

AMENDMENT SHEET

Planning Committee
2 February 2023

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 213086 – Land south of Copford Village Hall, School Road, Copford

Following the writing of the report, three further objections have been received. A copy of each of these is attached. A concern has been raised regarding the summary of objections and lack of a full copy of a objection comment in the Committee Report. A fully copy of this objection letter is provided below:

I am writing to object to planning application number 213086, including the recently amended scheme (the "Proposal"). The amendments are incredibly minor and do nothing at all to address critical planning concerns and objections. Crucially, the proposal yet again fails to explain how it is suitable as a rural exception site.

The Proposal fails to properly address a number of key policy considerations and lacks sufficient evidence to support the development. The site sits within the heart of the Copford countryside and, critically, outside of the village settlement boundary (and therefore outside of the designated area in which developments are permitted). Very little thought has been given as to how this Proposal fits within the wider need for housing in the area, nor the damage that it will cause and lack of support from the local community. Furthermore, the planning and design statement does not appear to discuss local policy and fails to explain how it meets the principal and criteria of a rural exception site.

1. Failure to meet Rural Exception Site principal and criteria

The Proposal is lacking any detail around how and why the proposed development is appropriate as a rural exception site. A key part of the purpose of a rural exception site is that the development be community-led and supported by the local parish council (who will know what affordable housing is needed and the suitability of the site compared to other alternatives). This is made clear by CPRE, who also state that ideally the site will have been identified as an exception site suitable for development in a neighbourhood plan.

It was made very clear from the questions I asked at parish council meetings and when speaking to Ward Councillors that this proposed rural exception site has come about due to a desire of the landowner to sell land, not due to a desire of the local community or parish council. This site cannot be sold to a developer to build on as Local Plan policy protects open countryside against development. CBC has already considered this site (among others) for development and has rejected these in favour of other developments in Copford. The Proposal therefore appears to be an attempt to circumvent normal planning practice by looking to an exception which is absolutely not intended for use by landowners in this way.

The Proposal is not community-led or supported. This is clear from significant local objections from residents, which included a protest outside the site along School Road. The parish council has already considered the Proposal and, after discussing the issues surrounding it, none of the Councillors voted to support the application. Two of the Councillors objected, four of the Councillors felt there were issues and would therefore simply provide a comment and one Councillor abstained.

From my previous discussions with Ward Councillors it became clear that the landowner was looking to rural exception site applications from 2014/15 in Dedham and Messing, hoping to duplicate the same for this site in Copford. In Dedham and Messing, there was local support for the applications, particularly in the case of Messing where it received 23 letters of support and only 2 objections. The proposal was thought to be a good outcome for the village and also provided additional community benefits, including a much-needed car park for the local school (welcomed by local residents) and an allotment. Crucially, the applications in both Dedham and Messing also received support from the local parish council and were not heavily objected to by local residents.

Furthermore, the Copford with Easthorpe Neighbourhood Plan 2019-2033 does not identify the site as suitable for development. A rural exception site should only be used in rare circumstances where there is support from the local community and parish council, due to the benefits of the housing outweighing the damage it will cause. The Proposal fails to meet the very essence of what a rural exception site is designed for. This is a profit led exercise, driven by a desire to sell land. We cannot allow landowners to abuse rural exception sites in this way.

2. Overreliance on outdated and misleading data from Local Housing Needs Survey

Another key element of a rural exception site is that the proposed development must meet a clearly identified local housing need. The Proposal fails to provide sufficient evidence of a clear local need.

The Proposal refers to a Housing Needs Survey (HNS) that was performed in early 2020. This will soon be three years old and is therefore simply too old to use as a basis for assessing local housing needs and views of local residents. Nevertheless, I have reviewed the 2020 HNS, noting that it only had a response rate of 25% and therefore represents the views of a minority of residents.

Of the 25% of residents that responded, the HNS found that there was some support (69%) for a small development of 4-8 homes primarily for affordable housing where one or two open market houses were to be included. Note that this is 69% of the 25% of respondents, making up only 17.25% of residents. More importantly, this question lacks sufficient detail to be relevant to a rural exception site. The question does not ask whether residents would be in support of a small development that is to be built outside of the identified village settlement boundary on green open space.

If respondents were asked about building a development of 4-8 homes on green open space in the heart of the village outside of the settlement boundary, the support would plummet. Furthermore, if it was made clear that these new homes will not count towards the CBCs target of new homes in Copford and Easthorpe (and therefore will be additional homes on top of what local residents already feel is a large increase), support for the site would drop further still to the point where I suspect none would remain.

It is clear from the HNS that the main reason respondents had a desire to move to alternative accommodation was to set up their first / independent home, with 68% of households citing this option. There was a strong desire from those in need to own their own property with 82% preferring to own part or all of their property. I understand that the proposed properties for local residents under the Proposal are rental properties. If the majority of the individuals identified have a desire to own their own property, the housing in the Proposal will be useless.

Furthermore, the HNS indicates that there are seven applicants on the CBC housing register who have stated a local connection to Copford. There is no information as to the needs and desires of those people, who may have no interest whatsoever in moving into the proposed accommodation. It is impossible to confirm without further information and there is clearly a risk that these properties do not meet the needs or desires of the very people it claims to be for. Further information should be sought as to the appropriateness and effectiveness of the site in meeting the referenced local housing need.

3. Failure to align with the objectives of the Copford with Easthorpe Neighbourhood Plan

The planning and design statement claims that the Proposal is “a development proposal that meets the needs of Copford’s community as identified in the emerging Copford Neighbourhood Plan”.

I completely disagree with this. Rather than meeting the needs of Copford’s community, the Proposal is in fact at odds with it. A rural exception site allows for the destruction of rural open countryside space which is otherwise protected by Local Plan policy. The recently published Copford with Easthorpe Neighbourhood Plan 2019-2033 seeks to conserve and enhance the distinctive nature of our rural community. Green open spaces are at the heart of the plan which also specifies that the greatest part of the parish includes large open fields and unbroken views. The plan indicates a desire to safeguard the special rural character of Copford and to promote the use of brownfield sites over greenfield land. The Policy protects against the loss of agricultural land and damage to the rural character of the Parish, and seeks to protect areas of existing open space.

Destroying green open space and far-reaching views across open countryside in the heart of Copford directly conflicts with the vision and objectives of the Neighbourhood Plan. A rural exception site should only be used where the community and parish council believe that the destruction of rural green open space can be justified for the benefit of the community, and where there are a distinct lack of alternative sites available for housing. The Proposal goes against the vision and many of the objectives in the Copford with Easthorpe Neighbourhood Plan. There are far more suitable sites in Copford for housing which will not lead to the loss of green open space and countryside views that are synonymous with the village of Copford. New housing to meet local requirements need not damage the rural character of Copford that the Neighbourhood Plan strives to protect.

With respect to rural exception sites, the Neighbourhood Plan simply states that “where affordable houses are built on rural exception sites, they are held for the benefit of local residents in perpetuity.” This merely states the purpose and requirements of a rural exception site – that any affordable homes on such a site be held in perpetuity for local residents. The plan does not support rural exception sites and the site in question has not been identified as a suitable location for one. Affordable housing should be built in

appropriate areas within the parish where the development would not directly conflict with the vision and numerous objectives of the Neighbourhood Plan.

4. Other objections

It seems unlikely that other concerns and objections with respect to specific detail of the site will need to be considered, since the Proposal should be rejected based on the fundamental flaws set out above (failure to meet rural exception site principal and criteria, failure to provide clear evidence of local need by relying solely on an outdated and somewhat misleading HNS, and failure to align with the Neighbourhood Plan). However, please see below additional objections to the Proposal.

4(a) Design and appearance

The NPPF seeks to ensure that developments are sympathetic to local character and history. The Copford with Easthorpe Neighbourhood Plan 2019-2033 states that all developments should respond to “local context and ensure that its visual impact respects that context”, while respondents to the HNS stated that if homes were to be built, they should be of the right tenure and design to fit the vernacular. The design is not in keeping with local context or vernacular. The buildings are completely out of character in terms of appearance compared to existing homes in the area. The density is not appropriate in a rural village setting and is more akin to an urban/suburban environment. There is also a distinct lack of detail or rationale in the application and the planning and design statement to justify the inclusion of a 6-meter-wide road through the middle of the site and a huge car park with 14 spaces for 5 houses. All other properties on School Road have a driveway at the front of the property. A wide road sitting perpendicular to School Road leading to a large car park is wholly unnecessary and not in keeping with the local context or vernacular.

4(b) Visual and residential amenity

The landscaping of the development is essentially a vast area of tarmac. It would require the destruction of trees and tarmacking over a significant area of green space and open countryside views which are currently enjoyed by residents, many of whom frequently use this space for rural countryside walks.

While the site may not fall within the Copford Green conservation area, it is centrally located within Copford and Copford Green (as described in the planning and design statement). It is clearly distinct from the North of Copford and London Road, which the Heritage Assessment describes as becoming 'more suburban'. The site and surrounding area is far more comparable to the rural countryside living of Copford Green. Unsurprisingly the sites identified by CBC for development in Copford are in the North of Copford (just off London Road) rather than sites along the School Road countryside. School Road, particularly the area around the village hall and land south of this point, is part of the rural village setting which leads into the Copford Green conservation area. To build on this green agricultural land would have an adverse effect on the countryside identity of Copford and would adversely affect residential amenity.

The Landscape Visual Impact Statement confirms that the existing open space of the site provides amenity value and provides views of the arable field beyond the site. It states that the proposed development will clearly become an addition to the setting and would block those views. As justification for this, the document states that the development would remove “unsightly detracting elements from the street scene”. It claims these to be “untidy and fragmented boundary vegetation and overhead cables

and poles.” Firstly, overhead cables and poles exist throughout the village, not just in this location. Secondly, I do not believe that untidy and fragmented boundary vegetation (if you can even use these terms to describe it) is justification to build 7 new homes on green open space, impacting amenity value of local residents and blocking views across beautiful countryside. Surely tidying up the boundary vegetation without placing a huge and unnecessary development behind it, destroying green space and countryside views in the process, would be the more logical and appropriate solution.

4(c) Setting a precedent and leaving the area open to abuse

While each application must be considered on its own merit, my understanding is that setting a precedent (which would make it difficult to object to similar proposals in the future) is a relevant consideration. The Vice Chairman of the parish council was keen for the minutes of the parish council meeting (where the original application was discussed) to reflect the fact that the landowner does not intend to sell any further land for development, ensuring that the remainder of the field be left untouched. The landowner was present at the meeting and indicated that there were no further plans to build on the land but did not categorically rule this out.

The CPRE raise concerns that rural exception sites are open to abuse: “the danger of abuse lies in the risk that, once the principle of development at a rural location has been established, a developer will then seek to exploit that fact to obtain permission for a far larger commercial development for market homes there”.

Not only is the proposed development not appropriate as a rural exception site and has simply come about due to a landowner’s desire to sell land, the insistence that a wide and unnecessary road be placed within the middle of the site and a disproportionately large and unnecessary car park placed around the back of the houses leaves the site open to such abuse. While any future developments may not strictly be a relevant consideration, setting the site up for abuse of an exception to Local Plan policy certainly should be.

4(d) Protecting biodiversity

As set out in the Copford with Easthorpe Neighbourhood Plan, new developments must “support, promote and protect biodiversity”. This is consistent with the NPPF, which seeks to ensure that the natural and local environment is enhanced through minimising impacts on and providing net gains for biodiversity. The design and landscaping of the proposed development requires the destruction of green open countryside which will become a vast area of tarmac. The proposed development is not eco-friendly at all and does absolutely nothing for biodiversity; it will inevitably destroy an established and thriving ecosystem. The planning documentation claims that the properties have the “potential” to have a positive impact on a limited number of animals. However, it goes on to state that the positive impact is often “countered by increased road casualties, poisoning through garden pesticide use and domestic pet attacks.”

Conclusion

I object to the planning application, reference number 213086. The site sits outside the identified village settlement boundary and should not be built on, particularly where more suitable alternatives exist and the very exception it attempts to rely on does not apply. The proposed development on this site has come about due to a desire of the landowner to sell land, not due to a desire of the local community or parish council.

The rural exception site principal should not be left open to abuse by landowners and developers in this way. The Proposal should be rejected.

The Proposal fails to meet the rural exception site principal and criteria, fails to align with the Copford with Easthorpe Neighbourhood Plan 2019-2033, and relies heavily on a Housing Needs Survey that is outdated and misleading when attempting to apply it to a rural exception site. Furthermore, there is no information or evidence to suggest that the development is in anyway suited to the needs of the very people it claims to be for.

Additionally, the development is not in keeping with the local context or vernacular. It would have an adverse impact on the identity of the village, the amenity of local residents, the established and thriving local ecosystem and will cause the unnecessary destruction of green agricultural land. This should not and cannot be tolerated. CBC has already considered this site (among others) for development and has rejected these in favour of developments in North Copford. These sites are more suitable for development and will provide significant local housing in excess of CBC's target of new homes for Copford and Easthorpe.

In review, the two objections received following the Committee Report are summarised as follows:

- Concerns regarding Officer bias,
- Concerns that full copies of an objection comment is not provided in the Committee Report
- Conflict with the 'Copford with Easthorpe Neighbourhood Plan', which states "Pits Wood and surrounding open aspect views have high local value and contribute to the nature of the Parish"
- Concerns with the loss of the agricultural field in favour of development

In terms of the emerging Neighbourhood Plan, planning applications are decided in accordance with the development plan for an area unless material considerations indicate otherwise. The development plan for Colchester currently consists of the Colchester Local Plan (Section 1 adopted February 2021; Section 2 adopted July 2022) and all 'made' (adopted) Neighbourhood Plans.

Prior to adoption of a Neighbourhood Plan, the weight that can be given to an 'emerging' Neighbourhood Plan varies depending on the stage it has reached. Neighbourhood Plans will gather increasing weight as a material consideration the further they get through the process.

The draft Copford with Easthorpe Neighbourhood Plan is currently at examination and details of the Examination can be found here: <https://www.colchester.gov.uk/copford-easthorpe-neighbourhood-plan/> . At this stage, prior to the end of the examination, limited weight can be attached to the policies in the Neighbourhood Plan. At the examination, the Examiner determines whether the Neighbourhood Plan meets the Basic Conditions and recommends whether it can proceed to referendum or not. The Examiner may also require changes to be made to the Neighbourhood Plan. If successful at the examination stage, with modifications if necessary, then the local authority will arrange for a Neighbourhood Plan referendum. At this stage (if successful and once a report has been received from the Examiner and the Council has made a decision to proceed to Referendum), further weight can be applied to the

Neighbourhood Plan as the Examiner would have tested the Plan against the basic conditions, and any unresolved objections would have been subject to the examination process.

If at the referendum, there is a majority yes vote, then the neighbourhood plan is 'made' and becomes part of the statutory development plan for the area and carries the same weight as other development policies.

Planning applications have to be determined against the policies which apply at the time of determination and the Decision applies to the date of that determination. Any proposals determined at a time when the status of a Neighbourhood Plan is at a stage where further weight can be afforded, it will be relevant for any decision to take into account the extent to which a proposal conflicts with, or is supported by, the policies in NHP, with weight being afforded as appropriate.

Following the submission of a Phase 1 Contaminated Land Report, the Contaminated Land Officer has stated the following:

Gemco Phase I Geo Environmental Assessment for land adjacent to Copford Village Hall, School Road, Copford. Reference 2203 R01:Issue 2. Dated January 2023

The above named report is acceptable for the purposes of the Environmental Protection Team. Please note any geotechnical information has not been assessed as part of this response.

The findings of the report seem reasonable and we await the Phase II report.

However it would appear that the site could be made suitable for the proposed use based upon the information provided.

If you were minded to grant permission for this development, we would apply the following conditions based upon the findings from the report:

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

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with all relevant, current, best practice guidance, including the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

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

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

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

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

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

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 30, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 31, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 32.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

ZG3 - *Validation Certificate*

Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 33.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

The aforementioned recommended conditions become 30, 31, 32 and 33 respectively.

7.4 222971 – Land adj to 3 Highfield Drive, Colchester

The map outlining the site on page 79 of the Committee Pack shows the site in green, with the remaining site associated with 3 Highfield Drive shown in beige.

To avoid confusion, Members are advised that this colouring does not indicate that the site is allocated as open space land. The adopted Policies Maps identify the site to be 'white land' and to reiterate this point, paragraph 5.1 of the report (page 81) should be amended to read as follows (addition in italics):

5.0 Land Use Allocation

- 5.1 The site lies within the defined settlement limits for Colchester *and is not allocated for any purposes within the adopted Policies Maps, therefore representing 'white land'.*