

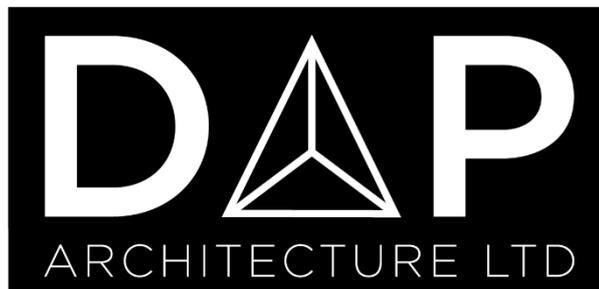
Residential Development
Kelvedon Road
Tiptree
Essex

Design Proof of Evidence - Rebuttal

March 2022

Application No: 190647
PINS Ref: APP/A1530/W/21/3278575

Client: Marden Homes Limited



DAP ARCHITECTURE LIMITED

3+5 Hospital Approach
Broomfield
Chelmsford
Essex. CM1 7FA

Introduction

1. This Rebuttal responds to the design evidence submitted on behalf of the LPA. As that evidence was the first particularised and detailed criticism of the proposals (other than the general and unspecific criticisms in the Officers Report) it has been considered appropriate that a sufficient level of response is provided to assist the Inspector in addressing this important issue. The Councils Proof of Evidence (PoE) March 2022 with regards to Design brings Paragraphs 130 of the National Planning Policy Framework (NPPF) and Paragraph 37 of the National Design Guide (NDG) to the forefront of their case against this appeal. It is the contention of this rebuttal that the application of the guidance used has been incorrectly interpreted and applied in relation to the design of the proposed development. Furthermore, the Council have been somewhat selective and have disregarded the legitimate reasons as to why the design has developed in the way it has. As these criteria form the key components of the Council's case in their PoE they will be discussed later.
2. Further to the guidance provided within the NPPF and the NDG the Council also makes reference to Local Policy in particular Adopted Section 1 Policy SP7 – Place Shaping Principles and Policy DM15 – Design and Amenity. These policies both follow the general thrust of Paragraph 130 of the NPPF, providing a list of criteria through which good design is achieved. For the purposes of this rebuttal these criteria are set out below with the Council's stated position in red:
 - Respond positively to local character and context to preserve or enhance the quality of existing communities and their environs;
Considered Unmet
 - Provide buildings that exhibit individual architectural quality within well considered public and private realms;
 - Protect and enhance assets of historical or natural value;
 - Create well connected places that prioritise the needs of the pedestrians, cyclists, and public transport services above use of the private car;
Considered Unmet
 - Where possible provide a mix of land uses, services and densities with well-defined public and private spaces to create sustainable and well-designed neighbourhoods;
Considered Unmet
 - Enhance the public realm through additional landscaping, street furniture and other distinctive features that help to create a sense of place;
 - Provide streets and spaces that are overlooked and active and promote inclusive access;
 - Include Parking facilities that are well integrated as part of the overall design and are acceptable if levels of private car ownership fall;
 - Provide an integrated network of multifunctional public open space and green and blue infrastructure that connects with the existing green infrastructure where possible;
Considered Unmet
 - Include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate waste water and flood mitigation measures, and
Considered Unmet
 - Protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light and overlooking.

The bullets marked 'Considered Unmet' are specifically referenced within the Council's case in reference to areas of the development which are considered by the Council to be contrary to the above Policy points. It is therefore unclear whether the Council considers that the bullet points not identified in their Case are considered to be met or unmet.

3. With regards Policy DM15, specific criteria within the Policy are identified as having not been met, namely i), ii), iv), vii), viii), The unmet criteria would when read alongside Policy SP7 and the NPPF align with both their stated design intentions. It is therefore logical to assume that the remaining criteria iii), v), vi), ix) and x) are considered to be acceptable within the development proposals. For reference these criteria are:

- 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;
Considered Unmet
- ii) Help establish a visually attractive sense of place for living; working and visiting, through good architecture and landscaping;
Considered Unmet
- iii) Promote and sustain an appropriate mix of and density of uses which are well located and integrated, optimise the efficient use of land (including sharing), contribute to inclusive communities, and support retail centres and sustainable transport networks;
Considered Met
- iv) Provide attractive, well connected and legible streets and spaces, which encourage walking, cycling, public transport and community vitality, whilst adequately integrating safe public access;
Considered Unmet
- 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;
Considered Met
- vi) Create a safe, resilient and secure environment, which supports community cohesion and is not vulnerable to neglect;
Considered Met
- 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;
Considered Unmet
- viii) Minimise energy consumption/emissions and promote sustainable drainage, particularly with regard to transport, landform, layout, building orientation, massing, tree planting and landscaping;
Considered Unmet
- ix) Incorporate any necessary infrastructure and services including utilities, recycling and waste facilities to meet current collection requirements, highways and parking. This should be sensitively integrated to promote successful placemaking; and
Considered Met
- 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;
Considered Met

4. Whilst the above Policy evidence has been used to determine that the Appeal submission is non-compliant with National and Local Policy, it is notable that the Council have decided not to refer to or use the Design Criteria established in the Essex Design Guide (EDG) in their PoE. The EDG is the bespoke design development tool for development in Essex and has been used for a number of years across the county to maintain the design standards that are considered to be prevalent in and around Essex. In the on-line introduction the following succinct statement is provided:

“The Essex Design Guide was established in 1973 by Essex County Council. It is used as a reference guide to help create high quality places with an identity specific to its Essex context. The preceding publication was released in 2005. The 2018 edition seeks to address the evolution of socio-economic impacts on place-making.”

5. Whilst the National Design Guide is an important document for guiding developments across the country with a set of overarching principles, the EDG provides the guidance that will allow a development to fit in seamlessly with its context, that context being Tiptree, a sustainable settlement located in Essex. The EDG is consistent, in my view, with the principles set out in the NDG. Its utility is that it provides a more local and Essex specific body of guidance and good practice.

The Council's Case

6. As previously mentioned the Council has made their case against the Appeal by discussing the development against the ten characteristics identified within the National Design Guide. These characteristics are:

- Context – enhances the surroundings.
- Identity – attractive and distinctive.
- Built form – a coherent pattern of development.
- Movement – accessible and easy to move around.
- Nature – enhanced and optimised.
- Public spaces – safe, social and inclusive.
- Uses – mixed and integrated.
- Homes and buildings – functional, healthy and sustainable.
- Resources – efficient and resilient.
- Lifespan – made to last.

Context

7. In Point 6.4 the Council discusses the Appeal site describing it to be a “*mixture of paddocks and other open land associated with small holdings and the residential curtilage of several Dwellings,*” this is largely correct however it neglects to mention the quality of this development or provide a judgement on whether it is worth protecting and preserving. It is the contention of this rebuttal that they are of poor quality and are not worth being considered as relevant context in relation to the Appeal site. It is instead worth looking more closely at the built development along Oak Road, opposite the site for the identification of the relevant character of the local context. Oak Road consists of large detached dwellings, many with double garages of varying ages and architectural designs and details and provided a useful template to follow during the development of the design (Figs 1-3). To ignore the presence or proximity of Oak Road seems to be an unconvincing attempt to present the site as on the very edge of the settlement and, surrounded by countryside.



Fig. 1. Oak Road Junction



Fig. 2. Oak Road dwellings



Fig. 3. Further Oak Road dwellings.

8. This is expanded upon in Point 6.5 which makes a number of statements some of which are misleading or incorrect. Firstly, the site is described as performing a transitional role between the Open Countryside to the North and West and the more intensive developments to the South, this is not accepted. Development whether residential or otherwise now almost entirely encircles the site, Tower Business Park sits to the North therefore blocking that “*transition*” (Figs 4-5), Grange Road is being built to the South and West of the site (Figs 6-8) and Oak Road and the older built context of Tiptree sits to the East (Figs 9-11) and is far more developed than the Council have described. The countryside beyond the Appeal site to the West was even identified as appropriate for further additional residential development in the Neighbourhood Plan without demur from the design professionals of the LPA. Furthermore, this area will continue to be a credible candidate for allocation once the revised Plan has been submitted.



Fig. 4. Tower Business Park – Aspire House (3-storey development)



Fig. 5. Tower Business Park – Edge of countryside



Fig. 6. Grange Road “Springfield” development



Fig. 7. Grange Road development opposite Colchester FC training ground



Fig. 8. Grange Road development entry condition



Fig. 9. Townsend Road junction



Fig. 10. Maple Leaf



Fig. 11. Additional Maple Leaf dwellings

9. It will be noted that Point 5.4 of the PoE acknowledges this stating “the appeal site is located within the broad areas of growth shown on the Tiptree policies map”)

The second point made states that *“it is crucial that new development respects this morphology through the creation of a “soft” new edge to the settlement with subordinate built forms that decline in scale and presence towards the northern and western periphery of the site.”* As can be seen from Streetscene A-A (drawing: dapa_1432_360_01_Proposed Street Scenes.pdf) submitted with both the original Application and revised for the Appeal, the

site sits between Stourton (Fig. 12 - South), The Gables (Fig. 13 - centre) and Coronation Cottages (Fig. 14 - North), all 2-storey dwellings.



Fig. 12. Stourton



Fig. 13. The Gables



Fig. 14. Coronation Cottages

It would have been contextually inappropriate to propose declines in scale northwards towards Coronation Cottages as suggested, rather good design would dictate a strengthening of the built form by proposing dwellings of appropriate scale along the established build lines therefore removing the particularly piecemeal development between The Gables and Coronation Cottages all whilst providing a Landmark building at the Gateway to the development as recommended by Paragraphs 3.27 and 3.28 of the Essex Design Guide.

3.27 Landmarks include distinctive buildings, spaces, sculptures and similar recognisable structures. They should be placed at points in the network where they can aid orientation and navigation. They can be particularly useful in areas away from nodal points or other distinctive places; they may also fulfil a useful function in aiding orientation when viewed from a major road.

3.28 A landmark may take the form of a distinctive building or simply a taller one, designed to be visible from a wider area. Landmarks do not always need to be new features: the retention, integration and enhancement of existing features into new developments can serve the same purpose, and aids in retaining local distinctiveness and familiarity. The familiar nature of landmarks and their propensity to aid in orientation also helps to promote independence, a recognised mental health benefit.

With regards to the Western periphery of the site, it is again questionable why a reduction in scale in this location is necessary or appropriate. The majority of the western boundary is bordered by the under-construction Grange Road development and the dwellings proposed by that development in that location are proposed at 2 and 2.5 storeys (Figs 15-17). It follows, therefore that a reduction in scale would be inappropriate and incongruous in that location, when viewed against what will soon be the existing built context. A context that it must be observed LPA was the subject matter of a consideration and specific approval by the LPA.

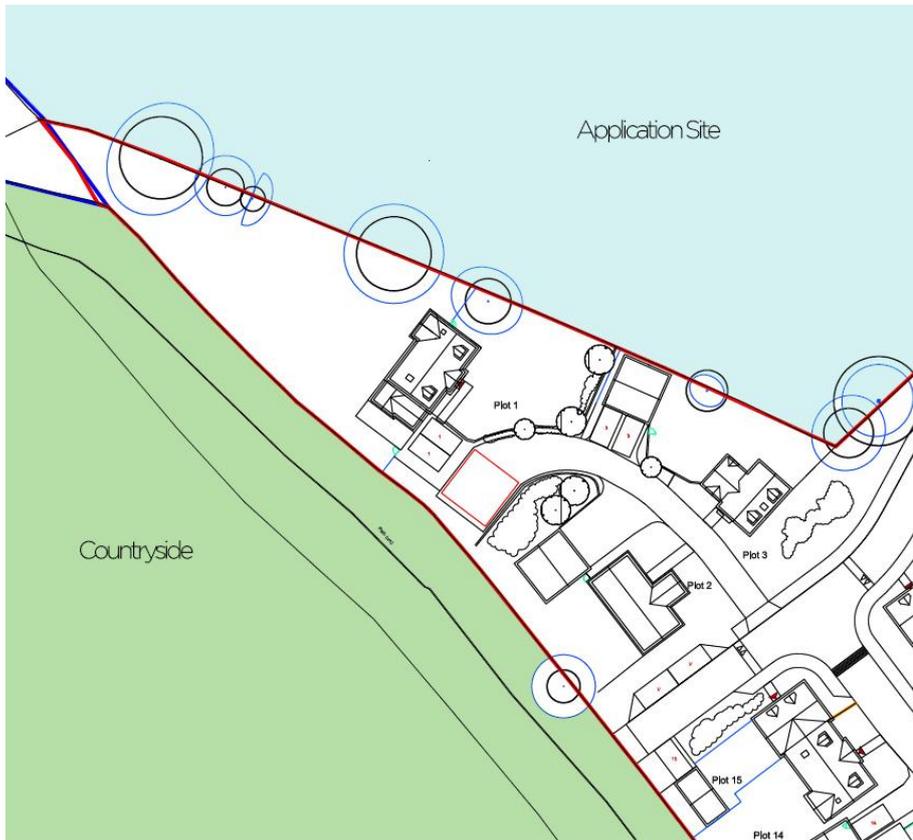


Fig. 15. Grange Road abutting Application site.



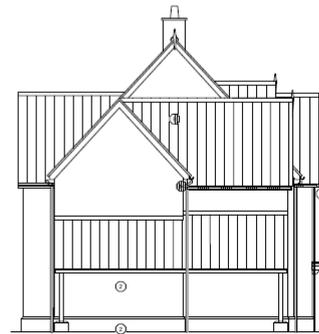
Front Elevation - Plot 1



Side Elevation - Plot 1



Rear Elevation - Plot 1

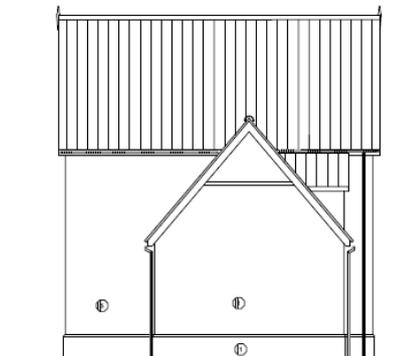


Side Elevation - Plot 1

Fig. 16. Plot 01 - Grange Road



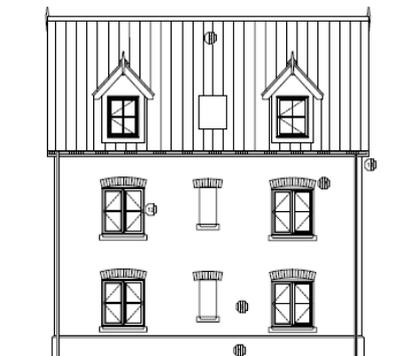
Front Elevation - Plot 3



Side Elevation - Plot 3



Rear Elevation - Plot 3



Side Elevation - Plot 3

Fig. 17. Plot 03 - Grange Road

Finally, the remaining point under paragraph 6.5 states that the *“informality of the existing appeal site and its environs should be reflected in the proposals as this is a defining characteristic of the locality derived historically from the ad hoc development of small holdings.”* Once again this is a statement made from a seemingly superficial analysis of the context in which the site finds itself, holding up the existing built form as the template from which the development should be designed, when it is neither consistent with nor appropriate for the area in which the site is located. It is the antithesis of the approach the Council used when considering the Grange Road scheme, that had similar street patterns and built forms as the Appeal scheme. Furthermore, this exhortation as an appropriate response to the development of the site is inconsistent with the established character of Oak Road, Maple Leaf or Walnut Tree Way to the East. The Council are presenting the existing on-site condition as the norm for the area when this is manifestly not the case.

- Point 6.6 discusses the fact that the development proposes to infill the gaps created between Stourton and Coronation Cottages with two plus storey development, ironically asserting it is not informed by the contextual character, when it is precisely because of the contextual character of the neighbouring dwellings (Stourton, The Gables and Coronation Cottages) that the frontage is proposed at two storeys. The contextual character that is apparently referred to is that of the existing bungalows and travellers pitches that are proposed to be removed by this development. There is no convincing design rationale, why these existing elements which are to be removed should have any bearing on the proposed design. On the contrary, their removal, provides an opportunity to significantly improve the street scene and therefore the Northern Gateway into Tiptree.

The second part of this paragraph discusses glimpses offered through the existing on-site buildings and hedge rows through to the countryside beyond. Starting with the hedge row and trees to the south of The Gables, the glimpses offered will be temporary regardless of whether this development comes forward or not as the Grange Road development will once completed sit between the site and countryside beyond. The loss of views to the Countryside beyond was evidently not a concern to the Council during the decision making process of that Application.

Regarding the views offered between the Bungalows through to the countryside on the Western boundary, this will be maintained via the site access road going East-West from Kelvedon Road (Fig. 18). Whilst, this view will be framed by the proposed development, views towards the countryside beyond will be maintained.



Fig. 18. View from Kelvedon Road to countryside blocked by Grange Road development (blue). Views towards countryside through development created (green).

11. Views into the site are discussed in Point 6.7, the proposed layout of the development along the access road is described as a “*wholly suburban streetscape of linked two storey houses creating continuous frontage development*”. This is incorrect as the spacing and character of the frontage development to Kelvedon Road is continued as it turns the corner into the site, Flat Block C provides an important role in following the curve of the road, leading the eye into the scheme and providing legibility for residents. The access road, being the principal method of accessing the development was designed to have a formal character of similarly spaced and proportioned detached and semi-detached dwellings (rather than linked as suggested), providing a visual lead deeper into the development and towards the Open Space. It was also a response to the expectation that development beyond the site to the west could come forward, therefore a formal frontage linking from Kelvedon Road through to that development would be the most appropriate for route-finding and place-making purposes. As the principal pedestrian route into the site this designed formality of the access road is supported within the EDG Paragraph 3.61:

The continuity of a pedestrian route needs to be emphasised by minimising breaks in the built frontage. Gaps for road junctions and similar should be sited so as to have as little impact as possible on the visual continuity of the streetscape.



Limiting visual length by curve in street



Black Notley (Braintree)



Limiting visual length by taller terminal building

Fig. 19. Example of Continuity from the EDG.

With the prospect of that future development in mind, the description of the street as narrow is considered ill-judged. The street has been designed to cater for future widening to include a 6.75m road and 2 and 3.5m footpaths with 2-3m front garden spaces provided to dwellings on either side this results in a 20m+ separation distance between the front elevations. Additionally, verges have been provided to the northern side of the current road layout which will enable tree planting along the roads route.

12. A consistent problem with the Council's objections regarding the proposal is their attitude towards Land Ownerships. The Council, seem to consider that Applicants can propose alterations to land outside their control with no issues or consequence. This is a frequent criticism within their PoE regarding footpath connections both to the PRow on the Western boundary and Grange Road on the Southern boundary. Whilst it is the Applicant's intention for future residents to make use of these connections they can only enable them informally, this has been achieved by proposing footpaths right up to the relevant boundaries for onward connection. However, land beyond the redline boundary obviously belongs to third parties and therefore connections across their land to the proposal site needs to be facilitated by them. With regards to the Grange Road development it could be considered that it was a lack of foresight and a failing on the part of the Council regarding the application at Grange Road that made no provision to provide and secure connection to the application site, nor is a connection made between Grange Road or the PRow on the Western boundary. Instead, in the instance of a connection between Grange Road and the Application site a simple strip of open space was left over across the length of the relevant boundary between the two sites (Fig. 20), and in the instance of the PRow a private drive simply stops at the boundary with no physical connection made, for reference and despite being outside the site boundary, this is conveniently marked J on the annotated plan submitted by the Council in their own PoE (Fig. 21). In any event, the approach in the current case for connections is not different to the approved Grange Road scheme that was recently approved by the LPA.



Fig. 20. No connections proposed between Application site and Grange Road Application.

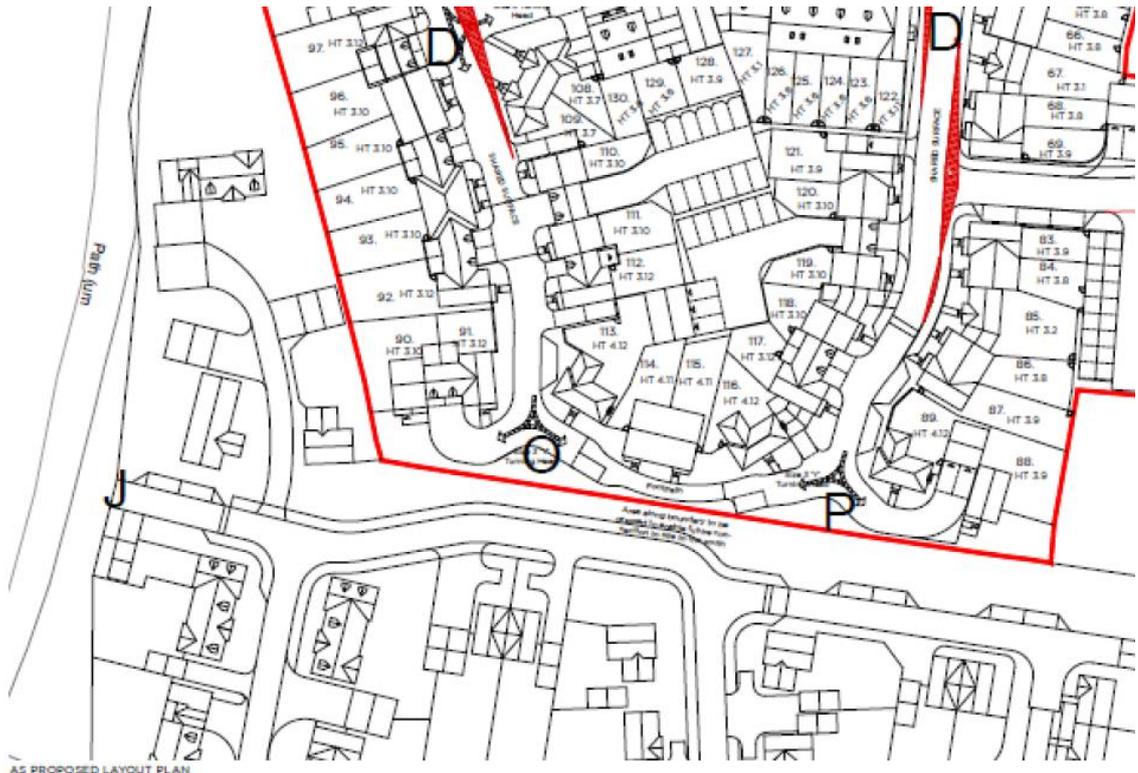


Fig. 21. Annotated Plan in Council's PoE. Location J is outside the Application boundary and marks where Grange Road does not connect to the PRoW.

13. The footway along Kelvedon Road is correctly stated as being discontinuous and quite narrow. As part of the ongoing works refining the Application proposal it is currently proposed that where the existing footpaths lie adjacent to the Application boundaries they will be increased in width to 2m by using space within the site to facilitate this. In addition, a new crossing point is proposed across Kelvedon Road to the south of the Gables to enable safe access to the wider pedestrian network. This will be of benefit to both the residents of the appeal development and other residents.
14. The PoE provides an annotated site layout identifying what the Council maintains are key areas of contention, some of these are listed below:
 - A) A main street aligned NNE-SSW with twin short cul de sacs running northwards and terminating against the northern site boundary. This main street terminates against the site's southern boundary and does not provide onward connectivity with the adjacent footpath;

Response

Following consultation with various Stakeholders it was made clear to the Appellant and the Design Team the importance of providing a through route to the currently undeveloped land beyond the site beyond the South Western boundary. Much like this site, and the adjacent development to the South this open space has been identified in the Neighbourhood Plan as an area for potential future development and as an act of "future proofing" it was considered important that access to it was provided through the Application site. This is a design principle that has never previously been challenged by the Council as an issue in any iteration of the Site Layout until the exchange of evidence introduced this as part of their case. The design of the scheme is appropriate in this regard.

- B) To the south-east of the main street, frontage development wraps around the North and Western end of The Gables curtilage;

Response

A statement of fact with no identification of harm or comment. The design responds to the presence and proximity of The Gables and meets all appropriate standards, with the Case Officer commenting that the proposals would not be “*materially harmful*”.

- C) To the south-eastern end of the main street at the southern end is the solitary area of public open space addressed by continuous frontage development to the SSE and a substantial block of Flats (Block A) to the south end;

Response

A singular, but multi-functional and large Open Space can successfully fulfil the needs of the various residents of the development. Continuous frontage development to the Open Space seems to be identified here as a negative. However the approach is supported by Paragraph 3.51 of the EDG.

Most public spaces should be faced by the fronts of buildings and their entrances, not by a predominance of flank elevations or side or rear boundaries. This helps to reinforce visual character, define spaces and promote pedestrian movement. It also contributes to better security by enabling the informal supervision of public spaces by residents. The provision of natural surveillance is thereby likely to reduce both the incidence and fear of crime while increasing the use of spaces by people of all ages and abilities. This in turn promotes social inclusion and community cohesion.

The identification of Flat Block A as substantial would also seem to be negative. Flat Block A is located on the Western edge of the proposed Public Open space, due to its location within the development it is proposed as a combination of 2.5 and 3 storeys. This provides occupants with views across the open space to the East and the countryside to the West. Importantly, it also provides a landmarking role for the open space sitting within its own setting and contributing to legibility and, which as discussed is supported by Paragraph 3.28 of the EDG.

D) To the south-east of the POS frontage development are twin cul-de-sac's linked by a footpath each terminating in a turning head against the southern site boundary;

Response

Again, a statement of fact with seemingly no identification of harm or adverse comment. The development in this location provides a frontage towards the Grange Road development and benefits from access to the open space left over by that development (Fig. 22).



Fig. 22. Open Space on Southern boundary.

- E) A secondary cul-de-sac provides access from the north-eastern limb to a further cul-de-sac of detached homes to the south-east of The Gables.

Response

This cul-de-sac is the location of some of the larger 4 and 5 bedroom homes, which are characterised by larger plots and looser spacing between. A 3.5m foot/cycle path provides additional connectivity to Kelvedon Road, which will also be supplemented by a new crossing across the existing road.

- F) The principal access is within the site frontage to the north-west of The Gables. To the south of this access is a band of continuous frontage development (See B) above - Flat block C) that defines the southern side of the principal access point.

Response

As with Point B) there is no commentary here. However if, the Council is suggesting that Continuous built frontage is a negative, then this is at odds with the good practice guidance within the EDG, namely paragraphs 3.69 and 3.86. This is particularly relevant when designed in combination with a curved road alignment as this development does.

3.69 Continuity of built frontage is desirable because it helps to enclose spaces and creates continuous pedestrian routes

3.86 Where houses front a curve in the road, there has been a tendency to stagger the houses in a saw-tooth fashion so as not to depart from the planning grid. This is T-square planning and fails to respect the realities on the ground. It results in a jagged space and enclosing roofline uncharacteristic of traditional streets, where house fronts curve to follow the line of the street. New developments should adopt the latter method; the consequent slight irregularity of house plan is a small price to pay for a more harmonious street scene.



Maintaining continuity

Fig. 23. Extract from EDG.

13 In Paragraph 6.12 the Council contends that the layout is insular and introverted. However, this ignores the context of the site and the opportunities provided for outward facing development. When carefully studying the context of the site there are two potential locations for facing outwards beyond the site. These are along Kelvedon Road and towards Grange Road to the South. To Kelvedon Road the development presents a strong continuous built frontage either side of The Gables, by removing the Travellers pitches to the North and filling in the available gap between it and Vine Road to the South creating a much more aesthetically attractive street scene. To the South East the dwellings face outwards towards The Grange Road development, mirroring and complementing that development in this location, enabling the use and surveillance of the open space that has been left over between the two developments.

The Council identifies locations I and K as areas where the streets terminate abruptly at the site boundary with no onward connectivity. Location I is of course the access road. The Council if maintaining this case would thwart the ambitions and aspirations of Tiptree Parish Council as the access road through the site to the western boundary was one of the Parish Council's stated aims for the development. The basis of the Parish Council's case is that a through route would provide some relief to perceived issues of concern relating to congestion. The Appellant's design maintains that option should the case for one be established. Without this approach the scheme would otherwise prevent future development as envisaged. It is, therefore a key benefit of this development that it preserves the ability of the Parish Council and Neighbourhood Plan Steering group to develop proposals beyond the site. With regards Point K this is located on the Northern boundary and would enable access to and future development of the field between the Business Park and Application site, again future proofing the site for future development entirely consistent with good practice and for which numerous examples exist even within the Grange Road development (Fig. 24).



Fig. 24. Examples of roads “terminating abruptly” within the Grange Road development (cyan), which along with Point J on the Council's annotated plan future proof the site for connections to the adjacent, empty undeveloped sites.

A third point within this paragraph states that the frontage development to the south side of the principal site access does not provide an expected transition in density towards the edge of the settlement. This is a somewhat misleading statement as the frontage development south of the access road is approximately half the width of the site, consisting of Apartment Blocks B and C and 5 dwellings, the remaining half consists solely of the Open Space. It follows that this provides an appropriate, transition between the proposed dwellings and the countryside.

Boundary treatments are discussed at the end of Paragraphs 6.12 and 6.13, the instances of close-boarded fencing along the northern boundary have been removed in subsequent revisions of the plan to enable access to and the maintenance of the Hedgerow. In areas designated for hedgerow retention principally along the northern boundary, the intention is for the fence line to be offset from the hedge by 2m. This will create a buffer zone for the ongoing maintenance of the hedgerow, which will fall outside of private ownership and be held by a management company. For reference the Landscape Officer previously (2nd Dec 2020) highlighted 4 hedges that it would be preferable to retain in the public realm (shown by blue highlights he made).



The central hedgerow obviously falls within the POS, the southernmost hedgerow sits between the application site and the Grange Road development outside of private ownership. In relation to the Northern hedgerow it was accepted by the Landscape Officer as a fall back that if it was not possible to retain hedgerows in the public realm then he confirmed a next best option, *".....with units preferably facing onto the hedgerow framework, or as a minimum ensuring rear garden boundaries are set well back from them"*.

With regards to the boundary treatments in the other locations, the fencing chosen is quite clearly seen in the very photos submitted in the Council's own PoE (Figs 2,3,4 and 5) and are those being used at Grange Road, it seems therefore inconsistent that an alternative treatment is being insisted upon for this development. It is also clearly stated within the Case Officer's Report that where the site borders with existing properties a 2m high close-boarded fence should be erected, therefore the PoE in this area seems to contradict what is stated by the Case Officer.

Finally, regarding the use of brick boundary treatments to public facing areas it should be noted this was at the specific request of the Urban Design Officer upon consultations with the Council and can be seen appended to the PoE

(Appendix 2). It is unclear whether the comment therefore is a rejection of the Urban Design Officer's comments. Nor is it clear what justification for the suggestion in the PoE exists.

The dwellings fronting the footpath in Location H have side facing windows, with rear windows also providing good outlook over the proposed pedestrian footpath.

Identity

15. Paragraph 6.15 refers to the height of the proposed Flat Blocks A and C which both have elements of 3-storeys as being over-scaled for their location and not characteristic of Tiptree. This is contradicted by the evidence of recent development in Tiptree. This is, most clearly evidenced by the Nine Acres development at the southern end of Tiptree (Fig. 25 and 26 below) where 3-storey development can quite clearly be seen in the background amongst 2.5-storey dwellings right on the edge of the Countryside which can be seen to the right of the image.



Fig. 25. Nine Acres development to the south of Tiptree. Development - Left. Countryside - Right.



Fig. 26. 3-Storey building at entrance to Nine Acres, with view towards countryside beyond.

More particularly, there is no justification for asserting that 3-storey development is unacceptable. 3-storey residential development is of an appropriate scale, height and mass in this location and the Council's case is unconvincing in suggesting otherwise. In the adjacent Grange Road scheme some development is proposed at 2.5-storeys - most pertinently the ones directly adjacent to the application site on the South Western boundary (Plots 1 and 3) and which also directly abut and can be seen from the countryside (Figs 16 and 17).

Flat Block C is described as being wholly out of context on the edge of a rural settlement, once again when viewed against the evidence of the image above there is an absence of consistency. The 3-storey block above sits as a stop end to the access road into the above development but also sits directly adjacent to open countryside visible from many vantage points in the surrounding area. In my view the above is entirely acceptable but if there is any merit in the Council's case the approval is incapable of being justified by parity of reasoning with the case being maintained against the appeal

development – especially as the appeal site not truly edge of countryside. Paragraphs 3.27 and 3.28 of the EDG encourages the positioning of Landmark buildings to mark the gateway to the site and, with its organic form turning the corner, lead pedestrians into it.

16. Within Paragraph 6.16 it is stated that the character and place of the appeal scheme is rooted in local distinctiveness. This is again unconvincing. The existing site accommodates a Travellers pitch and its context includes further Travellers pitches south of Stourton, Tower Business Park, the post-war housing at Maple Leaf and Walnut Tree Way, the various efforts at traditional design along Oak Road and new construction at Grange Road. There is a lack of any distinction or hierarchy. The only discernible distinction about these developments is their lack of relationship with each other despite being within 500m of one another. The dwellings proposed by the Appeal site draw on the examples of recent development throughout Tiptree and identified within Doc#3+ including Berryfields (Figs 27 and 28), Nine Acres (Figs 29 and 30), Grange Road (Figs 31 and 32) etc. all have made successful applications using the same palette of materials and details.



Fig. 27. View from Berryfields access road.



Fig. 28. View from Berryfields central POS.



Fig. 29. Nine Acres 2.5-Storey dwelling.



Fig. 30. Nine Acres 3-storey dwelling.



Fig. 31. Grange Road typical street scene.



Fig. 32. Grange Road street scene from main road.

This all points to the Council exhibiting an absence of understanding of the appropriate context of the area. As part of the Design development process the context of the area was examined and investigated and a design contextually appropriate, suitable for its locale and one, that would be appropriate for the aspirations of the developers and future residents was developed. This development is deliberately more playful with its use of coloured render and other materials, porches and chimneys than for instance Grange Road has. This is because render is in fact the predominant material in the development and is found throughout Tiptree and is, supported by the EDG in paragraph 1.42:

Historic streets in Essex towns and villages invariably have a majority of rendered houses. If, as is desirable, the character of historic settlements is to be reproduced in new development, this high proportion of rendered houses should be perpetuated.



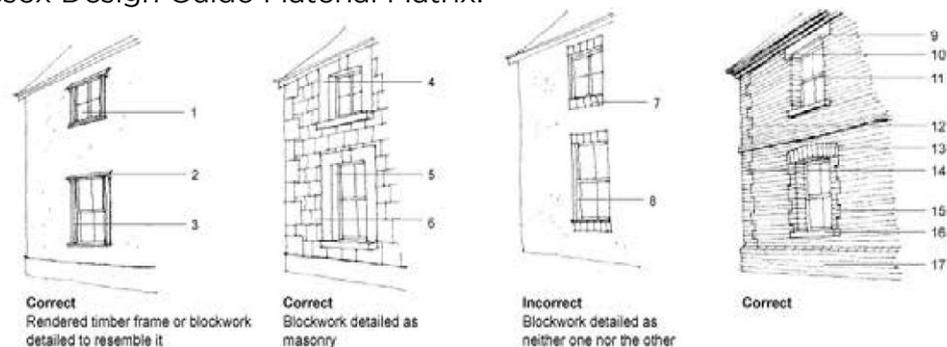
Material Matrix

Traditional: a. Red Brick b. Traditional Coloured Render c. Black Weather Boarding

Traditional/ Contemporary Mix: d. Buff Brick e. Slate/ Tiles f. Coloured Weather Boarding

Contemporary: g. Brick Patterning h. Zinc i. Panelling

Fig. 33. Essex Design Guide Material Matrix.



1. Window on face of wall
2. Pentice board
3. Painted timber architrave
4. Heavy head sill and surround
5. Window inset within opening
6. Ashlar effect markings
7. Brick detail inexplicably showing through
8. Window slightly inset
9. Lintel in different material
10. Projecting eaves course
11. Window inset within opening
12. String course
13. Lintel that appears adequate for load
14. Quoin
15. Contrasting window surround
16. Sub-sill
17. Plinth

Fig. 34. Appropriate/common forms of detailing from the EDG.

The PoE states that car parking located in the rear parking court to Plots 108-130 lack passive surveillance. However, it is overlooked by the rear of 23 separate dwellings with access to this court via 2 separate accesses which are also heavily overlooked.

Views along streets are described as not being closed by attractive built form, the primary source of this once again identified as locations I and K on the submitted plan. Both of these have been discussed previously in this rebuttal, but for further confirmation, the incorporation of these roads up to the boundaries is for future-proofing the possibility of development outside of the site. Therefore rather than reinforcing *“the lack of connectivity of between the site and its immediate environs”* it improves it.

17. Paragraph 6.17 discusses the Public Open Space provision within the scheme. The proposed development features a large truly multi-purpose open space, which is able to accommodate the needs of residents of all ages. Furthermore, the high level of pedestrian connectivity around the site is suitable for residents and cyclists either via the shared surfaces or footpaths which permeate throughout the site. The submitted Landscape Masterplan even goes as far as identifying potential dog walking routes. The Council also seems to disregard the location of the site's proximity to open countryside. Furthermore, the decision to orientate Plots 88-91 and 113-116 towards Grange Road, opens up the availability for the use of the open space left behind by the Grange Road application between the 2 developments (Locations O & P), which has been stated as a negative but is a positive.

Further, the Council seems to be proceeding under the assumption that one large area of POS is a problem, without identifying any particular reason why this should be so. Paragraph 8.20 of the EDG states the following:

Evidence shows that the most effective public open spaces are large, multi-purpose, informally supervised parks. These are best allocated by the Local Plan/Development Framework process or in a Design Brief, and those Local Planning Authorities that operate a percentage-based open-space policy should aggregate the requirements of a number of smaller developments to create these larger, more useful open spaces. This is becoming even more necessary as Parks and Leisure Departments feel the effects of financial stringency and are less willing to adopt smaller and less economically viable open spaces. In some cases, management companies may have to be established to run and maintain open spaces.

Having a single POS will, based on the above enable opportunities for a full range of different social activities, will be easier and more economical to maintain and is evidently well overlooked enhancing security or surveillance, and limiting opportunities for people to linger for anti-social purposes. Regardless of this however, the wider role of shared surfaces seems to have been forgotten, particularly in the area south of the POS and north of the Access Road. Shared surfaces with their lower drop kerbs enables the hard standing areas to become usable spaces for incidental meetings and social interactions, reinforced by moving buildings closer together, creating links and moving them closer to the road, building a sense of enclosure thereby reducing vehicular speeds.

Built Form & Movement

18. Following on from the previous point, the Council posits that the proposed layout is defined by a network of dead ends with streets that lead nowhere or to each other. This is wholly incorrect, pedestrians and cyclists have multiple routes through and around the development if they so choose whether by shared surface, footpaths or cycle links. In fact in reference to the Council's annotated plan a route between all points identified could be plotted. Restricting the road connection of Points O + P on the Council's annotated plan reduces vehicular traffic across the relevant shared surfaces, therefore enhancing their credentials and viability as secondary social spaces.
19. The development also proposes a new crossing point across Kelvedon Road and a widening of the footpaths bordering the site along Kelvedon Road to 2m, thus promoting pedestrian and cycle connectivity.
20. Crucially, whilst the PoE asserts that the Layout lacks connectivity, the Case Officer's Report written by the Case Officer states the following:

"Pedestrian permeability has been enhanced via the southern pedestrian link to Kelvedon Road and as a result achieves a broadly acceptable standard. The proposed road layout appears relatively acceptable in terms of its positioning and the majority of prominent vistas and corners are treated in a appropriate manner."

This once again evidences a contradictory position on the part of the Council post-decision. Following submission of the Application the refinement of the layout was collaborative, working together with the Case Officer and Urban Designer to make adjustments for example the centralisation of the POS within the scheme which was stated as being *"far more appropriate"* in both the Case Officer's Report and the Urban Designer's comments. Overall, the layout of the development was deemed to be *"broadly acceptable"* by both the Case Officer and Urban Designer in their submissions.



Fig. 35 Connectivity plan from Doc#3+.

Nature

21. The PoE states that the proposal leaves little space for nature, and fails to enhance and optimise the opportunities for biodiversity including net gain (BNG). As part of the Appeal submission, documentation has been provided which shows that the level of BNG significantly exceeds emerging local policy and national expectations. The POS features a large area of retained hedge, trees and vegetation along its northern side that will also be enhanced with new planting to improve its vitality and presentation, this can be seen on the Landscape Masterplan.

As per the Case Officer's report the Council recommends a 2m high close-boarded fence to be erected along any boundary with existing properties. However, along the northern boundary the fence line has been offset by 2m to enable the ongoing maintenance and access to the hedge on that boundary, this is a significant positive of the proposals.

Furthermore, the PoE states that there is limited or inadequate space in front garden areas for planting to support wildlife and create habitats, this is inaccurate, with all dwellings across the site having a minimum 1.5m deep garden but the majority exceeding that level. This gives ample space for planting encouraging the proliferation of wildlife on the site.

22. Paragraph 6.21 states that the approach to the SUDS will limit the ecological value of the POS whilst the loss of the pond is a concern. The current iteration of the layout, firstly removes the LEAP from the SUDS detention basin, therefore enabling its use regardless of rainfall events. Secondly, the SUDS basin does not include the retained area of hedge and tree planting to the north of the POS area therefore it will grow and develop naturally over time. Finally, the pond at centre of the site will indeed be lost however a new pond has been proposed within the scheme to the west of the POS and will form part of the landscaping retention strategy which can be seen on the Landscaping Masterplan (Fig. 36).



Fig. 36 Landscape Masterplan extract showing new pond on western boundary.

Public Spaces

23. In paragraph 6.23 the Council makes a series of assertions regarding the POS, rather than identifying the harm that would be caused by its consolidated form. The PoE states for example that the LEAP “could” discourage senior adult use for tranquil reflection because it will be dominated by play for children, this is unsupported by evidence. The suggestion that differing age groups are unable to interact with each other within the same space, even though the space itself is over 5000sqm, the LEAP being only 400sqm of this total area seems, with respect, to be an absurd position to adopt as it would suggest that some form of policing and discrimination of users would be necessary. The Council’s approach is the antithesis of social inclusion.

The PoE comments on the SuDS retention basin being located within the Open Space, questioning its usability due to its presence. Dual use of Open spaces for SuDS features is an accepted and widely applied design approach according to Section 22.6 of CIRIA (Construction Industry Research and Information Association) 753 (see below).

Detention basins may be constructed to serve more than one purpose, and can be used as car parks, playgrounds or sports fields. When constructed for multiple purposes, the detention basin should be usable for the function other than surface water detention for most of the time. Where multi-functional use is intended, the recreational area should normally have a relatively low flooding frequency such as 1-5 year return period, depending on its use. Interpretation boards explaining that the area is part of the drainage system and that it could be filled with water may also be required.

Uses

24. The Council calls the scheme a residential monoculture stating that it is neither mixed or integrated with its immediate context. The principle of residential development in this location has been agreed by the Council, the expectation of the site to provide a mixture of uses is not in fact what the NDG expects on a development site such as this on the edge of a settlement. Paragraph 113 states the following:

Mixed-use development creates an active and vibrant place with an intensity that feels like a centre or destination. Typically, it is appropriate in urban locations and the centres of larger scale developments.

Instead the development site should provide an integrated mix of tenures and housing types as per Paragraph 109 of the NDG:

Well-designed neighbourhoods need to include an integrated mix of tenures and housing types that reflect local housing need and market demand. They are designed to be inclusive and to meet the changing needs of people of different ages and abilities. New development reinforces existing places by enhancing local transport, facilities and community services, and maximising their potential use.

The Appeal scheme categorically provides this. In terms of Affordable housing the 30% requirement is met, it includes a range of house type sizes and is pepper-potted around the site as required by the Council. Furthermore, 70/130 dwellings in the development have been designed to be Category M4(2) or M4(3) well in excess of Policy requirements.

Homes and Buildings/Resources.

25. The PoE incorrectly states that there is no commitment to wheelchair accessibility within the development, as previously mentioned 70/130 dwellings in the development have been designed to the relevant Category M4(2) and M4(3) standards. Compliance with these standards have been identified on additional documentation submitted for the Appeal.

26. The delay caused by the non-determination of the Application and the submission of additional documentation to address the increased weight of the emerging Section 2 Local Plan that has been established since the Appeal was submitted provides further detail regarding the schemes commitment to sustainable design and construction. In the period between submission and now, building regulations have changed and an increased and consistent focus on sustainable design has become an important aspect of National and Local Policy. The supporting documentation now provides additional clarification on the development's following Sustainability measures:

- The building fabric performance for the new dwellings will meet or exceed the requirements of Part L, with a commitment to a Fabric First approach.
- Installation of Solar Panels on the considerable number of viable pitched roofs across the site, all managed by an EDDI Energy Management System.
- All dwellings are to be provided with Electric Car Charging Points or with the infrastructure to enable their installation.
- All dwellings will be provided with Air Source Heat Pumps, further reduce the energy consumption of the development.
- Specification of water efficient appliances, including washing machines and dishwashers.
- Dual and low flush toilets.
- Reduced flow (low pressure) showers and aerated taps. An example being Ideal Standard's Concept Blue Range.
- Flow restriction on piped water supplies to sinks and basins.
- Minimisation of leakage by installing isolation valves and leakage detection.
- The sites location makes Rainwater harvesting an attractive inclusion to the projects wider sustainability strategy, All dwellings with private amenity space in the form of a rear garden will be provided with a Water Butt connected to the downpipe of a roof gutter, water collected in this way can then in turn be used to water plants, irrigate lawns, fill up ponds, wash windows or cars whilst conserving water from mains supplies.

Lifespan

27. The Council states that it is their opinion that the scheme is unadaptable in terms of the design of the units and the layout of the scheme, but provides no relevant evidence or factors that have led them to this judgement. In terms of layout adaptability the primary access road through the development and the junction at the site access have been provided within generously wide open settings to be held and maintained by a Management Company which will enable their future widening to serve future development to the West. The possibility for an access point to the northern field has also been retained. The dwellings themselves meet or are in excess of the Nationally Described Space Standards (NDSS) and Garden sizes are all compliant with a majority being in excess of Local Policy requirements, it is noted in the Case Officer's report that a *"Policy compliant provision of parking and private amenity space appears to be achieved."* Furthermore, a majority of the proposed private gardens are of sufficient length or regular shape to enable private residents to extend their homes whilst retaining an acceptable level of amenity.

The PoE again refers to sustainability measures, these have all been addressed in the recent submission documentation. The original submission was entirely consistent with the policies at the time of submission. However during the determination of the Application further sustainability policies have been given additional weight. Design is of course an iterative process and the delay in receiving a decision has enabled those sustainability measures to be expanded upon and improved upon.

Appendix 4

28. The submitted PoE also contains an Appendix submitted by Catherine Bailey which further discusses Landscape and Ecology matters.

29. Paragraph 1

Ms. Bailey identifies the density of the scheme at approximately 30 dwellings per hectare from the Planning Statement, firstly this is incorrect as the density of the development is 25dph. She then goes on to repeat the same mischaracterisations of Paragraphs 6.4-6.6 stating that the development does not provide a sensitive transition along Kelvedon Road and does not respect the contextual character. This was of course dealt with in this rebuttal through the identification of numerous examples of 2 and 2.5 storey development immediately surrounding the application site.

As Ms. Bailey likes to outline from the Townscape Character Assessment (TCA) *“some gardens face directly onto the road, with no boundaries, whilst others are separated by a combination of low walls and hedges”*. As can be seen from the design, the layout shows the proposed houses at different depths facing the road directly, with gardens or frontages at differing depths and comprising trees and hedges, whilst others have small private drives which front the road behind hedges and trees. This equates to the variation in character as guided by the TCA, which Ms. Bailey pinpoints well, as well as the existing character of the road frontage at present. The mixed variation which is referred to in the TCA has been designed within the layout, providing these subtle contrasts between public and private spaces.

To expand, the key characteristics identified in the TCA for a modern post 1960's suburbs townscape type (p.274) are in fact,

- *“Predominantly residential areas, containing houses built between 1960 and the present day*
- *Housing is usually arranged in estates, containing a number of cul-de-sacs leading from a main road.*
- *Houses often have private front and back gardens and are either semi-detached or detached, with occasional short terraces.*
- *Back gardens are often separated from the road using wooden fencing.*
- *Materials consist of mass produced brickwork, often red and beige.*
- *Streetscape is often utilitarian, containing bland street lighting and details.*
- *Estates usually contain a number of small mown amenity grassland greenspace areas, sometimes containing brightly coloured children's play equipment”*.
- The TCA for H1: Oak Road and Walnut Tree Way Post 1960's Suburbs states that for the existing environment,
- *“Streetscape within Walnut Tree Way housing estate feels safe, but is generally bland and stark”, “Overall poor definition between public and private open space within housing along Walnut Tree Way” and “Overall lack of recognisable sense of place”*.

30. Paragraph 2

It is accepted and the appellant recognises existing trees and hedge planting along the site boundaries and within the Site, and as an allocated Site, the design retains these key vegetation features both along the boundaries and through the centre of the Site, as far as possible – these are the elements of the F1 Messing Woodland farmland character area that are being retained, which lie at the edge of the LCA where it adjoins the urban area. The Council fails to acknowledge that a significant portion of the Site

falls into the Urban Landscape Area in character terms – Area H1 on Figure 3.6 of the TCA confirms H1: Oak Road and Walnut Tree Way as being entirely part of the modern “*Post 1960’s suburbs*”. The map shows I1 to the northwest (20th Century Retail, Commerce and Industry), with further suburban development to the south (H5). In addition, the Landscape Setting analysis (map 3.6), shows the strong containment provided by three woodland blocks (Perry’s Wood, Hill Wood and Square Wood) at the edge of the F1 character area. The Council erroneously claim that Figure 3.7 shows the sensitivity and value of the landscape type to be Moderate/High – Figure 3.7 actually shows the sensitivity of the townscape edge (as assessed by CBA in 2006 and prior to much of Tiptree’s more recent development) as being of Moderate or Low. In the Evaluation of Sensitivity to New Development, P276 of the TCA confirms there are few intrinsic Landscape or Townscape Qualities, and the location has Low visual prominence. Furthermore, the Council fails to acknowledge the continued expansion of Tiptree with extensive new residential development beyond the urban edge at Vine Road, Grange Road and Honeybee Grove, within the same Wooded Farmland Landscape Type.

31. Paragraph 3

Contrary to Ms. Bailey’s claims, the Council’s Landscape Officer wrote (2nd Dec 2020) regarding hedges “*Existing hedgerows - The revised proposals look to have retained the majority of the mature hedgerows on site, including those previously identified as protected under the Hedgerows Regulation 1997*”.

The LPA has failed to recognise that in addition to retention of hedgerows, the scheme also proposes to reinstate hedges where possible/ appropriate and plant new ones. One example is that the Council fails to recognise that this part of the frontage (in the photograph below) currently has no planting at all, it is bland, stark and has no recognisable sense of place, but as proposed in the layout it will include new hedges and trees along the entire section. As a result, the Kelvedon Road frontage here will have a net increase in the amount of hedgerow overall compared to existing. The appellant being unfairly criticised for introducing new planting, which will make a positive contribution to the townscape, road frontage and the scheme’s interface with the public realm, compared to the existing.



32. Paragraph 4

The Landscape Officer (2nd Dec 2020) highlighted 4 hedges that it would be preferable to retain in the public realm (shown by blue highlights he made).



(Ref: CBC Landscape Officer sketch, 2nd Dec 2020)

In refining the design it became possible to retain 3 out the 4 hedges within the public realm (west boundary, southern boundary and the central line). Whilst the northern boundary line could not be retained in the public realm, due to the linear nature of the link road alignment and width of single housing depth, it was felt preferable to overlook the central feature. Although it would have been preferable to overlook all 4 features, the fact that 3 have been retained in public areas, it was also accepted by the Landscape Officer, as a fall back that if not possible then he confirmed a next best option, *“.....with units preferably facing onto the hedgerow framework, or as a minimum ensuring rear garden boundaries are set well back from them”*. The presence of inset garden boundary line on the one remaining identified edge to the north is being offset as required by the Landscape Officer can be provided as part of the conditions, if further reassurance is required.

33. Paragraph 5

Tiptree has a wider aspiration for the development of land beyond the Application site to the west, including in the neighbourhood plan, the spine road is to be extended and consequently development on the appeal site will not form the outer edge of the settlement in due course as a result of increased development in the area. Positively, the scheme allows for connectivity with these wider areas.

34. Paragraph 6

In response to the Landscape Officer consultation (2nd Dec 2020), *“LVIA - in accordance with the aim of the Type 1 visualisations as required under Table 2 of the Landscape Institutes Technical Guidance Note 06/19, the extent of the proposed development needs to be clearly illustrated on the visualisations (i.e. a line illustrating its proposed width)”*.

The provision of a line illustrating the Site’s proposed width as requested was then provided by Liz Lake Associates via Strutt and Parker to the Council in February 2021 and can be seen on the LLA revised LVIA Figure 8 Photographic Sheets. This is exactly the same approach that is being taken in consultation with CBC’s Landscape Officer on many schemes in the district and are perfectly acceptable in meeting the Landscape Officer’s requests.

35. Paragraph 7

Wireframes and massing models have never been mentioned previously and it appears that until the appeal both parties (appellant and Landscape Officer) understood the nature of the effects of the proposed scheme. No wireframes were requested during the determination period, and the Landscape Officer had no such concerns as far as we were made aware. The Council has the right to prepare its own wireframes should it have felt necessary for the appeal, particularly if the officers themselves feel they don't understand the scheme sufficiently from the material in front of them.

36. Paragraph 8 and 9

Plan 399.01 was indicative only and is now supported by a full landscaping strategy. The primary strategy is for the retention of the established boundary hedgerows, and to enhance these to maximise their biodiversity value. New planting along these areas includes scrub planting and buffer mixes given the existing character of the site and its boundaries, and that it is not only trees that have value in this regard. There is scope for treating the hedgerow along the south-western boundary in a similar manner to that of the northern boundary, by offsetting the fence line by 2m and creating a buffer zone between for enhancement and maintenance, the garden areas in that location are generous and therefore the amenity space provided would still meet or exceed policy requirements.

37. Paragraph 10

The Canopy Cover Assessment now submitted confirms that the proposed landscaping strategy demonstrates the potential for approximately 166 new trees. This will ensure a 10% canopy cover increase from year 1 of the development, which will then continue to increase as the trees establish and mature.

38. Paragraph 11

As per the response to Paragraph 4, the Landscape Officer identified 4 Hedgerows to be retained by the scheme. As per the proposed layout plan and landscape masterplan all 4 have been retained and will be maintained and enhanced by additional native species of hedge and tree planting to fill gaps and increase visual attractiveness.

39. Paragraph 12

The PoE's original comment regarding front garden sizes is repeated by Ms. Bailey. This is disputed. Although the EDG does state the following in Paragraph 3.78:

In layouts at densities of over 20 dwellings per hectare (8 dwellings per acre), there is generally no case for dwellings to incorporate front gardens, with two notable exceptions:

- *One or two dwellings in a street sequence may be set back to create an incidental feeling of extra space and greenery.*
- *Three-storey houses are tall enough to maintain a feeling of enclosure even with front gardens - which in such cases should be large enough to contain a tree.*

Furthermore, there is no minimum standard for the depth of front gardens either in the NDG or EDG, therefore all private houses across the site have been provided with a minimum 1.5m deep garden but the majority will far exceed that level. This gives ample space for planting encouraging the proliferation of wildlife on the site and follows similar street patterns and front garden as that which has been approved at Grange Road. With the alterations

to the layout to future proof the road connection the west, a verge has been inserted between footpath and road edge to enable the planting of street trees along the principal access road outside of the ownership of private residents.

40.Paragraph 13

The site does not provide opportunities for direct connections to nearby Ancient semi-natural woodland given its distance from these features. It shall have no harm on these features. Tree planting increase of over 300% will maximise the sites role in the existing green infrastructure network, and ensure environmental benefits that will greatly exceed the existing value of the site. The planting of large and mature trees has been prioritised over small-scale tree whip planting to maximise the canopy cover increase as a result of the site's development in-line with emerging local policy.

41. Paragraph 14

A substantial green corridor has been retained at the centre of the site to be maintained and enhanced by additional landscaping interventions. The hedgerows previously identified in consultation with the Council's landscape officer have also been protected and provided with suitable buffer zones.

42.Paragraph 15

Paragraph 15 quotes text from the Planning Statement which mentions small areas throughout the site which break up built form. Ms. Bailey wrongly refers to these as POS, these spaces between buildings and along roads are not referred to as POS by the Appellant. They are the spaces you would expect to be created by developing a site layout and proposing development, whilst they are not suitable as POS they do provide visual amenity benefits, softening the presentation of the development through the insertion of additional trees and planting as part of the overall landscaping strategy which as discussed will be an improvement on the existing condition, all whilst providing ecological opportunities through the planting of berry and nectar .

43.Paragraph 16

As has been discussed in the rebuttal to the PoE provided by Mr. Cairns the Public Open Space has been consolidated into one, large, multi-functional space, able to fulfil the functional needs of the development but also the social needs of its residents. Larger ancillary open spaces are located at the front of the development, to which I think Ms. Bailey refers but these are referred to as Amenity Open Space, rather than POS. The POS as proposed currently incorporates the most significant on-site natural feature as supported by the National Design Guide and quoted by Ms. Bailey in her text. This is then supplemented by a new pond which will replace that being lost, a large open space also serving as a SuDS basin and a LEAP which is located outside of the basin, in Ms. Bailey's text she states that:

"public open spaces should be high quality, provide attractive open spaces and in locations that are easy to access, provide usable green spaces with different functions to suit a diverse range of needs."

The open space is centrally located to ensure that it is easy to access by all new residents, as well as being visible from the site entrance and directly accessible for any visitors or existing residents accessing the site. It has a number of different functions, including providing a play area, nature areas for less formal exploration and enjoyment, and a large flat depression (accessible via ramps for all users) for recreation. It also accommodates a number of benches, and dog waste bins.

44.Paragraph 17

The concept of POS doubling up as a SuDS feature is supported by CIRIA however it is not as substantial as Ms. Bailey states. Revisions to the basin have seen the LEAP removed from its area and the root protection areas of the trees within the central hedgerow removed from its area resulting in a total area of around 1800sqm of the 5000sqm+ of the overall POS. Ms. Bailey questions where children play ball games, but this would obviously occur within the flat area at the centre of the SuDS space, as the proposed basin has been provided with graded side walls to enable access and egress for people as it should if it is to be used as a multi-functional space.

During times of high-water level or run off, plenty of space has been provided around the outside of the basin enabling the placement of benches, this includes on the northern side where the RPAs of the adjacent trees meant a significant area of grassland can be proposed for amenity purposes. Furthermore, as previously mentioned the LEAP has been excluded from the basin area therefore the east side of the POS will also be outside the SuDS zone. These measures all go to show that the POS will have year-round, all-weather usability to the benefit of residents.

Finally, Ms Bailey and the Council present the site as its own isolated world, one in which the residents cannot venture beyond the boundary to seek additional open spaces and must only use the POS provided for them. This is quite obviously incorrect as the site has numerous open spaces surrounding it principally those directly abutting it including the open countryside to the west and the open space between Grange Road and the Application site. Looking further afield, there are 2 open spaces within the Grange Road development and an open green-park link cuts east-west from Maypole Road to Townsend Road just south-west along Kelvedon Road. All of these spaces provide opportunities for residents to explore, enjoy and integrate with the area in which they live, and for those who are less adventurous or less able the on-site POS as discussed provides all the functions and amenities that would be required by residents all year round.

Conclusion

45. This rebuttal has focussed on the points raised by the Council in their submitted Proof of Evidence and Appendix 4.

The main difference between the parties in this case relates to the examination of context. This has been no more obvious than in its presentation of the site and the context of the development, whereby the evidence presented by the LPA would make it appear as if the context is the site is purely loosely spaced small holdings and bungalows located on the very edge/outside the settlement. However, this is misleading as the sites nearest neighbours Stourton, The Gables and Coronation Cottages are all 2-storey dwellings, the approved development and under construction development at Grange Road which abuts the site on the southern boundary is a mix of 2 and 2.5-storey dwellings and Oak Road and Maple Leaf to the East are also a mix of 2 and 2.5-storeys. The selective contextual analysis has then been used as evidence against the proposed development and support of the Council's case.

Furthermore, the Council has adjusted its previously held positions, for instance the access road through to the Western boundary which was acceptable for the purposes of future-proofing development beyond the site boundary during consultations before a decision but is now regarded as unacceptable. The Case Officer and the Urban Designer both has stated that the layout was broadly acceptable prior to the submission of this PoE. It is also clear that the Council have been inconsistent with their recent decision making in Tiptree, whether it be the approval of 3-storey development on the very edge of countryside at the Nine Acres development to the South of Tiptree, or whether it be any of a wide range of supposed issues with this development that were deemed acceptable at Grange Road including scale of dwellings and connectivity to the PRow.

It is therefore, the conclusion of this rebuttal that the Council has presented a case on design that ignores fundamental attributes and characteristics of the site, has chosen not to reference design guidance contained within the Essex Design Guide which has been used to develop and refine the scheme, changed previously held positions on the design, and finally been inconsistent regarding what is acceptable between one development and the next in its approvals across Tiptree.