rates are proposed development will be expected to demonstrate through a package of sustainable transport measures that the proposed trip rates can be achieved. A masterplan approach to assess cumulative impacts may be required in complex locations with closely related and located developments.</p> <p>All non-residential developments that generate significant amounts of movement will be required to produce a Travel Plan in accordance with Essex County Council Travel Plan Framework guidance and where appropriate will be required to become members of the Colchester Travel Plan Club. All new residential developments and schools will be required to produce a Travel Plan or provide Residential Travel Packs in accordance with Essex County Council Travel Plan Framework guidance.</p>		<p>iii) Pedestrian and cycle routes provided into the site from Kelvedon Road, and these also link to new footways along the site frontage to ensure onward connectivity into Tiptree village centre (CD13.11 Appendix 10). Cycle parking also provided across the scheme (CD13.20).</p> <p>iv) Bus stops located just outside the site (CD13.11 Appendix 10). These could be enhanced by way of condition if deemed necessary.</p> <p>v) Streets and junctions all fully-appraised by ECC Highways to ensure appropriate visibility splays, pedestrian/cycle/vehicle relationships and amenity. Details of this process are confirmed in the Highways SoCG.</p> <p>vi) EV charging points provided for every house (CD13.21).</p> <p>vii) No significant level changes across the site and dropped kerbs to ensure footpaths are suitable for all users. Play area also provided at road level, and ramps proposed for access into open space (CD13.7)).</p> <p>viii) Visitor parking bays provided (CD13.21) and entire site tracked for refuse access will ensure access for medium and large delivery vehicles (see Highways SoCG).</p> <p>Transport Assessment provided to accompany the application, and recently updated to ensure accords with latest scheme (CD13.11). The Transport Assessment confirms that the site is a suitable location for sustainable development.</p>
<p><b>DM22</b></p>	<p><b>Policy DM22: Parking</b></p> <p>The amount of car parking to be provided in association with new residential development will be assessed using the most recent local Parking Standards taking account of the following factors:</p> <p>i) Levels of local accessibility; ii) Historic and forecast car ownership levels; iii) The size, type, tenure and location of the dwellings;</p>		<p>High conformity</p> <p>Parking is provided in accordance with Essex Parking Standards (2009), which require 1 space for 1 bed dwellings, and 2 or more spaces for any homes with two or more bedrooms. Visitor parking also provided at a rate of 0.25 spaces per dwelling (CD13.21).</p>

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	<p>iv) The appropriate mix of parking types including opportunities for car-sharing (e.g. unallocated, on-street, visitor, car club etc);</p> <p>v) The need to ensure facilities are incorporated for electric and other ultra-low emission vehicles.</p> <p>Parking standards for non-residential development should be agreed through joint discussions with the local Highway Authority and the Local Planning Authority in accordance with the most recent local Parking Standards, with a more flexible approach to the parking standards only considered if supported by a parking survey and accumulation data. Local evidence suggests some uses require the maximum parking standard to be applied. Non-residential development shall include provision of electric charging points. Parking for staff, visitors and operational uses should be managed as part of a Travel Plan. Where opportunities arise, for example on mixed use sites, shared parking and car sharing will be encouraged as part of an agreed Travel Plan to make efficient use of land to support quality development.</p> <p>Secure cycle parking should be incorporated into all residential development proposals and should be accessible, convenient to use, well laid out and used exclusively for cycle parking. In the case of flats and shared accommodation, secure cycle parking will be incorporated into development proposals and located near the entrance to the building. Cycle parking must be useable and function to serve its purpose and Sheffield type stands will be the preferred cycle stand.</p> <p>In appropriate circumstances, namely urban locations served by sustainable travel options and alternative car parking spaces in public/communal facilities within approximately 400m, parking standards may be relaxed or car-free development may be acceptable in order to reflect accessibility by non-car modes, and/or to enhance the character of sensitive locations. The use/establishment of a car club may be required.</p> <p>Applications for new or expanded car parking provision will be considered on an individual basis in relation to evidence and need. The existing car parking availability, current usage and, where appropriate, the existence of a Travel Plan and the current use of non-car modes, should all be demonstrated. New car parks should include electric charging points.</p> <p>Where possible large car parks, for example serving town centres and out of town retail, leisure and business parks, should be stacked and/or underground to facilitate improved place-making, provide town centre equality, and result in more compact forms of development which use less land and prioritise sustainable transport. Redevelopment of existing surface car parking will also be considered to make efficient use of land, improve the townscape and support regeneration.</p> <p>Greater use of Park &amp; Ride will be encouraged especially for trips to the town centre and other major establishments along the route of the service. Further Park and Ride sites will be developed to help support growth and give access to the town centre.</p> <p>Proposals for additional car parking in Dedham will be supported where they comply with all other policies in the Local Plan.</p>		<p>Accommodation Schedule also confirms the number of parking spaces provided to each plot (CD6c.16).</p> <p>Residential Travel Plans could be provided and secured by condition.</p> <p>Secure cycle parking will be provided within garages where provided. Where plots do not have a garage, a secure storage shed will be provided in the rear garden. For the apartments, shared cycle and refuse facilities are provided either integrated or in accessible locations within vehicle parking areas (CD13.20).</p>
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	<p>The Local Planning Authority will work with transport providers and highways authorities to provide facilities for freight and servicing.</p>		
<p><b>DM23</b></p>	<p><b>Policy DM23: Flood Risk and Water Management</b></p> <p>The Local Planning Authority will seek to direct development away from land at risk of flooding in accordance with the National Planning Policy Framework and the Planning Practice Guidance. Sites proposed for allocation in the Local Plan have been considered sequentially with respect to flood risk. The Sequential Test will be applied to planning applications for new sites coming forward that have not been allocated through the Plan.</p> <p>Development will only be supported where it can be demonstrated that the proposal meets flood management requirements in the NPPF, the PPG and policy DM23.</p> <p>Development proposals will be required to deliver or contribute to the delivery of flood defence/protection measures and/or flood mitigation measures to minimise the risk of increased flooding both within the development boundary and off-site in all flood zones and to ensure that the development remains safe throughout the life of the development. Proposals that include measures to enhance the flood resilience of new or renovated buildings will be encouraged, particularly in areas with a history of local flooding.</p> <p>Where proposals that require planning permission include driveways, hardstanding or paving, the use of permeable materials and landscaping will be sought to minimise the cumulative impacts of flooding from such developments.</p> <p>Developments will also be required to comply with the following as indicated in the Colchester Surface Water Management Plan (or updates if appropriate):</p> <ul style="list-style-type: none"> <li>i) All developments across the catchment (excluding minor house extensions less than 50m<sup>2</sup>) which result in a net increase in impermeable area are to include at least one 'at source' SuDS measure e.g. bio-retention planter box, green/brown roofs). This is to help reduce the peak volume of run off discharging from development sites. It is recommended that a SuDS treatment train is utilised to assist in this reduction;</li> <li>ii) All major development proposals are required to reduce post-development runoff rate back to the greenfield 1 in 1 year rate, with an allowance for climate change. On brownfield sites where this is not achievable, then a minimum betterment of 50% should be demonstrated for all flood events. This approach accords with the NPPF/PPG and the most up to date UKCIP guidance). All minor sites should limit discharge rates as much as practical while considering the increased risk of blockage associated with smaller outfall orifice sizing;</li> <li>iii) Developments located in any of the Critical Drainage Areas (CDAs) as defined in Colchester's Surface Water Management Plan or Local</li> </ul>		<p>High conformity</p> <p>The site is within Flood Zone 1 and thus at the lowest risk of flooding.</p> <ul style="list-style-type: none"> <li>i) The scheme includes an above-ground attenuation basin to reduce and manage the peak volume of run off discharge (CD13.9 &amp; 13.10).</li> <li>ii) Calculations submitted with the application and recently updated to confirm that the post-development runoff rate will be restricted to the 1 in 1 year rate (CD13.9 &amp; 13.10)</li> <li>iii) Site not within critical drainage area.</li> <li>iv) Site not within critical drainage area.</li> </ul>

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	<p>iv) Flood Risk Zones (LFRZs) and redevelopments of more than one property or area greater than 0.1 hectare should seek betterment to a greenfield runoff rate; New developments in Critical Drainage Areas will be required to provide or contribute towards the provision of flood mitigation options via CIL/ S106 contributions, identified in the Colchester Surface Water Management Plan, to reduce or mitigate the risk of flooding to existing properties located within the CDA and to accommodate the drainage needs of the new developments.</p>		
<p><b>DM24</b></p>	<p><b>Policy DM24: Sustainable Urban Drainage Systems</b></p> <p>All new residential and commercial development, car parks and hard standings should incorporate Sustainable Drainage Systems (SuDS) appropriate to the nature of the site. Such systems shall provide optimum water runoff rates and volumes taking into account relevant local or national standards; and shall ensure that the quality of runoff is consistent with the requirements of the Water Framework Directive. SuDS design quality will be expected to conform with standards encompassed in the relevant BRE, CIRIA standards and Essex County Local Planning Authority's SuDS Design Guide (and as updated) to the satisfaction of the Lead Local Flood Authority.</p> <p>Surface water should be managed as close to its source as possible and on the surface where practicable to do so through the use of green roofs, rain gardens, soakaways and permeable paving. Maximum use should also be made of low land take drainage measures such as rain water recycling, green roofs, permeable surfaces and water butts. Appropriate pollution control measures should be incorporated as part of SuDS to reduce the risk of pollution. Including through reference to the CIRIA SuDS Manual, it must be ensured that sufficient treatment steps are provided prior to any surface water discharge. Regard should be given to both the nature of the proposed development and the sensitivity of the receiving water environment.</p> <p>Opportunities should be taken to integrate sustainable drainage within the design of the development, to create amenity space, enhance biodiversity and manage pollution. Existing drainage features such as ditches and ponds should be retained on site where possible as part of SuDS schemes.</p> <p>Only where there is a significant risk of pollution to the water environment, inappropriate soil conditions and/or engineering difficulties, should alternative methods of drainage be considered. It will be necessary to demonstrate why it is not achievable. If alternative methods are to be considered, adequate assessment and justification should be provided and consideration should still be given to pre- and post-runoff rates.</p> <p>SuDS design should be an integral part of design proposals and clear details of proposed SuDS together with how they will be managed and maintained will be required as part of any planning application. Only proposals which clearly demonstrate that a satisfactory SuDS layout with appropriate maintenance is possible, or compelling justification as to why SuDS should not be incorporated into a scheme, or</p>		<p>High conformity</p> <p>SuDS are incorporated into the scheme (CD13.9 &amp; 13.10), with the design being focused around a central above-ground attenuation basin and the strategy has been deemed satisfactory by the Lead Local Flood Authority (ECC SuDS Consultation Response 01/11/21).</p> <p>Permeable paving proposed to manage and filtrate rain water, and water butts are also proposed to be provided for houses. The basin itself and the associated vegetation will also filter water, and sediment traps or oil interceptors could also be incorporated to further reduce risk (CD13.9 &amp; 13.10).</p> <p>The basin has been an integrated as part of the scheme. Further information on the management of such a drainage strategy could be provided as part of any future conditional requirements. The basin has been designed to have value as a large area of accessible open space, as well as providing an important ecological feature by nature of the landscaping proposed for it (CD13.7).</p>

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	<p>are unviable, are likely to be successful. Contributions in the form of commuted sums may be sought in legal agreements to ensure that the drainage systems can be adequately maintained into the future. The SuDS should be designed to ensure that the maintenance and operation requirements are economically proportionate.</p>		
<p><b>DM25</b></p>	<p><b>Policy DM25: Renewable Energy, Water, Waste and Recycling</b></p> <p>The Local Planning Authority's commitment to carbon reduction includes the promotion of efficient use of energy and resources, alongside waste minimisation and recycling.</p> <p>The Local Planning Authority will support residential developments that help reduce carbon emissions in accordance with national Building Regulations. The use of the Home Quality Mark will be supported. Non-residential developments will be encouraged to achieve a minimum BREEAM rating of 'Very Good'.</p> <p>The Local Planning Authority will encourage the use of sustainable construction techniques in tandem with high quality design and materials to reduce energy demand, waste and the use of natural resources, including the sustainable management of the Borough's water resources.</p> <p>To achieve greater water efficiencies new residential developments will be required meet the Building Regulation optional higher water efficiency standard of 110 litres per person per day, as set out in Building Regulations part G2.</p> <p>To help meet waste reduction and recycling targets, the Local Planning Authority will support proposals for sustainable waste management facilities identified in the Waste Management Plan which minimise impacts on the communities living close to the sites (noise, pollution, traffic) and on the local environment and landscape. New developments will be expected to support this objective by employing best practice technology to optimise the opportunities for recycling and minimising waste and by providing better recycling facilities.</p> <p>The Local Planning Authority will support proposals for renewable energy projects including micro-generation, offshore wind farms (plus land based ancillary infrastructure) solar farms, solar panels on buildings, wind farms, District Heating Networks and community led renewable energy initiatives at appropriate locations in the Borough, which will need to be subject to a Habitats Regulations Assessment and if necessary an Appropriate Assessment, to help reduce Colchester's carbon footprint.</p> <p>Renewable energy schemes with potential for adverse effects on internationally or nationally designated nature conservation sites, sites or nationally designated landscapes (Dedham Vale AONB) and heritage assets, will only be supported in exceptional circumstances, where it can be demonstrated that the designation objectives for the area will not be compromised, that adverse impacts can be adequately mitigated or where it can be demonstrated that any adverse impacts are clearly outweighed by the social and economic benefits provided by the energy proposal.</p>		<p>Good conformity, potential for further detail through condition if required.</p> <p>The design proposals take a Fabric First approach to design in the interests of reducing carbon emissions and meeting Building Regulation requirements (CD13.47 Section 3.19 and 3.20).</p> <p>Dwellings will have the potential to install water efficient appliances such as washing machines, dishwashers, dual and low flush toilets, reduced flow and aerated taps and showers, and isolation valves and leak detection means for example (CD13.37 Section 3.19).</p> <p>The scheme is not for waste management facilities or renewable energy project.</p>

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	<p>All applications for renewable energy proposals should be located and designed in such a way to minimise increases in ambient noise levels. Landscape and visual impacts should be mitigated through good design, careful siting and layout and landscaping measures. Transport Assessments covering the construction, operation and decommissioning of any wind farm or solar farm proposal will be required and should be produced at the pre-application stage so acceptability can be determined and mitigation measures identified. A condition will be attached to planning consents for wind turbines and solar farm proposals to ensure that the site is restored when the turbines or panels are taken out of service.</p>		
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