

190647 – Land adjacent the Gables, Kelvedon Road, Tiptree

Policy Update – 25 January 2021

Introduction

Following the policy responses dated 28 June 2019 and 4 June 2020, significant progress has been made in regard to the Tiptree Neighbourhood Plan. Conversations have also been ongoing between the applicant and planning officers. As a result, it is considered necessary to outline the latest planning policy position regarding this application.

The position regarding the Emerging Local Plan and Tiptree Neighbourhood Plan require further consideration and the latest position is set out below.

Consideration surrounding the Tower Business Park and the Pony Farm Gypsy and Traveller site are also relevant to the Adopted Local Plan, Emerging Local Plan and Tiptree Neighbourhood Plan. The latest position regarding these issues is also provided.

Emerging Local Plan (ELP) Update

The North Essex Authorities received the Inspectors Report and Schedule of Main Modification for the Section One Joint Local Plan on 10 December 2020. The Inspector has concluded (subject to main modifications including the removal of the Colchester Braintree Borders and West Braintree Garden Communities) the Section 1 Local Plan is sound and legally compliant.

On 14 December 2020, Local Plan Committee resolved to recommend to Full Council that it adopts the modified Section 1 Local Plan in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004. A Full Council meeting is scheduled to consider adoption of the Section 1 Local Plan on 1 February 2021.

Now the Section 1 Examination has completed, the Section 2 (Colchester specific) Local Plan Examination can commence. The Planning Inspectorate have already appointed two Planning Inspectors with hearing sessions expected in Spring 2021, and further information regarding the Examination proceedings will be made available on the Council's website in due course.

Tiptree Neighbourhood Plan Update

Following submission of the Tiptree Neighbourhood Plan (NP), CBC publicised the Tiptree Neighbourhood Plan and submission documents for a seven week consultation which ran from 20 June to 10 August 2020 (Regulation 16 Consultation). This followed an initial publication which commenced on 20 April 2020 and was later withdrawn to allow for reconsideration of how best to respond to the restrictions brought by Coronavirus whilst continuing to progress the Plan expediently.

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

As the Plan cannot proceed to referendum, the Tiptree NP will need to return to the Regulation 14 stage in the plan making process.

TPC and CBC remain concerned that the Examiner’s Report can appear inconsistent in places and it is unclear how his overall conclusions relate to comments elsewhere in the report. As a result of this, it has been considered necessary to place on record alongside the Examiner’s Report, a joint response which identifies these inconsistencies from the outset. A joint response has been published on the Council’s website.

In summary, the main issues identified in the Examiner’s Report are:

- Availability and reference to evidence for the spatial strategy;
- The Strategic Environmental Assessment (SEA) and considerations of alternatives; and
- The apparent conflict between the Tiptree Neighbourhood Plan and Section 2 Emerging Local Plan.

The Examiner’s Report and Joint Examination Report are available on the [Council’s website](#).

Colchester Emerging Local Plan and Emerging Tiptree Neighbourhood Plan

It is acknowledged the examination of the Emerging Local Plan (ELP) has been complex and occurred over an extensive period of time. However, the Section 1 Examination has now completed and will be considered by Full Council for adoption on 1 February 2021. The Section 2 Examination is due to commence in 2021.

Unfortunately, as the Tiptree Neighbourhood Plan has been unable to proceed to referendum and will now return to the Regulation 14 stage, the NP can no longer be attributed weight in the decision making process in accordance with NPPF paragraph 48.

The ELP is considered to be advanced given the conclusion of the Section 1 Examination and the commencement of the Section 2 Examination imminently. The policy response dated 28 June 2019 extensively considered the level of conformity of policies with the NPPF and the extent of unresolved objections.

Since submission of the ELP in October 2017, there have been a number of changes in the case of Tiptree. Most notably this includes:

- granting of planning permission at appeal for up to 200 dwellings at Barbrook Lane (LPA Ref: 182014 and PINS Ref: APP/A1530/W/19/3223010);
- refusal of planning permission for up to 255 dwellings being upheld at appeal at Land South of Maldon Road (LPA Ref: 192025 and PINs Ref: APP/A1530/W/20/3248038); and
- Examination of the Tiptree Neighbourhood Plan.

The broad areas of growth direction arrows were included within the ELP as a tool to guide the consideration of planning proposals if the progress of Neighbourhood Plans were such that it had not defined the proposed site allocations more specifically. This approach was taken for Tiptree and West Bergholt alone, due to their stage in the Neighbourhood Planning process.

At the time of writing the ELP, there was still a considerable amount of work to be undertaken for the Tiptree Neighbourhood Plan including further site analysis and public consultation. As a result, three broad areas of growth arrows were included on Policies Map SS14. This identified that development should be located to the west of the settlement. However further evidence has been produced to direct this more specifically to the north west.

It has also been identified Policies Map SS14 contains a mapping error, as this does not reflect the latest Local Wildlife Site (LWS) areas. For Tiptree, this includes amended boundaries for two LWS and the addition of a new LWS designation.

As a result of all of the above, the Council are preparing a Topic Paper to inform the Section 2 Examination and provide an update of planning matters in Tiptree. This Topic Paper also includes minor modifications to Policy SS14 and the supporting policy map. This will be available on the Council's website once it is finalised and submitted to the Planning Inspectorate.

This site is located within the direction of a broad area for growth arrow as shown on the SS14 Policies Map (both the submitted and revised iterations). As outlined above, the arrows are intended to help guide development in the event that there is not an advanced NP. Given that the Tiptree Neighbourhood Plan has no weight and is to return to the Regulation 14 consultation stage; in this instance, the principle of development in this area is supported.

Specific Issues

Employment Land

As stated in the Planning Statement Addendum October 2020, this site includes a small undeveloped portion (approximately 1ha) of the Tower End Business Park. It is noted

the constraints of this undeveloped portion of the employment allocation including land ownership and access.

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

Policy DP5 safeguards employment allocations and outlines the criteria-based approach to be considered for change of use. The loss of any employment land is not supported in principle, however given the specific circumstances of this particular site and that the existing developed portion of the Tower End Business Park is to be retained it may be considered that the supply and availability of employment land is sufficient to meet the borough and local requirements. This will need to be considered in the overall planning balance by the case officer.

Gypsy and Traveller Accommodation

The site includes a Gypsy and Traveller site for 1 pitch at Pony Farm. The Planning Statement Addendum October 2020 reiterates the intention of the occupier of Pony Farm to relocate to the nearby Colt Farm site. As outlined in the Policy Response dated 4 June 2020, this had been considered through the Neighbourhood Plan with an additional clause being added to Policy TIP13 of the Tiptree Neighbourhood Plan.

As outlined in the Policy Response dated 4 June 2020, if it can be demonstrated through further information that it is not possible to retain the pitch onsite, the Policy Team would not object to the relocation from Pony Farm to Colt Farm in principle. However, there does not appear to have been information presented as to why the pitch cannot be retained on site nor has Land Registry information been provided to confirm the land ownership as indicated. It is noted that additional information has been provided in the Planning Statement Addendum to demonstrate there is sufficient space, access and amenities for an additional pitch at Colt Farm.

As the Tiptree Neighbourhood Plan can no longer be afforded weight, there is no policy mechanism in place to ensure the need is continually met, however if appropriate, this could be secured via planning condition.

Design

Conversations have been ongoing between officers and the applicant. A revised full layout plan for the proposal has been provided in October 2020 and remains under review. The Council's Urban Design Specialist will provide further advice regarding layout and design.

Conclusion

The Tiptree Neighbourhood Plan Examination has concluded that the Plan cannot proceed to referendum. No weight can be given to the Tiptree Neighbourhood Plan.

The ELP continues to progress through examination, with the Section 1 Examination now complete and Full Council due to consider adoption of Section 1 on 1 February 2021. The Section 2 Examination is due to commence in 2021. The ELP is considered to be advanced as per NPPF paragraph 48 and is afforded significant weight.

The ELP contains broad direction of growth arrows for Tiptree to guide development in the event that the NP is not sufficiently advanced. This site is in accordance with a broad direction of growth in the ELP.

Through the Tiptree Neighbourhood Plan an agreement in principle had been reached between CBC and the NP Group, regarding the Tower End Business Park and Gypsy and Traveller Site at Pony Farm. However, as the NP can no longer be given weight, these issues need to be considered in accordance with the Adopted and Emerging Local Plans and within the overall planning balance. Opportunities to safeguard alternative gypsy and traveller provision through the use of planning conditions may assist with addressing this issue and removing the policy concern in this respect.

Overall, the Policy Team support the principle of development at this site, in accordance with the broad direction of growth shown within the ELP.