

Planning Committee

Town Hall, Colchester
26 May 2011 at 6.00pm

This committee deals with

planning applications, planning enforcement, public rights of way and certain highway matters.

If you wish to come to the meeting please arrive in good time. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk

Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

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Material Planning Considerations

The following are among the most common issues which the Planning Committee can take into consideration in reaching a decision:-

- planning policy such as adopted Local Development Framework documents, for example the Core Strategy, Development Plan Documents (DPDs) and the Site Allocations DPD, Government guidance, case law, previous decisions of the Council
- design, appearance and layout
- impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance
- impact on trees, listed buildings or a conservation area
- highway safety and traffic
- health and safety
- crime and fear of crime
- economic impact – job creation, employment market and prosperity

The following are among the most common issues that are **not** relevant planning issues and the Planning Committee cannot take these issues into account in reaching a decision:-

- land ownership issues including private property rights, boundary or access disputes
- effects on property values
- restrictive covenants
- loss of a private view
- identity of the applicant, their personality or previous history, or a developer's motives
- competition
- the possibility of a "better" site or "better" use
- anything covered by other legislation

Human Rights Implications

All applications are considered against a background of the Human Rights Act 1998 and in accordance with Article 22(1) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 there is a requirement to give reasons for the grant of planning permission. Reasons always have to be given where planning permission is refused. These reasons are always set out on the decision notice. Unless any report specifically indicates otherwise all decisions of this Committee will accord with the requirements of the above Act and Order.

Community Safety Implications

All applications are considered against a background of the implications of the Crime and Disorder Act 1998 and in particular Section 17. Where necessary, consultations have taken place with the Crime Prevention Officer and any comments received are referred to in the reports under the heading Consultations.

Equality and Diversity Implications

All applications are considered against a background of the Council's Equality Impact Assessment (EIA) Framework in order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination in relation to gender disability, sexual orientation, religion or belief, age, race or ethnicity. The legal context for this framework is for the most part set out in the Race Relations (RRA) and Disability Discrimination (DDA) legislation.

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
26 May 2011 at 6:00pm**

Members

Chairman : Councillor Ray Gamble.
Deputy Chairman : Councillor Theresa Higgins.
Councillors Christopher Arnold, Peter Chillingworth,
John Elliott, Stephen Ford, Peter Higgins, Sonia Lewis,
Jackie Maclean, Jon Manning, Philip Oxford and
Laura Sykes.

Substitute Members : All members of the Council who are not members of this Committee or the Local Development Framework Committee and who have undertaken the required planning skills workshop. The following members meet the criteria:-
Councillors Nick Barlow, Lyn Barton, Mary Blandon,
Nigel Chapman, Barrie Cook, Nick Cope, Bill Frame,
Christopher Garnett, Mike Hardy, Pauline Hazell, Martin Hunt,
Michael Lilley, Sue Lissimore, Richard Martin, Nigel Offen,
Ann Quarrie, Lesley Scott-Boutell, Paul Smith, Terry Sutton,
Anne Turrell and Julie Young.

Agenda - Part A

(open to the public including the media)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief and agenda items may be considered in a different order if appropriate.

An Amendment Sheet is circulated at the meeting and is available on the council's website by 4.30pm on the day of the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;

- location of toilets;
- introduction of members of the meeting.

2. Have Your Say!

The Chairman to invite members of the public to indicate if they wish to speak or present a petition on any of items included on the agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

3. Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

4. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

5. Declarations of Interest

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the

public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

6. Minutes

The minutes of the meeting held on 19 May 2011 will be submitted to the next meeting on 16 June 2011.

7. Planning Applications

In considering the planning applications listed below, the Committee may chose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

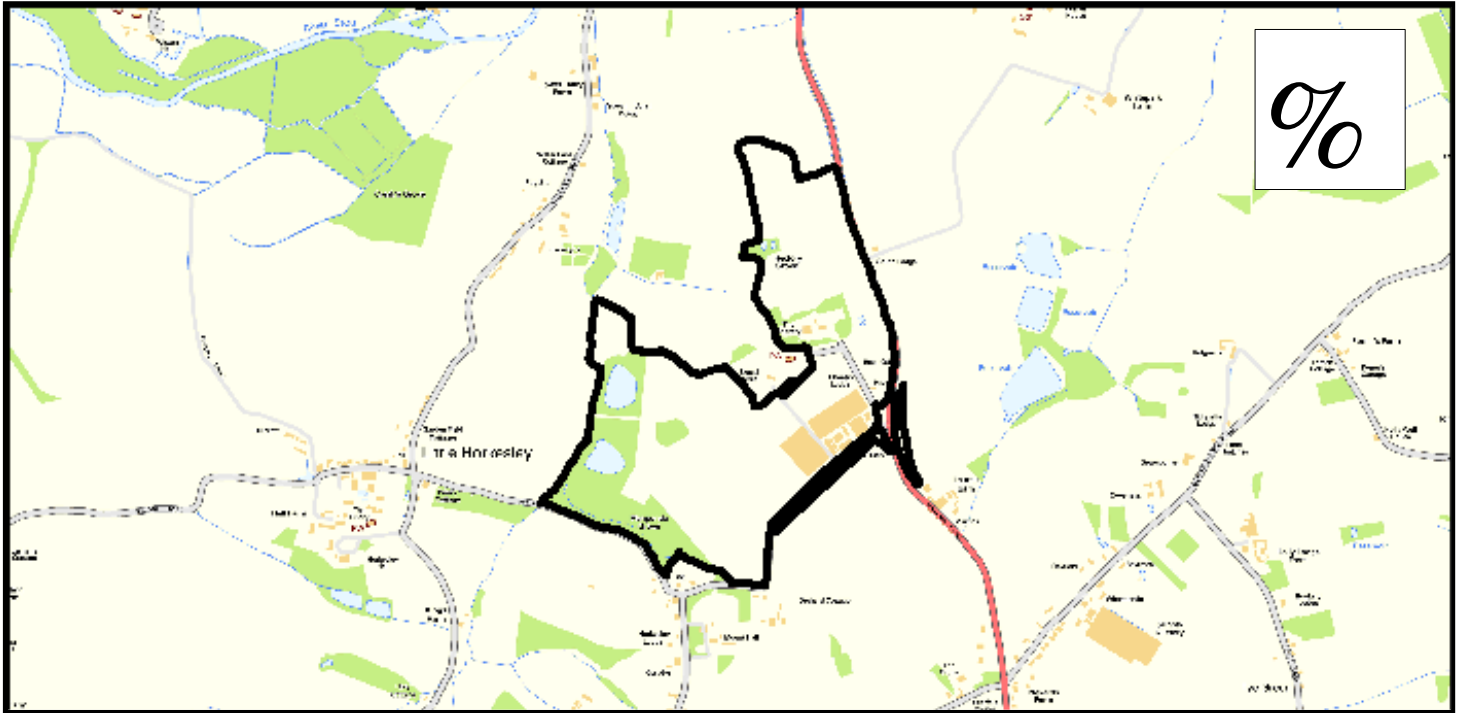
1. 090231 Land and other property north of London Road and west of the A134 including The Chantry, The Chantry Lodge, Hillside and Nursery Site
(Fordham and Stour)

1 - 210

Change of use and redevelopment of land to form a heritage and conservation centre comprising a 40.89 hectare country park, art gallery and craft studios (The Chantry) public gardens, main building, Suffolk Punch breeding centre, farm barn, underground nature watch building (The Warren) rustic adventure playground and main and overflow car parks.

8. Exclusion of the Public

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).



Application No: 090231

Location: Land & other property North of London Road & West, of the A134 Including, The Chantry, The Chantry Lodge, Hillside & Nursery site

Scale (approx): 1:20000

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **26 May 2011**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

Relevant planning policy documents and all representations at the time this report was printed are recorded as BACKGROUND PAPERS within each item.

Case Officer: Alistair Day

OTHER

Site: Land and other property North of London Road and West of the A134 including The Chantry, The Chantry Lodge Hillside & Nursery Site

Application No: 090231

Date Received: 18/ 2/2009

Agent: LDA Design

Applicant: Bunting & Sons

Development: Change of use and redevelopment of land to form a heritage and conservation centre comprising a 40.89 hectare country park, art gallery and craft studios (The Chantry) public gardens, main building, Suffolk punch breeding centre, farm barn, underground nature watch building (The Warren) rustic adventure playground and main and overflow car parks.

Ward: Fordham and Stour

Summary of Recommendation: Refusal

1.0 Introduction

1.1 The Horkesley Park Heritage and Conservation Centre planning application has been brought to the Planning Committee for consideration due to the large number of representations that have been received and the significant public interest generated by this development proposal. The application has not been 'called-in' by a Ward Councillor and could therefore have been determined by Officers under the current delegated procedures.

2.0 Synopsis

2.1 The decision has been taken not to prepare a synopsis for this report. This is due to the number and complexity of issues raised by this application, and in order not to oversimplify the factors for and against this development. The main body of the report (Section 12) discusses the key considerations under separate headings and a conclusion is provided in Section 13.

3.0 Site Description and Context

3.1 The application is for a development to be known as Horkesley Park Conservation and Heritage Centre and is on land formerly occupied by Bunting and Sons Nursery (consisting of mainly of redundant glasshouses), Hillside, Chantry Lodge and The Chantry (currently private dwellings) and adjacent parkland, woodland and farmland. The application site covers an area of 47.4 hectares (117 acres) in total.

3.2 The site is bounded by the A134 to the east and by London Road to the south. The western and northern boundaries are defined by field boundaries located on the north-west facing slopes of Little Horkesley Valley, a tributary of the River Stour. The grounds levels rise markedly from the tributary of the River Stour to an elevated upland fringe and plateau.

3.3 The site can be divided into four main areas:

- i The Nursery Site – consists of a complex of redundant glasshouses, brick agricultural buildings and hard standings which were developed in the main between 1965 and 1975. The horticultural operations ceased at the site in 2000. A number of the buildings within this site are currently being used for commercial purposes with temporary permissions. The site is enclosed by hedgerows and trees. This part of the site extends to some 4.20 hectares.

- ii. The Park and Farmland - comprises a mix of arable, grassland, the village cricket ground interspersed by mature and semi mature woodlands and linear belts of trees and hedges; this part of the site extends to 40.89 hectares. The land currently used for arable and grassland constitutes 31.42 hectares. The cricket ground is located within the south-east part of the area and extension to some 1.49 hectares. An area of woodland is located towards the north of the site within which are set two reservoirs; this area covers 7.23 hectares.
- iii. The Chantry is a fine stucco early C19 house set in its own substantial grounds. The house is located some 200m to the north of the redundant glasshouses and has a separate access from London Road. Agricultural land extends to the north and east of the house. This part of the site covers approximately 2.14 hectares.
- iv. Hillside and Chantry Lodge are two existing houses set within their own private grounds that respectively date from 1980 and 1938. This part of the site covers about 0.18 hectares.

3.4 Two separate areas of land are located to the south of London Road and to the east of the A134 also form part of the application site. These two parcels of land comprise farmland and some roadside vegetation and cover an area of about 1.5 hectares.

3.5 The table below shows the existing land uses and the percentage of the total site that they occupy.

Existing Land Use	% of Total Site Area
The Chantry and gardens	4.51%
Hillside and Chantry Lodge	0.38%
The Nursery site	8.38%
Arable and grassland	66.3%
Cricket ground	3.14%
Woodland, trees, hedges and reservoirs	15.71%
Potato and onion dump	1.58%

3.6 Approximately 75% of the site (to the west and north) is located within the Dedham Vale Area of Outstanding Natural Beauty (AONB). The main area of new built development is centred on the existing glasshouses and is outside the AONB.

3.7 The A134 is located immediately to the east of the site and is the main road between Colchester and Sudbury. London Road, which forms the southern boundary of the site, is a country road that links Little Horkesley to the A134.

3.8 Vehicular access into the site (excluding Hillside and several existing field entrances) is currently provided from three access points on London Road; two accessing the Nursery and one The Chantry, the latter some 15m from the A134 junction.

- 3.9 There is a network of existing public footpaths within or immediately adjacent to the site. FP3 provides a link from Water Lane, crossing farmland to the east of Old Josselyns before entering the north west corner of All Saints Church churchyard and entering the site; it then crosses the land to the north of the Nursery before connecting with the A134. FP4 provides a link from London Road at Fishponds Hill extending across the site towards the A134. FP5 is located within the site and links London Road with Fishponds Hill, crossing the fields to the west of the glasshouses. FP48 links Footpath 3 and 4 via The Chantry drive from the A134.
- 3.10 The land uses surrounding the site comprise farmland, woodland and scattered buildings and settlements. The area has an established rural character.
- 3.11 The site does not fall within any designated Settlement Boundary. The nearest settlements to the application site are Great Horkesley (0.8km) to the south; Little Horkesley (0.5 km) to the west and Nayland within Babergh District (1.5 km) to the north. The site is located about 8km to the north of Colchester town centre.
- 3.12 Various residential properties are located in the immediate vicinity of the application site. Broadacres, which is owned by the applicant, is located to the north of the former nursery site and to the west of All Saints Church. Woodland and Hillway are located on the north side of London Road and are bounded to the north and east by the west boundary of the application site. Broomfield and Sundown are located on the south side of London Road and directly over look the application site. The Rose and Crown, Laurels Barn and Martins (on east side of Nayland Road) are located to the south east of the application site while South Lodge (also on Nayland Road) is located to the east of the application site.

3.13 There are a number of listed buildings in close proximity to the application site, the setting of which may be affected by the development. The Church of All Saints, listed grade I, is located to the north of the former nursery buildings and is immediately bounded by the application site to the north-east, east and south. Josselyns, a grade II (Star) listed building, is located some 180m to the north west of the application site. The Rose & Crown public house and Martins (both listed grade II) are located to the south east of the application site on the east side of Nayland Road. The nearest Conservation Area is centred on the village of Little Horkesley. With regard to archaeology the only listing on the Sites and Monument Records are crop marks within the field to the south-west of the nursery. Fishponds Hill is identified as a Protected Lane.

4.0 The Proposal

4.1 The submitted planning application is for change of use and redevelopment of the land to form a heritage and conservation centre comprising a 40.89 hectare country park, in addition to an art gallery and craft studios, gardens, Main Building, Suffolk Punch Breeding Centre, Farm Barn, underground nature watch building (The Warren), rustic adventure playground and main and overflow car parks.

4.2 The proposals are described on the planning application as Class D2 (Assembly and Leisure).

4.3 The application is accompanied by Environmental Impact Assessment (EIA), Planning Statement, supporting technical reports and drawings. The EIA is made up of several volumes and provides an assessment of the following: Statement of Community Involvement, Landscape and Visual Assessment; Arboricultural Assessment, Ecological Assessment; Hydrology, Drainage & Flood Risk Assessment; Ground Conditions and Contamination; Tourism, Socio-Economic Aspects; Retail Assessment; Traffic, Transport & Access; Air Quality & Climate; Noise & Vibration; and Lighting.

4.4 Throughout the course of the application process, a significant amount of additional and supplementary information has been submitted.

4.5 The application has been treated as a Departure from the adopted Development Plan as it constitutes a major development on white land - i.e. land that is not allocated a land use.

4.6 The proposals for each of the four areas described in paragraph 3.3 are as follows:

The Nursery Site

4.7 It is proposed to redevelop the former Nursery site (referred to in the application as the Core Development Area) to include the following new buildings: The Main Building (footprint 8,759sqm); The Suffolk Punch Breeding Centre (footprint 927sqm); and The Farm Barn which will be underground, excluding the external / covered animal pens (414sqm). All the existing Nursery buildings will be demolished.

The Park and Farmland

4.8 The proposed provision of Country Park incorporating pastures, heritage farming areas, underground nature watch building (The Warren), rustic play area, fly fishing lakes and other informal recreational and visitor facilities.

The Chantry

4.9 Proposed art gallery within The Chantry with curators' accommodation. The Chantry outbuildings are to be converted to creative design and craft studios. The private gardens are to be restored and re-planted to create a Georgian garden, a walled garden and a Chinese garden.

Hillside and the Chantry Lodge

4.10 These two properties are to remain as dwelling houses but will be used in association with the development. It is proposed that Hillside will be used as the Horkesley Park Manager's house and Chantry Lodge will be used as the Horkesley Park Stockman's house.

4.11 The areas described above, are subdivided into 12 zones covering the whole site which can be listed as follows. Zones 1- 7 and 12 are contained within the proposed Main Building.

Zone 1 Entrance area and walkway

Zone 2 Life and Times of John Constable Experience

Zone 3 Heritage and Conservation displays

Zone 4 Farming Yesteryear exhibition

Zone 5 Restoration Workshop (Stourlighter restoration)

Zone 6 The Food Experience (including Farmers Market)

Zone 7 Specialist Garden centre

Zone 8 The Chantry Gallery and Design workshops

Zone 9 The Suffolk Punch Breeding Centre

Zone 10 The Farm Barn, The Warren and The Hollow

Zone 11 Country Park

Zone 12 Visitor Facilities within the Main Building - including ground floor restaurant /café area and 1st floor 250 seat lecture theatre, exhibition area and associated restaurant

4.12 The proposed buildings and the zones that they contain are described in more detail as follows:

Proposed Main Building

4.13 The Main Building is a broadly rectangular structure measuring some 175m in length and is 50m at its widest dimension. The building is surmounted towards its western end by a rotunda, 50m in diameter that projects beyond the rear building-line of the building. First floor accommodation is provided within the roof of the rotunda. There are two entrance/exit rotundas on the front elevation: one comprising the main entrance/exit into the building; and the other provides an exit from the garden centre.

- 4.14 The height of the building, as measured to the top of the main rotunda, is 10.7m and to the top of the perimeter walls is 6.25m. The Main Building has a flat roof which is to be planted with wild flowers. The roof also houses rows of combined north-facing roof lights and south facing photovoltaic/solar thermal panels.
- 4.15 The walls of the Main Building are to be planted as 'living walls' and the rotunda roofs are to be clad in salvaged slate and glass. A circular, open walkway is proposed around the rotunda at first floor level.

Proposed Zones within the Main Building

Zone 1: Main entrance and Stour Valley Walkway

- 4.16 Within the main entrance rotunda visitors will be able to buy tickets, get information, leave coats/bags, hire hand sets, book tours, hire bikes and obtain wheelchairs. The walkway provides a central focus with exhibitions, displays, and interpretations relating to the landscape and other rural resources of the area. It is proposed that a scale version of the 23 miles of the River Stour will form a central feature on the floor of the walkway.

Zone 2: The Life and Times of John Constable Experience

- 4.17 This Experience will provide a presentation of the life in the Stour Valley in Constable's day and will demonstrate the close links between the physical and social environment of the early C19 and its portrayal in the works of the artist. In addition to the exhibition, this area is to house an audio visual theatre. No works of art are to be displayed in this area.

Zone 3: Heritage and Conservation

- 4.18 This zone is devoted to the contemporary concern for conservation and heritage in the Stour Valley. It will be an area where societies, trusts and other organizations can provide manned or un-manned displays. There would also be an exhibition of Colchester Engineering history linked to farming technology.

Zone 4: Farming Yesteryear Exhibition

- 4.19 Exhibition space chronicling the history of farming in East Anglia with emphasis on the role of the Suffolk Punch. A studio will also be provided to create a centre of Local dialects, songs, tales and folklore.

Zone 5: Restoration and Reconstruction Workshop

- 4.20 This is a workshop with a public viewing gallery where old Stour Lighter barges, heritage farm equipment and vehicles as well as other items of historical interest related to the river and countryside would be repaired and reconstructed.

Zone 6: The Food Experience

- 4.21 This is described as a cross between an exhibition, a farmers' market and a food show/fair; it is stated that it will showcase locally and regionally produced food and drink products. Visitors would be able to sample and purchase the products of exhibitors within a permanent market style environment. There will also be a Food Education Centre including a cooks' school, demonstration area and kitchen areas.
- 4.22 A Renewable Energy Centre, which will allow visitors to learn more about the use of renewable energy sources at the Centre is also housed in this zone.

Zone 7: Specialist Garden Centre

- 4.23 This will stock plants and other products for sale particularly related to gardens on display at the Horkesley Park development. There will also be a specific exhibition of biological pest control as pioneered by Bunting & Sons on the site and a display of lily species. This is the largest of the Zones within the Main Building.

Zone 12: Supporting Facilities within Main Building

- 4.24 The ground floor includes a lounge and rest area, a restaurant and cafes, toilets, showers, lockers, nappy changing and nursing facilities. The first floor area contained within the dome of the rotunda would contain a 250 seat lecture theatre, restaurant/kitchen and an associated exhibition area.

4.25 The floor areas and proportions of each of the zones within the Main Building are as follows:

ZONE	ATTRACTION	AREA	% OF TOTAL WITHIN BUILDING	
1	Main Entrance and Stour Valley Walkway	1147	11.5	
2	The Life and Times of John Constable Experience	413	4.1	
3	Heritage and Conservation	298	3.0	
4	Farming Yesteryear Exhibition	963	9.7	
5	Restoration and Reconstruction Workshop	491	4.9	
6	The Food Experience	1186	11.9	
6	Renewable Energy Centre	241	2.4	
7	Specialist Garden Centre	3050	30.6	
12	Supporting Facilities	Ground Floor	970	9.7
		First Floor	1220	12.2
	Totals	9979	100%	

Outside the Main Building the following is proposed:-

The Chantry

4.26 It is proposed to convert The Chantry to an art gallery displaying works by Constable and his contemporaries together with other leading East Anglian artists. The coach house adjacent to the Chantry would be converted for use as creative design workshops for use by artists and designers.

4.27 A restored Georgian garden will be provided at The Chantry, along with wild flower meadow and a Chinese garden. A variety of 'medal winning' gardens are also proposed as a part of the horticultural experience.

Suffolk Punch Breeding Centre

- 4.28 This comprises an 'E' shaped building with 21 stables, blacksmith, dairy, etc, on the ground floor and a first floor area to be used as a harness store/display. The building is traditionally designed with a pitched clay tiled roof, brick plinth and timber cladding and is 7.5m high.

Farm Barn

- 4.29 This building extends over an area of 141sqm and is an underground structure with part covered, part open areas used for the display of small animals. The covered areas are lit by two large circular roof lights and the covering is laid to grass. Entrance to this attraction is through a tunnel from the north west or via twin entrances from the south east.

The Warren

- 4.30 This is a circular building extending 37m in diameter and provides areas for nature watch and exhibitions, animal viewing area, education resource area, information and support together with a café and WCs. The building is set into the contours of the site with the main entrance comprising a glazed elevation 25m long facing the Hollow.

The Hollow

- 4.31 This is a rustic play area for children located in a natural valley to be screened from view by vegetation.

The Country Park

- 4.32 The proposed Country Park extends to some 40.89 hectares and covers the entire western part of the site from the Main Building to the side valley and stream along the western boundary. The greensward areas along the A134 and London Road are also described as forming part of the proposed Country Park. New development within this area consists of: The Warren; the Hollow and the area earmarked for the overflow car parking.

4.33 The total floor area of the new buildings are as follows:

Attraction	Floorspace
Main Building	9979
Suffolk Punch Building	927 + 243= 1170
Farm Barn	414
The Warren	1126

4.34 The scheme includes 220 car parking spaces to the front of the Main Building, an overflow car park to the west of this building capable of accommodating between 400- 500 cars together with parking for 23 motor cycles, 15 cycle spaces and 28 coach parking spaces. In addition to this, it is proposed to allow further car parking on grassland to the west of the described car parks when demand requires.

5.0 **Land Use Allocation**

5.1 The majority of the site is allocated as white land - i.e. land that has not been allocated a land use.

5.2 Dedham Vale AONB (north and west parts)

5.3 Fishponds Hill, located to the west of the site is identified as a Protected Lane

6.0 **Relevant Planning History**

6.1 LEX/63/62- glasshouse nursery, boiler house and packing shed- Approved 9.4.62

6.2 LEX/388/70- extension to existing greenhouse to provide cover for storage tanks- Approved 3.11.70

6.3 LEX/489/71- extension of existing greenhouse at the nurseries- Approved 6.10.1971.

- 6.4 O/COL/01/0553- Outline application for redevelopment and creation of the John Constable Countryside and Heritage Centre at Horkesley Park - Withdrawn 11 June 2001.
- 6.5 C/COL/01/1259 – Change of use of two former horticultural and industrial units to Unit 1- Distributor of fitness equipment to gyms, hotel and leisure centres and Unit 2- Maker of quality kitchens and luxury bedroom furniture. Temporary approval 11 October 2001.
- 6.6 F/COL/03/0784 – extension for a further 18 months of Units 1 and 2 granted planning permission under C/COL/01/1259- Approved 27 June 2003.
- 6.7 An application submitted in September 2003 for a Heritage Park on the site was not registered as the Local Planning Authority requested that it should be accompanied by an Environmental Statement.
- 6.8 F/COL/05/1558- Proposed redevelopment and change of use of land at Buntings Nursery Site and adjoining land to create a heritage and conservation centre, incorporating main centre building, Suffolk Punch horse breeding centre, farm barn, nature watch (underground) building and rustic adventure playground, and ancillary specialist garden centre with ancillary catering and parking facilities. Change of use of The Chantry main house to art gallery, out buildings to craft studios and part of private gardens to public gardens. Change of use of 27 hectares of land to form a country park with informal recreation and visitor facilities. Withdrawn – 5 April 2006

7.0 Principal Policies

- 7.1 The following national policies are most relevant to this application:

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 4: Planning for Sustainable Economic Growth

Planning Policy Statement 5: Planning for the Historic Environment

Planning Policy Statement 7: Sustainable Development in Rural Areas

Planning Policy Statement 9: Biodiversity and Geological Conservation

Planning Policy Statement 10: Planning for Sustainable Waste Management
Planning Policy Guidance 13: Transport
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation
Planning Policy Statement 22: Renewable Energy
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance 24: Planning and Noise
Planning Policy Statement 25: Development and Flood Risk

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

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
CE1 - Centres and Employment Classification and Hierarchy
CE2 - Mixed Use Centres
CE2a - Town Centre
CE2b - District Centres
CE2c - Local Centres
CE3 - Employment Zones
UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ENV2 - Rural Communities
ER1 - Energy, Resources, Waste, Water and Recycling

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):

DP1 Design and Amenity

DP2 Health Assessments

DP3 Planning Obligations and the Community Infrastructure Levy

DP4 Community Facilities

DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

DP6 Colchester Town Centre Uses

DP8 Agricultural Development and Diversification

DP9 Employment Uses in the Countryside

DP10 Tourism, Leisure and Culture

DP14 Historic Environment Assets

DP15 Retention of Open Space and Indoor Sports Facilities

DP17 Accessibility and Access

DP18 Transport Infrastructure Proposals

DP19 Parking Standards

DP20 Flood Risk and Management of Surface Water Drainage

DP21 Nature Conservation and Protected Lanes

DP22 Dedham Vale Area of Outstanding Natural Beauty

DP24 Equestrian Activities

DP25 Renewable Energy

7.4 Site Allocations Proposals Map

Part of the site is identified as falling within the AONB; the remainder of the site has no allocation.

7.5 East of England Regional Plan

SS1- Achieving Sustainable Development

SS2- Overall Spatial Strategy

SS3 – Key Centres for Development and Change

SS4 – Towns other than key centres and rural areas

SS5 – Priority Regeneration Areas

E5 – Regional Structure of Town Centre

E6- Tourism
C2: Provision and Location of Strategic Cultural Facilities
T1 Regional Transport Strategy Objectives
T2 – Changing Travel Behaviour
T3 – Managing Demand
T7 – Transport in Rural Areas
T8 – Local Roads
T9 Walking, Cycling and other non-motorised transport
T13 Public Transport Accessibility
T14 - Parking
ENV1- Green Infrastructure
ENV2- Landscape Conservation
ENV3 – Biodiversity and Earth Heritage
ENV6 – Historic Environment
ENV7 – Quality in the built environment
ENG1 – Carbon Dioxide Emission and Energy Performance
ENG2 - Renewable energy targets
HG1 – Strategy for the sub-region

7.6 Regard should also be given to the following Supplementary Planning Guidance/Documents

Dedham Vale AONB and Stour Valley Management Strategy 2004-2009
Community Facilities
Vehicle Parking Standards
Sustainable Construction
External Materials in New Developments

8.0 Consultations

Highways Agency (HA)

- 8.1 The Highway Agency initially advised (7 May 2009) that based on the submitted information, that they could not state whether the proposed development would have an adverse impact on the Trunk Road network. Following the submission of further information, the HA stated in their letter dated 7 April 2010 that they are satisfied that the development will not have a material effect on the A12 Trunk Road.
- 8.2 Following the recent re-consultation exercise, HA issued a letter reconfirming their view that the development will not have a material effect on the A12 Trunk Road.

Essex County Highways Authority (ECHA)

- 8.3 In their consultation response dated 6 July 2010, ECHA raise no objection to the planning application subject to the attachment of appropriate conditions and/or legal agreement to secure:

- No occupation of the development until specified highway works have been provided or completed to the satisfaction of the Highway Authority.

(These works are to include: local road widening; provision of priority junctions and central islands; provision of adequate visibility splays; closure of existing access points; footpath improvements (to public, permissive and proposed); the provision of links to new bus stops / lay-bys; provision of improved bus services by local operators (15 mins frequency for a minimum of five years); a dedicated branded passenger transport service (operated on a minimum 15 minute frequency to the town centre in perpetuity); a dedicated hopper bus service between the proposal site and the 'honey pots' to include but may not be limited to those in the Dedham Vale / Stour Valley (provided free of charge and in perpetuity); a dedicated staff shuttle bus service (free of charge and

provided in perpetuity); a dedicated hopper bus service between the proposal site and Dedham Village coach park (via the A134, the A12 Junction 28, the A12 and Stratford Road), to link with a re-instated “Dedham Vale Hopper” service; dedicated hopper bus service vehicles shall tow especially fitted out trailers to carry cycles, be free of charge and provided in perpetuity; Cycle hire to be provided in perpetuity; A brown tourist sign strategy to include but shall not be limited to the A12; A travel plan to include but shall not be limited to a travel plan coordinator and £3,000 contribution to cover the cost of approving, reviewing and monitoring the Travel Plan. Also measures to encourage those travelling to and from the proposal site as well as between the proposal site and the ‘honey pots’ to use the most appropriate route(s); a transport liaison group, which shall include but not be limited to key stakeholders, regular meetings and agreed meeting minutes. (This list is not exhaustive; full details are provided on the highway consultation response).

- All vehicular access to the proposal site shall be via the proposed site access off London Road only
- The proposed pedestrian gates off London Road to be of an agreed design
- The access off London Road shall be a minimum 20m from the carriageway edge and open towards the proposal site only
- Bus stop within application site shall be to an agreed standard.
- Measures shall be agreed to ensure no mud and/or debris is deposited on the public highway

To provide further assistance to the Local Planning Authority, ECHA also provided a number of explanatory points in respect of their consultation response / the proposed development.

- RPS (the appointed agent) have completed a highway capacity analysis for the key junctions on the routes between the proposal site and junction 27 & 29 on the A12, i.e. without the new J28. Clearly construction of J28 is now well underway, but at the time the planning application was submitted, this was not the case. RPS have also completed an analysis with J28 complete

and open for use by general traffic. Both these analysis included all development envisaged by the adopted Core Strategy

- It is reasonable to assume most car based trips to and from the proposal site would be carried out off-peak and at weekends. Nevertheless, to ensure a robust assessment, RPS's analysis was based on the Friday PM peak
- To be on the safe side, I have included a requirement of no occupation of the proposal site, until the new J28 is complete and open for use by general traffic
- Were planning permission to be granted, provided **all** of my requirements were secured either by condition or obligation, then I am content the proposal site is accessible by public transport, cycle and foot. As I am sure you already appreciate, whether the proposal is sustainable in overall planning terms, is a matter for your authority to evaluate in determining whether planning permission should be granted.
- The transport liaison group requirement is intended to be similar to that which is being run very successfully for the Abberton Reservoir expansion proposal and therefore were planning permission to be granted, a similar set of obligations could be attached to this proposal.
- The applicant is required to provide (not contribute towards) a travel plan co-ordinator as part of the travel plan. The co-ordinator should be provided on similar terms to other large developments in the Colchester area where a co-ordinator has been a requirement, e.g. the new Sainsbury's store at Tollgate Stanway.

Suffolk County Highways Authority (SCHA)

- 8.4 In their consultation response dated 10 May 2011, SCHA state that with the clear commitment from the Highway Agency and Essex County Council to provide the new junction 28 on the A12 the problem of traffic flows within Suffolk should be reduced. If the junction is complete before the development opens then Suffolk County Council would not wish to restrict the grant of permission.

Babergh District Council (BDC)

8.5 Object to application on the following grounds:

- Development includes Class A1 retail, Class A3 restaurant uses and garden sales and BDC has concerns regarding the sustainability of development and considers it contrary to national guidance and local policy.
- It is highly likely that there will be an increase in traffic through Babergh District and especially through Nayland and surrounding villages. It is likely that linked trips will be made to other attractions in the area (Flatford/Dedham) resulting in increased traffic on minor roads.
- Proposed parking gives indication of level of visitor trips by car.
- As a member of Joint Advisory Committee (JAC), BDC shares the concerns expressed by Dedham Vale and Stour Valley JAC over proposals giving rise to significant detrimental impact on the AONB.
- Consider proposals for land management including grassland instead of arable, new tree and hedgerow planting will improve the general landscape and will not have an adverse impact on the AONB when viewed from within Babergh District.

8.6 Following the recent re-consultation exercise, BDC issued a second letter reconfirming their objection to this proposal.

English Heritage (EH)

8.7 EH comments can be summarised as follows:

- Planning permission is sought for revised proposals for the development known as Horkesley Park. This remains an ambitious scheme that will have to be assessed against a broad range of planning policies.
- English Heritage's interest derives from the proximity of the proposed development to Church of All Saints, listed Grade 1.

- In 2005 EH advised that the development would severely compromise the setting of the Church and advised that the scheme should be re-designed. The present submission is the result. The scale of the proposed development and the intensity of the activity associated with it remain very great and together would change - and detract from - the setting of the Church. EH note that scale has not changed but design has been significantly altered in an attempt to make it more sympathetic to the character of the place; EH also note that a planting of a belt of trees along the southern boundary of the churchyard is proposed.
- At the heart of the development would be a very substantial building; close to this would be a substantial range of traditional buildings. All Saints Church stands to the north east of the proposed centre itself; the church dates from C12 century but was substantially enlarged and remodelled in C15.
- Medieval churches are among most important historic buildings in England and their interest lies not only in their history, architecture and fittings but also their place in the landscape or within their settings. All Saints Church is highly graded and Listed Grade 1.
- Inter-visibility between Church and proposed buildings has been lessened by tree planting and the design of main building has been made less incongruous. The main building remains a very large structure uncharacteristic in this rural setting and the rotunda centrepiece remains incongruous. Changes to outward design of building moderate its presence in the landscape insofar as this is possible - i.e. the building appears as walled enclosure with extensive planting against the walls and concealed roof. Rotunda design remains at odds with rural character of the site. The revised design of the barn to accommodate the Suffolk Punches is informed by traditional agricultural buildings.
- EH consider that while the effect of the main building on the setting of the church would be less than the effect of the earlier proposal, the suggestion in the application that its effect would be beneficial after 15 years is not accepted. This difference is in part due to differing views of the congruity of what is proposed. The applicants' consultants consider that the proposed buildings would be less congruous than the existing glasshouses whereas EH are of the opinion that in so far as they are

agricultural structures they are not incongruous or at odds with the rural character of the church's setting. Use and character are intimately connected.

8.8 EH Recommendation:

“From the perspective of English Heritage the amendments that have been made to the designs means that the effect of the proposed development on the setting of All Saints Church, a fine medieval building listed at grade I, would be markedly less than it would have been had the earlier proposals been implemented. What is proposed remains a substantial and still incongruous development, whose form would greatly alter the general character of the church's setting. Your Council should have regard to this when weighing all the considerations relevant to this application.”

Inspire East (IE)

8.9 The Comments from the Design Review Panel dated 30 June 2009 can be summarised as follows:

- The applicant has made effort to respond to the Panels previous report of 24 June 2008, although it is noted there are only minor design amendments; the updated comments should therefore be read in conjunction with the original comments.
- IE support the approach to the project and its aims in terms of creation of new visitor attraction around productive use of land and countryside.
- It is not considered necessary to comment on smaller buildings around the site; these could be attractive and considered buildings.
- IE remains to be convinced that a large format building is most appropriate response to the site and nature of the exhibits. A large building is one response to creating flexibility to operate all year round but the case has not been adequately made for such a large building.

- It is appreciated that large glasshouses cover much of the site however that fact remains that this is a large intervention in the countryside and it will have a greater degree of permanence and prominence than the existing structures. It is also evident that the glasshouses are a collection of discrete, articulated forms; this can not be said of the proposed structure.
- The rotunda to the roof appears alien to the surrounding buildings and countryside context.
- The different uses require different responses and have different requirements. It has not been demonstrated how the different uses can be successfully incorporated into on building.
- The Local Planning Authority (LPA) needs to be satisfied that the scheme responds adequately to the needs of kitchens / workshops i.e. extraction, plant equipment, ventilation (to centre of building) etc.
- The LPA should satisfy itself that that the phasing of the proposal is appropriate.

8.10 In conclusion, IE state that they remain to be convinced that building such a large structure is the right approach to the site or to the uses proposed within it and, due to the lack of clarity regarding the structure, IE are not confident that the outcome will be of the high quality suggested.

Environment Agency (EA)

8.11 Initially the EA raised an objection (8 April 2009) to the application on grounds that the Flood Risk Assessment (FRA) had not demonstrated that the surface water generated from the site could be suitably disposed of. The EA requested that a full scheme for the disposal of surface water be submitted prior to planning permission being granted.

8.12 The EA also commented that there is no public mains foul sewer in the locality to connect to and, unless the intention is to lay a rising main to the nearest sewer, the other viable option will be to install a package sewage treatment plant. The applicant was requested to confirm their intention.

- 8.13 A subsequent letter (8 October 2010) has been issued by the EA advising that, after the receipt of additional information from Mr Rix, confirming that the reservoirs have capacity to accommodate greater flows and that there is a high demand for this water for the purposes of irrigation, the additional surface water from the proposed development would not pose any flood risk on the site.
- 8.14 The EA also made comments on and recommended conditions / advice notes on pollution prevention, land contamination, sustainable design and recycling matters.

Anglian Water (AW)

- 8.15 In their letter dated 24 March 2009 AW recommends site specific comments in an attached Planning Applications- Suggested Informative Statements and Conditions Report covering the maintenance of AW assets crossing or near to the site; water efficiency standards; water supply provision; foul sewerage system, surface water drainage; foul drainage management and trade effluent.

Natural England (NE)

- 8.16 In their letter dated 22 April 2009, NE raised an objection to this application and recommended refusal on the basis that it contained insufficient information to demonstrate that there would be no adverse effects on the features of interest for which the Dedham Vale AONB is designated. Any subsequent application should include the following additional information:
- A revised Transport assessment which includes an investigation of impacts on the AONB rather than solely an assessment of impacts on highways capacity as currently is the case
 - A revised travel plan which focuses on mitigation which is in the power of the applicant to deliver rather than successful advocacy with external organisations.

8.17 Other comments on proposals:

- Consider this to be a major development due to its size and nature and confirms that in line with PPS7 major developments should not take place in designated areas except in exceptional circumstances. Recognise that majority of the built elements are outside the designated area, but most of the site is within the AONB.
- Do not believe that a case has been made which has effectively rejected the alternative sites which would otherwise be acceptable.
- Proposed buildings are taller than those on site but are below tree height.
- Proposed buildings are immediately adjacent AONB boundary and may impact upon the qualities of the designated area.
- NE is satisfied that scope of the habitat and species surveys are sufficient to conclude that there will be no adverse impact on the ecology of the site as a result of the proposals.
- Support the conversion of arable fields to parkland pasture and wild flower meadows, planting of new hedge lines, new woodland, improvements to the Chantry and rectory ponds to remove shading vegetation/ dredging of ponds and creation of new balancing pond.
- Support projects to increase environmental education on biodiversity and sustainability.
- Satisfied with survey work on legally protected species and raises no objection subject to compliance with mitigation for bats, breeding birds and badgers as set out in the report.
- Support sustainable features of development including green roofing, rainwater harvesting, sustainable energy sources, living walls, natural ventilation, skylights to reduce artificial light and super insulated buildings.
- Express concern over the likelihood that significant a number of visitors to the proposed development are also likely to visit AONB more widely including iconic Constable Country sites that are already at or over capacity. This will have adverse impact on the character and qualities of the AONB through increased traffic and consider that these impacts have not been fully addressed. Transportation Assessment does not provide details of current baseline position and has insufficient regard to AONB

designation. Concern over unresolved scale of increased car journeys associated with visitors to the development.

- Travel plan – many of mitigation measures outside control of applicant and rely on advocacy. Does not provide enough commitment to controlling number of car based visitors or their impact on wider area.
- Insufficient assessment of cumulative impacts of increased numbers of visitors to the AONB and proportion likely to visit other attractions in the area. Suggest that further capacity studies are necessary to consider how visitors will explore AONB and capacity of area to absorb this.
- If approved Natural England expects development to be carried out in strict accordance with the details of the application and they set out matters over which conditions need to be applied- avoid vegetation clearance during bird breeding season, avoid dredging or pond clearance during amphibian breeding season, pre construction protected species surveys and post construction monitoring.

8.18 Following further discussion with NE, an updated consultation response (dated 17 January 2011) has been submitted and can be summarised as follows:

Planning Policy

8.19 NE questions the appropriateness of this scale of development in this location and suggests that it should be regarded as a major development due to its size and nature.

8.20 Within the new Development Policies Policy DP 22 states “Development will only be supported in or near the Dedham Vale AONB that:

- (i) makes a positive contribution to the landscape character and qualities of the AONB;
- (ii) does not adversely affect the character, quality views, and distinctiveness of the AONB or threaten public enjoyment of these areas, including by increased vehicle movement; and

- (iii) supports the wider environmental, social, and economic objective as set out in the Dedham Vale AONB & Stour Valley Management Plan.

CBC must be satisfied that the proposal can meet these criteria.

Landscape and Visual Impacts

- 8.21 It is disappointing that the submission of additional information does not address our recommendations that the Transport Assessment be revised to include an investigation of impacts upon the AONB and specifically the narrow lanes rather than solely an assessment of impacts on highway capacity.
- 8.22 The completion of the new A12 junction has enabled the commencement of several permitted developments and that consequently baseline traffic movements within the AONB are likely to be increasing.
- 8.23 While the Highway Agency is satisfied with the conclusions of the report (that the percentage increase of traffic on the roads assessed is within their capacity) NE is disappointed that the only roads for which traffic modelling has been completed are major roads.
- 8.24 The AONB management plan make specific reference to 'sunken rural lanes' within policy 1.16.3.4 (Local Transport Issues) which states "The unique character, in terms of rural roads, historic villages and the protected sunken lanes of the area should be taken into account when planning improvements to the transportation network" and includes an objective to "minimise the impact of road transport on the landscape quality and tranquillity of the area, particularly the AONB".
- 8.25 NE believe it is precautionary to assume that a significant number of the anticipated 485,000 visitors are likely to visit the AONB more widely, in particular the iconic 'Constable Country' sites that are already at or over capacity. Our consequent concern is that the proposal will result in an increased use of smaller sunken lanes around the development which are within the AONB and often represent the most direct routes to other

attractions. Many of these roads have not been designed for large volumes of traffic and would be impacted upon even by a small increase in traffic resulting in an adverse impact on the character and quality of the AONB. The nature of these effects on the AONB range from erosion of road side verges to indirect impacts such as reduced tranquillity.

8.26 The current approach is not consistent with the Department for Transport's guidance on Transport Assessments which states that "4.15 – In addition to assessing the public transport capacity and walking and cycling capacity, an assessment of the available vehicular capacity on the road networks in the vicinity of the site should be undertaken in order to establish impacts from the development and mitigation measures".

8.27 NE is pleased that reference has been made to CPRE tranquillity assessments and that it is recognised that the tranquillity of the proposed development site has already been affected by the A134. The fact that there is disturbance should not be considered a green light for more disturbance; instead the area should be priority for work to rectify this situation and improve the tranquillity of the area.

8.28 NE acknowledge that a range of possible mitigation measures that may address any potential adverse impacts have been proposed but [currently] question the enforceability of some of the proposed mitigation measures.

8.29 This is a complex application with a lot of associated paperwork and it is recommended that the applicant collate the mitigation measures and enhancement measures into one document rather than dispersed throughout several. There is potential for a package of mitigation measures to be assembled that would satisfy NE that the proposed development would not have a detrimental impact on the AONB. Until these are comprehensively formalised and secured a precautionary approach needs to be taken.

Ecology and protected species

8.30 Given the time lapse since the application was submitted, NE now consider the protected species surveys to be out of date and recommend that resurveys are provided prior to determining this application. In particular NE are concerned that the Great Crested Newts surveys, which were only just considered 'in-date' when the application was submitted in 2009 are now five years out of date. NE have received information that there is a population of Great Crested Newts adjacent to the proposed development site and as suitable habitat exists within the proposal site it is a priority to determine whether colonisation has occurred.

Dedham Vale AONB and Stour Valley Project

8.31 In their letter dated 31 March 2009, The Dedham Vale AONB and Stour Valley Project objected to the application on the following grounds.

1. AONB Policy
2. Transport and Tourism Policy
3. Landscape Policy

AONB Policy:

8.32 The application has the potential to have several adverse affects on the AONB in terms of scale; landscape; transportation and tourism issues, concerned with conserving and enhancing the natural beauty of the AONB.

8.33 With regard to the 3 major development tests in PPS7:

- the application constitutes a major development as it relates to an area of 117 acres, the majority being within the AONB, a large commercial operation with a business case predicting 485,000 visitors in the first year;
- there are no 'exceptional circumstances' that would allow this major development within the designated AONB; and

- no assessment of the cost and scope of siting the development 'elsewhere outside the designated area or meeting the need in some other way' has been made.

8.34 Development would have an adverse impact on the AONB. The negative effects on the AONB's natural beauty include:

- Loss of tranquillity through an increase in car use associated with journeys to and from the site (the applicant states that 82% of visitors will arrive by car and there will be significant additional movements by staff and contractors to and from the site);
- Increased noise and light pollution due to increased activity at the site particularly at weekends, holiday periods and the evenings;
- Visual intrusion from villages, rural roads and public rights of way within the AONB of the proposed larger buildings situated a few metres from the AONB boundary;
- Negative impact on the landscape character, including loss of tranquillity in historic villages and on quiet roads. Landscape character assessments of the area identify the area as having a predominately rural feel and the scale of this development does not meet with these existing characteristics of the area.

8.35 The proposals are contrary to the following policies in the Dedham Vale AONB and Stour Valley Management Strategy 2004-2009 ('Management Strategy') :

- Contrary to EA4 as there will be a loss of tranquillity within the AONB as a result of increase in traffic movements. The JAC anticipates that many of these visitors will travel to the site via the network of rural roads through the AONB causing further loss of tranquillity. In addition to the 485,000 visitors expected in the first year there will be additional traffic movements from staff and contractors.

- Contrary to SP5 as there will be an adverse affect on the AONB in terms of natural beauty as the visual amenity, views into and from the AONB, will be impaired; deterioration of tranquillity due to the increases in traffic, noise and light pollution.
- Contrary to TT8 as the rural character of the area and minor road network, including protected lanes, will be affected by increases in traffic from visitors, staff and contractors getting to and from the site and visitors going on from the site to explore the AONB either by private car or the proposed 'hopper' buses. The JAC consider that further capacity studies, to include existing popular visitor destinations of Flatford and Dedham, are needed to fully understand how visitors will explore other areas within the AONB and if those attractions have the capacity to absorb further visitors as it is anticipated by the applicant that 25% of visitors will go on to explore more of the AONB.

8.36 The development would have an adverse impact on the AONB both directly and indirectly contrary to saved policy CO2. This would be in terms of its scale, form and siting - proposed new buildings are higher than the existing buildings and therefore there would be an increased visual impact upon the AONB. Estimated visitor numbers will have an adverse impact upon the AONB in terms of increased traffic and associated impacts on tranquillity and effects on the rural road network, particularly as an estimated 25% of visitors will travel on to other rural locations such as Dedham and Flatford by private car and hopper buses. Also 'service' visits (contractors and staff) will add to increased traffic movements and overall numbers to the site.

8.37 The proposal is a D2 leisure use and includes proposals for a garden centre and a food centre which can only be available to customers paying an admission fee. Sparse detail has been provided on the expected use of the 250 seat lecture theatre and the future development of this facility as conference centre would increase visitor numbers. These elements constitute a major retail/commercial element and should be considered in terms of PPS 6 paragraph 25 which states retail growth should be in town centres. Major retail/commercial development in countryside should be resisted in accordance with PPS 6 as there is no overriding national interest for it.

[Officer note: PPS6 has been replaced by PPS 4; policy EC6 4 replaces paragraph 25].

Transport and Tourism Policy:

8.38 The proposals are contrary to Policy EA5 (Sustainable Tourism) in the Management Strategy because:

- the location of the development is not sustainable in terms of transport infrastructure. Noted that the applicants have provided a Travel Plan, but the following issues have not been resolved;
- potential for staff/visitors to cycle from Colchester is not a viable option due to lack of a continuous dedicated cycle route between Colchester and the site;
- the link with National Cycle Network 1 is of little significance to the overall cycle infrastructure in the locality of the Horkesley Park site;
- there are no existing off-road cycle routes in the vicinity and therefore, the feasibility of cycling as an attractive and realistic option for commuter or leisure purposes is not wholly viable, despite the proposal to create a cycle route at the entrance to the development and on to Great Horkesley village;
- 82% of visitors will be travelling by car and the proposed 220 space plus 400-500 space overflow car parking facility does not demonstrate a commitment to encouraging visitors to travel by alternative means;
- the applicants have identified that a proportion of their visitors will go on to explore the villages further afield within the AONB, such as Dedham and Flatford. Whilst there is potential to encourage this traffic to use the main road route options through signing, there are no means of controlling which route individuals choose to take. Increased use of the minor road network between the proposed Horkesley Park and Dedham and Flatford will undoubtedly have an impact on the suitability of these routes for alternative modes of transport, e.g. walking and cycling;

- the proposal to run a fleet of 'Hopper' buses to link the site to Dedham and Flatford is of concern as there is no evidence to suggest that visitors will choose to use the facility or that it will be a long term solution; and
- the Travel Plan does not adequately address the transport issues caused by the rural location of the proposed development.

8.39 Increased use of Fishponds Lane, which has the potential to damage the physical appearance of the lane as a result of vehicles passing other users or vehicles stopping on verges. Increased usage can also have a detrimental effect on the suitability of such lanes by vulnerable users such as walkers, horse riders and cyclists. The proposals would have an adverse affect on the protected Fishponds Hill and contrary to saved policy CO7 of the Local Plan [This is now covered by Development Plan Policy DP21].

8.40 The application does not relate to one of the preferred growth areas within CS Policy SD1 and that it should be considered as a stand alone facility which will have a detrimental affect on the natural environment in terms of visual intrusion and loss of tranquillity and is not accessible in a sustainable way (82% of visitors will come by private car).

8.41 The proposed development will not reduce the need for people to travel but will conversely encourage more people to travel given that 82% of the 485,000 visitors will come by private car. In addition, car parking will not be managed to encourage sustainable travel as there will be a car park for 200 cars and a planned overflow car park of 400-500 spaces. This development would go against CS Policy TA1.

Landscape Policy:

8.42 The development will have an adverse affect on the landscape quality of the AONB in terms of loss of tranquillity; noise and light pollution; visual intrusion to and from the AONB and affects on rural villages from increasing traffic movements contrary to CS policy ENV1.

8.43 Other observations:

- The business case should be subject to scrutiny. If visitor numbers do not meet the expected levels the future use of the development needs to be subject of redundancy clauses. If the visitor number exceeds the expected levels the development will have increased adverse affects on the AONB.
- The sustainability of the scheme based on visitors paying an entrance fee to access the retail elements of the proposal is questionable. There is a concern that if there are not sufficient visitor numbers, the proposed entrance fee policy may alter – adding more significance to the retail element of the scheme in order to maintain viability.
- There is a general perception throughout the application that there is a lack of recreational access to the countryside in the AONB. This is disputed as there is an extensive public rights of way network throughout the Stour Valley and access to areas of open access within 3 miles of the site where informal enjoyment of the countryside is available.
- Concern that this is a new visitor facility being built in the open countryside, and although it is replacing existing buildings the new use and associated traffic implications will have a considerable and unacceptable affect on the AONB.

8.44 A further letter of objection dated 14 April 2011 has been received from the Dedham Vale AONB and Stour Valley Project. The project and it Joint Advisory Committee and Partnership do not feel the need to amend its comments or objection.

East of England Tourism (EET)

- 8.45 Two letters have been received from EET. They have stated that it is their policy not to make any specific statements on individual applications; however EET do comment that: 'Tourism in the East of England is worth £5.2bn and employs 185,000 people. Developments that enhance our position relative to other competing regions and that also take into account the needs and sustainability of local communities are to be welcomed.'
- 8.46 The second letter received essentially reiterates the above and adds that in 2009 the tourism value to Essex was £2.7bn and tourism provided 53,000 jobs which represented 7% of the economy.

East of England Development Agency (EEDA)

- 8.47 Broadly supports this application. It will contribute significantly to the region's aspirations to maximise the value of green infrastructure, regional culture and the natural environment. The creation of the new facilities will also bring significant benefits to the region in terms of tourism and provide a significant number of jobs.
- 8.48 Notwithstanding support for this proposal, EEDA also point out some local issues that will need to be addressed. The application falls within the Stour Valley and Dedham Vale AONB and as such, great sensitivity will be required in the design of the proposals. Given the rural nature of the proposals, issues of transport will also need to be carefully addressed. RES Goal 7 sets out the importance of a sustainable approach to transport alongside economic growth. There are a number of points that might beneficially be considered in this respect:
- Could the cycle link be connected to the nearby National Cycle Network?
 - The shuttle bus service is welcomed but could possibly benefit from consideration of integrated ticketing / incentives with rail and bus operators.

- Plans for the bus stops on the A134 are likely to require some form of crossing.
- The success of bus access to the site will necessitate an improvement in current bus services which are currently hourly and do not run on a Sunday.
- The travel plan could be strengthened to include targets and travel planning measures.

8.49 A second letter dated 28 April 2011 has been received from EEDA in which they state that they have no further comments to make except to bring to the attention of the Council the recent Government's announcements seeking to ensure that the planning system does everything possible to support economic growth and sustainable development. The announcements also seek to prioritise growth in the decisions that local authorities take.

Essex County Fire and Rescue Service

8.50 Comment that additional water supplies for fire fighting purposes will be required at strategic locations throughout the park, which will need to be the subject of further consultation with the Water technical Officer at this Fire Authority.

Spatial Policy Team

8.51 A summary of comments provided by the Strategic Policy Team are set out below:

Introduction

8.52 This summary encompasses comments made by the team on 18.2.2009 and January 2011. It addresses national, regional and local planning policies and guidance. Documents produced under the Council's Local Development Framework (LDF) are in alignment with national policy in its objectives to promote sustainable growth in Colchester to 2021 by concentrating new development in urban areas and promoting rural economic development through small scale projects.

8.53 The Council commissioned Nathaniel Lichfield and Partners to provide a detailed analysis of the potential retail impacts of the proposal, including its acceptability in policy terms, and also commissioned Savell Bird and Axon to provide a detailed analysis of transport policy issues. This evidence now provides the Council's primary basis for response on those issues.

Background

8.54 The proposal to develop a heritage and conservation centre at Horkesley Park has been through a lengthy process of development and revision since 2001. Throughout that period, the Council has raised concerns about the scale of the proposal, its impact on the landscape of the Dedham Vale, its economic effects, and levels of traffic generation. While the applicants have made revisions to the scheme to address concerns about the separate operation of the garden centre and Food Experience elements, the proposal continues to be of large scale and this issue continues to be the overriding concern in the assessment of the scheme.

8.55 The large scale of the scheme is established by the proposed built area of 11,563 sqm and the 485,000 anticipated annual visitors. To put this in context, the Tourism Feasibility Study estimates that 250,000 visit the Flatford Mill area annually, while 492,535 people visit Colchester Zoo. The proposal is thus advanced as a regional-level attraction which, if realised, would attract numbers in a sufficient scale to have significant impacts on the surrounding area. Equally, regional level attractions can over time expand to attain a higher national profile. Once the local/regional market has been saturated there is a business need to seek new markets as has been the case at Colchester Zoo.

National Planning Policy

8.56 The following Planning Policy Statements are considered relevant to the application;

PPS1 – Delivering Sustainable Development

8.57 The document focuses on the plan making process, and notes that ‘where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise’ (Para 8, p. 3). This approach is also reiterated in the Planning and Compulsory Purchase Act 2004 (Part 3, para 38 (6)). Para 17 provides that ‘The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources. Those with national and international designations should receive the highest level of protection.’

8.58 The application is not considered to accord with a number of policies within the LDF, neither has there been any attempt to allocate the site through the plan making process. Therefore in accordance with PPS1 the applicant would need to demonstrate the material considerations which support granting permission as a departure from the development plan. These considerations need to result in a development that addresses the main objectives of sustainable development. It is not considered that there are material considerations which would justify a departure from the development plan and accordingly the proposal does not accord with PPS1.

PPS4 Planning for Town Centres

8.59 PPS4 supports more sustainable patterns of development and highlights the importance of reducing the need to travel, especially by car. It promotes thriving rural communities, whilst continuing to protect the open countryside. While PPS4 removes the 'need' test for the determination of planning applications, applications still need to be determined on the basis of compliance with the sequential approach and a revised impact assessment.

8.60 Relevant policies within PPS4 include:

- EC6 which states that development plans should ensure the countryside is protected and economic development in the open countryside should be strictly controlled.
- Policy EC12 states that economic development within rural areas is supported where it is small scale or involves the conversion/re-use of existing buildings.
- Policy EC7 encourages sustainable rural tourism and leisure. Development plans should support the provision of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. Wherever possible facilities should be located in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings should wherever possible be provided in or close to service centres or villages, but may be justified in conjunction with a particular countryside attraction and where there are no suitable existing buildings or developed sites available for re-use.

8.61 The application and policy statements submitted by the applicant include reference to PPS4 but exclude any commentary on EC6. The Gittins statement instead focuses on encouragement for economic development in the countryside in PPS4 without regard to the ways it is tempered by EC6 and its requirement for the Council's development plans to establish criteria for economic development in the countryside that helps protect the countryside and promote development of an appropriate scale. The report by Nathaniel

Lichfield for the Council considered that only a small element of the Horkesley Park proposals involved the re-use of an existing building, e.g. the Chantry and most of the proposals could not be categorised as small scale in relation to EC12 (Para 2.19.) The proposal fails to comply with PPS4 because of its countryside location and the scale of the proposed development.

PPS 7 Sustainable Development in Rural Areas

- 8.62 Although parts of PPS 7 have been superseded by PPS 4, paragraph 22 remains a policy consideration for this application. It provides that major developments that raise issues of national significance should not take place in designated areas, including Areas of Outstanding Natural Beauty (AONBs), except in exceptional circumstances. Major development proposals should be demonstrated to be in the public interest before being allowed to proceed. Consideration of such applications should include assessments of the need for the development; the cost of and scope for developing elsewhere outside the designated area or meeting the need for it in some other way; and any detrimental effect on the environments, the landscape and recreational opportunities and the extent to which that could be moderated.
- 8.63 The NLP report is of the view that ‘the conversion of the Chantry house and the rustic play area would not normally constitute ‘major’ development in the AONB, nor would the creation of the country park (i.e. with no new buildings). However, the Warren building is a large new building of 1126sqm, which in our view constitutes major development and therefore this should be considered against the tests listed at paragraph 22 of PPS7.’
- 8.64 This implies that the applicant should be required to demonstrate the need for the development and the scope for developing it elsewhere, which has not been undertaken. The proposal fails to meet the paragraph 22 tests in view of the fact that only the Suffolk Punch Breeding Centre, Farm Barn, farming related exhibition space and the Warren nature watch require a countryside location. The NLP report goes on to say ‘The other proposed uses are not considered to necessarily require a countryside location and would normally be refused planning permission in a countryside location.’

PPS9 Biodiversity and Geological Conservation

8.65 This statement highlights the importance of biodiversity in all development and states that in taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.

8.66 Specialist advice has been sought from Natural England, the National Trust and the Dedham Vale AONB and Stour Valley Project who all object to the proposal on the basis that it would have adverse effects on the AONB and is considered to be contrary to PPS9.

PPG13 Transport

8.67 PPS13 focuses on the importance of providing new development in accessible and sustainable locations so that it minimises reliance on the private car. Development involving leisure, tourism and recreation uses which generate large amounts of travel is covered by paragraph 37, which provides that in determining the acceptability of such developments where they are not well served by public transport, the local planning authority should:

- (a) consider the extent to which the proposal needs to be in the proposed location, including whether the development has a meaningful link with the particular location or attraction;
- (b) pay particular attention to the scale, layout, parking and access arrangements;
- (c) seek measures to increase access to the site by sustainable transport modes and the use of traffic management and appropriate parking policies near to the site.

8.68 The views of the County Council are an important consideration for the planning authority but do not remove the Borough Council's proper need to satisfy itself in relation to the acceptability or otherwise of any planning application in relation to the planning framework. The Essex County Council Highways Authority response to the application did not address the issue of sustainability. The Council therefore commissioned Savell Bird and Axon to

assess the transport implications of the proposal with a focus on sustainability. This work concluded that the proposal did not accord with PPG13 on a number of points:

- It does not promote more sustainable travel choices
- It does not promote accessibility to jobs, shopping leisure facilities and services by public transport, walking and cycling.
- Any reduction in journey distance could only be achieved by choosing the private car rather than a more sustainable travel mode which might be available at more sustainably located attractions.
- It would not reduce the need to travel by private car
- The proposal would not focus travel demand on an urban area or transport interchange
- The development would not offer a reasonable choice of access by cycling, walking or public transport.

8.69 The applicant's consultants have responded to this report and suggested that there is no requirement for Colchester Borough Council to consider matters of sustainable access and transport planning policy given that these are matters which have been considered by Essex County Council in formulating their consultation response. What is clear however in their submission at paragraph 1.5 is that Essex County Council themselves make the clear distinction that they are the responsible authority in relation to their own transport policies.

8.70 It is not a reasonable interpretation that the consideration of such matters by the County Council removes the responsibility for such consideration by Colchester Borough Council as the responsible planning authority for the application. It is important to note that the County Council have no powers of direction and are a consultee to the Local Planning Authority. The suggestion that any consideration by, or on behalf of Colchester Borough Council of matters relating to locational policy or sustainable transport, is either unnecessary or should be superseded by the consideration of the County Council is therefore fundamentally flawed.

8.71 Having considered the submission of the applicants report it can continue to be properly concluded that the proposed development does not support the aims of national or local policy with regard to the transport credentials of the site.

PPG17 Planning for Open Space, Sport and Recreation

8.72 Local evidence is contained within Colchester's PPG17 study and the Haven Gateway Green Infrastructure Study. The Haven Gateway Green Infrastructure Study (HGGIS) has identified the need for a new regional level Accessible Natural Green Space (ANGS) asset between Colchester and Ipswich and has identified Alton Water as a feasible site to deliver this. No regional level sites i.e. sites greater than 500ha were proposed within the Stour Valley area given its designated status. Instead, HGGIS states that 'it is vital that great care is given to the siting, scale and detailed design of new development to reflect local character and maintain the distinctiveness of the Areas of Outstanding Natural Beauty.'

8.73 The Horkesley Park proposal would only provide 41ha of park and would therefore not make a significant contribution towards meeting the regional level ANGS deficiency. Furthermore ANGS in the context of the PPG17 study and the Haven Gateway Infrastructure Study is defined as sites that are free at the point of entry for the public both in terms of accessibility and financially.

8.74 The proposal does provide an additional recreation facility, but the fact that it is only accessible on a fee-paying basis limits the extent to which it can be seen to enhance the character of surrounding local spaces. While access will be maintained to the existing rights of way on the site, the proposal to cut them off from access to the site constrains rather than enhances their contribution to the enjoyment of surrounding open space. The proposal is accordingly not considered to be in accord with PPG17.

Good Practice Guide on Tourism (replaces PPG21)

- 8.75 A key criteria of this guidance is that a proposal should result in levels of tourism that are appropriate and sustainable for a given area. In ‘honeypot’ areas such as the Dedham Vale, this means that visitor numbers must be carefully managed to ensure that the environmental capacity of the area is not overstretched. The tourism strategy for the Dedham Vale area accordingly takes a low key approach with minimal advertising and encouragement of visits outside peak times in the summer. The applicants contend that ‘Horkesley Park will promote the geographical spread of tourism and help absorb pressures away from the more popular visitor destinations, and contribute to the safeguarding of more vulnerable areas.’ (Planning Context, ES, p. 32) Increasing the geographical spread of tourism, however, would increase traffic and other impacts in the rural area. Additionally, if the proposal succeeds on its own terms it will generate interest in other adjacent countryside and picturesque communities along with Constable-related attractions which will increase pressures on the area and is contrary to the guidance on tourism.

Countryside and Rights of Way Act 2000

- 8.76 Section 85 of the Countryside and Rights of Way Act (2000) places a requirement on local authorities in exercising their functions to ‘have regard to the purpose of conserving and enhancing the natural beauty of the AONB’.
- 8.77 The Council concurs with the view of the Dedham Vale AONB and Stour Valley Joint Advisory Committee (the responsible body for delivering the Management Plan) which have objected to the proposal on the basis that it does not accord with policies in the Plan.

East of England Plan

- 8.78 Despite the applicants assertion that the proposal is a regionally significant proposal no attempt was made to promote the scheme through the evolution of the Regional Spatial Strategy (RSS) adopted in 2007 or its subsequent revisions. It is therefore not allocated or referred to in this Plan.

8.79 The Government has announced its intention to abolish the Regional Spatial Strategy (East of England Plan). The purported revocation of the RSS last year was challenged through the courts. For the purposes of determining the application at Horkesley Park the consequences of the Cala decisions are as follows:

- a. Statutory development plans and other planning decisions must conform to the extant RSS; but....
- b. The weight to be attached to the RSS at development control stage is now something of a debateable point given Cala 2, but, and insofar as Cala 1 affirms that it remains as a matter of law an essential component of the development plan it should carry commensurate weight. It should also be noted that the LDF is in conformity with the RSS and the weight to be accorded to it is extremely high as it represents the up to date development plan for forward planning purposes.

8.80 The East of England Plan is therefore still part of the Development Plan and should be regarded as such for the purpose of this decision. The intention of Government to revoke it is a material consideration but in your Officers' view should carry little weight at this stage.

Policies SS2 (Overall Spatial Strategy) and SS3 (Key Centres for Development and Change)

8.81 The spatial strategy provides that strategically significant growth should be focused on previously developed land in the region's major urban areas such as Colchester. Concentrating development at Key Centres is meant to make the most of existing infrastructure and the potential for improvements or extensions to it. (A Key Centre is a city or town identified in the RSS for the focus for development; Colchester is identified as one of the key urban centres).

8.82 The applicants contend that their proposal will enhance Colchester's position as a Key Centre by creating jobs and bringing more visitors in to the area. The policy, however, envisions a more specific path for the development of Colchester's role as a Key Centre that entails priority to town centre growth because of its access to existing services and infrastructure and the potential for new development to expand these assets as well as helping to deliver a significant regeneration programme for the town centre. The Horkesley Park proposal would instead focus development away from the Town Centre which would not accord with SS2.

Policy C2 (Provision and Location of Strategic Cultural Facilities)

8.83 Policy C2 has served as the key policy guiding views on the proposal because its scope dovetails with the nature and scale of the proposal. The policy provides that 'Regionally or nationally significant leisure, sport, recreation, arts, tourism or other cultural facilities should be supported in locations where proposals will enhance existing facilities of regional or national significance or, elsewhere, reflect a sequential approach – with priority to locations in town centres before off-centre or out-of-town locations, and to the use of brownfield land in preference to greenfield sites. Exceptionally the specific attributes of a rural site may make it appropriate for a regionally strategic proposal.'

8.84 The policy clearly indicates that Horkesley Park represents a departure from the general preference for new development to be located in town centres and as such needs to demonstrate that exceptional circumstances warrant its specific location in a nationally designated area. It is not considered that the applicants have provided evidence to make the case that it is a regionally significant proposal with sufficient justification to warrant a departure from policy.

Policy E6 (Tourism)

8.85 Policy E6 is focussed on the plan making process and requires that Local Development Documents should encompass strategies to promote well-managed and integrated tourist developments in their area. Within this context, specific proposals for tourism development should be fully sustainable in terms of their impacts on host communities, local distinctiveness and natural and built environments, including by avoiding adverse impact on sites of national, European or international importance for wildlife. The explanatory text notes that environmentally sensitive areas often attract large numbers of visitors and it is important that are protected for future generations whilst maintaining the benefits of tourism.

8.86 The policy is focused on the Local Development Document formation process as the key means of identifying and supporting new tourism attractions. As is noted above no attempt has been made through the plan making process to include the Horkesley Park proposal within the Core Strategy or the Site Allocations DPD. It is noted that E6 is not referred to in the applicant's Planning Statement or the Tourism Feasibility Study. The Planning Context section of the Environmental Statement (4.4.11 refers to RSS tourism policy, but does not clarify which parts of the text it is summarising). Policy E6 acknowledges the economic benefits of tourism, but also notes that particular care must be taken in environmentally sensitive areas to limit the impact of visitor numbers. The scale of development is clearly a highly relevant factor in assessing this balance, and this puts a particularly rigorous burden of proof on the Horkesley Park proposal to demonstrate that its scale will not have an adverse effect on the surrounding area.

Policy T1 (Regional Transport Strategy Objectives and Outcomes)

8.87 The overall thrust of regional transport policy is to support development that results in a modal shift from the private car to more sustainable forms of transport. The Horkesley Park proposal would instead perpetuate an access model reliant on the private car.

Policies T7 (Transport in Rural Areas) and T8 (Local Roads)

8.88 Policy for rural areas and smaller roads focuses on providing sustainable access to the wider transport network and larger settlements. Policy T8 prioritises tackling congestion and its environmental impacts; facilitating the provision of safe and efficient public transport, walking and cycling; providing efficient vehicular access to locations and activities requiring it; and improving safety.

8.89 Concerns have, however, been raised about the impact of significant amounts of traffic generated by the Horkesley Park proposal on the local road network, including a number of Protected Lanes.

Policy ENV2 – (Landscape Conservation)

8.90 The focus in ENV2 is on ensuring that lower tier authorities develop a comprehensive, planned approach to development management. Policy ENV2 supports greater weight being given in the Dedham Vale area to conservation of natural beauty, wildlife and cultural heritage over other considerations such as economic benefit. This reinforces the requirement of C2 that rural tourism attractions should be provided in exceptional circumstances only. The applicant's submission rejects the premise that it will cause damage to local landscape character by highlighting environmental safeguarding measures within the site to protect wildlife, existing rights of way, and minimise visual impact. The adequacy of these measures is addressed by other consultees. The submission does not, however, address the full range of potential negative impacts that could arise in the surrounding area due to the large projected influx of visitors.

Policy HG1 (Strategy for the Haven Gateway Sub-Region)

8.91 The regional plan provides for overall objectives for the sub-region, with more detailed contained within the Haven Gateway Framework for Growth. This identified tourism as one element of economic development that would assist in the promotion of Colchester and Ipswich as major regional employment centres, but it did not provide any specific proposals. Instead, the strategy and the subsequent Integrated Development Programme funding proposals

targeted key employment sites and town centre regeneration sites as the appropriate priorities for funding bids. The Horkesley Park proposal accordingly lies outside of the main thrust of current sub-regional economic development policy. The Haven Gateway Green Infrastructure Study (HGGIS) identified potential new regional green infrastructure sites as noted above but considered that the Dedham Vale area should be safeguarded to maintain its character.

Colchester Local Development Framework

8.92 As mentioned above no attempt has been made to promote this scheme through the Local Development Framework (LDF.) It is therefore not allocated or referred to in the Core Strategy or Site Allocations DPD. Part of the site falls within the Dedham Vale Area of Outstanding Natural Beauty and part is white land with no designation. The proposal is considered to contrary to the vision, aims and objectives of updated locally adopted planning policy documents.

8.93 The following policies are considered particularly relevant;

Adopted Core Strategy 2008

Policy SD1

8.94 The policy provides the overarching spatial policy for the Borough and is designed to ensure that new development is located in sustainable locations to minimise the need to travel and to avoid negative environmental impacts. Any development in the countryside would be expected to achieve high standards of design, sustainability and compatibility with local character. These general criteria are then elaborated on in greater detail in policies ENV1 and ENV2 as discussed below.

Policy CE1

- 8.95 Colchester's approach to new employment development follows on from the sequential approach promoted in PPS4. The policy seeks to achieve a balance in rural areas between economic benefits and environmental disbenefits by supporting developments that are small scale and of local benefit. This positive approach to rural employment has seen a number of new local employment zones designated. The Horkesley Park proposal however is not considered to have low travel needs or low impacts and is therefore considered to be contrary to policy.

Policy UR1 Regeneration Areas

- 8.96 To enhance Colchester as a prestigious regional centre, the Borough Council is committed to regeneration in rundown areas, deprived communities and key centres, with the purpose of building successful and sustainable communities. Regeneration will also enhance Colchester's attractiveness as a visitor destination. Colchester has designated 5 Regeneration Areas to serve as a focus for new development and the main new cultural and tourist attractions for Colchester to 2021 are directed to these areas, including Firstsite, the Creative Quarter, and the Community Stadium. The Horkesley Park proposal does not contribute towards planned regeneration.

Policy TA1 Accessibility and Changing Travel Behaviour

- 8.97 Policy TA1 seeks to focus development in the Borough on highly accessible locations, such as centres, to reduce the need to travel. Developments that are car-dependent or promote unsustainable travel behaviour will not be supported. Horkesley Park clearly fails to meet the requirement of this policy (that developments should not be car-dependent,) given that 82% of the 485,000 visitors are expected to arrive by car. TA01 further confirms that developments which are car dependant or promote unsustainable travel behaviour will not be supported. The proposed development is car dependant and is not in a highly accessible location. Consideration of the supporting information and the fact that despite provision of enhanced bus services 82% of visitors will arrive by car demonstrates that the proposed location cannot be made highly accessible by modes other than the private car and accordingly it

must be concluded that the development is contrary to policy TA01 and other succeeding local policies.

Policy TA2 – Walking and Cycling

- 8.98 Council policy requires new development to provide quality walking and cycling facilities. A detailed assessment of the proposal carried out by Savill Bird and Axon identifies only 2 small villages being within a 2km walking distance of the site. Within a 5km acceptable cycling distance are three additional villages and a modest proportion of residents in Myland (north of the Dog and Pheasant.) The development is not within walking or cycling distance of a rail station. Therefore even if facilities for pedestrians and cyclists were improved they would benefit only a tiny proportion of visitors to the site and that the development does not offer any realistic choice of modes other than the car. This is further reflected by the fact that 15 cycle parking spaces are to be provided.

Policy ENV1 Environment

- 8.99 The Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. The Council will safeguard the Borough's biodiversity, geology, history and archaeology through the protection and enhancement of sites of international, national, regional and local importance. In particular, developments that have an adverse impact on Natural 2000 sites or the Dedham Vale Area of Outstanding Natural Beauty will not be supported.
- 8.100 Detailed assessment on Horkesley Park's compliance with environmental policies and standards is provided by other consultees, but it is noted that at a minimum, the proposal is not considered to be in accord with the requirement of ENV1 for new rural development to demonstrably satisfy seven criteria justifying it as an exceptional case.

Policy ENV2 Rural Communities

- 8.101 Outside village boundaries, the Council will favourably consider small-scale rural business, leisure and tourism schemes that are appropriate to local employment needs, minimise negative environmental impacts and harmonise with the local character and surrounding natural environment. The Horkesley Park proposal is definitely not small-scale and on that basis cannot be seen to satisfy the criteria for location outside village boundaries.

Adopted Development Policies (DPD) 2010

Policy DP1 General Development Control

- 8.102 This policy provides that all development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. As noted elsewhere, because of its scale the Horkesley Park proposal is considered to have unacceptable impacts on amenity and does not demonstrate social, economic and environmental sustainability.

Policy DP10 Tourism, Leisure and Culture

- 8.103 DP10 states that in rural areas, locations suitable for tourism development should help to support existing local community services and facilities. The proposals must be compatible with the rural character of the surrounding area and avoid causing undue harm to the open nature of the countryside or designated sites. It is recognised that not all rural locations are readily accessible by public transport. Where accessibility is poor, proposals should be small scale and/or comprise the conversion of suitable existing rural buildings or limited extension to existing visitor accommodation.
- 8.104 Horkesley Park is not considered to meet the above criteria since its large scale is not compatible with the rural character of the surrounding area. The majority of the development involves large scale new development rather than the conversion of suitable existing rural buildings, so its poor levels of accessibility are not justified.

Policy DP17 Accessibility and Access

8.105 DP17 provides general guidance on ensuring accessibility for sustainable modes of transport as well as requirements for Travel Plans and Transport Assessment. As referred to above the implementation of improved public transport and facilities for cyclists and pedestrians will benefit very few visitors to the site (given that 96% will arrive by car or coach.) In their response Essex County Council identified 7 individual conditions as being necessary to attach to any grant of planning permission. Condition 1 contains 24 bullet pointed individual items. Substantial public transport service improvements are suggested as being required by Essex County Council. No evidence has been advanced to demonstrate how effective these services would be in reducing the use of the private car. The provision of the majority of services would need to be in perpetuity with a substantive financial cost which would need to be included in any viability appraisal of the scheme overall. A planning obligation to secure funding in perpetuity for these services may be contrary to the principles of Circular 05 of 2005 in the absence of any further evidence of their effectiveness or linkage in terms of need to the proposed development.

Policy DP 22 Dedham Vale AONB

- 8.106 This policy requires that a proposal:
- makes a positive contribution to the special landscape character and qualities of the AONB
 - Does not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment of these areas;
 - Supports the wider environmental, social and economic objectives as set out in the Dedham Vale AONB and Stour Valley Management Plan;
- 8.107 The proposal is not considered to comply with the above criteria to make a positive contribution to the AONB or to avoid adverse affect on its character. Given that Horkesley Park is an entry-paying attraction, it would not accord with the intent of furthering 'public enjoyment' and 'informal recreation' which imply free access.

Policy DP21: Nature Conservation and Protected Lanes

- 8.108 Policy DP21 provides that Protected Lanes should be protected from development that would adversely affect their physical appearance or would give rise to a material increase in the amount of traffic using them. Additional development in the area would be expected to put pressure on adjacent roads including protected lanes such as Holt Road, Workhouse Road and Fishpond Hill.

Arboricultural Planning Officer

- 8.109 The submitted Tree Survey and Arboricultural Implications Assessment is generally considered to be accurate.
- 8.110 The Arboricultural Officer notes that Hybrid Black Poplars have a relatively short useful life expectancy. It is likely that the previous treatment of the Poplars has reduced further the life expectancy of these trees and they should not, therefore, be considered a long term screen for the proposed development. The Arboricultural Officer also notes that many of the Poplars are located around areas that are likely to be in high use by the public (such as picnic and playground areas) and that they are not considered suitable species of tree in these positions.
- 8.111 The amended arboricultural report proposes to manage the Poplar trees by regular pollarding (every five years). The Arboricultural Officer notes that even with regular maintenance the trees are likely to have a limited safe useful life and questions whether the proposed landscaping scheme adequately compensates for the loss of screening in the long term. The view of the Arboricultural Officer is that the Poplars in areas of high static use is an inappropriate species of tree and that they should be felled and replaced with a more suitable species of tree.

8.112 The above considerations need to be addressed before the suitability of the design can be confirmed; such considerations should not however form primary reasons for refusal.

8.113 Following the re-consultation exercise the Arboricultural Planning Officer has verbally advised that the Tree Survey and Arboricultural Implications Assessment are now out of date and will need to be updated.

Landscape Officer

8.114 The Landscape Officer confirmed in his consultation response dated 8 April 2009 that the amended proposal would appear to satisfactorily address all the concerns raised in previous consultation responses. In conclusion, I am satisfied with the landscape content of the proposal. The Landscape Officer recommends that once the proposals have been agreed, any planning consent should be subject to appropriate conditions.

8.115 During the course of writing this report, the pollarding of the Poplar trees (as recommended in the submitted arboricultural report) and the potential implications that this may have in terms of the wider visual impact of the development has been discussed with the Landscape Officer. The Landscape Officer has advised that the removal and/or reduction in the height of the Poplar trees will require revisions to the Landscape and Visual Impact Assessment. Moreover, unless it can be demonstrated that the development will not have an adverse impact, the Landscape Officer's recommendation will change to that of refusal.

Design Officer

8.116 Comments made by the Design Officer can be summarised as follows:

- The proposed development is out character with the immediate area which consists of small farmsteads, field patterns, tree lined lanes, woodland patches, and sparse settlement pattern.

- Proposal replaces existing glasshouses but layout of proposed development detracts from landscape character by appearing as a retail park with a large car park in front of large warehouse format building; a better approach would be smaller sized buildings consistent with character of area arranged around yard area.
- Formality of London Road access contrasts with the surrounding narrow lanes.
- Forecourt parking area is visually dominant and very formalised.
- There is the need to make linkages between the development and wider network of paths, spaces, green routes more prominent.
- The enclosure of public footpaths is not a sympathetic approach, it is visually intrusive and discourages walkers.
- Parking provision is too great and there is a need for greater emphasis in layout for buses, cycles and pedestrians.

Environmental Control

- 8.117 Recommends that conditions are imposed to regulate and control the following matters: contamination, construction noise, building and plant insulation, light pollution, control of cooking odours, pollution of ground waters, litter control, storage of horse manure.

Archaeology Officer

- 8.118 Comments that proposal would appear to have a minimal impact upon the archaeological resource as described and discussed in the desk based assessment. Indeed, it may be argued that reversion of areas of land from arable to grassland could be beneficial should any archaeological deposits be present in such locations. With most of the site for garden or pasture and most of the new build located in a 'brownfield' area ground disturbance will be kept to a minimum. Where ground will be disturbed e.g. creation of over flow car park or the warren, it is recommended that an archaeological watching brief commissioned by the applicant be implemented.

Development Team

- 8.119 The Council's Development Team noted that the planning application would need to be determined in accordance with the development plan and any other material consideration.
- 8.120 The Development Team considered that the draft Heads of Terms are broadly acceptable but had concern that the 'clauses' as drafted need tightening-up significantly to ensure that the suggested S106 package is delivered and capable of enforcement. It was noted that the Highway Authority requirements had been watered down. It was agreed that the Highway Authority would provide more detailed comments to the case officer. It was also agreed that the Business & Enterprise Team would provide more detailed comments on the local employment plan.
- 8.121 Comments from the Highway Authority have been received in respect of the draft Heads of Terms and passed onto the applicant. However, at the time of writing this report comments have not been received from the Business & Enterprise Team.

Senior Curator of Natural History (received 19 April 2011)

- 8.122 The discovery of a freshly dead Great Crested Newt (*Triturus cristatus*) near to the site confirms the speculative opinion of earlier surveys that this species might well be present in the area. In the light of this discovery and in view of the period that has elapsed since the last ecological survey was carried out, it would be desirable to ascertain the current status of this species in the area.
- 8.123 I would, therefore, echo the opinion of Natural England that a further survey to ascertain the extent of the newt colony should be undertaken during the breeding season, as soon as possible and before the application is considered.

Specialist Reports

8.124 In view of the size and complexity of the Horkesley Park planning application, the Council has commissioned consultants to review particular aspects of the development proposal.

Nathaniel Lichfield & Partners (NLP) Report

8.125 NLP was commissioned by Colchester Borough Council to undertake an independent review of the proposed development, specifically in relation to:

- the retail/town centre uses and policy implications as set out in the RPS impact assessment;
- the socio-economic benefits of the proposals as set out in the DTZ impact assessment; and
- the tourism feasibility case as set out in the Sykes Leisure Projects assessment.

8.126 The conclusions of the report are set out below:

Retail Planning Issues and PPS 4

8.127 Tests within PPS4 should be applied to the proposed Specialist Garden Centre and the Food Experience, if they are not considered to be truly ancillary to the main tourism use or are not appropriate enabling development.

8.128 The tests also normally apply to the proposed lecture theatre, exhibition and gallery facilities. The proposal needs to be determined against the sequential approach and a revised impact assessment.

8.129 RPS's approach does not provide clear evidence there is a need for the retail element of the proposal in terms of expenditure capacity or a local area deficiency.

- 8.130 There is a policy presumption against large scale development in the countryside.
- 8.131 The retail elements are unlikely to have an adverse impact on designated centres if access is restricted to paying tourists.
- 8.132 RPS have not clearly demonstrated that there are no sequentially preferable locations for the proposed town centre uses and the proposal in its current form should be refused.

Socio Economic Benefits

- 8.133 It is predicted that a total of 226 people will be employed on the site. Based on the available information the analysis demonstrates that the proposed employment expected to be generated at Horkesley Park is reasonable.
- 8.134 It should be noted however that the Tourist Feasibility Study demonstrates a modest profit based on employment costs being covered by ticket and merchandise sale from 485,000 visitors. If the actual visitor numbers generated is significantly lower than 485,000 then the commercial viability of employing the stated number of staff comes into question.

Observations on the Tourism Feasibility Assessment

- 8.135 NLP analysis of the Horkesley Park proposal suggests there are benefits of providing facilities that improve access to the countryside, but the applicant has not demonstrated there is a deficiency of provision.
- 8.136 Based on the current proposal, it is considered that Horkesley Park is likely to struggle to attract 485,000 tourist per year and sustain this in the long-term unless the development functions as a retail led scheme.
- 8.137 NLP have concerns about the long term viability of the tourist attraction. The financial viability of the scheme relies on attracting at least 422,000 visitors per annum, each spending on average about £21 on retail product, food and beverages. If the number of visitors falls significantly short of the 485,000 target then the long term viability of the tourist related elements of the scheme

appear questionable. There is a risk some or all of the tourist elements of the development could close, or employment numbers would have to be significantly reduced. If there is a significant reduction in the tourist related activities the development could become a retail destination within the open countryside, and the benefits of the tourist attraction to the public would be lost.

8.138 The worst case scenario would be the tourist attractions (new buildings) close to and over 12,000sqm would be located in the open countryside creating pressure to find alternative uses for these buildings e.g. retail outlets, hotel and general conference facilities.

8.139 NLP consider that is only possible to come to the view that the proposal will not act primarily as a retail destination in its own right if there were a clear and enforceable restriction on access which could be relied upon as a disincentive to potential retail customers. NLP fail to see how this would be achieved. The only method proposed appears to be financial in nature in the form of entrance fees. It is however difficult to see how any regime could be imposed and monitored.

8.140 The applicant has suggested willingness to sign a legal agreement but it is not considered possible to enforce this due to loopholes the operator could use to increase shopper numbers e.g. discounts / special offers.

Enabling Development

8.141 The applicant has not demonstrated the scale and nature of enabling development is required to support the tourism attraction. The scale and significance of the tourism / recreational uses are insubstantial and do not justify the amount of enabling development proposed.

Savell Bird and Axon Report (SBA)

8.142 The Council commissioned Savell Bird and Axon to provide a detailed analysis of transport policy issues. This report concluded that the proposal did not accord with PPG13 on a number of points:

- It does not promote more sustainable travel choices
- It does not promote accessibility to jobs, shopping leisure facilities and services by public transport, walking and cycling.
- Any reduction in journey distance could only be achieved by choosing the private car rather than a more sustainable travel mode which might be available at more sustainably located attractions.
- It would not reduce the need to travel by private car
- The proposal would not focus travel demand on an urban area or transport interchange
- The development would not offer a reasonable choice of access by cycling, walking or public transport
- Whilst in a rural area, the development would not be located in a local service centre, although the conditions and obligations suggested by Essex County Council might assist in improving better transport provision in the countryside.

8.143 In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 **Response from Parish Councils**

Little Horkesley

9.1 Object to the proposals on the following main grounds:

- Scale of proposed development is unacceptable given rural nature of the site
- Most of the catering cannot be considered to be ancillary
- Retail element is totally inappropriate on this site
- Retail element is not ancillary to main tourist elements as claimed
- Claim that the main retail elements are needed to support an appropriate tourist development on the site is not made
- The quantitative need for the Food Experience is dubious and quantitative need for the garden centre is not established
- Trentham Gardens is an unrelated decision
- The Food Experience is likely to have significant adverse effects on local farm shops/farmers market
- Additional traffic on local lanes and specifically a significant adverse effect on Fishponds Hill, a Protected Lane, is likely
- There is a multitude of adverse environmental effects on the Dedham Vale AONB, the Countryside Conservation Area and on local people
- The studies of environmental effects are incomplete-particularly as regards noise
- There will be a loss of agricultural land
- There is a significant potential for evening events causing further pollution of all sorts which is not adequately covered in the application
- There is significant scope for growth in the visitor numbers to the site and no details have been submitted as to how that might affect all of the above issues
- Employment that the development will bring to the area may have been significantly over estimated

- Creation of a new 'hot spot' in the AONB
- Some of the accommodation information is incomplete.

9.2 A second letter of objection has been submitted by Little Horkesley Parish Council. Concern is expressed that the applicant has not adequately addressed the concerns raised by the parish council (and others). In the era of localism the views of people that live in the countryside should account for a great deal. The scale of the development is unacceptable and will have an adverse impact on the AONB, the stated jobs are overestimated and will result in the loss of agricultural land. Sustainability has become a greater issue – long distance car travel implied by the development is at odds with planning policies. Car parking will be significant. The re-survey of protected species should be published before the application is determined. It is claimed that no noisy recreational pursuits will take place; this does not take into account the potential noise generated by a large number of children. Whilst being favour of the creation of new jobs, as reflected in our Village Design Statement, the majority of the parishioners have expressed the view (in the same document) of the need to preserve the peace and tranquillity of the countryside and to minimise traffic growth.

Great Horkesley Parish

9.3 Consider that the application should be 'called-in' given that it is designed to be attractive to the entire population of eastern and southern England and considered by an authority able to take a regional view. Main concerns raised following a public meeting in the Parish are:

- Concern about traffic volumes and fact that network of narrow lanes around the site is already subject to considerable strain due to rat-running, satnav misdirection and school run times. Concern about increased traffic on London Road between A12 and bridge over the Stour at Nayland
- Concerns about conflicts in narrow lanes between visitor traffic and agricultural vehicles.

- How will roadside litter be dealt with?
- Concern about how reduced visitor numbers compared to last application will be capped by developer so that there is no additional harm caused by increased traffic
- Query safety of traffic on A134 once the new junction on the A12 is completed resulting in more traffic on the A134.
- Note that proposed traffic generation is outside weekday peak times but concern that this will be worse for those that front the A134 as residents currently enjoy quieter time during non peak traffic flow for walking and cycling.
- If approved, there should be strict controls on trading hours to limit evening events that might give rise to light and noise pollution.
- Peace and tranquillity should be protected for the users of the Church - services and funerals which are not confined to Sundays
- Applicant has track record of flouting current planning controls on the site and concern that limits of permitted activities need to be clear.
- Need for strict controls on delivery routes and hours. Access only via A134 and same applies to construction traffic.
- Concerns about restoration of the site should it fail. Rural heritage aspects of the site must predominate with retailing of plants and food and hosting of events as purely ancillary. Must be legal agreement to require cessation of uses if heritage uses are no longer the main uses or cease altogether. Applicant to provide a bond to enable Local Planning Authority to enforce this if necessary.
- Expect mitigation to be provided to community by way of a s106 agreement.

Boxted Parish

9.4 Object to the proposals on the following grounds:

- Proposed Horkesley Park will be a serious blot on the landscape and contrary to AONB which should have the highest status of protection of landscape and natural beauty.
- Proposed bus tours to Dedham and Flatford are not practical and a ploy to lend credence to the scheme.
- Light pollution, traffic, numbers of visitors, noise, carbon footprint, retail park will not conserve and enhance AONB.
- Bunting and Sons involvement in Carters Vineyard is applauded. Could not greenhouses be used for organic fruit and vegetables (as at Thanet Earth)? Presumption against change from agriculture to commercial retailing not adequately addressed.
- Traffic implications on the village are a concern especially hopper bus movements along narrow lanes and conflicts with farm vehicles and other road users.
- Likelihood of rat-running cars through the village roads to avoid A134.
- Impact on existing businesses within the community- three garden centres, butchers and pick your own farm
- There are already 27 Suffolk Punch studs throughout the country.
- Sceptical of visitors numbers in year one and note that Zoo has taken 15 years to reach such numbers. No budget for Constable paintings
- What happens to Centre if visitor numbers are not reached and concern that there will be pressure for use by other inappropriate commercial ventures?

9.5 A second letter dated 14 April 2011 has been received from Boxted Parish Council in response to the March consultation exercise. This letter reaffirms their objection to this application.

Dedham Parish

- 9.6 Object to application on grounds that it is far too large and is over-development in the AONB. Road structure of the area is totally inadequate for the amount of extra traffic expected to be generated and whole proposal can only have a detrimental effect on the tranquillity of the Vale which alone brings many visitors to the AONB.

Eight Ash Green Parish Council

- 9.7 Object to proposals on the following grounds:
- The application is contrary to government and local planning policy
 - The application is an over development in an AONB
 - The application has not established an overriding need
 - The majority of the site income will be derived from retail the application should be treated as a retail park
 - The number of job creations on the site and wider economy cannot be relied upon and should be discounted.
 - The application is contrary to planning policies in respect of traffic and local infrastructure
 - The application would have a massive impact on carbon dioxide emission in the area and no carbon footprint survey has been produced.

Nayland with Wissington Parish Council (Babergh District)

- 9.8 Object to the proposals on the following grounds:
- Detrimental impact on the AONB
 - Detrimental traffic impact within the AONB
 - Detrimental impact of the centre as a visitor/tourist attraction
 - Lack of confirmation of how art works to be secured in Chantry
 - Concern about extent of catering facilities and evening functions

- Lighting must be strictly controlled
- Hedges bordering PROW to be lower to maintain views of countryside

Stoke by Nayland Parish Council (Babergh District)

9.9 Objects for the following reasons:

- Proposals for out of town retailing are contrary to PPS6 and 7
- Increased traffic through the village and AONB generally as this is the scenic and shortest route. B1068 through Thorington Street is narrow and winding
- Development would change tranquil nature of AONB and new local employment will be lost elsewhere
- Likelihood of light pollution towards village as highest point in the area
- Noise generated by outdoor events and PA systems will travel a long way
- Projected visitor numbers need careful scrutiny.

9.10 In response to the second consultation exercise, the Parish Council has reconfirmed their objection to this proposal.

Alphamstone and Lamarsh Parish Council (Babergh District)

9.11 Objects on the grounds that in view of forecast numbers of visitors insufficient consideration has been given to the effect of this number of vehicles on the local roads.

9.12 In an email dated 19 April 2011, Alphamstone and Lamarsh Parish Council reaffirmed their objection to this proposal.

Leavenheath Parish Council (Babergh District)

- 9.13 Object on grounds of increased volumes of traffic through the village and potential diversion of trade from Colchester as a result of increased traffic delays.
- 9.14 A follow-up email (dated 19 April 2011) has been received stating that having reviewed the additional submitted information, the Parish Council's objection to this proposal is reinforced. The Parish Council ask that there is no automatic acceptance of the anticipated traffic implications arising from the proposal simply because the highway authorities and the Highway Agency have raised no objection. There is a clear distinction between the over simplistic road capacity and the sheer nuisance caused by over busy roads. Professional predictions of future road traffic are notoriously inaccurate.

Beehive Residents Association, Leavenheath (Babergh District)

- 9.15 This residents association states that the A134 is under extreme pressure with increasing accidents. Meetings are on-going with the parish council and Suffolk Country Council regarding highway improvements. The association can find no benefit to the local community from the proposed development and if it succeeds it will have a serious impact on the infrastructure which is sadly lacking.

10.0 Representations

Statement of Community Involvement

- 10.1 The application submission includes a Statement of Community Involvement (SCI) Report and provides a summary of consultations and publicity carried out by the applicants in the period from the withdrawal of the last planning application in 2005 up till the end of 2008.

10.2 In 2007 an Exhibition and Public Consultation Exercise was carried out over 4 weeks comprising:

- Touring Information Road Shows between 29 April- 9 May 2007
- Exhibition and Public Consultations between 10-12 May 2007
- Site exhibition and show rounds- 14-26 May 2007

10.3 The centrepiece of the programme was a three day exhibition between 10th and 12th May 2007 at Colchester Town Hall and at Great Horkeley Village Hall. Exhibition boards were also displayed at the site exhibition and at the touring road shows.

10.4 A petition in support of the proposals with 22,839 signatures has been submitted with the application. This petition was collected between April 2006 and 7 December 2008 at events and venues (including farmers markets, supermarkets, village events, etc) which Bunting and Sons attended to inform people of the proposed development. The applicant points out that 47% of the signatures are from people living within the CO postcode area (53% of the people therefore live outside the CO postcode area).

The table below provides a summary of consultation exercises in 2007.

	TOURING INFORMATION ROADSHOWS		EXHIBITIONS		SITE EXHIBITIONS AND SHOWROUNDS	
Attendees	1348		486		158	
Questionnaire forms completed	95	7.0%	247	50.8%	48	28.6%
Signed in support or supporting comments	93	97.9%	235	95.1%	47	97.9%
Objecting	2	2.1%	12	4.9%	1	2.1%

10.5 Comment has been made that the questionnaire form invited support and comments but did not ask if respondents objected to the proposed development.

- 10.6 There have also been allegations raised by some people attending the events and by SVAG that the consultation was biased by focusing on the proposed Suffolk Punch Centre and efforts to save the breed being made by the applicants to the relative exclusion of the overall contents of the Horkesley Park proposal.
- 10.7 The applicants state in their SCI that the events promoted the scheme as a whole by the provision of oral presentations on the proposals and exhibition boards showing the scheme within a mobile exhibition van. The scheme was also printed at the bottom of every petition form. Visitors were also given a copy of a grey double-sided leaflet setting out information on the proposals. On the other hand, it is evident from visitors' recollections of events that horses played a prominent part in the presentation and to a visitor with little time to spend at the event, it might be quite conceivable for them to consider that the proposals were largely based around the worthy protection of an endangered horse breed and to sign a petition in support.
- 10.8 The petition was collected over 2½ years prior to the submission of the application. It was however intended only to seek signatures from people in support of the proposals and therefore does not necessarily reflect a true reflection of the public's views of this proposal. The applicant states that the petition applies to the current planning application, although it is acknowledged that aspects of the proposal have been changed. The weight to be afforded to this petition as a material consideration should reflect the above issues.

Consultation on the planning application

- 10.9 The Local Planning Authority's initial consultation on the application comprised the following:
- Display of site notices around the site based on requirements to display such notices as scheme was a Major development, treated as contrary to the Development Plan, affecting public rights of way and because it was accompanied by an EIA.

- Publication of a notice in a local paper
- Letters sent to neighbours and businesses surrounding the site.

- 10.10 The Local Planning Authority notified all those people who had previously been notified of the 2005 application together with all those who had responded to that application (whether they had been originally notified or not).
- 10.11 In sending out the initial notification letters, some of them were given a supplementary planning reference number. This was due to the fact that a second file had to be created within the system database to cope with extensive amount of information that had been received and that had filled the system to its capacity. This second file had its own unique number and did not link back to the main number on the system. Consequently those who received this letter could not access the application details online. To rectify this a follow-up letter was sent out to advise people of where the application could be viewed.
- 10.12 The applicants carried out their own canvassing of support for the proposals during March 2009 by distributing a leaflet (“Finding Out the Facts and then express your views.”) and a reply paid postcard to a ‘wide radius’ of the Horkesley Park site. In fact the applicants sent two cards to each address in order to allow more than one person to express support either at the same address or elsewhere. This resulted in 5,069 reply-paid postcards in support of the proposals being received by the Local Planning Authority. A total of 42 postcards were returned stating opposition to the proposals.
- 10.13 The applicant has carried out an analysis of notifications sent out by the Council and found that only 854 (53%) of respondees in the 2005 application were sent a notification in 2009 and that there was a bias in the proportions of letters sent out this time in favour of people who had previously objected. Given the large volume of responses that had been received and to avoid further confusion, it was agreed with the applicant not to carry out further notifications to those who had not received a notification letter from the Council.

10.14 The applicants carried out a further analysis of submissions of support and objections from villages in the area near to Horkesley Park. In this analysis the applicants have compared, on one hand, those people who objected as compared to those who either signed the petition in support or wrote letters, emails or post cards in support or made no representation. Those who made no representation are counted as being the balance of the population of the village aged 16 or over.

10.15 The results for each of the villages is tabulated below.

VILLAGE	OBJECTION	SUPPORT OR NO REPRESENTATION
Gt Horks	192 (10%)	1696 (89%)
Lit Horks	48 (28%)	122 (71%)
Nayland	291 (28%)	720 (71%)
Leaven heath	47 (3%)	1137 (96%)
West Bergholt	57 (2%)	2755 (97%)
Total	635 (8%)	6430 (91%)

10.16 The applicants contend that those people within villages who did not respond to any of the consultation exercises should be treated as having no objection to the proposals and should therefore be counted along with supporters as people who either support or have no objection to the proposals. The applicants refer to our written statement that Colchester Borough Council's consultation "seeks comments and reaction to the proposal and these can embrace support, objection or indifference". The important point to note from this phrase, which the applicants miss, is that this refers to responses we receive and whether they are expressing support, objection or indifference. We would not infer any view from someone or a section of population who does not make a response. This reflects our normal procedures in reporting only comments to Committee which the Council have received.

- 10.17 According to the Council's records 5,513 'letters' of support were received in respect of the initial consultation exercise – this includes 5,069 postcard replies and 444 letters of support (including 6 letters of support from various members of the Bunting family). The Council received 1,285 letters of objection to this proposal. The postcards and letters of support constitute 87.4% of those representations received in respect of this consultation exercise. If just the letters are considered those objecting to the proposal represent 74.3% of responses received.
- 10.18 It should be noted that the above figures differ slightly from those recorded by the applicant. The applicant records, as at 10 August 2010, 5,517 representations of support (letters and petition) and 1,302 letters of objection.
- 10.19 In order to gain an overview of the level of support for and against this application and the types of issues raised, the initial representations (received by letters and emails) have been analysed by Officers. The reply paid post cards have not been analysed as in the main there are no comments
- 10.20 In terms of frequency, local residents and others main concerns to the proposed development relate to the increased traffic and impact on the existing transport infrastructure, the impact on the character / tranquillity of the AONB, the scale of the development, and the fact that it constitutes unnecessary retail development in the countryside. The main representations received in support of this proposal relate to it being an asset to the Colchester area, it will benefit tourism, it will provide jobs, increase visitors to the area which will benefit the local economy, it will preserve and promote the countryside and it will safeguard the Suffolk Punch horse. Responses received to the initial consultation are summarised and grouped below:

10.21 Traffic and Transportation

- Increased traffic (general)
- Increased traffic / reduction in safety on A134
- Increase traffic on minor roads and through villages
- Shuttle bus not practical, it is a ploy to lend credence to the scheme
- Harm to other road users – pedestrians and cyclists
- Increased traffic will harm the peace and tranquillity of the area
- Increase in traffic on protected lanes
- Increase in traffic will cause more pollution (noise, fumes etc)
- Development site is not sustainable – high dependence on the car
- Harm caused by construction traffic
- Easy access to the A12 / railway station
- Traffic concerns are overstated
- Shuttle bus will reduce car use; supports sustainable transport

10.22 Environment

- Harmful impact on the character / tranquillity if Vale / AONB
- Artificial / fake countryside
- Loss of agricultural land
- Better sited on Brownfield land nearer the town
- Suffolk Punch breed is already provided for elsewhere
- Greenhouses better used for their intended purposes or another horticultural function
- Footpaths already provide free access to the countryside
- No carbon footprint survey has been undertaken
- Harm to wildlife and ecology
- Harm to the environment (general)
- Detrimental impact caused by enclosure of footpaths
- Support for the countryside, rural heritage, farming
- Support Suffolk Punch Horses and other rare breeds
- Will open up views of the Vale
- Will enhance wildlife diversity
- Direct relationship with Stour Valley

- The land will remain green / not developed for housing
- The new buildings are outside the AONB
- Improved footpath and access to the countryside
- Increased tree planting

10.23 Impact of the development

- The building will have an adverse impact on the surrounding area, particularly that of the AONB.
- Building of an inappropriate design / scale
- Adverse impact on the setting of listed buildings, particular that of the church
- Noise and light pollution
- Outdoor noise pollution including evening events / firework displays
- Impact of lighting including that of the car parks
- Impact on local infrastructure, water, sewage refuse
- Sustainability claims not substantiated
- Loss of privacy to nearby housing
- Environmentally friendly / sustainable design
- Buildings will be hidden from view
- New buildings are better than the green house
- No landscape harm caused
- Will cause less noise and light pollution than the stadium
- Will support the increase in housing

10.24 Economic

- Large retail development inappropriate in the countryside
- Retail / commercial development dressed up as a heritage scheme
- The majority of the income is derived from retail
- Commercial re-use of nursery buildings
- Scheme is not viable; if the proposal fails it will lead to more retail, longer hours / white elephant
- No need for a garden centre / retail / heritage park or art gallery
- Jobs creation offset by job losses
- Jobs mostly low paid seasonal, unskilled migrant

- Harmful impact on local business
- It is viable to reuse the existing nursery buildings; if the glasshouses are redundant they should be removed and the land returned to agriculture
- Job creation does not justify the harm to the environment
- D2 uses would permit a lot of different uses
- The development will be an asset to Colchester
- Job creation / training & educational benefits
- Boost to other traders in the area
- Will assist in rural diversification
- Retail necessary for viability

10.25 Tourism

- Visitor numbers unrealistic
- Will have a detrimental impact on existing honeypots in AONB
- Study / display of Constable already provided for elsewhere
- Doubt over the display of Constable paintings
- Will benefit (increase) tourism in Colchester / East Anglia
- Will provide another place to visit
- Excellent visitor centre
- Support leisure, recreation, heritage
- Will relieve pressure on attractions in the area
- Will celebrate Constable

10.26 Miscellaneous

- Contrary to national and local planning policies
- Failure to establish a need for the proposal
- Will set a precedent
- Inadequate means of escape
- Covenant on the land requiring the land to be returned to agriculture
- Petition based on saving the Suffolk Punch
- Increased litter
- Increased crime
- The applicant has a track record of flouting planning controls

- Mitigation should be provided to the community by the way of S106 payments
- Applicants have a track record for sensitive development

10.27 Analysis has also been undertaken by officers to establish the degree of recorded support for or objection to the proposal within the nearby villages, namely: Great Horkesley; Little Horkesley; Nayland; Leavenheath; and West Bergholt. If the petition support is included, the figure work indicates that there is an overall majority against this proposal. This varies from 85% in Nayland to only 23% in West Bergholt; in Great Horkesley, in which the application site is located, the picture is fairly balanced with just over 50% in objection to the proposal. If the petition is excluded from this analysis, there is a significant swing against this planning application. This varies from about 37% in West Bergholt to about 90% in Nayland; in Great Horkesley the division is closer to two thirds in opposition.

10.28 In view of the quantity of additional and supplementary information submitted in respect of this application, the Local Planning Authority has embarked upon a further round of public consultation. The purpose of this exercise was to avoid criticism that those that had made representation on this application had not necessarily made their comments in light of the most up to-date information. This notification letter was sent only to those that were registered as making representations in respect of this application; it was not sent to local residents that had not expressed a view on this development proposal.

10.29 The applicant has informed the Local Planning Authority that they have notified people who originally provided representations in support of the Horkesley Park proposals not to repeat what they had already provided, unless their position has changed and/or they have something new/additional to bring to the attention of the Local Planning Authority (the notification letter essentially stated the same). The applicant has also stated that they believe it is a complete waste of taxpayers' money for the Council to have to process responses which repeat what was originally provided.

- 10.30 The consultation exercise undertaken in March 2011 (and at the time of writing his report) generated 503 letters / emails of representation; 21 for and 211 against; the remaining 271 representations have been classed as 'Other'. The letters of objection include a petition signed by 20 local farmers and landowners in Essex and Suffolk. The majority of the representations received (either for or against) reiterate the concerns / issues raised as during the initial consultation exercise. The significant exceptions to this are:
- The discovery of a dead Great Crested Newt (a protected species) immediately adjacent to the site on Fishponds Hill which would appear to reinforce the speculative opinion that this species might be present in the area.
 - An independent survey of the impact that the traffic associated with this development should be undertaken and this should include an assessment of the traffic on the minor roads.
 - All the nearby Parish Councils and organisations concerned with the protection of the countryside and the AONB are in objection to this schme.
- 10.31 As stated above, the Council has received 271 representations that have been classed as 'Other'; this includes returned letters, change of address or correspondence from people stating that they have no interest in the scheme. In addition to the letters of representation the Council received over 40 telephone complaints from people stating that they have never made comments in respect of this application or that they had signed the petition as they thought that the primary purpose of the scheme was to safeguard the Suffolk Punch.
- 10.32 Notwithstanding the level of public interested generated by the Horkesley Park development proposal, it needs to be remembered that this application should not be determined on the basis of a popularity contest but in accordance with the Council's adopted development plan policies and/or other material planning consideration.

11.0 Representation received by other organisations and interest groups

Stour Valley Action Group (SVAG)

11.1 SVAG has submitted representations objecting to the proposals. This group was formed in June 2001 in response to the first application for the Nursery site and their submission states that they have an active mailing list of over 600 addresses and probably twice that number of members. SVAG states in the preamble to their comments that if approved, the proposals would do irreparable damage to the peace and tranquillity of the Dedham Vale AONB and that they consider the proposed employment generation is speculative and highly unlikely to come to fruition and should not override other considerations.

11.2 Their own summary of key objections as set out in full in their submission is copied below.

- The Application is contrary to the whole ethos of government and local planning policy and must be rejected on these grounds alone. Full details are given in Appendix 1 [Not attached to this committee report] which demonstrates lack of conformance with National, Regional and Local policies.
- The Application would compromise the peace and tranquillity of the AONB in a totally unacceptable way.
- No overriding national need has been established for the Application which is required under Planning Law for such a development in or adjacent to an AONB.
- Over 75% of revenues in the Applicant's Business Plan come from retail activities. The Application is a retail development and must be treated as such in the assessment of its conformance or otherwise with Planning Law.

- The projection of visitor numbers is grossly overstated. Our expert view is that, as a visitor centre, it is unlikely to attract more than 150,000 visitors by its third year of operation.
- The average revenue per head is grossly overstated at £27.65 for every visitor. It is more likely to be about £10.00 per head.
- Any reasonable estimate for visitor numbers and per capita spend results in massive losses for the Proposal. Horkesley Park is not viable as a Heritage and Conservation Centre.
- We conclude that the Proposal is no more than a thinly disguised attempt to get planning permission for the buildings and infrastructure for a shopping village using the disguise of a visitor attraction.
- Because of the demonstrated lack of financial viability of the Proposal the promised creation of 155FTE jobs on site cannot be relied on in any way. The actual number of new jobs on site is likely to be much less than 100 even when it is mature.
- Second and third order jobs created in the wider economy are not real and cannot be demonstrated. They must be discounted.
- The potential for job creation in itself must not be a reason to override all other planning considerations.
- The Proposal is contrary to national, regional and local policy in respect of traffic issues. The local road infrastructure is not sufficient to cope with the influx of the Applicant's predicted 480,000 visitors per annum.
- There will be a material increase in traffic on Fishponds Hill which is a Protected Lane. This is not permitted under Local Policy CO7.
- The building design is seriously deficient in terms of its fire and safety provisions. Correction of these issues would change the outside design of the buildings and would add significantly to their cost.
- The impact on the listed buildings on Water Lane will be severe. The wrong sightlines have been chosen in assessing these impacts.

- The protection of the hybrid black poplars has not been properly considered. Furthermore they are due to be pollarded from their current height of 16/17 meters to 6 metres. The visual photomontages take no account of this.
- The Application takes no account of noise generated by people, especially children playing. The tranquillity of the Church, churchyard and across the Valley will be considerably compromised by this effect, particularly at weekends.
- It will be difficult to control light pollution particularly if the Site is used for evening functions.
- The Application would generate at least an additional 3000 tonnes of carbon dioxide per annum from visitors' car journeys alone. The Applicant has not assessed the overall carbon footprint of the development.
- An ADAS (Agricultural Development & Advisory Services) report commissioned by SVAG shows that the glasshouses could still generate an adequate return from horticultural activity. The site should not be regarded as agriculturally redundant and the conversion of a Grade 2 field into an overflow car park should not be permitted within the guidelines.

11.3 The objections from SVAG are supported by a report by Planning Report (prepared by Dalton Warner Davis); Visitor Attraction Consultant Report (prepared by Mr R Kemp; a 'Common Sense' Review of Tourism Feasibility Study (prepared by Mr Budneburg & Mr Eddis) and letters from F G Storey and Dr Ronald Blythe.

11.4 In addition to the above, the SVAG also provided a critique (dated 2 March 2011) on Vision Statements for the Food Experience, the Garden Centre and Lecture theatre and disputed the anticipated visitor numbers.

- 11.5 In response to the reconsultation exercise a further letter of objection (dated 14 April 2011) has been received from SVAG. This letter reaffirms their view that the proposal is contrary to planning policy and will be detrimental in terms of transport, landscape and visual impact. The comments made in respect of the Vision Statements are reiterated. It is also noted that no recent documents have been published in respect of the Heads of Terms for the S.106 agreement.
- 11.6 A further letter dated 3 May 2011 has been received from SVAG. The letter notes that Natural England have stated that the protected species surveys are out of date. The Great Crested Newt has the status of being a protected species and a local planning authority must determine whether a development proposal meets the requirements of Article 16 of the EC Habitats Directive before planning permission is granted. The Directive set out tests that should be applied and if these are not met then planning permission should be refused. The views of the Directive are supported by Circular 06/2005. We do not believe that any such new survey has been carried out and therefore the application should be refused on these grounds alone.

The National Trust

- 11.7 Objects to the application for the following reasons:
- The Trust does not consider that the applicant has demonstrated that the development of Horkesley Park is sufficiently exceptional to warrant major development within the AONB in accordance with PPS7 guidance on major development.
 - Adverse impact on landscape through new paths, fencing of horse pasture and erosion of traditional landscape.
 - Negative impact of night lighting on landscape both from outdoor site and security lighting and from buildings

- Proposal contains significant areas for retailing, food and conference facilities in addition to heritage and conservation functions, which should be sequentially assessed with preference to town centre locations and should not be allowed in a countryside site within an AONB.
- Concern over generation of significantly increased interest in Constable and intensification of visitors to Flatford and Dedham resulting in detrimental effect on character of the AONB.
- On busy weekends and bank holidays Flatford and Dedham are at capacity or just beyond. Visitor numbers are managed by the authorities by low key advertising and out of peak season promotions to try to avoid too many visitors. The proposed development is likely to lead to more visitors to the area wishing to see Flatford and Dedham leading to huge traffic problems and need for more parking provision to the detriment of the environment, character and rural tranquillity of the area.
- Potential for increased traffic on the B1087 and B1068 or C class roads in Boxted and Langham which are within AONB
- At peak times (Sunday in August) TA report estimates 146 trips from Horkesley Park to Dedham Vale, which should also include reverse trips. Results in considerable number of vehicle movements through these areas.
- Hopper bus to/from other attractions likely to account for only a small % of onward visits as it is unlikely to be used by car drivers.
- Although visitor numbers reduced from last application, application should be rejected as being completely out of scale and of inappropriate scale and location. It would also be just as likely to have the potential to irreparably damage the tourist locations within Dedham Vale which the National Trust and partners have striven so long and hard to cherish.

Dedham Vale Society (DVS)

11.8 Objects to the proposals on the following grounds:

- Impact on the AONB- major development not justified under PPS7 criteria within an AONB
- Harm from visitor numbers, traffic, light pollution to natural beauty, tranquillity and historic settings of AONB
- Out of town shopping- large retail element inappropriate in countryside/ AONB
- Traffic- increase in traffic on A134 and associated road network and in the Vale. Inadequate consideration of other alternatives including cycling.
- Protected Lanes- increase in traffic on protected lanes and single track roads.
- Creation/displacement of jobs- unlikely to deliver benefits due to recession, job creation linked to visitor estimates/spending are unrealistic, jobs lost elsewhere and jobs should be created in town.
- Public rights of way- enclosure of footpaths by hedges likely to result in loss of views of countryside.
- Heritage- lack of any information on where works of art will come from and proposed gallery unlikely to be able to loan works from any major lenders.

11.9 In a letter dated 15 Jan 2011, DVS stated that with the advent of Localism, the views of local residents and must be fully considered and given weight in accordance with the intention of Parliament.

11.10 In response to the recent consultation exercise the DVS have reaffirmed their objection to this proposal in a letter dated 14 April 2011.

Suffolk Preservation Society

- 11.11 Object to the proposals as being contrary to the Development Plan and likely to result in disruption, increased noise, loss of tranquillity and reduction in quality of environment in area which is nationally recognised and protected sensitive AONB. Economic benefits are at best tenuous and no justification to approve application. Favour use of glasshouses for horticultural purposes and surrounding land retained in agricultural use.

Suffolk Horse Society

- 11.12 Support the applicant's proposals for the creation of a Suffolk Punch Horse Centre.

The Ramblers

- 11.13 Object to the proposals on the grounds of following effects on walkers:
- Increased traffic affects walkers using back roads
 - Enclosure of paths prejudices public appreciation of the countryside
 - Development especially 'Heritage Centre' will be a blot on the AONB and retail fears if scheme fails
 - Increase tourist traffic using back roads to visit Dedham and Flatford via villages of Higham, Stoke, Nayland, Langham, Boxted.
 - Noise and light pollution problems locally.
- 11.14 In an email dated 19 April 2011, The Ramblers reaffirmed their concerns in respect of this proposal.

Colne-Stour Countryside Association (CSCA)

- 11.15 Objects to application on following grounds:
- Contravenes planning policy at national and local level
 - Permanently damages the AONB
 - Detrimental effect on local jobs and business
 - Serious and unwanted traffic congestion on A134 and surrounding country lanes.
- 11.16 A second letter dated 15 April 2011 has been received by CSCA. This scheme is nothing more than an attempt for a major retail centre in the AONB going under the banner of a heritage and conservation centre. The visitor numbers and revenue figure necessary to make the scheme viable are not realistic and it is likely that this will result in further applications to widen the permission. Existing attractions already 'celebrate' East Anglian rural life. Traffic generation will cause problems in the Vale. There is no overriding need for this development and to allow it would contravene relevant national and local policies. It is significant that these proposals are opposed by all the surrounding Parish Councils, the DVS, the Suffolk Preservation Society, CPRE Essex and Dedham Vale AONB and Stour Valley Project.

Campaign for the Protection of Rural England (CPRE) Essex

- 11.17 Object to the proposals on the grounds of harm to the beauty and tranquillity of the countryside, conflict with policies relating to retail development and traffic impact on A134 and country lanes. Generally support applicant for undertaking conservation measures on his land and work with Suffolk Punch Horses.

Colchester & NE Essex Friends of the Earth

- 11.18 Object to proposals on the grounds of loss of agricultural land, greenhouses capable of sustainable food production impacts on quiet country lanes, villages and AONB and increase in traffic.

Gainsborough House, (Museum and Art Gallery) Sudbury

- 11.19 Raise objection to the proposal. The establishment of an art gallery and heritage centre at the Chantry appears central to the whole proposal however the level of understanding about running an art gallery appears negligible. The information about this proposal is also vague; there is no explanation of what these works of art are. Most national, public and other museums are not allowed to lend art to non museum or commercial organisations. There is little chance of an art gallery of worth being established at the Chantry. The gallery would not be able to apply for Government Indemnity meaning and they would have to pay for commercial insurance. The application does not mention employing qualified curators or experienced professionals. The plans make no reference of other art galleries in the region; Gainsborough House is a centre for excellence for the study of Gainsborough, his contemporaries including John Constable. Other local museums already specialise in art, artists and culture of the region; the heritage centre will at best be a duplication and at worst unwelcome competition.

Essex Chambers of Commerce (ECCom)

- 11.20 ECCom support proposal as providing boost to the rural economy in current deteriorating economic climate. It will provide local employment and help to sustain local businesses; add to existing environmental, historical and cultural attractions in the area and be valuable educational resource with respect to rural crafts and skills. The proposal will be sustainable tourist attraction and education facility.

Essex Business Consortium (ECB)

- 11.21 ECB note that tourism and international trade will be two of the most important drivers of the eventual economy recovery and the proposal has considerable potential to increase tourism.

Nayland with Wissington Conservation Society

- 11.22 In a letter dated 18 April 2011, the society state that it appears from correspondence between Suffolk CC and a local resident, that SCC used the information supplied by the applicant to assess the impact of 485,000 visitors. This is the exact opposite position in their letter of 28 April 2009 when SCC highways recommended refusal on the grounds of unacceptable traffic flows on the B1068 and B1087. No reason has been given for this reversal of decision. The local highway authorities should undertake a joint transport assessment to include the impact on the AONB, local roads and sunken lanes. The determination of this application should be postponed until the results of this assessment are known.

Bernard Jenkins MP for North Essex (within which the proposal site is located)

- 11.23 Bernard Jenkins has advised the Council that given the potential conflict with national policy, the application departure status, the doubt cast on its employment projections and the level of controversy, particularly concerning the AONB, that he has requested that this application is called-in for a public inquiry.
- 11.24 A second letter of objection dated 26 April 2011 has been submitted by Bernard Jenkins. The principal concern is about the potential impact on the Dedham Vale AONB. The proposed 485,000 visitors per annum would have an impact on its peace and tranquillity. Tranquillity is one of the reasons why this particular AONB was designated. The scheme does not meet local planning policies in this respect. Equally the Dedham Vale AONB and Stour

Valley Project consider that it conflicts with the adopted management Plan for the AONB. The boundary of the AONB is something of an anomaly. Had the existing greenhouses not been there the boundary would have followed the geographical contours of the Stour Valley and much of the site would have been within the AONB.

- 11.25 Traffic Impact is the other concern. There is concern that the review carried out by ECC has failed to fully address the impact on secondary roads. Natural England comment on this and that studies should be carried out to assess this. The impact on small roads needs to be properly evaluated. There is no obvious route for traffic to take to and from the A12 and there will be increased pressure on other roads. Sat nav systems will guide south going traffic off the A12 at Dedham and thereafter across the country. The A134 is already notoriously dangerous, increased traffic can only lead to more accidents.
- 11.26 The other concern is that the proposed development is only economically viable because of the heavy reliance on the retail elements of the development. Sale of food, garden products and other merchandise accounts for over 73% of projected revenues. The danger is that if the forecast for visitor numbers is not achieved then an intensification of retail activity is employed to address the shortfall. It would be difficult to resist supplementary applications. The proposal should be regarded as retail development and should be assessed against relevant policies.
- 11.27 The Horkesley Park proposal is of a scale and nature which is wholly inappropriate for this site.

Tim Yeo MP for South Suffolk

- 11.28 Tim Yeo objected to this application in a letter dated 14 April 2009. He objects to this application on the grounds that it would cause an unacceptable increase in traffic. The proposal is also objectionable because of the impact on the Dedham Vale Area of Outstanding Natural Beauty. The claimed tourism benefits for the proposal do not justify its approval. The area already has a strong appeal for tourist and offers many opportunities for them to enjoy its

cultural and historic assets in a manner that does not unnecessarily infringe the enjoyment of local residents.

Bob Russell MP for Colchester

- 11.29 In a letter dated 23 February 2009 Bob Russell expressed the view that at the time of economic down turn and loss of jobs, the need for this project is greater than when first mooted. The centre would have huge benefits for Colchester because a) inward investment at no cost to the public purse; b) the annual investment from spending by visitors to Colchester and c) the provision of new jobs. The design / scale of the project has been designed to minimise the visual impact, the appearance of which is preferable to the redundant glasshouses. The A134 provides a direct road connection to the site and it also has a bus route. It is not considered that the proposal would cause traffic congestion. The English countryside has evolved – rural communities no longer rely on agriculture or country occupations – they largely commute into towns. The development will create a local employment base. The proposal to safeguard the Suffolk Punch is particularly supported.
- 11.30 A second letter (dated 8 April 2011) has been submitted by Bob Russell MP reiterating his support for this application and wished for his previously communication to be considered in association with this letter.
- 11.31 Bob Russell notes that the site falls outside his constituency but as a potential major tourist attraction will boost the wider economy of the Colchester area including job creation. Bob Russell does not believe that the attraction will grow to the size of Colchester Zoo; the claims about inappropriate use of a rural site and of traffic problems have not proved to be true.

Councillor Dave Harris

- 11.32 Councillor Dave Harris (Berechurch Ward) supports the proposal. He considers that once agreed (hopefully if it meets all the planning criteria) that the County Council should be approached to assist this venture by investing a bit of money in the roads which would help visitors.

The full text of all of the representations received is available to view on the Council's website.

12.0 Report

Policy Considerations

- 12.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises: the East of England Plan (RSS); the Core Strategy (adopted Dec 2008); the Site Allocations (adopted October 2010); Proposals Map (adopted October 2010); and Development Policies (adopted October 2010).
- 12.2 Other material considerations which the Local Planning Authority has taken into account in this case include PPS1, PPS1 Supplement, PPS4, PPS5, PPS7, PPS9, PPS10, PPG13, PPG17, PPS22, PPS23, PPS24 and PPS25. The Tourism Good Practice Guide, The Dedham Vale Management Plan and the Colchester Landscape Character Assessment are also relevant documents.

East of England Plan

- 12.3 The Government announced last year its intention to revoke the regional strategies (which includes the East of England Plan) under section 79(6) of the Local Democracy, Economic Development and Construction Act 2009.

- 12.4 Regional strategies were purportedly revoked on 6 July 2010 but on 10 November 2010 after a successful legal challenge by housing developer CALA Homes the purported decision was quashed by the High Court. A subsequent challenge by CALA Homes, to halt planners using the intended revocation of the strategies as a 'material consideration' when making planning decisions, has been lost by the developer following a High Court case. Nonetheless and pending the abolition regional strategies they remain part of the statutory development plan. The weight given to any 'material consideration' depends on the individual circumstances and it is for the decision maker to decide on the appropriate weight. CALA Homes has appealed to the Court of Appeal but at the time of writing the report judgement had been reserved.
- 12.5 For the purposes of this report, the East of England Plan has been treated as forming part of the development plan, but the fact that it is likely to be revoked has been considered when forming a recommendation in respect of this decision. However, the statutory development plan also includes the Council's adopted LDDs (which are in general conformity with the RRS) and the weight to be accorded to these documents is very substantial. Therefore whilst the intention to abolish the RRS is a material factor it can have but very little weight in these circumstances.
- 12.6 RSS provides a spatial strategy to guide development in the region up to 2021. Policies SS1, SS2, SS3, SS4 and SS6 seek to achieve development that is both sustainable and accessible; policy SS6 states development should be focused on city and town centres. Policy E1 sets out targets for employment growth. Policy E6 sets out policies in respect of tourism. Policy C2 states regionally or nationally significant leisure, sport recreation, arts tourism or other cultural facilities will be supported subject to meeting criteria covering the sequential test, safeguarding designated areas, sustainability, transport and scale and visual impact. Policies T1, T2, T7, T8, T9, T13 and T14 deal with transportation and parking issues. Policies ENV1, ENV2, ENV3 and ENV 6 seeks to protect the protection of the landscape and built heritage;

policy ENV 7 deals with quality in the built environment. Policies ENG1 and ENG 2 relate to the conservation of energy.

Core Strategy

- 12.7 Core Strategy policies set out the Council's overall strategic position in respect of development proposals.
- 12.8 Policy SD1 states that the Council will promote sustainable development and high quality design, focusing on the town centre, the regeneration areas and key gateways to Colchester. The policy also states that the Council will seek to sustain the character and vitality of small towns, villages and the countryside and that development will be expected to achieve a high standard of design, sustainability and compatibility with local character.
- 12.9 Policy CE1 states that the Council will promote and maintain a Centre and Employment Classification and Hierarchy (Tables CE1 and CE1b) to coordinate the use and scale of developments with the accessibility and role of the various mixed uses and employment zones. Employment developments that conflict with the Centres and Employment Classification and Hierarchy will not normally be supported. Small scale developments may be acceptable in residential or countryside locations if they have low travel needs and low impacts, such as small shops and facilities providing for the daily needs of a local residential catchment or rural businesses, recreation and tourist developments to meet local needs and support rural economies
- 12.10 Policy UR1 seeks to enhance the status of Colchester through the redevelopment of the town centre, the five main areas of regeneration and identified gateways. Policy UR2 seeks to secure high quality design that is informed by their context.
- 12.11 Policy PR1 aims to provide a network of public open spaces that meet local community needs within walking distances of people's homes and work.

- 12.12 Policies TA1, TA2, TA3, TA4 and TA5 address transport strategy and promote accessibility and changing travel behaviour. These policies seek to strike a balance between improving accessibility through land-use planning, managing traffic flows and growth and seek to encourage a change in travel behaviour and where appropriate give priority to walking, cycling and public transport. The policies are closely linked to Core Strategy policies PR2 (People Friendly Streets) and UR1 (Urban Regeneration).
- 12.13 In the Environment and Rural Communities Chapter, policies ENV1 and ENV2 outline the Council's overall strategic position regarding the protection of the Borough's natural and historic assets and landscape character. Policy ENV 1 states that unallocated land outside of settlement boundaries (defined in the Site Allocations DPD) will be protected and where possible enhanced. Within such areas development will be strictly controlled and where new development is considered compatible with a rural location it should meet set criteria. Policy ENV2 states that outside village boundaries the Council will favourably consider small scale rural business, leisure and tourism schemes that are appropriate to local employment needs, minimise environmental impacts and be harmonious with the local character and surrounding natural environment.
- 12.14 Core Strategy policy ER1 seeks to promote sustainable construction techniques in tandem with high quality design and materials to reduce energy demand, waste and the use of natural resources.

Development Plan Policies

- 12.15 The Council adopted a set of Development Policies in October 2010 which provide detailed guidance for particular areas on general objectives contained in the Core Strategy. These policies have superseded the remaining saved Local Plan policies which were in effect during the earlier period of consideration of the proposal. There are no cases, however, where the new Development Policy is considered to set a policy direction that conflicts with the previous Local Plan view.

12.16 Policy DP1 provides that all development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. This policy states that development proposals must respect and enhance the character of the site, its context and surroundings in terms of architectural approach, height, size, scale, form, mass, materials, landscape setting and detailed design, provide a design and layout that takes into account the potential users of the site, protect existing public and residential amenity, respect or enhance the landscape and incorporate infrastructure and services.

12.17 Development Plan policies DP5, DP7, DP8 and DP9 provide the Council's approach to employment land and uses. Policy DP10 relates to the provision of tourism, leisure and cultural facilities. Policy DP5 sets out the Council's approach to employment uses, protection of employment land and existing businesses. Policy DP7 relates to local centres and individual shops; this policy states new retail units will be expected to be provided, in the first instance, in-line with the sequential test. Elsewhere, proposals for new retail use will have to demonstrate that they are of an appropriate scale and would represent no threat to the viability and vitality of existing shops. Policy DP8 relates to agricultural development and diversification. Policy DP9 deals with employment uses in the countryside. This policy states that proposed uses should be of a small scale that do not harm the rural character of the area either by the nature and level of activity (including the amount of additional traffic generation on rural roads) or any other detrimental effects. Policy DP9 goes on to state that:

- proposals for the conversion and reuse of existing rural buildings will only be supported where it is desirable to retain the building;
- the replacement of existing buildings will only be supported where the existing development is visually intrusive or otherwise inappropriate in its context, substantial improvements to the surrounding landscape are secured and the replacement buildings do not result in a significant increase in the scale, height and built form of the original building; and

- new rural employment buildings will only be supported in exceptional circumstances where there are no appropriate existing buildings and the need has been adequately demonstrated.

- 12.18 Policy DP10 states that proposals for tourism, leisure and cultural development should promote accessibility by a choice of means of transport and must not cause significant harm to the amenity of people living and working nearby. In rural areas, tourist development should help to support existing local community facilities and must be compatible with the rural character of the surrounding area. Where accessibility is poor, this policy states that proposals should be small scale and/or compromise the conversion of existing suitable exiting rural buildings.
- 12.19 Policy DP14 states that development that would have an adverse affect on the setting of a listed building (or other heritage assets will not be permitted.
- 12.20 Policy DP17 provides guidance on ensuring accessibility for sustainable modes of transport as well as requirements for Travel Plans and Transport Assessment. The requirements for incorporation of satisfactory and appropriate provision for pedestrians and cyclists as well as the protection for the public rights of way network.
- 12.21 In the Environment and Rural Communities Chapter, policies DP20, DP21 and DP22 are relevant. Policy DP20 states that development will only be supported where it can be demonstrated that the proposal meets the requirements of PPS25 (Development and Flood Risk). This policy also states that all development proposals should incorporate measures for the conservation and sustainable use of water. Policy DP21 supports proposals where the principal objective is to conserve or enhance biodiversity and geodiversity. Policy DP21 also states that where proposals would cause

harm either directly or indirectly to nationally designated sites or protected species they will not be permitted unless:

- (a) they can not be located on alternative sites;
- (b) the benefits of the development outweigh the harm; and
- (c) satisfactory mitigation measures are provided.

12.22 In addition Protected Lanes of historic or landscape value will be protected from development that would adversely affect their appearance or give rise to a material increase in the amount of traffic using them. Policy DP22 relates to specifically to the Dedham Vale Area of Outstanding Natural Beauty (AONB) and states that development proposals will only be supported that:

- makes a positive contribution to the special landscape character and qualities of the AONB;
- does not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment of these areas; and
- supports the wider environmental, social and economic objectives as set out in the Dedham Vale AONB and Stour Valley Management Plan.

12.23 Development Plan Policy DP25 relates to renewable energy and states that applicants will be encouraged to incorporate renewable energy technologies into all development where viable.

Planning Policy Statements

12.24 PPS1: Delivering Sustainable Development sets out the overarching planning policies on the delivery of sustainable development through the planning system. These policies complement, but do not replace or override other national planning policies and should be read in conjunction with other relevant statements of national planning policy.

- 12.25 PPS 1: Planning and Climate Change Supplement to PPS1 set out how planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences. Tackling climate change is a key Government priority for the planning system.
- 12.26 PPS 4 sets out the Government's policies for economic development and replaces PPG 4, PPS 6 and parts of PPS 7 and PPG 13. The statement indicates that local authorities should adopt a positive and constructive approach towards proposals for economic development, operating within the context of the plan-led system. It provides policy for all forms of economic development policy including town centre and retail policy, in both urban and rural areas. Additional good practice guidance on need, impact and the sequential approach for retail and town centre uses is provided in the accompanying Good Practice Guide. PPS 4 places retail, tourism and town centre uses in a wider context as "economic development" that contributes to the Government's overarching objective of "sustainable economic growth". Economic development includes the main town centre uses, which includes retail development, leisure, arts, culture and tourism development. Tourism, leisure and retail uses should be considered under the town centre policies in PPS 4.
- 12.27 PPS 5: Planning for the Historic Environment set out the Governments policies on the conservation of historic environment, including the desirability of preserving the setting of listed buildings.
- 12.28 PPS 7 set out government policy relating to sustainable development in rural areas.

- 12.29 PPS 9: Biodiversity and Geological Conservation promotes sustainable development that enhances and restores the diversity of England's wildlife and geology and contributes to rural renewal and urban renaissance. Key principles of PPS 9 require that planning decisions are based on up to date information about environmental characteristics of the area; policies and planning decisions should aim to maintain or enhance biodiversity and geological conservation interests. In taking decisions appropriate weight should be attached to designated sites, protected species and to the biodiversity interests in the wider environment.
- 12.30 PPG 13 Transport sets out the objectives to integrate planning and transport at national, strategic and local level. The main objective of this guidance is to promote more sustainable transport choices. It aims to promote accessibility to jobs, shopping and leisure facilities by public transport. For retail and leisure developments preference should be given to sites which are well served by public transport.
- 12.31 PPG 17 Planning for Open Space, Sport and Recreation sets out the Government's policy for open space, sport and recreation and requires local authorities to assess appropriate levels of facilities in their area. The document provides that local authorities should:
- avoid any erosion of recreational function and maintain or enhance the character of open spaces;
 - ensure that open spaces do not suffer from increased overlooking, traffic flows or other encroachment;
 - protect and enhance those parts of the rights of way network that might benefit open space; and
 - consider the impact of any development on biodiversity and nature conservation. (Para 17)

- 12.32 PPS 23 Planning and Pollution Control advises that any consideration of the quality of the land, air and water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration.
- 12.33 PPG 24 Planning and Noise notes that the impact of noise can be a material planning consideration.
- 12.34 PPS25 Development and Flood Risk states that all forms of flooding and their impacts on the natural and built environment are material planning considerations. The aims of planning policy on development and flood risk are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding.
- 12.35 Good Practice Guide on Tourism replaces PPG21. Although this guidance does not carry the same weight of a PPG or PPS, it can still be a material consideration when making decisions. The guidance seeks to ensure that planning and tourism works together effectively and sustainably.

Other material guidance

Dedham Vale Management Plan

- 12.36 The Dedham Vale AONB and Stour Valley Management Plan provides guidance on nature conservation and visitor management and this Council has adopted the plan under Section 89 of the Countryside and Rights of Way Act (2000). Policies within the plan include:
- Maintain the tranquillity of the area, particularly the nationally important AONB (Policy EA4)
 - Ensure that any business related development brings economic benefits to the local area and does not adversely affect the high environmental value of the area (policy SP5).

- Give serious consideration to the transport implications of development (policy TT8)

Colchester Landscape Character Assessment

- 12.37 The Landscape Character Assessment for Colchester was prepared in 2005. The document splits the Borough into seven distinct Landscape Character Areas (LCA) which are defined as unique geographically specific areas i.e. River Valleys. These were further divided into 33 Landscape Character Types (LCT) which are broad tracts of land that have common characteristics of geology, topography, landform, vegetation, land use and settlement patterns that help define an areas character.
- 12.38 The Horkesley Park site lies on the cusp of the Stour River Valley Slopes and the Great Horkesley Farmland Plateau Landscape Character Types.
- 12.39 The dominant character of the Stour Valley Slopes LCT is of sloping valleys comprising a mixture of irregular arable and pasture fields interspersed with patches of deciduous woodland. Settlements are typically small farmsteads and halls served by minor roads and narrow lanes. There is a strong sense of remoteness and tranquility away from the highways.
- 12.40 The Great Horkesley Farmland Plateau LCT is characterised by small to medium size arable fields which form an interesting pattern of regular fields to the west of Great Horkesley. The Great Horkesley Farmland Plateau is crossed in a north - south direction by two straight roads and the settlement has developed in a linear pattern along these main roads. A network of minor narrow lanes however connects through from the main roads into the wider area.

- 12.41 The Stour River Valley Floor Landscape Character Area is also relevant. This area is dominated by the River Stour and its extensive flood plains. The area is characterised by a network of damp pasture and meadows interspersed with bat willow plantations and numerous mills, weirs, waterworks and pumping stations associated with the management of the River and adjacent habitats.
- 12.42 The Landscape Character Assessment has identified increasing traffic and development pressure around Horkesley Park as a key planning and land management issue. These are considered risks to maintaining the tranquil undeveloped character of the area. The LCA report also identifies the need to ensure that new development is small scale and appropriate in terms of scale, form, design, materials and also reflects historic settlement patterns, landscape setting and local building styles to help conserve the overall character of this part of the Borough.
- 12.43 For the Great Horkesley Farmland Plateau Landscape Character Type the key planning and land management issues are development pressures around Great Horkesley, increased traffic pressures on minor rural roads and lanes, and potential adverse impacts on the Stour Valley from visually intrusive new developments particularly to the north of the area.
- 12.44 The key objective for this zone is to retain and enhance its character by ensuring that new development relates well to the existing settlement pattern and the choice of materials to be used to construct them. The Landscape Character Assessment also stresses the need to conserve the panoramic and framed views of the Stour Valley to the north of the Landscape Character Area.
- 12.45 A key issue within the Stour River Valley Floor LCT is the need to retain open views along the valley and manage traffic impacts by encouraging the use of alternative methods of transport when visiting popular tourist attractions.

- 12.46 The Colchester Landscape Character Assessment formed part of the evidence base for the LDF and forms a material planning consideration.

The Policy Context

Relationship to Development Plan

- 12.47 It is a statutory requirement for a planning application to be determined in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in guidance set out PPS1. The Council is in the fortunate position of having a suite of up-to-date and recently adopted Development Plan Documents, including a Core Strategy, Site Allocations and Proposals Maps and Development Plan Policies. There is also an extensive amount of information to support these documents.
- 12.48 The majority of the application site is identified in the Local Development Framework Proposals Maps (October 2010) as 'white land' – i.e. it has not been allocated a land use. The north and west parts of the application site are identified as falling within the Dedham Vale Area of Outstanding Natural Beauty. A local wildlife site is located around the Church.
- 12.49 The submitted application is not considered to accord with land allocations as well as a number of policies within the LDF (principally relating to design, sustainability and failure to adequately demonstrate that the development would not have an adverse impact on the AONB). Therefore, in accordance with the above statutory requirement and PPS1, the applicant needs to demonstrate the material considerations which support granting permission as a departure from the development plan.
- 12.50 The site comprises former nursery buildings, three dwelling houses, agricultural land, park and woodland. The fact that the existing nursery buildings are now considered by the applicant to be redundant does not mean that any form of development is acceptable in this location. (SVAG have submitted a consultant's report that disputes the view of the applicant that it is no longer possible to viably operate the glasshouses, a view that is

shared by a number of the local residents that have objected to this proposal).

12.51 PPS 4 sets out the Government's policy framework for planning for sustainable and economic development. Policy EC5 requires local planning authorities to identify an appropriate range of sites to accommodate the identified need, ensuring that sites are capable of accommodating a range of business models in terms of scale, format, car parking provision and scope for disaggregation. Having identified sites for development, the policy states that local planning authorities should allocate sufficient sites in development plan documents to meet at least the first five years identified need. The Council has recently adopted its Core Strategy (2008) and the Site Allocations Development Plan Document (October 2010). These documents plan for the delivery of at least 14,200 jobs between 2001 and 2021. An Employment Land Review undertaken for the Council in 2007 estimated that approximately 30 hectares of new employment land was required in the Borough to support development up to 2021. At that time 67.89 hectares of land was identified as suitable for employment development and since then additional sites have been allocated. Almost 300 hectares of land is allocated for employment purposes along with 67,000sqm (net) of additional retail floorspace (predominantly located in the town centre). The Horkesley Park site has not been identified as a suitable site for significant future growth.

12.52 The prospect of the Horkesley Park development was first in raised in about 2001 and, between that time and the submission of the current application (April 2009), the Council has prepared and adopted a suite of local development framework documents. A development promoted as a regional scheme, like any other scheme, should be evaluated for its overall compatibility with the strategic spatial policy for the area. It is interesting to note the Horkesley Park development proposal was not submitted as a strategic scheme as part of the Core Strategy development process nor has it been submitted in response to the two consultations on the Council's Site Allocations Development Plan Documents despite the opportunity being there to do so.

- 12.53 It is argued by the applicant that, because the scale of the Horkesley Park development is one of 'regional significance', policies attached to the Core Strategy and the other development plan documents are not apt to deal with such a scheme. In view of this, the main planning policy thrust put forward for the justification of this development proposal is its alleged compliance with policies contained in the regional plan and national guidance set out in the relevant planning policy statements. The onus is on the applicant to demonstrate the proposals regional significance and, for reasons discussed later in the report, it is considered very doubtful that the tourist element of the proposal is of regional significance as alleged.
- 12.54 Policy ENV2 of the Core Strategy and Development Plan Policies DP9 and DP10 are not aimed at large scale development proposals such as Horkesley Park because they are not considered necessary or appropriate in the countryside. Other policies in these two adopted plans apply to all developments regardless of size. For example, Core Strategy policy SD1 provides that growth will be located at accessible and sustainable locations and Development Plan Policy ENV 1, which seeks to conserve and enhance the environment, are both applicable to any scheme within the Borough regardless of the size and scale of the proposed development. Other policies covering design, sustainability, pollution, contamination etc are also pertinent to the determination of this planning application.
- 12.55 The Council does not therefore share the view of the applicant that the adopted local development plan policies are not apt to deal with this application. This is a view shared by the coalition government who have promised to radically reform the planning system. The intended abolition of Regional Spatial Strategies and the proposal for a simple and consolidated national planning policy framework gives communities far more ability to determine the shape of their places using locally adopted planning documents.

The nature of the development

- 12.56 The current application is for the change of use and redevelopment of land to form a heritage and conservation centre comprising a 40.89 hectare country park, in addition to an art gallery and craft studios at The Chantry, public gardens, the erection of the Main Building, Suffolk Punch Breeding Centre, Farm Barn, underground nature watch building (called The Warren), a rustic adventure playground and main and overflow car parks. The planning application states that the proposed use is Class D2.
- 12.57 The vision for Horkesley Park is to create a visitor attraction dedicated to “A Celebration of the English Countryside” through the themes of Agriculture & Food, Art & Culture and Countryside & Conservation. The primary aim of Horkesley Park is to create a focus within a corner of the Essex landscape devoted to the many facets of the English Countryside – with particular emphasis on East Anglian “rural life”. It is claimed that its perspective will be past, present and future. It will focus on factors that have influenced the appearance and character of the countryside in the past and which continue to touch the lives of people everywhere.
- 12.58 It is proposed that the whole Horkesley Park site will be open to the general public every day (except Christmas) from 10:00am to 18:00 or a suitable time before dusk whichever is later. It is also proposed that the attraction will open only occasionally after normal closing for special events, although no details have been provided regarding the anticipated number / frequency of such events.
- 12.59 It is stated that the retail and catering elements only constitute a small percentage of the Horkesley Park site area and that they are essential and integral to the enhancement of the visitor experience.
- 12.60 The applicant has provided ‘Vision Statements’ documents relating to the “Food Experience, ‘The Horticultural Experience’ and the ‘Lecture Theatre’.

Food Experience

- 12.61 Experience is described as a cross between an exhibition, a farmers market and a food fair. The applicant states that there will be a continually changing mix of vendors and produce. It is argued that it is this, combined with elements of a permanent trade shows and workshops, that will distinguish the proposed development from a conventional food offering. The applicant states that another important distinction between the Horkesley Park development and a conventional retail offering is that this development is a gated attraction whose main purposes are leisure and entertainment; dwell times of over three hours are forecast.

The Horticultural Experience

- 12.62 There are several elements to the Horticultural Experience – the different types of gardens, the horticultural technology area and the specialist garden zone with its exhibitions. It is intended to have a wide range of gardens including the restored Georgian Garden, a Chinese Garden and ‘ex display’ show gardens. The Specialist Garden Centre will be located inside the Main Building and there will be no outside sales areas. It is stated that while some purchases will be possible from the site, many items will be supplied by the vendors from their own off-site premises by delivery service. A Technology Base and Information Zones will also be provided in this area. Entrance to the Horticultural Experience will be by ticket only.

Lecture Theatre

- 12.63 The primary purpose of the first floor of the Main Building is an education suite dedicated to all forms of learning. This space will comprise a lecture theatre (250 seats), an exhibition area and supporting restaurant.
- 12.64 The different elements of the Horkesley Park development do not sit comfortably within the D2 Use Class ascribed to them on the planning application form. While there may be synergies between the various elements of the proposal, the Food Experience (Zone 6) and Garden Centre (Zone 7) are better described as A1 retail and the main restaurant/café areas (principally but not exclusively Zone 12) as an A3 retail use. It is also considered that the Life and Times of John Constable Experience (Zone 2),

the Heritage and Conservation Experience (Zone 3) and the Farming of Yesteryear (Zone 4) are better described as a D1 use which includes museums, art galleries and exhibition uses while the Restoration and Reconstruction Workshops (which will involve the repair of farm and associated machinery) can be described as falling within a B2 use. The lecture theatre is considered to fall within a D1 use. The proposal seems to constitute a mixed use rather than a land use that falls within one particular Use Class. Certainly the applicant has failed to justify why the proposal should be considered as a D2 use.

12.65 The following main criteria are used by the applicant to justify Horkesley Park as an attraction of regional significance, with 485,000 visitors per annum.

- Attendance Potential and Catchment – the applicant suggests the Park will have a catchment of a 2 hour drive time (similar to Colchester Zoo), and will attract 485,200 visitors per annum. This is based on the assumption that the Horkesley Park development will penetrate the market as effectively as the leading country park, wildlife, garden and art gallery attractions. The proposed Country Park, Gardens and Art Gallery are expected to attract 275,000 visits, 145,000 visits and 40,000 visits respectively.
- Uniqueness – the applicant suggests the combination of art, heritage, conservation, local food and drink, rare breed farm animals, wildlife gardens and Country Park are an attractive mix that will provide a unique concept within the area. It is also claimed that the attraction will provide informal recreation within an area where there are few opportunities to access the open countryside.
- Neighbouring Attractions – The applicant states that other attractions within Colchester and Constable Country would help provide a ‘critical mass’ of attractions, rather than competition between facilities. The applicant suggests there is no competition to Horkesley Park in the vicinity of Colchester and Dedham Vale.

- 12.66 The Tourism Feasibility Study is based on the assumption that 485,000 visitors will be attracted to Horkesley Park. The proposed admission fee is £14.95 to access both the Country Park and the gardens. Admission to the Country Park alone, or the gardens alone is £10.95 and £6.45 respectively for an adult ticket. There is no charge for the Art Gallery. The Tourism Study suggests all visitors to the Country Park, Gardens or Art Gallery (if a purchase is made in the Gallery) will have free of charge access to the proposed Food Experience. NLP note that many food stores are used in this way and it is their view that the Food Experience will attract shoppers from the local area who have no intention of visiting the tourist attraction – i.e. the Food Experience will act the primary draw. Furthermore, as NLP points out in their report, even with an entrance fee customers could be incentivised by any number of offers or discounts wholly beyond the scope of control of the local planning authority.
- 12.67 In seeking to justify the Horkesley Park development, the submitted planning statement provides commentary of the policy framework espoused by PPS 4. A key component of the argument being put forward for this development is that PPS 4 provides encouragement for economic development in the countryside. However, as the Spatial Policy Team note, this argument is put forwards without regard to the ways in which development in the countryside is tempered by policy EC6; this policy requires development plans to establish criteria for economic development in the countryside that helps protect the countryside and promote development of an appropriate scale.
- 12.68 Policy EC6 in PPS 4 states that local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty and to ensure it may be enjoyed by all. Policy EC6 goes on to state that in rural areas local planning authorities should strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans. This policy does advocate support for the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns or villages) for economic development. It

should be noted that none of the existing glasshouse are considered suitable for conversion to the proposed tourism use.

12.69 Policy EC 7 in PPS 4 relates specifically to tourism in rural areas and is a plan making policy. It encourages sustainable rural tourism and leisure. It indicates that development plans should support the provision of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural centres. Wherever possible facilities should be located in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings should wherever possible be provided in or close to service centres or villages, but may be justified in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available for re-use. Policy EC7 also indicates that there will be scope for tourist and leisure related development in statutorily designated areas such as AONBs subject to appropriate controls.

12.70 The July 2010 Planning Policy response submitted by the applicant addresses policy EC7, but the argument is not considered to provide a justification for additional provision being made in a popular tourist area given its environmental sensitivity. In particular, the statement that 'there is an urgent need to make additional provision to reflect high levels of population growth within the main visitor catchment area of the Dedham Vale and the Stour Valley' is disputed by the Spatial Policy Team. The Policy Team note that there is not an automatic relationship between increasing population numbers and increasing visitor numbers at an attraction and where necessary, increasing visitor pressure can be addressed through a management strategy. This is the approach adopted in the Dedham Vale Visitor Management Strategy which seeks to control numbers and allow access in a more regulated and sustainable way. Honeypot locations are managed so that access is spread out over time and in different areas, rather than concentrating them all in one visitor attraction.

- 12.71 It is argued that the Horkesley Park development proposals should be considered as a whole i.e. all the elements make up the tourist attraction which is supported by Policy EC7 in PPS4, regardless of the sequential approach. In considering the weight to be given to Policy EC7 and the sequential approach, it is necessary to consider the primary function of the Horkesley Park development (i.e. is it tourism led) and whether the scale of ancillary or enabling retail/catering uses are appropriate and all the elements proposed are necessary to support that primary function. If this is the case, a location in the open countryside may be justified under EC7, depending on a number of criteria (e.g. impacts, accessibility and sustainability). If it is considered that the proposal is retail led or the scale of supporting retail uses have not been justified then the open countryside location may not be supported by EC7 or EC12.
- 12.72 The DPD Policy DP10 is consistent with PPS4 (EC7), because it supports tourism in suitable rural locations. Suitable locations should be accessible and the development should not cause undue harm. Where accessibility is poor, tourism proposals should be small scale or comprise the conversion of suitable existing rural buildings, consistent with policy EC12 in PPS4.
- 12.73 It is not considered that the Horkesley Park development constitutes a small scale development and as such Policy DP10 and PPS4 EC12 do not provide justification for the scale of development proposed.
- 12.74 Policy EC7 in PSS4 does not provide justification if the site is considered to be inaccessible / unsustainable or the scheme is not tourism led. The potential harm to the AONB is also a key consideration.
- 12.75 PPS4 indicates preference should be given to economic development on previously developed land. The majority of the proposed new buildings at Horkesley Park are proposed on the former nursery site; the notable exception to this is the Warren Building.

- 12.76 The applicant points out that the amount of new buildings (12,689sq.m) is much lower than existing redundant buildings on the site (20,772sq.m). Most of the redundant buildings are however glasshouses and agricultural buildings of a type one would normally expect to see in the open countryside. The existence of agricultural buildings does not on its own provide justification for the development of new non-agriculture related economic development in the open countryside.
- 12.77 Policy EC7 in PPS 4 indicates there will be scope for tourist and leisure related development in areas statutorily designated (e.g. AONBs), subject to appropriate controls. Relevant to this, are paragraphs 21-23 in PPS7, which have not been revoked by PPS4. Paragraph 21 advises that nationally designated sites have been considered by the government as having the highest status of protection in relation to landscape protection and scenic beauty. Paragraph 22 states that major development should not take place in designated areas (including AONB) except in exceptional circumstances. This policy relates to all major development proposals. It is a requirement of PPS 7 that major development proposals should demonstrate that they are in the public interest before being allowed to proceed and consideration of such applications should include assessments of:
- the need for the development;
 - the cost of and scope for developing elsewhere outside the designated area or meeting the need for it in some other way; and
 - any detrimental effect on the environments, the landscape and recreational opportunities and the extent to which that could be moderated.
- 12.78 Government guidance thus provides a strong general presumption against major development within an AONB and such development should only be allowed to proceed if the proposal has been assessed against the defined criteria. The requirement to protect the AONB from inappropriate development is also reflected in local planning policies DP22.

12.79 The Horkesley Park development proposal constitutes a major development by virtue of its size and elements of the scheme encroach into the AONB, notably the proposed art gallery, show gardens, creative design workshop (The Chantry), rustic play area, the Warren building and the Country Park. The work carried out by NLP considers the extent to which the Horkesley Park proposal constitutes major development affecting an AONB. Their comments are as follows:

“In our view the conversion of the Chantry and the rustic play area would not normally constitute ‘major’ development in the AONB, nor would the creation of the country park (i.e. with no new buildings). However, the Warren building is a large new building of 1126sqm, which in our view constitutes major development and therefore this should be considered against the tests listed at paragraph 22 of PPS7”.

12.80 Given the above conclusions, the applicant is accordingly required to demonstrate the need for the development; the scope for providing this development elsewhere and its effect on the environment.

12.81 The Warren is described as a nature watch facility and provides the entrance into the country park. The building provides some 1,126 sqm of floor space and is described as providing a learning and observation centre and a café.

12.82 In the applicant’s ‘Combined Response’ document, the need to comply with the PPS 7 requirements in respect of the Warren is dismissed stating that the Environmental Statement evaluates the whole scheme’s impact on the AONB, adjoining land and landscape. While the Environmental Statement indicates that the Warren will have limited visual impact on the AONB, it does not address the need for this particular facility nor has it assessed the potential for providing this facility outside the designated area or meeting the need in some other form. It is not satisfactory to state that as part of a wider development proposal it is considered acceptable or that it is inappropriate to consider this buried building to be major development (as claimed by the applicant).

12.83 In the initial consideration of this application, the Spatial Policy Team applied a threefold approach to the question of the proposal's scale and its potential impact. The three key questions relating to scale are:

1. to what extent does the proposal constitute a regionally or nationally significant leisure, sport, recreation, arts, tourism or other cultural facility?
2. how do the retail elements of the scheme affect its classification as a tourist attraction? and
3. what are the merits of the case that exceptional circumstances justify a rural location?

These three questions are addressed below:

Level of significance

12.84 It is claimed that the Horkesley Park development is a regional (rather than a national or local) important proposal; no evidence has been provided on how this distinction has been made. While it is agreed with the Tourism Statement (p. 131) that only a few attractions have national or international status, it is possible for smaller facilities to attract visitors from further locations and this can be an important element of the overall visitor strategy. In the Haven Gateway area, for example, the European market which utilises Stansted airport and Harwich International port is an important focus for incoming tourism, but the extent to which these visitors will be attracted to Horkesley Park is only explored to a limited extent in the Tourism Study. The Study estimates that there are 18.4 million potential domestic tourists and 4.3 million potential overseas tourists out of the total potential market of 29.7 million people for Horkesley Park (p. 132); this constitutes a sizeable 76% of the available market. The Study goes on to assess the penetration rates (visitors per addressable market size) for different elements of the proposed attraction (0.93% for the Country Park, 0.49% for the Garden and 0.14% for the Art Gallery (p. 147)), but does not explain the assumptions underlying these figures or to analyse the nature of the local, regional, national and

international target populations. (Visitor penetration rates are discussed further under the heading Tourism Feasibility Study).

12.85 The main tool used for assessing the catchment and impacts of the Horkesley Park development is drive time isochrones. (An isochrone is a curve defining the geometric points accessible by a vehicle in a given time). Different drive time isochrones are used in the submitted reports and these are identified below:

Retail Statement	Study Area comprising 30 minute off-peak drive time for Garden Centre and Food Experience
Socio-Economic Statement	Three levels – Local 30 minute drive time for workers; sub-regional (Essex and Suffolk) for majority of visitors; East of England level to assess additional economic benefits.
Tourism Statement	2 hour drive time for visitors – catchment considered to be similar to Colchester Zoo, with 60% of visitors travelling less than one hour each way and 40% travelling between one and two hours
Transport Assessment	2 hour drive time for visitors

12.86 The focus on drive time isochrones to measure the potential draw for the attraction provides information on where people are coming from, but not their socio-economic group and, as such, does not aid the assessment of the attraction's national and international potential market. Caution in the use of drive time isochrones to measure the catchment area of rural attractions has been advised in the Good Practice Guide on Need, Impact and the Sequential Approach published in conjunction with PPS4. It notes that 'Clearly facilities serving any extensive rural catchment are likely to draw their custom over a wider drivetime isochrone than facilities in a more dense populated urban area. As such, the use of highly generalised assumptions about drivetime isochrones as a proxy of an existing/proposed facilities

catchment area should be treated with caution. In every case, the use of up-to-date household interview survey data and/or in-store survey data to define the actual extent of its catchment area is likely to provide a better indication of the area for consideration.’ (p. 78). The analysis in the Tourism Feasibility Study is not informed by information at this level of detail. The survey data in the Retail Statement provides data on the garden centre and food retail aspects of the proposals but not for the attraction as a whole.

- 12.87 The overall package is united by the theme of ‘A Celebration of the English Countryside’, but no rationale is presented for why each particular element is essential to the success of the overall package. The Spatial Policy Team question what the effect would be of removing any one of the components of the proposal on the overall integrity of the scheme. The Retail Impact Assessment considers this issue from the point of view of treating the Food Experience and the garden centre as distinct competitors to other local businesses, but does not analyse their relative contributions to the synergy of the scheme. No one individual component of the scheme is presented as being sufficiently unique to merit regional status; it can therefore only be assumed that it is the scale and the overall package of attractions that is considered to merit the proposed regional status.

Retail Element

- 12.88 The Horkesley Park proposal contains a significant retail element in the form of the Garden Centre and the Food Experience, in addition to merchandising and catering associated with the other tourist/cultural elements.
- 12.89 The submitted Retail Assessment notes that there are a number of existing garden centres located within the defined Study Area, the majority of which offer a standard range of stock. The Retail Assessment goes on to state that whilst a number of other existing garden centres concentrate on a particular speciality, there are no existing garden centres that offer the same specialism as that proposed at the Horkesley Park development. The specialist garden centre is described as offering products linked to the proposed formal Great Plant Collectors’ Chinese Gardens, medal winning show gardens and lily species that were grown by Bunting & Sons in Japan and Colchester. It is

claimed that the unique nature of the proposal will add to the quality of garden centre provision in the area.

- 12.90 It is stated that the Food Experience is intended to educate visitors in the form of a contemporary live exhibitions of food production in East Anglia. It is claimed that the demand for outlets selling local and regional produce far exceeds supply and that many consumers would buy more local and regional produce had they the ability to do so. It is stated by the applicant that the Food Experience will contribute greatly to the overall experience at Horkesley Park.
- 12.91 The 2009 Retail Update prepared by GVA Grimley for the Council projected an oversupply of convenience goods floorspace across the Borough in the short term up to 2014 and projected capacity across the Borough for 1,756sqm net additional convenience goods floorspace by 2019. With regard to comparison shopping, the Council's 2009 Retail Study Update projects less surplus available expenditure to support growth in comparison retailing compared to the 2006 retail comparison study. GVA project a need for additional floorspace in the region of 12,750sqm net at 2014. By virtue of population and expenditure growth, they expect this to increase to 36,883sqm net by 2019.
- 12.92 NLP note the applicant's submitted Retail Assessment states that proposed Food Experience will provide 886sqm of sales floorspace; if this is devoted to convenience goods sales it would account for about 50% of the Borough wide floor space projections up to 2019. The submitted Retail Assessment also states that the proposed garden centre will provide 2,310sqm of sales floor space which would account for about 18% of the Borough wide comparison goods floor space projection. (It should be noted that these figures do not take into account any very recent planning approvals). If the Horkesley Park development is permitted the Food Experience and garden centre would use-up a significant element of the retail capacity in the Borough which had through the LDF been allocated to support the town centre and stimulate regeneration.

- 12.93 The Tourism Feasibility Study estimates that admissions will constitute 46% of revenue, while merchandising will constitute 38% and catering 16% of total revenue in the spend per head calculations for the combined Country Park and Gardens (p 159). These figures, however, do not match the overall sales figures presented in Table 26 on page 166 which show ticket sales as 24.5%, catering at 21.2% and 'Gifts and others' at 54.3%. The first set of figures place Horkesley Park within a similar range to other tourist attractions. The Tourism Study states that the overall average of other tourist attractions was to be 49% from admission charges, 41% from merchandising and 10% from catering (pp. 158-159). If the second set of figures provides the correct picture the retail element cannot be considered ancillary to the tourism elements.
- 12.94 The applicant's Retail Assessment notes that proposed Garden Centre is just over half the size of the average garden centre and as such the scale of proposal is appropriate to its function as an ancillary element within the wider proposal. Regarding the Food Experience, the submitted Retail Assessment notes that this area is relatively modest in size (886sqm) and would equate to the size of a small rural supermarket. It is also stated that the turnover will be modest when compared to a normal supermarket.
- 12.95 For large tourist attractions, retail may well be an integral component of the attraction, but it cannot be a primary component. The tourism industry defines a visitor attraction as 'a permanently established excursion destination, the primary purpose of which is to allow public access for entertainment, interest or education, rather than being a primary retail outlet or a venue for sporting, theatrical or film performance'. (Action for Attractions, English Tourism Council, 2000) The Retail Statement contends that the proposal 'is not a retail facility', but rather it 'is a visitor attraction attracting leisure visits from the public' (pp 1 and 46). The figures do not clearly establish that the Horkesley Park development is not a retail led-proposal or that the retail element is not part of the primary use or uses of the proposal. It certainly ought not to be regarded as merely ancillary for reasons discussed below.

- 12.96 For the Horkesley Park development to be considered as a visitor attraction rather than a retail facility it must be clear that the retail component cannot be disaggregated as an independent element of the primary use covered by the stricter requirements of PPS4 and the need to locate these uses in the most sequentially preferable site.
- 12.97 The Retail Statement argues that the separate operation of the food experience and garden centre is a worst case scenario since they are unique operations that would not be viable on their own and are integrated with other aspects of the proposal. The applicant has also submitted Vision Statements to explain how the proposed development is intended to operate generally and in conjunction with the centre as a whole.
- 12.98 The NLP report notes the submitted retail impact assessment suggests that the Food Experience will have a sales area of 886sqm. The average sales density of the Food Experience is £3,448 per sqm based on the expected average spend per visitor (£8.86). The Tourism Feasibility Study suggests the total average spend for the Food Experience is £13.50. The latter figure is only considered realistic if a significant element of the floor space is dedicated to food sales. In the view of NLP, the Food Experience could be viable as a stand alone operation and it would effectively act as a medium size food store. The submitted Retail Study suggests that the Garden Centre will have a sales area of 2,310sqm. The application submission suggests the garden centre will be a specialist facility but this would be impossible to control. It is also noted that the applicant's submission refers to the garden centre selling items typically found in many garden centres, which would suggest that the proposal would not be markedly different to any other good garden centre. The Council has requested clarification as to the extent of retail sales anticipated within the proposed development and how it is intended to operate; the Vision Statements are the result of this request.

- 12.99 The Vision Statements are lacking in substantive detail and do not clarify the extent of retail sale within the Food Experience or the Garden Centre Experience. Moreover they do not provide reassurance that the operation of Food Experience and Garden Centre will not change into a more conventional retail offering in the future. The applicant has indicated a willingness to sign a legal agreement to control the extent of retail sales and prevent these facilities operating separately. In the view of NLP, it would not be possible to impose clear and enforceable conditions / legal clauses to prevent the development operating independently and possibly primarily as a retail destination. The Council's legal advisor is also of the opinion that it would be extremely difficult to devise an enforceable S106 agreement that would ensure the PPS 4 elements would not operate independently or act as the primary focus for the development. Moreover, the legal advice is that it would not be reasonable or practical to expect the Council actually and effectively to monitor and to enforce a mechanism aimed at controlling the extent of retail.
- 12.100 Horkesley Park includes a significant amount of retail development and supporting facilities (food/drink). These types of uses and the scale proposed would normally be refused within the open countryside. The argument that they constitute enabling development needs to be considered.
- 12.101 Enabling development can be defined as a development that is contrary to established policy but which may, in exceptional circumstances, be permitted because it brings public benefit that has been demonstrated to clearly outweigh the harm that would be caused and could not otherwise be achieved. Planning decisions involving enabling development are balancing exercises and a judgment needs to be made about the benefits of a proposed development versus the 'adverse' effect of the proposed 'enabling' development bearing in mind that such development is contrary to recently established policy.

- 12.102 At the Horkesley Park development the main benefits of the scheme are the proposed country park; the creation of a large tourist attraction (including a contribution to safeguarding the Suffolk Punch) which will create employment opportunities and spin off economic benefits. The enabling development constitutes the Food Experience, the specialist garden centre and the lecture / conference theatre.
- 12.103 If the retail element is seen as enabling development to allow the overall attraction to go ahead, the overall rationale for the development needs to be thoroughly justified. This point is particularly important given that all of the elements of the Horkesley Park development could be disaggregated and provided elsewhere, including both the retail elements -the Garden Centre and Food Experience – as well as the more exclusively tourist related elements of the scheme, including the Suffolk Punch horses, the gardens, country park and art gallery.
- 12.104 The analysis of the garden centre and food retailing aspects of the proposal includes consideration of how the separate operations would affect other similar outlets, but does not include an analysis of the extent to which these components constitute enabling development. Enabling development should be ancillary and supportive of the non-commercial elements, but there is no detailed justification of the relationship between different aspects of the scheme. Enabling development is only considered from the aspect of the sequential approach. An appeal decision from Trentham Gardens in Staffordshire is included as an appendix to the Retail Statement to support the view that a unique large scale attraction need not necessarily appraise alternative sites. At Trentham Gardens, however, the appellants successfully argued that the retail elements of the scheme provided necessary enabling development to facilitate the restoration of an important historic property. No such argument for the intrinsic value of the site has been made in the Horkesley Park case, which leaves a lack of justification for the retail elements of the proposal. The Tourism Feasibility Study, however, indicates that the retail elements of the scheme constitute to some extent enabling development to support the other parts of the proposal: ‘The design

concepts for the three attractions and restaurant are designed to maximise secondary spend to help finance the running of Horkesley Park'. (p. 159, Environmental Statement Vol. 2C). If the applicants acknowledge that the retail elements constitute enabling development to some degree, they should then also substantiate the justification for the elements of the scheme that the retail is enabling. This goes beyond analysis of the demographics to show the area could potentially support further leisure attractions, but also needs to include demonstrating the particular need for a large-scale attraction celebrating the English countryside.

12.105 Although it appears to be suggested that the retail elements should be considered to be enabling development without which the tourist elements would not be brought forward or be viable, this argument in itself would seem to suggest quite strongly that the tourist elements as proposed would not have regional draw or significance or be fulfilling the need which is alleged to exist for these facilities in the regional context.

12.106 The proposal also includes a 250-seat lecture theatre and associated restaurant in the Main Rotunda which, while it is categorised as a 'supporting facility', would have the potential to operate separately from the tourist attraction as a conference centre. The lecture theatre is a significant element of the proposal which does not on its own justify a countryside location but it does not receive any detailed consideration as to its impact or relationship to competing facilities. The submitted Retail Study is confined to an assessment of the Garden Centre and Food Experience. The Tourism Study estimates that 9,200 annual event attendees at an average of £18.34 a visit would provide a useful source of revenue 'to smooth out the 'peaks and troughs' in the visitor numbers at the attraction.' (pp. 157 and 160). These numbers, however, appear to considerably understate the potential capacity of the theatre given that 9,200 attendees at a 250-seat theatre works out at use at full capacity on only 37 occasions. Use as a conference centre would clearly lie outside of what would be acceptable in a sensitive rural location and would be expected instead to be provided in a sequentially preferable location with access to public transport and related facilities such as hotels.

- 12.107 In the view of NLP, the proposed level of retail and other supporting facilities is excessive and dominates the proposal. Given that the retail elements are not considered to be truly ancillary to the tourist element of the proposed development and the fact that the “enabling” nature of the relationship has not been appropriately established, the Food Experience and Garden Centre should be subject to the PPS 4 sequential test and development plan policies.
- 12.108 PPS4 and the sequential approach relates to all economic development, including tourist and leisure facilities, as well as retail facilities. RPS’s statement only addresses the retail elements of the scheme. Other elements of the proposal should also be considered as a part of this approach.
- 12.109 There is a policy presumption against large scale development in the open countryside, unless strict criteria are met. In the view of NLP, the potential to accommodate the development within urban areas and more accessible/appropriate rural locations needs to be considered.
- 12.110 RPS argues that the proposed Garden Centre and Food Experience cannot realistically be disaggregated from the Horkesley Park development. RPS claims that these elements are required to make the proposed visitor attraction complete and viable. Likewise, RPS argues the retail elements would not be viable as standalone proposals, because they are ancillary to the main tourism use. If these retail elements are not demonstrated to be ancillary to the main tourism use, or as appropriate enabling development then in the view of NLP they can be disaggregated.
- 12.111 Notwithstanding the enabling development argument, NLP consider that a standalone garden centre would be viable, particularly if there is no entrance fee. RPS rejects this by claiming a standalone garden centre would require a substantial amount of land (they claim at least 2.5 hectares) and would not be viable. RPS goes on to test a site of 0.7 ha (paragraph 6.7) in order to accommodate a building of 2,710sqm gross, and external car parking,

service area and plant nursery. In the view of NLP, a site of 0.7 ha is more appropriate than 2.5 ha for the nature of use proposed.

12.112 RPS claims that sites of this size are rarely available within or on the edge of town centres, and could not be afforded by garden centre operators in any event. Sites within Colchester have been assessed, as the only appropriate centre given the nature and scale of the proposal.

12.113 In the view of NLP, the Food Experience could also be viable as a standalone operation, if located in an accessible location with no entrance fee, it would effectively act as a medium size food supermarket. The facilities could operate as standalone facilities within more sequentially preferable and accessible locations. The proposed lecture theatre, heritage/conservation centre, art gallery and museum/exhibition space could also be accommodated in more central locations, if they are not considered to be appropriate enabling/supporting facilities for the rural tourist attraction, which can be disaggregated.

12.114 RPS considers eight potential alternative sites (back in February 2009). NLP have advised that the latest position on these sites will need to be updated. Based on the information provided by RPS, NLP have stated that it has not been clearly demonstrated that there are no sequentially preferable locations and that the current proposal could be accommodated within urban areas. The case of against the disaggregation of the proposal has also not been adequately made.

Justification for Location Chosen

12.115 Certain attractions require a countryside location. In this respect, the Country Park, Suffolk Punch Centre, Farm Barn and farming related exhibition space proposed as a part of the Horkesley Park development might reasonably be expected to have a countryside location. It is also to be expected that these attractions would have supporting facilities such cafes, ancillary shopping and toilets etc. These uses should however be low key and entirely functionally dependent on the tourism / recreational uses. The need for a countryside location could also relate to the lecture theatre provided it is used

only for educational or other purposes clearly linked to the countryside attraction. It should be noted that the applicant stated at a meeting with officers that should the lecture theatre not be required for educational purposes at any particular time they would want the commercial flexibility to hire the venue out on the open market. To operate this facility in the described manner, would break the link with the countryside and the theatre would consist of a town centre use and would not be acceptable in this location. Indeed, it is difficult to see how effective use of this facility can be based on the “countryside experience” alone.

12.116 The applicants present nine key aims for Horkesley Park:

1. to create a sustainable tourism attraction dedicated to East Anglia’s agricultural and cultural heritage;
2. to support the regional and local economy and create better recreational and leisure facilities to meet the needs of a growing population;
3. to rekindle and safeguard valued aspects of traditional English rural and artistic life;
4. to contribute and support Colchester’s vision to become a prestigious Regional Centre;
5. to provide a focal point for a deeper understanding of the Stour Valley landscape and its rural resources;
6. relieve some of the harmful pressures on the main tourism locations at Dedham, East Bergholt and Flatford;
7. to be an educational resource in many areas including conservation, heritage, food production and sustainability measures;
8. to create a deeper appreciation of the life and times of John Constable; and
9. to help safeguard the future of the Suffolk Punch.

- 12.117 Of these, aims 1-3 and 7 refer to economic and social benefits of a countryside-focussed attraction that could be celebrated in a variety of other East Anglian locations and as such do not provide the exceptional circumstances for the particular countryside location chosen. The Spatial Policy Team question the extent to which the proposal would achieve aim 6 by reducing pressure on tourism locations elsewhere in the Dedham Vale, given that if it succeeds in its own terms it will increase the pressure on nearby associated attractions. This point is also made by the National Trust; the Dedham Vale AONB and Stour Valley Project; and the Dedham Vale Society amongst others. It has not been fully explained how the proposal will “create a deeper understanding of the life and times of John Constable“ (aim 8). The Suffolk Punch horse aim (9) is justified on the basis that their numbers have dwindled and that the centre will ‘help to increase their population and ensure the continuation of the traditional skills and knowledge required to support these indigenous horses.’ (Planning Statement p 28). It is not been explained, however, why this could not be achieved on a smaller site elsewhere.
- 12.118 In particular, as noted above, the proposal does not make a clear case for why the particular elements of the proposal are essential to the final product. Equally, the applicants do not address the extent to which the ‘need’ for a proposal celebrating East Anglian rural life is already met by alternative proposals. It could, for example, be argued that this demand is satisfied by the Museum of East Anglain Life, 22 miles away in Stowmarket. The Museum of East Anglian seeks to provide a multi-faceted range of experiences to help illustrate East Anglian life, including 3 km of woodland and nature trails, 15 restored historic buildings, a Rare Breeds Centre including Suffolk Punch horses, a bistro serving locally-sourced food, and a large collection of artefacts and farm machinery for an entry price of £6.50 in the summer and £2 in the winter when the displays and buildings are closed. While East Anglian Tourism figures show that attendance was only 82,947 in 2005, the Museum has recently been granted £1.771m in Heritage Lottery funding, subject to a matching contribution of £830k, which the Museum’s website states is intended to be used for improvements which will turn the

museum into a major regional cultural attraction. With regard to the study of John Constable, the Colchester and Ipswich Museum Service manage a significant collection of Constable paintings which are publically accessible. There are also other local museums that specialise in art, artists and culture of the region, including Gainsborough House in Sudbury which provides an excellent site for the study of Gainsborough and his contemporaries including John Constable. Expansion of existing facilities would form a more sustainable way of developing a regional attraction celebrating the East Anglian countryside rather than building one on a new site in the very countryside it seeks to celebrate.

12.119 Other attractions celebrating aspects of East Anglian and countryside life include:

- Flatford Mill, Dedham (car parking charge)
- West Stow Anglo-Saxon Village and Country Park (£5 adult admission)
- Suffolk Horse Museum, Woodbridge (£2 adult admission)
- Easton Farm Park, Wickham Market (£6.75 adult admission)
- Alfred Munnings Museum, Dedham (£4.00 adult admission)
- Gainsborough House, Sudbury (£4.50 adult admission)
- Colchester Castle Museum (£5.50 adult admission)
- East Bergholt Place Gardens (£3 adult admission)
- Kentwell Hall, Gardens and Rare Breeds Farm (£9.15 adult admission)
- Bressingham Steam Museum and Gardens (£12.00 adult admission)

12.120 The Tourism Feasibility Study considered general perceptions of East Anglian and Colchester tourism as well as potential markets and trends in tourism. The Tourism Strategy notes that the region is light on ‘superstar’ attractions rating a 1 star rating in the Green Michelin Guide (p. 66), but it does not explain exactly why Horkesley Park is a ‘superstar’ attraction, or how it compares with other regional attractions. In particular, the estimate of

485,000 visitors is extremely ambitious and implies that the proposal would instantly capture an equivalent market to Colchester Zoo. The Zoo has taken a number of years to build up its market, and furthermore has an easily understood theme in contrast to the complicated mix at Horkesley Park. The Study considered that 'the 'honey pots' created by attractions within London, Cambridge, Norwich and Southend would provide the main competition for Horkesley Park (p. 145). Its analysis, however, does not include attractions from these urban centres, nor, as noted below, does it specifically compare the proposal to a comprehensive list of existing East Anglian attractions to inform the consideration of whether there is scope for a new regional attraction. Assessment of this is complicated by the use of the two-hour drive time to define catchment areas, which means that comparable attractions are not confined to East Anglia but also include attractions in Kent.

- 12.121 The Tourism Study provides information from a number of other visitor attractions in largely rural locations in other English locations ranging from Merseyside to Devon. Table 9, showing Price value relationships of selected local attractions has a limited number of comparators, with only Colchester Zoo, Colchester Castle Museum, East Bergholt Place Gardens and Gainsborough House on the list. Table 10 which looks at price-value relationships for privately run wildlife, country and farm parks considers 13 other parks around the country, but only three are in East Anglia (Marsh Farm in Essex, Fritton Lake Country World in Norfolk, and Whipsnade Safari Park in Bedfordshire). Table 11 looks at price-value relationships for gardens, and of the 11 selected, only two – Bressingham Steam Museum and Gardens (Norfolk) and RHS Garden, Hyde Hall (Essex) are in East Anglia. Table 16, showing Attendance and market penetration of relevant established visitor attractions, only includes four local examples, Flatford Mill, Colchester Zoo, Colchester Castle Museum and Gainsborough House, the other attractions listed in the table are outside of East Anglia. The information supplied in the Tourism Study is accordingly more generic and relevant to judging the proposal's fit in the national picture than it is to the analysis of appropriate regionally significant attractions.

- 12.122 The NLP report contains a detailed analysis of the Tourism Study and of other competing attractions. It concluded that 'there are many larger country parks and gardens with free or lower entry fees. There are also many similar scale museums/galleries and open farms linked with a country park. The need for the development in the open countryside has not been clearly demonstrated'. (para 5.34) NLP also questioned the financial viability and deliverability of the anticipated visitor numbers over the longer term.
- 12.123 The applicant's Planning Consultant has questioned the Spatial Policy Team's focus in their original response on Constable as the main element of the justification for exceptional circumstances. This is puzzling given that his Planning Statement contends that 'the need to locate a 'Constable' and 'Countryside' themed tourist attraction within 'Constable Country' itself provides a strong justification in principle for a countryside location' (p.6.). Constable, and to a lesser extent the historic function of the site, are the only aspects of the proposal that cannot be replicated elsewhere in East Anglian countryside. Of the nine aims, the Constable element may potentially be the only unique rationale for bringing all the disparate elements of the scheme together on the site proposed and therefore requires close scrutiny. The Spatial Policy Team are of the view that the 'Celebration of the Countryside' theme is too vague to provide visitors with the USP (Unique Selling Point) needed to underpin a successful regional level attraction.

The need for the Proposal

- 12.124 The applicant has used paragraph 37 of PPG13 to justify this development proposal. This advises that when determining the acceptability of developments involving leisure, tourism and recreation which generate large amounts of traffic and which will not be well served by public transport, consideration should be given to the extent to which the proposal needs to be in the proposed location, including whether the development has a meaningful link with the particular location or attraction. In seeking compliance with PPG13, the onus is on the applicant to demonstrate the need for the development and that there is a meaningful link between the

development and the proposal site. Paragraph 22 of PPS7 also requires an applicant to demonstrate the need for major development within the AONB.

Policy Need for the Development

- 12.125 National policy in the Good Practice Guide on Planning for Tourism supports the development of tourism but does not identify a need for any particular type of tourism development or facility.
- 12.126 PPS4, PPS7 and PPG17 are also relied upon by the applicant. Again these provide general support for economic development, good quality, accessible and sustainable development in the countryside and promoting opportunities for sport and recreation. These policies do not identify a need for a particular type of development however.
- 12.127 The East of England Plan also supports tourism generally through Policies E7 and C2. Again, although Policy C2 is supportive of regionally or nationally significant tourism facilities which comply with the criteria of the proposal, it does not indicate a need for this proposal. (It is also important to note that the East of England Plan does not promote significant employment growth outside urban areas or identified sites).
- 12.128 The Council's own Development Plan Policy DP10 supports proposals for new or extended tourism facilities that are compatible with the rural character of the surrounding area. Development Plan Policy DP9 indicates support for employment proposals within the countryside outside designated areas that are of a small scale and contribute to the rural economy. The development plan policies do not indicate a policy need for a development of the scale of Horkesley Park. Indeed, Policy DP10 states that the urban areas of Colchester will be the focus for larger scale tourist and leisure proposals in line with the need to concentrate development at the most sustainable and accessible locations.

Demand for Tourist Development

- 12.129 The applicant has also failed to demonstrate that there is a tourism need for this proposal. The applicant states that the Horkesley Park development will provide a regional tourist attraction; this does not however demonstrate a need for the proposal. It is also stated that the Horkesley Park proposal will relieve pressure from the existing 'honey pot' sites, again this does not demonstrate a need for this proposal.
- 12.130 There is no evidence that the Horkesley Park development would improve the image of the Dedham Vale AONB, the Stour Valley or that of Colchester. "Constable Country" already has a strong image and is well known world wide. The Horkesley Park development seeks to exploit the marketing opportunities provided by Dedham Vale AONB and its association with John Constable and other prominent artists. The applicant claims that Horkesley Park development would provide new marketing opportunities and partnerships. The submitted Tourism Study refers to links between VAF, Colchester Castle, the Zoo and the existing Constable Country attractions. Interestingly, the National Trust, a major land owner in the Stour Valley and Dedham Vale and Stour Valley JAC (responsible for the protection and enhancement of the area) both object to this application.

Tourism

Policy Issues

- 12.131 Tourism is of importance to the national and local economy as well as influencing the image and reputation of the town and surrounding area, it generates significant revenue, creates and sustains jobs and helps to maintain important assets and is an important contributor to the quality of life for local people. The planning system has a crucial role to play in ensuring that the tourism industry can develop and thrive (thereby maximising economic, social and environmental benefits) and that these benefits are achieved in the most sustainable manner possible.

- 12.132 The Dedham Vale is a popular visitor destination and has been designated an Area of Outstanding Natural Beauty. The main visitor pressures are absorbed in three locations namely: Dedham, East Bergholt and Flatford, which together comprise 'Constable Country'. At peak times these sites are at or near capacity.
- 12.133 The Horkesley Park development is promoted as an 'outstanding regional visitor facility' that will be dedicated to East Anglia's agricultural and cultural heritage. Horkesley Park is described as a year round attraction that will attract visitors on a continuous basis and, as such, will increase off-peak and low season visits to the wider area. It is also claimed that the Horkesley Park development will, during high season, help to relieve some of the harmful pressures on the main tourism locations at Dedham, East Bergholt and Flatford by providing an additional destination to visit. It is thus argued that the Horkesley Park development will provide a much needed supplement to and partner for the limited number of existing tourism venues in the Stour Valley and assist in meeting the "... aspirations of many local people who want to see/have traditional farming ...".
- 12.134 The applicant also states that the Horkesley Park development would have peripheral benefits to other local businesses and tourist operators and this represents a significant benefit of the proposed scheme.
- 12.135 At regional level, support for the development proposal was gained by the East of England Tourist Board (EETB) and the East of England Development Agency (EEDA). There is also support from residents in terms of enhancing the tourist attractions in the Colchester.
- 12.136 The EETB state that developments which enhance the region's position and take into account the needs and sustainability of local communities are to be welcomed. They also note that in 2009 the tourism value to Essex was £2.7bn and tourism provided 53,000 jobs which represented 7% of the economy. While the EETB support for this proposal is acknowledge, it should be noted that this organisation is in the process of winding down as the Localism Agenda replaces the former government's regional agenda.

12.137 The Tourism Good Practice Guide brings together tourism-related aspects of planning policy found elsewhere in guidance to provide direction on maximising the benefits of tourist-related development while also safeguarding environments that are a major attraction to tourism. In all cases, it will be necessary to weigh up the other benefits of a tourism proposal against any disadvantages arising from its location. Some of the key considerations will be the extent to which the proposal:

- Helps to protect or improve a specific site or general location
- Contributes to tourism in the locality
- Provides a new facility for the local community as well as visitors
- Assists more generally with diversification of rural economies; and, where appropriate
- Impacts on the vitality and viability of town centres (5.5)

12.138 The government has recently published 'Government Tourism Policy' which reiterates the importance of tourism to the economy.

12.139 Policy EC7 of PPS 4 encourages sustainable rural tourism and leisure development proposals. This policy advises that Development Plans should support the provision of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. Wherever possible, facilities should be located in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings should wherever possible be provided in or close to service centres or villages, but may be justified in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available for re-use. The policy also indicates that there will be scope for tourist and leisure related development in statutorily designated areas such as AONBs subject to appropriate controls.

12.140 Regional Planning Policies C2 and E6 relate to tourism and are therefore of relevance to this proposal.

12.141 Policy C2 in the RSS states that the provision and location of strategic cultural facilities, regionally or nationally significant leisure, sport, recreation, arts, tourism or other cultural facilities should be supported in locations where proposals:

- will enhance existing facilities of regional or national significance or, elsewhere, reflect a sequential approach with priority to locations in town centres before off-centre or out-of-town locations, and to the use of brownfield land in preference to greenfield sites. Exceptionally the specific attributes of a rural site may make it appropriate for a regionally strategic proposal;
- are designed to enhance the environment and do not adversely affect areas designated for their ecological, landscape or historic value, including sites of European or international importance for nature conservation;
- meet sustainable development objectives as outlined in this RSS;
- maximise opportunities to use means of transport other than the car and are well related to regional transport nodes (Policy T5);
- minimise their use of energy and natural resources and impact on public services, and have satisfactory proposals for minimising their long-term use and impact; and
- are of an appropriate scale and impact.

12.142 Regional Policy E6: Tourism is focused on the plan making process and requires Local Development Documents to encompass strategies that promote well-managed and integrated tourist developments in their area. Within this context, it requires specific proposals for tourism development to be fully sustainable in terms of their impacts on host communities, local distinctiveness and natural and built environments, including by avoiding adverse impact on sites of national, European or international importance for wildlife. The explanatory text notes that environmentally sensitive areas often attract large numbers of visitors and 'it is important that these qualities

are protected for future generations whilst maintaining the benefits of tourism’.

12.143 Development Plan Policy DP10 states in rural areas, locations suitable for tourism development should help to support existing local community services and facilities. The proposals must be compatible with the rural character of the surrounding area and avoid causing undue harm to the open nature of the countryside or designated sites. It is recognised that not all rural locations are readily accessible by public transport. Where accessibility is poor, proposals should be small scale and/or comprise the conversion of suitable existing rural buildings or limited extension to existing visitor accommodation. It is interesting to note that neither the applicant and/or his agent objected to the wording or intent of this policy while the document was being prepared or at the examination in public.

12.144 The policies set out in the Dedham Vale AONB and Stour Valley Management Plan (2010-2015) have at their heart the protection of the AONB and its setting; this plan supersedes the 2004-2009 plan. Significant themes that run through this policy are that development should be of an appropriate scale and not detract from the landscape character of the area; the protection of the tranquillity of the area; the reduction or mitigation of the negative impacts of tourism; and that new development should be sustainable.

12.145 In recognition of the existing tourism pressures in the area, a Sustainable Tourism Action Plan has also been published by the Dedham Vale Visitor Management Group. The action plan defines sustainable tourism as the need to balance the :

- Community - ensuring that a sense of community identity is maintained rather than overwhelmed by tourism
- Environment - ensuring that the essential elements of what visitors come to see are preserved.
- Economy - ensuring that local businesses (including those which do not depend on tourism) are not disadvantaged by tourism.

- 12.146 The action plan states that, this will require balancing the impact of tourism so that these essential elements are there for future generations to enjoy, and maximising the benefits of tourism for supporting local businesses and local employment. The broad principle of sustainable tourism is to manage the relationship between tourism and the environment so that it does not damage the resource, prejudice its future enjoyment or bring unacceptable impacts. It is this principle which underpins this plan and which can be applied to the whole AONB. This approach involves making choices. The Dedham Vale AONB will continue to attract visitors because of its associations with Constable and other artists, and because of its beautiful landscape. The aim of the plan is to manage the impact that visitors and tourism generally, have on the three elements described above.
- 12.147 A key criterion of the Good Practice Guide on Tourism is that a proposal should result in levels of tourism that are appropriate and sustainable for a given area. In 'honeypot' areas such as the Dedham Vale, this means that visitor numbers must be carefully managed to ensure that the environmental capacity of the area is not overstretched. The tourism strategy for the Dedham Vale area accordingly takes a low key approach and the encouragement of visits outside peak times in the summer and sustainable activities such as walking and cycling. The applicants contend that 'Horkesley Park will promote the geographical spread of tourism and help absorb pressures away from the more popular visitor destinations, and contribute to the safeguarding of more vulnerable areas.' (Planning Context, ES, p. 32) Increasing the geographical spread of tourism, however, would increase traffic and other impacts on highly or equally sensitive rural areas in the Vale. Additionally, if the proposal succeeds on its own terms it will generate interest in other adjacent countryside and picturesque communities along with Constable-related attractions which will increase pressures on the area and is contrary to the guidance on tourism.
- 12.148 Policy C2 indicates support for major tourism proposals (subject to meeting specified criteria) and that it expects that such developments, in the main, to be focussed towards the urban area.

- 12.149 It is also important to note that proposals covered by Policy C2 need to be distinguished from retail proposals which are covered by other policies which do not provide rural exceptions clauses. Many of the objections received in respect of this application relate to the fact that the Horkesley Park development is a thinly disguised attempt to secure permission for a retail centre in the countryside. These concerns are acknowledged, particularly as the Tourism Study (Table 22) suggests the annual turnover of the Food Experience and the Garden Centre will be £6.51 million which is 48.5% of total income. Other merchandise sales will total £2.475 million and therefore retail sales represent 67% of total income. Food and beverages sales will provide a further £1.148 million, 8.6% of total income. Admission fees account for only 24.5% of total income. Table 26 of the submitted Tourism Study shows ticket sales as 24.5%, catering at 21.2% and gifts and others at 54.3%, which clearly indicates that retail element is not ancillary to the tourism element.
- 12.150 In the submitted Planning Statement, the planning consultant argues, with regard to the locational factors, that it is recognised in the wording of Policy C2 that exceptionally the specific attributes of a rural site may make it appropriate for a regional facility. The consultant goes on to state that they believe this specific recognition enables the Horkesley Park proposal to conform to this policy; indeed to locate a 'Constable' and 'Countryside' themed attraction within 'Constable Country' itself provides a strong justification for the principles for this location.
- 12.151 The application site is located in the countryside and the development is proposed at this location because the land is owned by the applicant and the nursery site is redundant. The Tourism Study submitted in support of the application refers to the Constable Country Visitor Management Group description of 'Constable Country' as the area of land between East Bergholt, Dedham and Flatford. The submitted Tourism Study also notes that Constable Country is frequently used as a generic term to describe the AONB to people unfamiliar with the area. While the application site is close to the East Bergholt, Dedham, Flatford triangle, no evidence has been put

forward by the applicant that Constable had any direct association with this site and there is no visual association with the typical landscape normally associated with Constable's work.

- 12.152 In addition to locational factors, Policy C2 requires large scale tourism / leisure proposals to meet a number of other criteria. It is considered that the application site is not located in a sustainable location, the majority of visitors travelling to the site will be by car, the application has failed to adequately demonstrate that it would not have an adverse effect on the AONB and the scale and design of the proposed building is wholly out of character with its rural location. The development proposal thus fails to meet the majority of the criteria set out in policy C2.
- 12.153 In addition to above, it should be noted that the explanatory text that relates to this policy, states that "it may not always be possible to adequately consider options and make allocations when Local Development Documents are prepared". Policy C2 is thus intended to provide a criteria-based policy against which to assess culture development proposals of regional or national significance that fall outside the preparation of the Development Plan. The Horkesley Park development proposal was known about prior to the drafting of the Local Development documents and should ideally have been considered during the preparation and examination of these documents.
- 12.154 RSS policy E6 is focused on the Local Development Framework formation process as the key means of identifying and supporting new tourism attractions and highlights the need for spatial policy to integrate with other management plans and tourism strategies. Policy E6 acknowledges the economic benefits of tourism, but also notes that proposals for tourism development should be fully sustainable in terms of their impacts on host communities, local distinctiveness and that particular care must be taken in environmentally sensitive areas to limit the impact of visitor numbers. The scale of development is clearly a highly relevant factor in assessing this balance, and this puts a particularly rigorous burden of proof on the Horkesley Park proposal to demonstrate that its scale will not have an

adverse effect on the surrounding area. Particular concerns have been raised about the consequences of large numbers of people travelling to and from the site, overwhelmingly by car. Additionally, those attracted in numbers to the area could be expected to wish to see other local attractions and picturesque communities by car as well.

- 12.155 The Council's Spatial Policy Team state the Horkesley Park development is not considered to meet the criteria set out in Development Policy DP10 due to its large scale and the fact that it is not compatible with the rural character of the surrounding area. The majority of the development involves large scale new development rather than the conversion of suitable existing rural buildings and its poor levels of accessibility are not justified.
- 12.156 Colchester Council has a policy commitment to sustainable tourism in the Dedham Vale through the Sustainable Tourism Action Plan. The Sustainable Tourism Action Plan highlights problems associated with car borne tourism and reflects findings by the National Trust which have found traffic congestion is a primary reason for deterring visitors to places of interest. If built, concern has been expressed by a number of bodies, that the proposal could be a significant generator of traffic in and through the Dedham Vale and undo much of the partnership work undertaken to date (over the past 14 years) to manage the impact of tourism on the Vale's host communities. Many local residents, Parish Councils and other interest groups have also objected to the proposal on the grounds of the scale of the development.
- 12.157 The Dedham Vale AONB and Sour Valley Joint Advisory Committee have objected to the Horkesley Park planning application on the grounds that it runs contrary to policy EA5 of the Dedham Vale AONB and Stour Valley Management Strategy 2004-2009 which seeks to encourage tourism to become more sustainable, bringing more benefits to minimise any negative impacts on the valley. The Joint Advisory Committee note that the applicant has identified that a proportion of their visitors will go on to explore the villages further afield within the AONB. Whilst there is potential to encourage this traffic to use the main road route options through signs, there is no means of controlling this. In the view of the Joint Advisory Committee, the

increased use of the minor roads between the proposed Horkesley Park development and Dedham and Flatford will undoubtedly have a detrimental impact on these roads.

12.158 The National Trust raised an objection to this proposal on the grounds that it would attract 485,000 visitors and although this figure is reduced from the 700,000 in the previous application, it would still be out of scale with the area. The National Trust states that the present honey pots in the Vale are centred on Flatford and Dedham and currently receive about 200,000 visitors a year and are at or just beyond capacity. The National Trust, Parish, District and County Councils and the Dedham Vale Project, have all sought to manage visitor numbers in the area. Advertising is deliberately kept low and visitor attraction is targeted at less busy times. The National Trust also expressed concern that once people have been given the taste of what Constable Country has to offer then they will wish to visit the actual sites; the proposal will not therefore divert people away from Flatford and Dedham (as claimed by the applicant) but is more likely to bring a large increase in visitor number to these areas. The National Trust state that such an increase in traffic numbers will lead to huge traffic problems (potentially requiring new areas of parking) and detract from the quality of the AONB.

12.159 The applicants contend that 'Horkesley Park will promote the geographical spread of tourism and help absorb pressures away from the more popular visitor destinations, and contribute to the safeguarding of more vulnerable areas.' (Planning Context, ES, p. 32) Increasing the geographical spread of tourism, however, would increase traffic and other impacts in the rural area. Additionally, if the proposal succeeds on its own terms it will generate interest in other adjacent countryside and picturesque communities along with Constable-related attractions which will increase pressures on the area and is contrary to the guidance on tourism.

12.160 The Horkesley Park development would increase employment in tourism and to this extent the proposal would make a positive contribution to the tourism sector in Colchester. There is however the potential, if the proposal succeeds on its own terms, that it will have an adverse impact on other Constable-related sites by generating increased interest in them; indeed many residents and local interest groups consider that the Horkesley Park development would have a detrimental impact on the existing 'honey pot' location in the AONB.

Tourism Feasibility Study

12.161 The Tourism Feasibility Study submitted in support of this application states that 485,000 people will visit the proposed development. This figure is based on a 2 hour drive-time catchment and penetration rates (visitors per addressable market size), which have been based upon identified leading attractions.

12.162 The anticipated visitor numbers for the Horkesley Park development (485,000) are of a similar scale to that achieved by Colchester Zoo (492,355) in 2007. Analysis of the Tourism Study undertaken by SVAG note that this would make the Horkesley Park development proposal the third most visited (paid for) attraction in the East of England; the most popular being the Pleasure Beach attraction in Great Yarmouth.

12.163 The submitted Tourism Study quotes research undertaken by Anian Leisure Consultant that modern state of the art heritage facilities typically attract visitors within a two hour drive with the majority of visitors travelling from less than a hour. Based on this research the submitted Tourism Study seeks to argue that the quality and scale of the proposal at the Horkesley Park development will result in a catchment area along the lines of Colchester Zoo and will be two hours drive time. No evidence has been submitted to support this assumption. The Tourism Study states that it is anticipated that 60% of visitors will travel less than one hour and 40% will travel between 1-2 hours. It is not clear how these percentages have been arrived at.

12.164 The anticipated visitor numbers have been derived at by comparing the penetration rates of existing leading country parks, wildlife, garden, and art gallery attraction. The identified established attractions include:

Attraction Name	Market Size 2hrs drive time	2007 Attendance	Penetration Rate %
Flatford Mill	29,701,866	250,000	0.84
Colchester Castle	29,701,866	93,116	0.31
Gainsborough House, Sudbury	43,902,332	17,600	0.04
Fishers Farm Park, Billinghamurst	75,524,994	114,532	0.19
Hidcote Manor, Chipping Camden	46,432,809	151,222	0.33

(For the purposes of this report only a selection of the attractions have been highlighted; the full table of attraction can be seen on page 148 of the Tourism Feasibility Study).

12.165 Using the above examples, the Tourism Study states that it is likely the penetration rates for the three attractions at Horkesley Park will be as follows:

Country Park: 0.93% of 29,701,866 which would constitute 275,000 visits

Gardens: 0.49% of 29,701,866 which would constitute 145,000 visits

Art Gallery: 0.14% of 29,701,866 which would constitute 40,000 visits

12.166 The Tourism Study then goes on to state that there is a lot of synergy between the country park and the garden and similarities between some of their users groups which will create the opportunity to promote joint ticketing. The study estimates this would constitute 44,000 combined tickets. In addition to these numbers, the Study estimates that there will be an additional 60,000 visitors made by 20,000 season ticket holders. It is anticipated that a further 9,200 visitors will attend daytime events and lecture

theatre presentation. Based on this information, the Tourism Study extrapolates following annual day visitors to the attraction:

Country Park:	231,000
Gardens:	101,000
Art Gallery:	40,000
Combined Country Park and Gardens:	44,000
Visits made by Country Park Season Ticket Holders:	21,000
Visits made by Garden Season Ticket Holders:	18,000
Visitors made by combined Country Park and Garden Season Ticket Holders:	21,000
Total Day Visitors:	<u>476,000</u>
Day time events:	9,200
 Total Day Visitors:	 485,000

12.167 The penetration rates used to establish visitor numbers at Horkesley Park are considerably higher than those achieved by the comparable attractions highlighted in the Tourism Study. For example, it is anticipated that the proposed art gallery at Horkesley Park will achieve a penetration rate of 0.14%, which is three times greater than the penetration rate of Gainsborough's House (0.04%). Gainsborough's House is an established attraction exhibiting many original works of art by Gainsborough; the works of art that are to be displayed at The Chantry are of an unknown quality and authorship and it thus difficult to justify why this facility should attract so many more visitors. Similarly, the two garden centre attractions identified in Tourism Study are both major historic gardens, one Arts and Crafts the other by Capability Brown. The penetration rates for these gardens are 0.32% whereas the Tourism Study anticipates a penetration rate of 0.49%. No explanation is provided as to why the penetrations rates are significantly higher than the existing 'leading attractions' highlighted in the Tourism Study.

12.168 The SVAG's raise a number of general observation and concerns as a result of their analysis of the submitted Tourism Study. In SVAG review of the Tourism Study they state that there is an industry rule of thumb that without some special feature, the natural limit for visitor numbers to a country attraction is 300-350,000. Special features might include the excellence of offering, historic significance or television exposure; SVAG state that the Horkesley Park development has none of these. SVAG question the penetration rates proposed in the Tourism Study for the Garden and Art Gallery. SVAG also note that the comparable country part identified in the Tourism Study are (according to their websites) primarily Children's Theme Parks and such theme parks will have a higher penetration rate than Horkesley Park that purports to be a heritage centre. SVAG review points out that, according to the Visitor Attraction Survey, the highest number of annual visitors for a paid-for heritage centre in the UK is 100,000; this is to Brickfield Horse Country, where the focus is on horses and farm animals, but attendance is regularly boosted by car boot sales and other events. SVAG offer the opinion that a more realistic estimate for the number of visitors to the Horkesley Park Development is 170,000 visitors per annum (104,000 to the Country Park - in-line with the most popular paid for heritage attraction, 48,000 to the gardens, a 30% premium to the most popular garden in East of England and 18,000 to the gallery – as for Gainsborough House). SVAG note that 180,000 annual visitors is similar to Croxteth Country Park & Garden and Stauton Country Park, two attractions that combine country park, heritage and gardens). SVAG also comment that it is interesting to note that the Tourism Study uses these sites for comparison of admission prices but not visitor penetration rates.

12.169 The Horkesley Park development will be a gated and ticketed attraction. The submitted Tourism Study notes that the admissions price will have an impact on the overall visitor potential. In view of this, the Tourism Study states that Horkesley Park will be priced competitively and at a rate the market will bear. The Tourism Study compares the admission price for various existing destinations with that proposed at Horkesley Park

Attraction	Admission 2008 (£)
<u>Country Parks</u>	
Fisher Park Farm:	10.25
Croxteth Hall Country Park & Garden:	4.70
Staunton Country Park:	6.00
<u>Gardens</u>	
Hidcote Manor, Chpping Camden:	8.50
<u>Art Gallery</u>	
Gainsborough House:	4.00
<u>Horkesley Park</u>	
Country Park	£10.95
Gardens	£6.45
Combined Ticket for Park & Garden:	£14.95
Gallery	free

12.170 The admissions price structure at the Horkesley Park development is clearly a commercial decision. It is however difficult to see how the scheme has been priced competitively to compete with other attractions based on the above pricing structure.

- 12.171 It is anticipated that the Horkesley Park development will generate 485,000 visitors in its first year and the submitted information does not suggest that there will be significant growth thereafter. It is considered reasonable to expect that any new tourist attraction would not immediately meet the anticipated number of total tourists but instead be subject to a period of growth until the ultimate projected visitor figure is reached. If the Horkesley Park development fails to attract the anticipated 485,000 visitors in the first year the viability of the proposal will be called into question. On the other hand, if 485,000 visitors are achieved in the first year, it would seem reasonable to expect the number of visitors to increase further as the attraction becomes established. It should be noted that the submitted analysis of the potential impact that the proposed development will have on the surrounding area is based on 485,000 per year; any significant increase in tourist numbers would need to be subject to further assessment work. Members may also recall that the previous Horkesley Park planning application (which was different to this scheme) anticipated 700,000 visitors per annum.
- 12.172 The NLP report states that, based on current proposals, the Horkesley Park development is likely to struggle to attract 485,000 tourist visitors per year and in the view of NLP the expected visitor numbers will only be sustained in the long term if the facility reverts to a retail led scheme.

Economic Development

- 12.173 PPS 4 sets out planning policies for economic development to be taken into account when preparing local development documents and form a material planning consideration. PPS4 identifies that in achieving a prosperous economy, the Governments overarching objective is sustainable economic growth. To achieve this, key objectives include, amongst other things, improving the economic performance of towns, delivering more sustainable patterns of development, promoting the vitality and viability of town and other centres. This latter objective is to be achieved through focussing economic development and growth in existing town centres.

12.174 Policies SS1 to SS4 in the RSS set out the core strategy and overall framework for development in the region, complement national policy statements and are of relevant to this application. Policy SS1 seeks to bring about sustainable development and requires Local Development Documents and other strategies relevant to spatial planning to ensure that development proposals:

- maximise the potential for people to form more sustainable relationships between their homes, workplaces, and other concentrations of regularly used services and facilities, and their means of travel between them; and
- respect environmental limits by seeking net environmental gains wherever possible, or at least avoiding harm.

12.175 In seeking the more sustainable relationships described in Policy SS1, Policy SS2 directs the spatial strategy to locate strategically significant growth to the region's major urban areas. To achieve sustainable development and the aims of policies SS1 & SS2, policy SS3 states that new development should be concentrated in identified key centres; Colchester is identified as one such centre. Policy SS4 seeks to locate the majority of new development in and adjacent to the key centres and to protect the quality and character of the region's rural areas. Core Strategy policy SD1 reflect the aims of RSS policies SS1, SS2, SS3 and SS4 at a locally specific level.

12.176 The RSS seeks to regenerate the Haven Gateway sub region to address unemployment, deprivation and social issues and to develop a diverse economy (Policy HG1); this includes providing for the needs of the tourist sector. Policy HG1 promotes Colchester as a major centre of employment and seeks to bring forward appropriate sites to attract a diverse range of employment.

- 12.177 The above overarching policies seek to ensure that development maximises the potential for people to form more sustainable relationships between their homes, workplaces and other services. The Horkesley Park development, by virtue of the fact that it does not relate to an allocated development area and it is located in an unsustainable position in the open countryside, is not considered to conform to the aims and aspiration of these policies. Officers do not share the view of the applicant that the promotion and implementation of the Horkesley Park development proposal is bound-up with the future of Colchester.
- 12.178 The pressure to secure more jobs and inward investment during this economically challenging time has been put forward as a key argument in support of the Horkesley Park development proposal.
- 12.179 In March of this year, the Minister of Decentralisation stated that the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. The Government expected local authorities to plan positively for new development and deal favourably with applications that comply with up-to-date plans and national policies. This Council has a suite of up-to-date development plans and this planning application is being determined in accordance with those documents taking into account relevant material planning considerations.
- 12.180 Once fully operational, the Economic Statement submitted by DTZ states that the Horkesley Park development would create the equivalent of around 155 full time staff employed on the site. This total is made up of around 84 full time employees and 142 part time staff. DTZ state that the employment numbers put forward are based on information supplied by the applicant (based on their past experience) however no independent evidence is provided to support this figure.

- 12.181 According to the Tourism Feasibility Study, the average salary at the Horkesley Park development would be £17,784. It should be noted that average salary figures can be distorted by large differential between the maximum and minimum salaries. A median salary would provide a clearer indication of the typical salary of employees at Horkesley Park.
- 12.182 The applicant has proposed to submit a local employment plan ensuring that priority is given to the recruitment of local construction and operational employees with a target of 80% of employees coming from within 20 miles radius. It should be noted that a 20 mile radius includes Ipswich, Sudbury, Harwich, Clacton and the northern limits of Chelmsford and, as such, a significant number of the proposed jobs would not necessarily be obtained by Colchester residents.
- 12.183 While the number of jobs created on the site provides one measure of economic impact of the proposal, the Horkesley Park development will also have wider economic effects. In addition to the jobs created on the Horkesley Park site, further jobs will be created in the local economy:
- During the construction of the new building and facilities, the renovation of the existing buildings, and establishment of the gardens and country park;
 - The purchase of products and services from local businesses needed for the operation of the development; and
 - Through off site spending of both employees and visitors in the local economy, both of which will spend money with other providers of local goods and services.
- 12.184 Overall by DTZ estimate that Horkesley Park will generate around an additional 45 full time jobs elsewhere in the sub region of Essex and Suffolk.
- 12.185 The anticipated number of new jobs (200) generated by the Horkesley Park proposals takes into account displaced jobs that would be caused by this development.

- 12.186 The Essex Business Consortium (EBC), the Essex Chamber of Commerce (ECCom) and East of England Development Agency support the proposal.
- 12.187 EEDA broadly supports the Horkesley Park proposal as they consider that it will contribute significantly to the region's aspirations to maximise the value of green infrastructure, regional culture and the natural environment. EEDA also consider the tourist related benefits to be significant and beneficial to the region. The conclusions of EEDA appear to be on the basis that the development will attract 485,000 tourist visitors, create 200 + jobs and will generate an additional £2.7 million of expenditure in the local area. It is by no means certain that the development proposal as outlined would deliver these benefits. (It should also be noted that EEDA will shortly cease to exist as a direct result of the Localism agenda).
- 12.188 The EBC express concern about the plight of the rural economy and consider that the Horkesley Park proposal has the potential to mitigate against the deteriorating economic climate. As a destination in its own right, the EBC believe that Horkesley Park will significantly add to the attractions in the area and provide a valuable education resource. The ECCom note that tourism and international trade will be two of the most important drivers of the eventual economic recovery and the proposal has considerable potential to increase tourism.
- 12.189 Providing jobs for Colchester's growing community is a central objective of the Core Strategy. It assumes a floor target of approximately 14,200 employee jobs, although many of these jobs have already been created since 2001. The Council cannot deliver the additional employment directly but it can help protect existing employment, stimulate new employment-generating development and accommodate these in the most suitable locations. To help deliver employment, the Borough will need to take advantage of growth employment sectors and minimise jobs losses in declining sectors. Currently the Borough is on track to achieve and surpass the job target total without the proposed development at Horkesley Park.

- 12.190 In 2008, 2318 business were recorded in rural wards of Colchester and these employed 14,744 people; this compares to the 2003 figures of 1,986 businesses employing 12,939 people. The share of Colchester's total businesses (strictly workplaces) that are located in the rural areas is almost exactly proportionate - varying between 33% and 35 % - to its share of the Borough's population. The small but steady upward trend in rural job growth over the period suggests that the Borough's approach to rural business which is in line with PPS4 and strikes an appropriate balance between employment and countryside protection has been effective.
- 12.191 Based on the above information and the fact that the Council allocated additional Local Employment Zones in rural areas through the site Allocation DPD it is suggested that the concerns expressed by EBC regarding the plight of the rural economy do not appear to be well founded. Moreover the applicant has not submitted evidence, in terms of the rural economy to demonstrate that there is a need for general diversification or that there is a requirement for anything beyond the small-scale schemes that the Council's LDF documents express support for.
- 12.192 The NLP report reviewed the expected employment numbers to be generated by the Horkesley Park development and considers them to be reasonable.
- 12.193 The unemployment rates in the villages surrounding Horkesley Park are relatively are low. The most recent statistics (August 2010) for claimants of Jobseekers Allowance benefit in the Ward which covers the proposed development at Horkesley Park development, Fordham and Stour, shows a total number of only 45 claimants. In comparison, the total number of JSA claimants for the Borough at this date was 3,020, making Fordham and Stour account for only 1.5% of all jobseekers. More precisely, as a proportion of Fordham and Stour residents, JSA claimants totalled only 1.2 per cent of the resident population aged between 16 – 64 years whereas for the Borough as a whole the rate was 2.5%.

12.194 The applicant argues that the designation of Colchester as a growth area and the requirement to find enough employment to match the expansion in housing provision further increases the pressure to secure more jobs and inward investment. It remains the case, however that the strategic focus remains on the urban areas and the aim is to produce balanced communities. To this end employment allocations have been planned with housing allocations both of which are directly associated with existing urban areas. The Horkesley Park development proposal, in contrast, is located the countryside and divorced from centres of population. The Council's approach has been found sound following public examination as recently as last year. Adequate land has been allocated in sustainable locations to meet job targets; additional land is not therefore required.

12.195 The Horkesley Park development would generate economic benefits, in terms of job generation, although the immediate surrounding villages are not greatly in need of such benefits. Further, planned developments in north Colchester will provide accessible business and jobs opportunities for resident, including those of Fordham and Stour. It should also be noted that the submitted Tourist Feasibility Study demonstrates a modest profit based on employment costs being covered by ticket and merchandise sale from 485,000 visitors; if the actual visitor numbers are below 485,000 then the commercial viability of employing the stated number of staff comes into question.

Education and Apprenticeships

12.196 It is stated that the Horkesley Park development will provide opportunities for apprenticeships and other training in heavy horse management, general restoration work, horticulture and land management. The applicant has not provided the precise nature/extent of such schemes but has indicated willingness for this to be controlled via a legal agreement.

12.197 It is proposed to employ an Education Officer at Horkesley Park to forge links with schools and co-ordinate education workshops. Again the applicant has indicated willingness for this to be controlled via a legal agreement.

12.198 The proposed apprenticeships schemes and the rising of awareness and education of rural conservation and heritage issues form a positive element of this planning application. Members will also be aware that the training of young people is a key strategic objective for this Council. That said, while training of staff is always to be applauded, it cannot be said that training in these vocational areas corresponds in any sense to where the economy is growing.

Financial Viability

12.199 A number of the objectors have questioned the financial viability of the scheme. NLP are also of the view that long term viability of the tourist attraction is weak and that the viability of the scheme will be further weakened by the cost of the necessary public transport improvements.

12.200 There is nothing in the Development Plan that requires the decision maker to assess whether a proposal is economically viable or would be built. It is matters that affect land-use planning that form the primary material considerations; the issue of viability cannot be afforded significant weight. That said, it is important to ensure the underlying assumptions on which the Horkeley Park development is based are robust as these impact upon the tourism and economic outcomes that are being promoted as significant benefits of this scheme.

12.201 Concern has also been expressed that should the scheme struggle, there would be pressure to allow commercial elements of the scheme (the food experience and garden experience) to expand; these concerns are fully appreciated. While any changes to the make-up of the scheme would have to be acceptable under section 38(6) of the Planning Compulsory Purchase Act 2004, it is considered that it may be difficult to resist future proposals for the further expansion and/or intensification of the retail elements having accepted the principle of these facilities. The alternative would be to allow the scheme to fail but this would result in a vacant / under utilised tourist

attraction incorporating close of 12,000sqm of new buildings located in the open countryside.

Transport and Traffic Considerations

Traffic Issues

- 12.202 National policy in PPG13 focuses on the importance of providing new development in accessible and sustainable locations so that it minimises reliance on the private car. Core Strategy TA1 seeks to improve accessibility and change travel behaviour as part of a comprehensive transport strategy. Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to minimise the impact of traffic on the rural network. Development Plan Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access.
- 12.203 The Horkesley Park site is located some 8km to the north of Colchester Town Centre and some 7km from the town's main railway station.
- 12.204 The site is bounded to the east by the A134 Nayland Road and to the south by London Road and Fishponds Hill. The A134 runs roughly north-south between Colchester and Sudbury; the section of the road between the site and Great Horkesley is single carriageway and is subject to a 40 mph speed limit.
- 12.205 The Transport Assessment submitted in support of the Horkesley Park proposals includes a full assessment of the distribution of Horkesley Park generated traffic on the local and wider highway network and has been subject to extensive negotiations with the local highway authorities (Essex and Suffolk) and the Highways Agency.
- 12.206 The traffic and transport implications of the proposal are contentious for many local residents, the nearby parish councils and interest groups; however neither Essex County Highway Authority, Suffolk County Highway Authority nor the Highways Agency have objected to this proposal.

- 12.207 The acceptance of proposal by Essex County Highway Authority is dependent on securing a package of measures to be funded either by works undertaken by the developer or as contributions to be secured through a S106 agreement. These measures are, in the opinion of the Highway Authority, considered necessary to mitigate the possible impacts of the proposal in highway and transport terms.
- 12.208 Natural England has raised concern that the approach to assessing the traffic implications arising from this development is not consistent with paragraph 4.15 of the Department of Transport's Transport Assessment guidance which states that "in addition to assessing the public transport capacity and walking and cycling capacity, an assessment of the available vehicular capacity on the road networks in the vicinity of the site should be undertaken in order to establish impacts from the development and mitigation measures".
- 12.209 The Essex Highway Authority has provided the following explanation response to Natural England's concerns:

Essex County Council used to have its own Transport Assessment (TA) guidelines, which required a developer to assess any link or junction in the highway network whereby the development would be likely to increase traffic flows by 10% or more (5% in congested urban areas) in the peak hour. These guidelines are no longer used and the developer is required to use the DfT's TA guidelines.

The TA for this proposal actually pre-dates the switch from our guidelines to the DfT's; the County's guidelines were more onerous.

The TA concentrated on the route between the proposal site and the A12, at the time with and without the new junction (J28). There are no capacity issues on the rural highway network surrounding the proposal site or between it and the 'honeypot' sites. In addition the majority of any trips generated by the proposal are likely to be off-peak or at weekends.

RPS did look at the rural roads between Horkesley Park and the 'honeypot' sites and concluded to County's satisfaction that the proposal would not increase traffic flows by 10% or more in the peak hour.

- 12.210 Many of the objectors do not share the views of the two Highway Authorities and the Highways Agency regarding the impact that traffic generated by the proposed development will have on the surrounding road network. The main fear expressed by local residents and others is that the development will create an unacceptable increase in traffic with resultant problems of congestion, accidents, noise and disturbance. Related to this, is the fear that many of the visitors will use the surrounding narrow lanes which are not designed to accommodate a significant increase in traffic flows and that the additional traffic movements will have an adverse impact on the AONB.
- 12.211 The Transport Assessment prepared in support of the Horkesley Park proposals includes a full assessment of the distribution of Horkesley Park generated traffic on the local and wider highway network and this demonstrates the existing highway network can accommodate the anticipated visitor numbers. Notwithstanding this, in order to promote the principal access routes to the site, a comprehensive tourist brown sign strategy is proposed which it is argued will minimise any traffic increases on the more minor roads. The concerns expressed by SVAG and others that there is nothing to compel visitors to follow the desired signed routes and, with the increasing reliance on satellite navigation systems, visitors are more likely to travel to the site via the minor roads are appreciated. While this may be true however, the technical assessment accepted by the highway

authority is that the surrounding local road network can accommodate higher traffic flows irrespective of which route is taken by visitors to the proposed development.

12.212 Whether it is correct or not that the local roads can accommodate the additional traffic, there will undoubtedly be an impact caused by traffic associated with the proposed development and this will inevitably have an affect on the quality of life of nearby residents. That said, in the absence of any technical evidence to set against the transportation analysis agreed by the highway authorities, it is not considered appropriate, to depart from their view that the surrounding highway network has capacity to accommodate the proposed development.

12.213 In order to establish the road safety record on the local surrounding road network, the TA has consulted the personal injury accident (PIA) data from Mouchel Parkman (agents to Essex County Council) for the period 1 November 2003 to 31 October 2008. Similar information has been obtained from Suffolk County Council for the period September 2003 to August 2008. The accident data from Mouchel covers the section of the A134 between the border with Suffolk and the A133 north of Colchester and the wider northern hinterland of Colchester. This information reveals 535 personal injury accidents in the stated five year period; 443 slight, 86 serious and 6 of a fatal nature. The accident data from Suffolk County Council is for the A134 north of the Essex boundary to the A134 / A131 roundabout in Sudbury. The accident data indicates that there were a total of 109 accidents; 4 of these were fatal and 17 were considered serious. In the view of the Highway Authority the proposed development is considered unlikely to lead to an unacceptable high increase in PIA.

Parking Provision

12.214 Development Plan Policy DP19 refers to the adoption and application of parking standards in a Supplementary Planning Document adopted in November 2009. It indicates the level of parking provision required will depend on the type and intensity of use.

- 12.215 The transport assessment states that it is proposed to provide 220 formal car parking spaces within the 'main front' car park and includes the provision for 14 disabled and 7 parent and child spaces. The woodland car parking area to the west of the Main Building is described as being capable of accommodating between 400-500 cars. The proposed coach parking area has capacity to accommodate 28 vehicles. In addition to the above parking provision, the transport assessment states that on exceptional days of demand it is intended to use areas of grassland to the west of the woodland car park to accommodate an unspecified number of cars.
- 12.216 The proposed level of car parking is based on a parking accumulation assessment which uses the same trip rates used to determine visitor numbers rather than parking ratios set out in the adopted parking standards.
- 12.217 Applying the adopted parking standards to this development is not straightforward. While the application as submitted is for a D2 use, the development incorporates different activities that do not strictly fall into this use class; the adopted guidance states that when a use forms part of a shared use facility, the parking standards must be looked at for all uses and the appropriate amounts supplied. In seeking to apply the parking standards to the Horkesley Park development, a D1 use class (art gallery, museum, public/exhibition hall) has for the purposes of this report been applied to the proposed art and craft studios, main building, Suffolk punch breeding centre, farm barn, underground nature watch building and rustic adventure playground and a **D2** use class applied to the country park. Using these land use classifications, 538 car parking spaces (1 space per 25sqm) would need to be provided for the 'D1 uses' and some 1700 spaces (1 space per 20sqm) for the 'D2 uses', creating a theoretical total of 2238 spaces. This number is significantly more than that currently proposed within the application. It is important to note, however, that all end destination use classes (i.e. non-dwellings) are maximum standards and, as such, the provision of fewer spaces can be accepted.

- 12.218 In view of the above, and having discussed the proposed parking numbers with the Highway Authority, it is considered that the method used to establish the level of car parking for this 'non standard' development proposal forms a reasonable approach. It should be noted however that the level of disabled parking (14 spaces) and the level of motorcycle parking proposed is considered entirely inadequate. It should also be noted that the vague nature of the number of spaces within the woodland parking area creates an ambiguity over whether there is a conflict between the indicated landscaping proposals and the parking provision, particularly if the parking levels is towards the upper limit of what is being suggested. Given that this is a full application in a sensitive site, the onus is clearly on the applicant to provide sufficient details as regards to the parking and landscaping arrangements to demonstrate that the proposal would not have an adverse impact on the surrounding area, which they have not done.
- 12.219 The submitted Masterplan shows parking bays at 2.4m x 4.8m, which does not comply with the adopted parking bay size of 2.9m x 5.5m; the proposed disabled parking bays are also non-compliant with the new parking standards. While it is accepted that this application was submitted prior to the adoption of the new standard, advice is that the application should be determined in the light of current planning policies. The application of the 'new' adopted parking bay sizes will result in a reduction in the number of spaces currently indicated on the Masterplan.
- 12.220 It is stated in the TA that 15 cycle parking spaces are to be provided and that this figure has been agreed with the Highway Authority. The proposed cycle parking provision is woefully inadequate for a development of this size and, in particular for one that claims to have sustainable credentials. It should also be noted that the Highway Authority has not agreed the cycle parking numbers with the applicant and has instead confirmed to this Council cycle parking provision should seek to meet the current parking standards. It is not clear whether the required amount of cycle parking can be accommodated in a visually satisfactory manner without having an impact on the car parking and/or landscaping proposals.

Accessibility Issues

- 12.221 The Horkesley Park site is located 8km to the north of Colchester Town Centre and some 7km from the town's main railway station.
- 12.222 There is currently no pedestrian provision on London Road fronting the site or immediately adjacent to the site on the A134. The A134 between the site and Great Horkesley provides a footway of a variable standard on the eastern side of the road as far north as the Rose and Crown public house. To the west of the site, London Road connects to a public rights of way and footpath /bridleway network. Parts of the public rights of way network are not well maintained and are not easily accessible to all users. Moreover the network of footpaths do not cohesively link together to provide users of the network with an uninterrupted journey. There are no cycle routes immediately adjacent of the site and, as such, cyclists currently have to share the roads with motorists. The speed of the traffic using the A134 is likely to make cycling less attractive than may otherwise be the case.
- 12.223 The TA notes that the existing bus service relevant to the application site is the No. 84 service that runs between Colchester and Sudbury and provides an hourly service throughout the day in each direction (Monday to Saturday); there are no services on Sunday.
- 12.224 Essex Highway Authority have stated that it is important to ensure the proposal site is made accessible by public transport, cycling and walking and it for this reason that a substantial package of mitigation measures are included in the Highway Authority's recommendation. The Highway Authority has also advised that these measures should be secured by condition or within a S106 agreement.
- 12.225 The submitted TA notes that measures are proposed to promote access to the site by public transport, walking and cycling.

- 12.226 It is proposed to widen the A134 and London Road (in the immediate vicinity of the application site) and create new footpaths and cycleways so that pedestrians and cyclists can access the site safely. The existing Public Rights of Way that cross the application site are to be upgraded so that they are 6m wide and enclosed within a 1.4m hedge; a permissive footpath on land owned by the applicant is to be created to link with existing footpaths. The Public Rights of Way and permissive footpaths are fine for recreational use but do not lend themselves to regular use by employees of the development.
- 12.227 Alternative transport methods are also to be promoted. It is argued that Colchester North Station is close enough for visitors to be encouraged to come by train. It is also proposed to run frequent bus services between the railway station, the town centre and other nearby destinations such as Dedham village and Flatford. Bus stops near the site are to be upgraded. There is also the potential to direct visitors to the proposed Park & Ride at Cuckoo Farm and run a bus service between here and the Horkesley Park site (although this is not currently proposed).
- 12.228 The applicant seeks to argue that the application site is well located because it is near to centres of population and sources of labour and that bus services will be laid on for staff and visitors. Other measures to encourage the use of non-car modes and car sharing are suggested within the proposed travel plan.
- 12.229 The Council does not share the applicant's favourable depiction of the proposal's transport accessibility credentials, a view supported by the conclusions of the SBA report. The site is in a rural location and, whilst special considerations may apply in rural areas, this does not mean the countryside is a sustainable location for a major tourist facility.

- 12.230 PPG 13 advises that in determining the acceptability of developments involving leisure, tourism and recreation which generate large amounts of traffic and which will not be well served by public transport, consideration should be given to the extent to which the proposal needs to be in the proposed location, including whether the development has a meaningful link with the particular location or attraction, parking and access arrangements and measures to increase access to the site by sustainable transport modes. In the view of Officers and NLP, the applicant has failed to adequately demonstrate the need for this development and/or that the proposal has meaningful links with the location.
- 12.231 The local employment plan submitted as part of this application states that the intention is to recruit 80% of employees from within a travel distance of 20 miles with priority given to people living within 10 miles of the site. The majority of employees are likely to be located too far away for non-motorised means of travel to be used. Furthermore, the topography of the surrounding land and the nature of the roads are such that even employees living within a few miles of the site are likely to be deterred from cycling / walking.
- 12.232 A staff bus is proposed by the applicant to help dissuade employees from using their cars but there is no guarantee that they will use this facility. Likewise the measures contained in the travel plan that are directed at reducing staff using cars and encouraging car sharing have no guarantee of success (or indeed sanction to ensure adherence to them).
- 12.233 It is proposed to provide 220 car parking spaces in the 'main front' car park and a further 400 to 500 spaces in the woodland car park; in addition to this an adjacent area of grassland is also to be used on days of high demand. This amount of car parking provides a clear indication that it is expected that the majority of those visiting the site will travel by car. In fact the applicant even states that 96% of visitors will arrive either by car or coach.

- 12.234 It should be noted that Essex County Council did not raise an objection to this planning application on the basis that a comprehensive package of mitigation and public transport improvement being secured. In drafting the Heads of Terms for a potential S106 agreement, the bus services that the Highway Authority requested to be provided free of charge is now proposed as being subsidised or subject to ticket type thus reducing the incentive for visitors to use public transport. The Highway Authority has reiterated that the bus service must be free of charge and regardless of ticket type. Likewise, the Highway Authority has stated that the bus service for employees must be free of charge in order to encourage the maximum the use of the service.
- 12.335 Any development of the scale proposed at Horkeley Park will generate significant amounts of travel by those who visit it and it is expected that the vast majority of visitors will travel by car. The applicant may provide opportunities for alternative choices of transport to be used by visitors but it is important to note that there is nothing to compel their use.
- 12.236 Regarding improvements to footpaths and cycleways these essentially relate to works either within the site or immediately adjacent to the site. A dedicated footpath / cycleway (of adopted standard width) will not be provided between the site and Great Horkeley (and beyond to Colchester). It should also be noted that an assessment carried out by Savill Bird and Axon identifies only a couple of small villages being within a 2km walking distance of the site. Within a 5km acceptable cycling distance are three additional villages and a modest proportion of residents in Myland (north of the Dog and Pheasant.) The development is not within walking or cycling distance of a rail station. Therefore even if facilities for pedestrians and cyclists were improved they would benefit only a tiny proportion of visitors to the site and that the development does not offer any realistic choice of modes other than the car.

- 12.237 In providing their recommendation to the Local Planning Authority, the Highway Authority provided a number of additional explanatory points. One of these points states that the issue of whether the proposed development site is in a sustainable location in overall planning terms, is a matter for the Local Planning Authority to evaluate. In the light of this comment, the Council appointed SBA to provide an assessment of the transport sustainability issues associated with this development. This report concluded that the Horkesley Park development proposal is not located in a sustainable location.
- 12.238 The applicant's transport consultant has issued a response to the SBA report. The Response Document seeks to argue that there is no requirement for the Borough Council to consider matters of sustainable access and transport planning policy given that these matters have been considered by Essex County Council. This is not a reasonable interpretation of the situation. While the views of the County Council are clearly relevant to this proposal, this does not obviate the requirement for this Council to satisfy itself as to the acceptability or otherwise of a planning application in relation to the planning framework. It is important to note that the County Council have no powers of direction and they are a consultee to the Local Planning Authority. Moreover they have stated that it is for this Council to determine whether the development proposal is located in a sustainable site. With specific regard to National Planning Policy, the applicant's consultant places emphasis on Section 37 of PPG13 to justify the proposed location for this development. However, to rely on Section 37 of PPG 13 it must be demonstrated that there is a need for the development and that there is a meaningful link between the proposed development and the proposed site. The matters of need and linkage to the potential location for this form of development were fully considered by the NLP report, which concluded "*the need for the development in the open countryside has not been clearly demonstrated*". With respect to transport policy considerations, the Response Document again seeks to rely on the response from Essex County Council and the argument that this removes the need for this Council to give proper consideration of transportation and planning policies. It is interesting to note that the Response Document does not challenge any of the conclusions of

the SBA review in relation to the need for, delivery of and funding for a package of public transport services in perpetuity. It must be assumed, therefore, that it is accepted that funding for any such services would need to be in perpetuity and it is questionable whether such a requirement would meet the tests set out in Circular 05 of 2005 in respect of planning obligations. Regarding parking considerations, it is important to note that the response document does not challenge the conclusions of the SBA report that the Horkesley Park development proposal would essentially provide an unconstrained level of parking. Instead the response document states that parking can take place within the confines of the site using the General Permitted Development Order powers for up to 28 days for any given plot of land.

- 12.239 Taking into account all of the above, it is considered that this proposal fails to locate development where it minimizes the use of the private car and, as such is contrary to the objectives of PPG13. While the proposed Travel Plan and other measures would do as much as they can to encourage sustainable forms of transport, the location of the site is such that their contribution is likely to be limited. The claim that the site is in an excellent location may be correct as far as the Horkesley Park's commercial requirements are concerned but this does not accord with sustainability principles promoted by government guidance and adopted planning policies.

Public Rights of Way (PRoW)

- 12.240 There is a network of existing public footpaths within or immediately adjacent to the site. FP3 provides a link from Water Lane, crossing farmland to the east of Old Josselyns before entering the north west corner of All Saints Church churchyard and entering the site; it then crosses land to the north of the Nursery before connecting with the A134. FP4 provides a link from London Road at Fishponds Hill extending across the site towards the A134. FP5 is located within the site and links London Road with Fishponds Hill, crossing the fields to the west of the glasshouses. FP48 links Footpath 3 and 4 via The Chantry drive from the A134.

- 12.241 Landowners are required by law to have Public Footpaths which cross their property at a minimum width of 1.2m and Public Footpaths along headlands at a minimum width of 1.5m.
- 12.242 It is proposed that the Public Footpaths to the west of the nursery will be incorporated into 6m wide Green Lanes and enclosed by a 1.4m high native hedge. It is argued by the applicant that the enclosures to the footpath have been designed to help retain a sense of open space and that the long views from them of the AONB are broadly retained. Outside the proposed Country Park, the Landscape Officer has advised that, where the PRoWs traverse the site, a formalised structure is maintained through continued hedgerow enclosure, however no long/medium views are affected as the network is already fairly enclosed. The fears raised by some objectors that the existing views from these footpaths across the valley will be lost should not therefore materialise.
- 12.243 One of the footpaths currently runs between Woodlands and Hillway (which are located to the west of the application site). It has been suggested by one local resident that having a 6m wide footpath reducing to a standard footpath width will create a bottleneck and that the potential number of people using the footpath could create a security issue for these properties. Neither the applicant nor the Highway Authority (despite being aware of the concerns raised) have requested the diversion of the footpath.

Design Considerations

- 12.244 Core Strategy Policy UR2 seeks to promote and secure high quality design. Encouragement is given to creative design and innovative sustainable construction methods. The Policy states that developments that are discordant with their context and fail to enhance the character and quality of the area will not be supported. Core Strategy Policy ENV1 also requires development to be appropriate in terms of its scale, siting and design. Development Plan Policy DP1 sets out design criteria that new development must meet. These require new development to respect the character of the

site and its context in terms of detailed design and respecting and enhancing its surroundings. Policy DP10 which relates specifically to rural tourism proposals states that development must be compatible with its rural surroundings.

- 12.245 The new buildings proposed with the former Nursery site comprise: The Main Building; the Suffolk Punch Breeding Centre; and the Farm. The Warren is located to the west of Nursery site within the AONB. The applicant states that the *“architectural principles of the proposed buildings within Horkesley Park are intended to provide a memorable and beautiful group of sustainable buildings that will enhance the site”*.
- 12.246 The former Nursery site is composed a series of glasshouse and associated buildings. The height of the existing building ranges between 6.4m and 7m. The existing buildings, whilst of a utilitarian design, are not atypical of agricultural buildings found in rural areas and are screened to a large extent by the existing vegetation. The existing buildings are considered to create a series of relatively discreet articulated forms and do not have a significant impact on the surrounding landscape.
- 12.247 The proposed Main Building is set some 60m from the London Road on a broadly east-west axis. It is a substantial building measuring some 175m by 50m and has a general height of 6.2m rising to 10.7m at the apex of the rotunda. The materials used on the Main Building are a combination of brick, white render and living garden walls (which will consist of a lightweight stainless trellis covered with climbing plants). The rotundas have slate roofs while the flat roofs of the single storey elements have a ‘wild flower living roof’.
- 12.248 The applicant states that the total ground floor footprint of the Main Building will be less than that of the existing buildings and will offer an overall reduction in the length of frontage to London Road. It is appreciated that the glasshouses cover much of the former nursery site however the fact remains that the Main Building constitutes a significant intervention in the countryside and, as Inspire East note, will have a greater degree of permanence and

prominence than the existing buildings. The existing agricultural buildings comprise a series of discreet articulated forms that are not at odds with the rural character of the area. In contrast, the proposed Main Building has a single monolithic mass that is more akin to something found on a modern retail park rather than in a sensitive rural setting.

12.249 The justification for the height of the building is that it does not exceed the height of the existing line of Poplar trees or the highest point of an existing chimney. While these assertions may be factually correct, they are not considered to create an adequate justification for a building of this size, scale and height. The existing chimney is slender and has relatively little impact on the wider landscape setting; it will also be demolished if the site is redeveloped. Given this, the chimney is not therefore considered an appropriate point of reference to determine the maximum height of any new building. The two bands of Poplar trees form an existing landscape feature that will be retained if the site is redeveloped. The Poplar trees have a typical height of 15-18m (according to the submitted tree report). The Arboricultural Officer has commented that Poplar trees have a relatively short useful life expectancy which has been reduced further by the past management of the trees. In view of this, the Arboricultural Officer's advice is that these trees should not be regarded as a long term screen and, as such, this raises the question whether they are an appropriate feature to determine the height of a new building. However, it is the proposal to pollard the Poplar trees to about 6.5m that is considered to act as a serious flaw in the argument that the existing height of the Poplar trees has been used to determine the height of the Main Building. In addition to this, it needs to be remembered that trees form a natural feature in the landscape unlike the Main Building whose monolithic scale and mass is wholly out of character with this rural setting.

12.250 The applicant argues that the proposed development will offer visual improvements from the sprawl of the existing buildings to that of a new high quality building designed in sympathy with the surrounding landscape. This view is not shared by officers.

- 12.251 The Main Building is a very large structure, the general form and design of which is wholly uncharacteristic of this rural setting. The principle justification put forward for a single large building is that it will enable the majority of the exhibitions to be displayed under one roof, which will be more convenient for visitors, and that a single building is more cost effective to construct. In the view of officers this justification does not override the requirement for new development to be appropriate for its location; the proposed Main Building, by virtue of its sheer size, scale and mass is not considered to be designed in sympathy with its rural surroundings.
- 12.252 In addition to the above concerns, officers are not convinced by the general design detailing of the Main Building. The applicant states that the grey slate roofs and deep eaves of the rotundas on the Main Building have echoes of The Chantry. The Chantry is a fine Regency house (the design of which is said to be influenced by Sir John Soanes) that is well proportioned and elegantly detailed. The rotundas may have slate roofs and deep eaves but that is where the similarity ends; the rotundas by virtue of their scale, faceted form and general design are considered to create incongruous features that have no relationship to this rural setting. The outer walls of the building, described as having a 'walled garden look', are extensive and at a height of 5m are lacking in human scale. Moreover, although these walls are visually softened by planting, they create an essentially continuous dead frontage to the main façade and provide no indication of the intended use of the building.
- 12.253 The Inspire East Design Review panel share the same view of Officers stating that they remain to be convinced that a large building is the most appropriate response to the site and the nature of the exhibits and consider the rotunda to the roof to be an alien feature to the countryside context. English Heritage share similar views in respect of the size and design of the Main Building and its appropriateness to this rural context.
- 12.254 A further criticism levelled at the Main Building is that it appears inward-looking when perceived from the main entrance and does not provide a sense of arrival or a clue to the facilities under its roof or beyond. The general internal layout also appears to have little to do with the design of the building;

the main reason put forward for the building is to promote the countryside and heritage; there is however little interaction between the building and the surrounding countryside. Inspire East also comment that it is not clear how the diverse uses proposed - such as workshops, kitchens, lecture theatres and a garden centre - can be successfully incorporated within a single building; the different uses demand different responses and have different requirements.

- 12.255 The applicant makes great play of the fact that the footprint of the Main Building is significantly smaller than the existing glasshouses. This is not the test as to whether this is an acceptable development; the development must be appropriate in terms of its size, scale, mass and design to the context in which it is to be set. It also needs to be remembered that the development comprises more than just the Main Building; there are three other new buildings, walled service yards and extensive areas of car parking (which includes land currently used for agricultural purposes).
- 12.256 The Suffolk Punch Breeding Centre is located to the north west of the Main Building and will contain some 21 stables, a stallion isolation box, cart lodge, harness room and stores, a blacksmiths forge and a dairy. The style of the proposed building is based on traditional vernacular agricultural buildings and will be constructed using traditional materials (i.e. timber frame construction, clad with timber boarding and a plain clay tile roof). The plan form of the proposed building and the faceted pods in curved timber to the front north east elevation are not typical of traditional buildings. The breeding centre covers an area of 1,170 sqm.
- 12.257 The Farm Barn will have a simple rectangular footprint that will be integrated within the slope profile of the existing topography. It is sited beyond (to the north) of the Suffolk Punch Breeding Centre and will house animals and pets. The underground building covering an area of 414 sqm.
- 12.258 The Warren is located to the west of the Farm Barn and is set between two folds of ground to create an underground building.

- 12.259 The main forecourt car park (220 spaces) is located to the south of the Main Building and is situated within the former nursery site. The forecourt will be surfaced with bonded gravel and car parking spaces interspersed with tree planting. The Woodland overflow car park (400-500 spaces) is located to the west of the Main Building and will be surfaced using 'reinforced' grass with landscape bunding and tree planting; this car park is located on land currently used for agriculture. The applicant claims that there would be limited visibility of the parking areas from outside the application site. Notwithstanding this, the provision of such an extensive area of car parking would generate significant activity and introduce urban characteristics and clutter into the countryside.
- 12.260 In addition to the above car parking areas, it is proposed to use the adjacent field as an overspill car park on days of high demand. This site is located within the AONB and, although it is not proposed to hard surface this land, the parking of cars on this land would introduce an alien feature in the rural landscape.
- 12.261 The applicant as a part of their submission indicates that the site should be considered as a cohesive entity and that the area to be developed represents a small part of the overall site. Whilst the majority of the site will remain essentially open, the proposed new built development will be significant in terms of its scale and mass, which combined with the intensity of use, will have a disproportionate impact on the rural character of the area.

Sustainable Development issues

- 12.262 PPS1 Delivering Sustainable Development sets out the government's overall approach to delivering sustainable development. Core Strategy ER1 encourages the delivery of renewable energy projects with developments meeting a target of 15% of energy demands through local renewable and low carbon technology sources. Development Plan Policy DP25 also encourages support for renewable energy schemes.

12.263 It is stated that Horkesley Park's sustainability proposals reflect a holistic design approach which includes the integration of renewable energy technologies. The renewable energy proposal include:

- High thermal performance energy saving glazing;
- Wildflower planted roofs and walls;
- A biomass burner located in a Renewable Energy Centre to provide heating in conjunction with ground source heat pumps hidden in the landscape;
- Sustainable urban drainages system, rainwater harvesting and grey water systems;
- Photovoltaic panels to create electricity integrated on the Main Building;
- Solar thermal panels to provide hot water; and
- Internal blinds to provide solar shading and thermal insulation and prevent light pollution.

12.264 A further supporting document dated 11 February 2011 also highlights the potential for the Horkesley Park development to incorporate renewable technologies.

12.265 A formal sustainability assessment has not been submitted in support of the Horkesley Park development nor have any targets been set and/or proposed in respect of individual aspects of sustainable development (i.e. water resources; use of energy and carbon emissions, waste management, use of local resources, transportation, design and construction and biodiversity). The applicant has also not confirmed which BREAM rating the new buildings would achieve. Given that sustainable energy is a key theme of the development it is assumed that the new structures will create an 'Excellent' rating.

- 12.266 While neither a formal sustainability assessments nor indication of BREAM rating for the buildings has been submitted, it should be noted that the applicant has expressed willingness for these element to be the subject of a legal agreement.
- 12.267 The provision of renewable energy technologies is no more than would be expected of a large development and, as such, it is considered that the sustainability elements have a neutral impact in terms of adding material weight to the acceptability of this proposal.

Countryside and Landscape Considerations

Arboricultural Issues

- 12.268 The principal arboricultural features within the former Nursery site are sheltering screens of Hybrid Black Poplars running along the western boundary and along the northern side of the glasshouses and an avenue of mixed broadleaf trees along either side of the access road leading to the Church of All Saints and The Chantry. Tree cover in the vicinity of The Chantry comprises free-standing specimen trees and sheltering groups. Around the western parts of the site, extensive planting has been carried out in recent years to form woodlands.
- 12.269 An arboricultural assessment has been submitted in support of this planning application. The submitted assessment states that, although the health and value of the individual trees is variable, the majority of the trees are in a satisfactory condition and collectively make a significant contribution to the visual amenity of the site and the wider area. With regard to the Poplar trees, the assessment notes that they mostly reflect a history of past pollarding that has not been repeated for many years. As a result, these trees are vulnerable to crown breakage and will require pollarding to maintain them in a safe condition.

- 12.270 The Council's Arboricultural Officer has confirmed that the submitted assessment forms an accurate record of the health and condition of the trees. The Arboricultural Officer has commented however that the existing Poplar trees have a relatively short useful life and should not be considered as a suitable long-term screen for the development. Past maintenance works are likely to have further reduced the life expectancy of these trees. The Arboricultural Officer has expressed the opinion that the retention of Poplar trees in areas of high static use by members of public is inappropriate given the species propensity for limb failure and should be replaced with a more suitable species of tree. The Arboricultural Officer also notes that significant replacement trees will be provided and questions whether the landscaping scheme adequately compensates for this or screening in the long-term.
- 12.271 In response to the Arboricultural Officer's comments, LDA Design, the applicant's landscape consultants, acknowledge that the Poplar trees have a limited life and hence a screening function. The consultants go on to state that over a period of time the screening function of the Poplar trees will be progressively replaced by new planting by more appropriate species of tree. In acknowledging the potential structural weakness of the Poplar trees, LDA Design state that it is proposed to undertake the regular pollarding of the trees and this will entail a reduction in their height to 6.5m and a 2.5m width.
- 12.272 In the light of the amended arboricultural report, the Arboricultural Officer reiterates the concern that Poplar trees are an inappropriate species of tree for public areas and should be replaced with a more appropriate species of tree. The Arboricultural Officer advises that his concerns are only a small consideration in the context of the scheme and should not form a primary reason for refusal.

Visual Impact

- 12.273 The wider topographical context of the site is defined by its location on the southern slopes of the east-west aligned Stour Valley. A number of tributaries of the River Stour dissect the valley sides to form a series of locally distinct valleys. The western portion of the site extends across the eastern slopes of the Great Horkesley West Valley, with the site boundary following the north-south flowing tributary of the River Stour. The small settlements and farm complexes that surround the site are set along a sinuous network of small roads and lanes, many of which are sunken, giving the area a very rural and tranquil character; the A134 is the only busy improved road in the vicinity of the Horkesley Park site. Agriculture is the predominant surrounding land use and this combined with the settlement pattern and road network are representative of the landscape character of the Stour Valley.
- 12.274 The site is located at the transition from the steeper valley slopes with its enclosed secluded character and the more elevated and open flatter plateau. Existing hedges contain the Nursery site along the London Road and the A134 and also the agricultural fields and land to the north and west. The Nursery site is visually contained by linear belts of Poplar trees and hedgerows on the perimeter of the area. Arable fields extend down slope and westwards from the Nursery to a large clump of trees and more extensive stands of woodland adjacent to the Fishponds Hill and a linear belt of trees along the Great Horkesley West Valley. The land immediately to the north of the Nursery site extending up to the boundary of All Saints Church comprise agricultural land while to the east is the regularly maintained Cricket Ground. The Chantry, a private house, is set in its own grounds and surrounded by areas of agricultural land. The woodland areas and tree groups on the northern part of the site form notable features.
- 12.275 The western and northern parts of the site are located within the Dedham Vale AONB; the former nursery site is located outside the AONB.

- 12.276 A Landscape and Visual Assessment prepared by LDA has been submitted in support of this application. In order to assess the existing and potential effects of the proposed development the visual assessment considers the short to medium distance views of the site (up to 1.5km) from the centre of the site and longer distance views within the wider landscape.
- 12.277 The Landscape and Visual Assessment states that the local zones of visual influence are limited by the rising landform, existing woodland and linear lines of trees and hedgerows in the vicinity of the site. The western limit of the zone of influence has been identified as being formed by the local ridgeline approximately 0.5km to the west of the site and aligned parallel to Water Lane. To the north of the site, the Landscape Assessment states the zone of visual influence extends across land up to Water Lane however the medium distance views are restricted by the falling landform of the River Stour Valley and woodlands. Existing views of the site from this direction are therefore often filtered and confined to views of trees and woodland. To the east of the site, the boundary of the local zone of visual influence follows the A134; it is stated that intermittent short distance views of the site are obtained from the A134 however the falling landform to the east of the road together with existing woodland means that medium views of the site are restricted from the east. To the south west, the boundary of the local zone of visual influence is described as broadly following Fishponds Hill and cutting across to Tog Lane, following the local ridgeline. Tog Lane and Boxted Church Road form the southern boundary of the zone of visual influence and from these areas occasional medium distance views of the glasshouses are obtained but are filtered by the line of Poplar trees.
- 12.278 With regard to long distance views of the application site, the submitted Landscape and Visual Assessment states that there five main areas where mostly filtered views of the site can be obtained. From the upper north facing sides of the Stour Valley (principally from Dead Lane and Champion Lane) it is stated that views of the site can be glimpsed but these are filtered views and only apparent in clear conditions. From the lower north facing sides of the Valley (principally from Bures Road and Winston Road) the site can be

glimpsed from the open sections of the road. Views of the site from the plateau areas to the west are limited to small dispersed areas comprising Holts Road, Workhouse Road, School Road, Chapel Corner and Crabtree Lane. Areas to the south from which views of the site can be obtained include the plateau between Tog Lane and School Lane. From Tog Lane the assessment notes that it is possible to distinguish the nursery in winter but in summer the site is not really perceptible. Views to the east of the site from the plateau near Boxted are confined to intermittent views from Church Road and Green Lane.

- 12.279 Having established a 'landscape baseline' the Landscape and Visual Assessment describes the potential effect of the proposed development during the construction and operation phases.
- 12.280 The Landscape Assessment states that prominent landscape features such as the bands of Poplars and the woodland are to be retained with their integrity unaffected by the proposal. Regarding the proposed development, the assessment notes that the majority of new buildings are set within the former Nursery site and that this enables the existing boundary planting to be retained as a part of the development. The exception to this is in the location of the proposed Suffolk Punch Breeding Centre and forecourt area to the Main Building where limited areas of planting will need to be removed. The assessment also states that the front parking area will be contained within the existing boundary planting and reinforced with additional planting, including avenues of pleached trees and yew topiary hedging. The woodland over flow car park is to be married into the existing ground levels by shallow perimeter earth modelling. The area to the north east of the Chantry is described as being retained as predominantly undeveloped and will be maintained as parkland. It is proposed to convert the agricultural fields on the western part of the site from arable land to a Country Park.

- 12.281 The Landscape Assessment notes that local improvement works to the London Road and the A134 are required and states that these works will contrast with the rural character of the site to the west. It is argued however that the A134 is already an established busy route way and therefore the proposed highway improvements will only have a limited impact on the surroundings. In the approach to the site, it is argued the improvement works to London Road will result in localised change in character to a small section of this small lane and that new planting will assist with the integration of the new road into the surrounding landscape.
- 12.282 The Landscape and Visual Assessment concludes that the site is well contained by a framework of woodland, tree belts and hedgerow which together with the surrounding landform limit the views of the site from its immediate locality and the wider surrounding area. During the construction phase the assessment notes that there will be a short term and locally adverse effects however after 15 years, the overall effect on the landscape is considered to be generally minor and of a beneficial quality (due to the significance of the additional planting).
- 12.283 The impact of the proposed development on the surrounding landscape form a major objection for many local residents and amenity groups.
- 12.284 The Council's Landscape Officer has considered the submitted Landscape and Visual Assessment in relation it's potential landscape & visual impact and compliance with the Hedgerows Regulations 1997. The character of the landscape of the site and that which the proposed development would need to complement is identified and fully described within the Colchester Borough Landscape Character Assessment. In essence the site is located within a medium scale farmed landscape with hedgerow and small scale woodland enclosures at the transition between the northern boundary of the Great Horkesley Farmland Plateau and the Dedham Vale AONB.

12.285 The conclusions of the submitted Landscape and Visual Assessment are broadly accepted by the Council's Landscape Officer. The Landscape Officer considers that the widening of the Nayland Road/London Road junction and widening of London Road itself will have an impact on the landscape with regard to short views along the roads themselves (i.e. the urbanisation of the rural countryside). However, the impact of proposed mitigation works (additional planting) on medium and long views will not be adversely affected once the proposed planting matures. The entrance to the Horkesley Park development and the layout of the main parking area adopts a formal design and contrasts with the character of the surrounding rural area. Regarding the design of the potentially exposed overflow car, the Landscape Officer notes that this has been amended so that it is read (at maturity) as being within a woodland block thus reducing the impact of parked cars of the surrounding area. This car park has also been 'sunken' into the landscape to reduce light pollution at an early stage of the development. The proposal to convert the open agricultural land to a managed Country Park with woodland parkland pasture and wildflower meadows is considered to enhance the landscape character of the site.

12.286 The Landscape Officer accepts, based on the information contained within the Landscape and Visual Assessment, that the development in long-distance views is unlikely to have an obtrusive impact on the wider landscape. In this respect the Landscape Officer is of the opinion that the viability of the medium to long-term retention of the belts of Poplar trees at their current height is critical to the screening of the development in the short to medium term. The submitted visual impact assessment is based upon the line of Poplar trees being retained at their existing height. This is however at variance with the submitted arboricultural assessment that recommends the pollarding of the Poplar trees to a height of approximately 6.5m. The Landscape Officer has advised that any removal or reduction in height of the Poplar trees will require revision of the Landscape & Visual Impact Assessment and that this should include an estimate of the planting belt mitigation timescale - i.e. the length of time that it would take new tree planting to provide the same screening currently afforded by the Poplar trees. The Landscape Officer has also advised that unless it can be demonstrated

that the proposed development would not have an adverse visual impact on the surrounding area and in particular the AONB, in the short to medium term, his recommendation would change to that of refusal.

Impact on AONB

12.287 The Dedham Vale was designated by the then Countryside Commission as an Area of Outstanding Natural Beauty in 1970 and covers the eastern end of the Stour Valley. It protects an area of lowland river valley of exceptional quality.

12.288 The following statement is taken from a Countryside Commission paper of 1978:

“The boundary of the original AONB was generally drawn to coincide with that part of the Stour Valley associated with the landscape paintings of John Constable. Although the area has no precise geographical limits the boundary of the AONB has been broadly defined so that it includes the Vale itself with the small tributary valleys entering the main valley on the north and south sides. Away from the tributary valleys the northern and southern limits of the AONB correspond broadly with the skyline edge of the low arable plateau seen from the Vale itself. The line selected follows suitable and convenient roads, tracks or field boundaries.”

12.289 The boundary has been slightly extended twice since 1970: first in 1978 to take in the Polstead area and an additional part of the Brett tributary valley, and then in 1991 when it was extended westwards across the A134 to include Wormingford, Wissington and the woodland area around Arger Fen in the Assington Brook valley.

12.290 Despite development pressures and changes in agriculture practices, the essential quality and character of the Vale landscape still remain intact.

- 12.291 The primary purpose of designating an AONB is to conserve and enhance natural beauty. In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry and other rural industries and the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment. Recreation is not an objective of designation (unlike the National Parks) but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.
- 12.292 Regional and local planning policies seek to protect areas designated for their landscape qualities.
- 12.293 Core Strategy Policy ENV1 states that developments that have an adverse impact on the Dedham Vale AONB will not be supported. Development plan policy DP22 states that “Development will only be supported in or near to the Dedham Vale AONB that:
1. Makes a positive contribution to the special landscape character and qualities of the AONB;
 2. Does not adversely affect the character, quality views and distinctiveness of the ANOB or threaten public enjoyment of these areas including by increased vehicle movement; and
 3. Supports the wider environmental, social and economic objectives as set out in the Dedham Vale AONB & Stour Valley Management Plan.
- 12.294 The Dedham Vale AONB and Stour Valley Management Plan provides guidance on nature conservation and visitor management. This plan has been adopted by Colchester Borough Council under Section 89 of the Countryside and Rights of Way Act (2000).

- 12.295 The Management Plan has at its heart policies aimed at protecting the AONB and its setting from development that would adversely affect its rural character and the tranquillity of the area.
- 12.296 The applicant is of the view that the Horkesley Park development would not have a detrimental impact on the AONB, which in particular is demonstrated by the submitted Landscape and Visual Assessment. It is also argued that the development would form a focus for visitors on the perimeter of the AONB and would help to relieve pressure on the existing 'honey pots'.
- 12.297 The potential impact that the proposed development would have on the surrounding landscape, including that of the AONB is discussed above.
- 12.298 The Landscape Assessment submitted in support of the application has made reference to the CPRE tranquillity assessment. This study notes that the tranquillity of the area has been affected by traffic on the A134.
- 12.299 The submitted Landscape Assessment notes that the application site is considered a 'dark landscape' in terms of light pollution. The former nursery buildings are now redundant and for the most part largely screened from the wider rural setting by existing planting. The impact of lighting at the former nursery site on the wider area is considered to be minimal. The lack of light pollution is an important component in establishing the rural character of this landscape and serves to enhance the qualities of the AONB.
- 12.300 Many local residents and organisations / interest groups concerned with the protection of the countryside (including Dedham Vale AONB and Sour Valley Joint Advisory Committee, Natural England, The National Trust and the CPRE) have expressed fears about the effect that the proposed development would have on the AONB. These concerns include the visual impact that the proposed development will have on the AONB, the increase of traffic movement, the loss of tranquillity and harm caused by light pollution.

- 12.301 The Dedham Vale AONB and Sour Valley Joint Advisory Committee have objected to the proposed Horkesley Park Development on the grounds that they consider it will have an adverse impact on the AONB and runs contrary to the policies set out in Dedham Vale AONB management plan. In respect of the policies that seek to protect tranquillity of the area, they consider that the development will fail to do this as a result of increase in traffic movements. The JAC note that it is expected by the applicant that 82% of the visitors will arrive by private car. The Joint Advisory Committee anticipates that many of these visitors will travel to the site via the network of rural roads through the AONB causing a loss of tranquillity.
- 12.302 Natural England welcomes the fact that the Landscape Assessment makes reference to the CPRE tranquillity Studies. While the study notes that the tranquillity of the area has been affected by traffic on the A134 this does not give the green light for more disturbance. Natural England note that many of the surrounding roads have not been designed for large volumes of traffic and will be impacted upon even by a small increase in traffic which will result in an adverse impact on the character and quality of the AONB. The nature of these effects on the AONB range from erosion of road side verges to indirect impacts such as reduced tranquillity.
- 12.303 SVAG also express concern at the potential impact that noise generated by the development will have on the surrounding area. SVAG state that the valley to the north of the development site acts as a sound chamber, particularly in calm weather and that there is bound to be considerable noise from children's play areas and the Country Park. English Heritage has also made comment that that the intensity of use (which would include noise generation) would have an adverse effect on the setting of the church. No assessment has been provided by the applicant of the potential for noise generation created by users of the proposed centre on the AONB. It is therefore not possible to quantify the impact that noise from the proposed development will have on the AONB.

- 12.304 The submitted Master Plan notes that an aerial walk through an existing group of trees within the proposed Country Park (and within the AONB) is to be provided. No details have been submitted or assessment made of the impact that this proposal will have on the character of the AONB.
- 12.305 The concerns expressed in respect that the potential impact of the proposed exterior lighting will have on the rural character of this site and its surrounding environment are fully appreciated.
- 12.306 The Landscape and Visual Impact Assessment notes that the proposed Horkesley Park development is currently a 'dark landscape' despite the baseline illumination of the glasshouses on the Nursery site. This is due to screening by topographical and landscape features. Existing security lighting in the Nursery site has been identified as causing a moderate level of obtrusive glare.
- 12.307 The potential effects of light pollution caused by the proposed development are considered in the Landscape and Visual Assessment.
- 12.308 The assessment notes that during the construction phase a short term moderate adverse effect arising from light pollution from development within the Nursery Site has been identified due to the need for lighting during construction work. It is stated that these effects will be temporary and minimised by the proposed mitigation measures. Once the development is open the applicant states that the scheme has been designed to eliminate glare and produce a visually comfortable environment. The application of sensitively designed interior and exterior lighting will provide a safe environment for staff and visitors whilst fully respecting and integrating with the landscape. The proposed Country Park will remain unlit and therefore will continue to form part of a dark landscape. The applicant claims that once complete the level of lighting egress to the local environment is likely to be less than that emitted by the glasshouses. The Council's Landscape Officer has not raised an objection to the proposed lighting scheme.

- 12.309 While Natural England expresses concern about the potential adverse effects that the proposed development will have on the surrounding area, they do note that a range of measures are proposed to mitigate the impact of the development. Notwithstanding this, Natural England state that they remain seriously concerned about the enforceability of some of the proposed mitigation measures, particularly those associated with the protection of the nature and tranquillity of the AONB. For this reason, Natural England states that unless the applicant can demonstrate that the mitigation measures proposed are deliverable, their success measureable and they can be agreed with other (including Natural England), then a precautionary approach needs to be taken and their recommendation for refusal still stands.
- 12.310 It is considered that the applicant has failed to demonstrate that the development will not have a detrimental impact on the AONB or that there is a need for development in this location. The proposal is considered contrary to PPS7, Core Strategy ENV1 and Development Policy DP22.

Biodiversity

- 12.311 Development Plan Policy DP21 seeks to conserve or enhance biodiversity. The policy places stringent requirements on supporting ecological information being provided to demonstrate the degree of impact or harm (especially in relation to designated sites or species), the associated mitigation measures and measures to enhance biodiversity. With regard to Protected Lanes, these features are protected from development that would adversely affect their physical appearance or would give rise to a material increase in the amount of traffic using them.

Ecology

- 12.312 The applicant indicates that the proposal would result in the provision of a wide range of ecological commitments and feels that these make a positive contribution towards the objective of securing nature conservation interests.

- 12.313 In their initial letter Natural England (NE) stated that they are satisfied with the scope of the habitat and species surveys and that the development should have no adverse impact on the ecology of the area.
- 12.314 In NE's most recent letter, the Council has been advised that given the lapse of time that has passed since the application was submitted the protected species surveys are now out-of-date and NE recommend that resurveys are provided prior to determining the application. In particular NE are concerned that the Great Crested Newts surveys, which were only just considered 'in-date' when the application was submitted in 2009 are now five years out of date. NE have received information that there was a population of Great Crested Newts adjacent to the proposed development site and as suitable habitat exists within the proposal site it is a priority to determine whether colonisation has occurred.
- 12.315 The recent reported discovery of a dead Great Crested Newt on Fishpond Hill immediately adjacent to the application site has been discussed with Natural England. Natural England have advised that the presence of a protected species is a material consideration when a planning authority is considering a development proposal. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and Impact within the Planning System states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.

- 12.316 The survey conducted in 2004 found no evidence of Great Crested Newts. The survey was however undertaken in early June which is considered to be a sub-optimal time for undertaking this work. Guidelines for surveying Great Crested Newts recommend that four survey visits from mid March to mid June with at least two surveys from mid April to mid May. In the light of this, the surveys were repeated in 2006 following best practice guidelines. During the 2006 surveys the standing open water habitats within the site were assessed for their suitability to support Great Crested Newts according to the recommended guideline. In total four areas were included – the two large irrigation reservoirs within the western section of the site, the ponds to the east of The Chantry and the Rectory Grove ponds within the woodland to the north of The Chantry. Of these areas, standing open water habitat only existed within the irrigation reservoirs and The Chantry Ponds. No Great Crested Newts were discovered as a part of this survey work.
- 12.317 The survey submitted in 2006 is now out of date. Given the lapse of time and the combination of the known existence of Great Crested Newts in the area and that suitable habitats exist within the application site, it is possible that Great Crested Newts have colonised this land.
- 12.318 When considering development proposals it is important to have an understanding of their impact on the ecology of the area and in particular any protected species.
- 12.319 In the case of the Great Horkesley Park development proposal, the majority of the land between the Nursery Site and Fishponds Hill is identified as Country Park. The Country Park also extends to the land surrounding The Chantry.

- 12.320 The areas of open water habitat that were surveyed for Great Crested Newts in the 2006 survey are located within the proposed Country Park. It is proposed to retain and enhance the existing landscape and ecological feature within this area. Given this, it is considered reasonable to surmise that a suitable mitigation strategy could be developed that would protect the Great Crested Newt (should they be present) and create and enhance suitable habitats for this protected species.
- 12.321 The failure to provide an up-to-date protected species survey conflicts with national policy guidance and has therefore been cited in the reason for refusal. It should be noted that this is considered to be a technical issue and is not a substantive reason for refusal as there is the potential to safeguard the Great Crested Newt and enhance their habitat within the context to this scheme.
- 12.322 The applicant advised the Local Planning Authority on 10 May 2011 that they had commissioned a re-survey of Great Crested Newts and that this survey work should be complete by 20 May 2011.
- 12.323 The conversion of arable fields to parkland, pasture and wild flower meadows, the planting of trees and hedges, along with the introduction of green roofs will benefit the ecology and biodiversity of the site. It should be noted that the demolition of the redundant glasshouses and the return of the former Nursery site to pasture or arable would also have a beneficial effect, albeit not as great as the current proposal.
- 12.324 The Horkesley Park development would serve to enhance the ecology and biodiversity of the area. Nevertheless, given the substantial scale of the proposed development in the countryside and that the proposed scheme seeks to promote the conservation and heritage of the countryside, such benefits are not to be unexpected. Moreover, in attaching weight to this benefit it is considered that account should be taken of the potential opportunity to improve the biodiversity of the site through good land management and the redevelopment of the redundant nursery buildings.

Protected Lanes

- 12.325 A number of objectors have expressed fears about the impact that additional traffic movements will have on Fishponds Hill, which is identified as a protected lane. DP policy DP21 states that identified protected lanes are to be protected from development that would adversely affect their physical appearance or would give rise to a material increase in the amount of traffic using them.
- 12.326 Protected Lanes have been identified as having a special character that should be protected against adverse development. These features can be sensitive to even modest change, such as an increase in traffic movement which can result in an adverse impact on their character and quality; the nature of these effects range from erosion of road side verges to indirect impacts such as reduced tranquillity.
- 12.327 The Transport Assessment prepared in support of the Horkesley Park proposals includes a full assessment of the distribution of Horkesley Park generated traffic on the local and wider highway network. With specific respect to traffic increases on Fishponds Hill, the submitted assessment indicates that there will be no increases in traffic levels during the specific peak hour assessment periods examined in the transport assessment. The maximum (August - Sunday) corresponding daily traffic increases on Fishponds Hill as a result of Horkesley Park are also low with a maximum daily increase of 6 vehicles equating to an increase in traffic on Fishponds Hill of 2.5%. This leads the transport consultant to conclude that it is difficult to see how this could be considered a “material increase” in any context; assuming Horkesley Park is open for 8 hours (1000 to 1800) this would equate to one additional vehicle on Fishponds Hill every 80 minutes.

12.328 As previously stated, in the absence of alternative technical information, the Local Planning Authority has to rely on the fact that Essex County Council consider that the surrounding road network can accommodate the anticipated increased traffic flows. It would be difficult to state that the suggested increase in vehicles using Fishponds Hill (as described above) would have a significantly detrimental impact on the quality and character of this lane.

Helping safeguard the Suffolk Punch

12.329 Development Plan Policy DP24 states that equestrian activities will be supported, subject to certain criteria. In the explanatory text equestrian development is described as including all forms of horse related activity. The applicant argues that this policy has relevance in view of the inclusion of the Suffolk Punch Breeding Centre.

12.330 It is proposed that Horkesley Park will create and operate a Suffolk Punch breeding Centre sufficient in size and capability to significantly increase the population of the Suffolk Horse and in so doing help bring back the breed from near extinction. It is also stated that the Centre will encourage the continuation of the traditional skills and knowledge essential to support East Anglia's only indigenous heavy horse breed.

12.331 The applicant currently manages a number of Suffolk Punch horses and it is understood that these are actively employed in events and country shows. It is unclear whether the proposed development is critical to the applicant's existing involvement with the Suffolk Punch or is intended to build upon his existing enterprise. The Suffolk Horse Society lists various venues at which to see the Suffolk Punch, 10 of which sites are located in the East of England.

12.332 Notwithstanding the above, work to safeguard the Suffolk Punch represents a positive element of the Horkesley Park development.

Public Access to Countryside

- 12.333 A key benefit put forward by the applicant for the proposed Horkesley Park development is that the Country Park and Gardens will provide one of the few opportunities for the general public to access a large area of land for recreational purpose in the Dedham Vale AONB.
- 12.334 Local evidence is contained within Colchester's PPG17 study and the Haven Gateway Green Infrastructure Study. The Haven Gateway Green Infrastructure Study (HGGIS) has identified the need for a new regional level Accessible Natural Green Space (ANGS) asset between Colchester and Ipswich and has identified Alton Water as a feasible site to deliver this. No regional level sites i.e. sites greater than 500ha were proposed within the Stour Valley area given its designated status. Instead, HGGIS states that 'it is vital that great care is given to the siting, scale and detailed design of new development to reflect local character and maintain the distinctiveness of the Areas of Outstanding Natural Beauty.'
- 12.335 The Horkesley Park proposal would provide 41ha of park and would therefore make a significant contribution towards the provision of open space. It should however be noted that ANGS in the context of the PPG17 Study and the Haven Gateway Infrastructure Study is defined as sites that are free at the point of entry for the public and in this respect Horkesley Park does not make a contribution towards meeting the regional level deficiency.
- 12.336 The proposal does provide an additional recreation facility, but the fact that it is only accessible on a fee-paying basis limits the extent to which it can be seen to enhance the provision and character of surrounding local spaces. While access will be maintained to the existing rights of way on the site, the proposal to cut them off from access to the site constrains rather than enhances their contribution to the enjoyment of surrounding open space.

- 12.337 The master plan notes that parts of the site are to be used on the Suffolk Punch pasture, wildflower meadow and heritage farming. Given the nature of these uses it is unclear whether the general public will have at all times free access to these parts of the site.
- 12.338 The Dedham Vale AONB and Stour Valley Joint Advisory Committee in their letter dispute that there is a lack of recreational access to the countryside in the Dedham Vale AONB, noting that there is an extensive public rights of way network throughout the Stour Valley and access to areas of open access within 3 miles of the site where informal enjoyment of the countryside is available. Other objectors to this scheme have also pointed out that the public have free access to public rights of way across the Dedham Vale AONB, including those that cross the Horkesley Park site.
- 12.339 Improving public access to the countryside is welcomed. However, in view of the fact that there is a charge for accessing the Country Park and that there is already an extensive rights of way network and areas available for informal enjoyment it is considered that this benefit will be of limited value.

Heritage Issues

- 12.340 PPS 5 sets out the Government's guidance in relation to the protection of the historic environment, which includes the setting of a listed building.
- 12.341 Policy DP14 seeks to protect the historic environment and states that development will not be permitted that would adversely affect the setting of a listed building or the historic environment including their setting.
- 12.342 There are no listed buildings on the application site itself, although The Chantry is a fine Regency building that would appear to meet the criteria for listing. There are numerous listed buildings in the immediately environment of the application site.

- 12.343 The Church of All Saints dates from the C12 but was substantially enlarged and remodelled in the C15. The Church is listed grade I for its architectural and historic interest. PPS 5 make it clear that safeguarding the setting of a listed building is of importance.
- 12.344 Medieval churches are amongst the most important buildings in the country and their interest is derived not only from their history, architecture and fittings but also their place within the landscape.
- 12.345 English Heritage has been consulted on this application because it is considered to affect the setting of the Church of All Saints. English Heritage has advised that the inter-visibility between the church and the proposed development would be softened by the tree planting. However, the scale and incongruity of the proposed development would greatly alter the rural character of the area and the setting of the church. English Heritage is also of the opinion that scale of the activity associated with the proposed development would be great and change and detract from the setting of the church.
- 12.346 English Heritage also do not accept with the claim put forward by the applicant's agent that the scheme as proposed would be beneficial after 15 years. This is due to a difference of opinion as regards to the congruity of what is proposed; the agent considers that the proposed building would be less congruous than the existing glass structure whereas English Heritage is of the opinion that, in far as they are agricultural structures, they are not incongruous or at odds with the rural character of the church's setting.
- 12.347 In the light of the advice from English Heritage, it is clear that the proposed development would cause material harm to the setting of All Saints Church.
- 12.348 With regard to other nearby listed buildings (Josselyns, the Rose and Crown and Martins), the proposed development is not considered to have a significantly adverse on the setting of these buildings.

Agricultural Land and Diversification

- 12.349 PPS 7 states that the presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification), should be taken into account alongside other sustainability considerations (when determining planning applications). Where significant development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations. If any undeveloped agricultural land needs to be developed, any adverse effects on the environment should be minimised.
- 12.350 DEFRA have stated they have not undertaken a detailed site survey of the Agricultural Land Classification (ALC) in the Horkesley area. The provisional ALC maps however depict interest containing grade 2 and 3 land but DEFRA note that this is based on a minimum mapping unit of 80ha. This data does not subdivide grade 3 classified land.
- 12.351 Development plan policy DP8 provides general support for existing agricultural uses and appropriate farm diversification proposal (that are compatible with the rural environment and remain secondary to the main agricultural use). This policy is not considered relevant to the consideration of this application as the proposal is for a stand alone attraction that is unrelated to an existing agricultural use.

Drainage and Flood Risk Assessment

- 12.352 PPS 25 sets out government guidance in respect of development on Flood Risk. Development Plan policy DP20 requires compliance with PPS25 and the application of measures such sustainable drainage systems to prevent the risk of flood and measures for the conservation and sustainable use of water.

- 12.353 In line with PPS 25, A Flood Risk Assessment (FRA) has been undertaken to evaluate the potential flood risk of the proposed development and outlines the mitigation requirements. The vast majority of the site (including the main area of development) is located within Flood Zone 1: Low Risk and is not affected by the 1:100 year and 1:1000 year return period for fluvial flooding or the 1:200 year tidal flood plains as shown on the Environment Agency map. A small part of the western sector of the application site is located within an indicative flood plain.
- 12.354 The key issue is therefore the potential adverse flood risk elsewhere in the catchment and the FRA therefore concentrates on surface water run-off generated by the proposed development and the effect on the capacity of any receiving watercourses / drainage systems. In this respect the FRA notes the increase in hard standing areas and consequent decrease in natural runoff will lead to an increase in surface water runoff from the site.
- 12.355 The FRA distinguishes between the watershed on the site, with the undeveloped western parts of the site draining towards the tributary stream which feeds into the River Stour and the developed and undeveloped eastern part of the site which drains eastwards through a culvert under the A134 feeding into three irrigation reservoirs to the east of the A134. The Surface Water Runoff Assessment takes account of both these catchments.
- 12.356 The main car park drains into the eastern catchment and will require an interceptor or to be filtered through permeable paving, with additional runoff draining into the irrigation reservoirs to the east of the site.
- 12.357 With regard to the western catchment, it is proposed that the surface water generated by 'The Warren' building will be attenuated through a combination of infiltration trenches before being piped into a watercourse on the western boundary.

12.358 The Environment Agency initially raised an objection to the proposed development on the grounds that the FRA had not demonstrated that the surface water generated from the site could be suitably disposed of and requested that a full scheme for the disposal of surface water be submitted prior to planning permission being granted. However, having received confirmation that the reservoirs have capacity to accommodate greater flows and that there is a high demand for this water for the purposes of irrigation (by a third party), the Environment Agency has advised that additional surface water from the proposed development would be wholly utilised and would not pose any flood risk on the site. (It should be noted that the use of the water is by a third party and there would need to be controls to safeguard against a change in circumstances).

12.359 The Environment Agency also noted there is no public main foul sewer in the locality to connect to, and unless the intention is to lay a rising main to the nearest sewer, the other option will be to install a package sewage treatment plant. The applicant is requested to confirm their intention. The applicant has confirmed that the intention is to link to the main sewer.

Ground Conditions and Contamination

12.360 PPS 23 set out government guidance in respect of pollution control.

12.361 As a part of the planning application submission, an assessment has been undertaken of the effects that the proposed development would have on the ground conditions and geology of the site or whether these factors may impact the development.

- 12.362 The principal sources of contamination that have been identified are the fuel storage tanks used for heating the former Nursery buildings and a further three tanks containing red diesel. A further tank for the storage of white diesel with a diesel pump is also located on the site. Based on the results of the Phase 1 Investigation, it is considered that, subject to appropriate conditions, there should be no unacceptable contamination risks to human health or of controlled waters, resulting from the mobilisation of soil contamination.

Environmental Amenity Issues

- 12.363 Development plan policy DP1 states that new development should protect existing amenity in particular in regard to noise disturbance, light pollution and odour pollution. PPS 23: Planning and Pollution Control and PPG 24: Planning and Noise are also of relevance.

Air Quality

- 12.364 Potential air quality and climate impacts have been identified; these principally arise from earthworks and construction activities; construction plant and workers vehicles, building services in the proposed building; emissions from the Farm Barn and Suffolk Punch Breeding Centre generated by the development when operational.
- 12.365 The increase in vehicle emissions and dispersal of transport derived atmospheric emissions has been assessed and considered to constitute only a minor adverse effect.
- 12.366 The applicant argues that, given the current agricultural use of the site, the earthworks and construction phase of the proposed development is considered likely to produce a minor adverse effect; the Council would not disagree with this view.

Noise and Vibration

- 12.367 Potential noise and vibration implications have been assessed as a part of the Environmental Assessment. In order to determine the potential impacts of the proposed development, background noise measurements were carried out and an assessment of the potential impacts undertaken.
- 12.368 In respect of construction noise and vibration, minor adverse noise and negligible vibration effects are anticipated. During certain short periods of the construction noise and vibration impacts may rise to be moderately adverse, for example during bulk earthwork operations are being carried out near the boundaries of the site.
- 12.369 It is anticipated that noise and vibration from plant, equipment and services installed in the new buildings will not have a significantly detrimental impact on the surrounding area and, in any event, could be adequately controlled by appropriate conditions.
- 12.370 The noise and disturbance generated by the additional traffic associated with the proposed development and the detrimental impact that this will have on both amenity of local residents and the tranquillity of the AONB forms a significant objection to this application. It is noted within the application that the predicted increase in road traffic will give rise to a negligible noise impact and at worst a minor noise effect.
- 12.371 The submitted noise assessment considers noise generated during the construction period, from associated road traffic (pre and post construction) and noise from plant and machinery and will not have a significant impact on the surrounding areas. The submitted Noise Assessment does not consider noise generated by visitors to the site and therefore it is not possible to quantify the impact of this on the surrounding area. It should be noted that Environmental Control do not raise an objection to the proposal subject to appropriate conditions. That said, it should also be noted that Environmental Control's comment on noise generated by the proposed development relates to statutory noise nuisance and this is not the same as noise generated by

the proposed development having a detrimental impact on the tranquillity of the AONB.

Section 106 Matters

12.372 The applicant has submitted a draft Heads of Terms for a S106 agreement which covers the following:

- Footpath / cycleway
- Highway Improvements
- Construction Travel Plan & Construction travel Plan co-ordinator
- Travel (when operational))
- Coach Parties
- Local Employment Plan
- Sustainability Plan
- Local Sourcing Scheme
- Ticketing
- Development to operate as a single enterprise
- Garden Experience
- Food Experience
- Arts and Exhibitions Attractions
- Lecture Theatre
- Farmland and Parkland
- Landscape and Ecology
- Preservation of Rare Breeds
- Other Heritage Matters
- Operating Times
- Promotion of Colchester / Region

12.373 The applicant has requested that the most recent draft of Heads of Terms for a S.106 agreement be treated as confidential as they consider that it contains commercially sensitive information. While the Council has agreed to this request, this document has not changed substantially from those previously issued by the applicant.

12.374 The heads of terms are generally considered reasonable although significant work will be required in the drafting of any legal agreement to ensure that the stated aspirations / intentions are delivered and secured in the long-term. That said, with specific regard to the control of the extent of retail sales, legal advice is that it would be extremely difficult to develop watertight legal clauses in this respect and that it would not be considered reasonable or practical to expect the Council to police / enforce such provisions. In addition and as mentioned earlier some of the transport mitigation measures may not accord with the current Circular of S.106 agreement.

Other Matters

12.375 A number of residents have suggested that the grant of any planning approval should be subject to a condition / legal clause requiring the demolition of the new building and retuning the land to grass should the proposed venture fail. Legal advice is that it would be unreasonable to impose such a condition.

12.376 Comment has been made that the Main Building does not meet current Building Regulations standards in terms of means of escape (which the Building Control Manager has confirmed is the case). This is not a planning matter; however, should amendments be required to the design of the Main Building to meet Building Regulations, then a new planning application may be required for this work.

12.377 A letter has been submitted stating that there is a legal covenant requiring the nursery site to revert to grassland should the nursery operation cease to exist. As Members will be aware, legal covenants are a private not a planning matter.

13.0 Conclusions

13.1 The Horkesley Park development is located on unallocated land and runs contrary to a number of national and local planning policies and guidance.

13.2 There are, however, benefits that would arise from the development proposal and circumstances that need consideration:

- The nature of the proposal insofar as elements would require a countryside setting.
- Increase in tourism and its peripheral effects
- The effect on the economy and employment.
- Ecology and biodiversity.
- Improved access to countryside.
- Apprenticeship and education schemes.
- Helping safeguard the Suffolk Punch.

13.3 None of the beneficial impacts would be large enough (or in some cases certain enough) by themselves to be regarded as constituting a material consideration that justifies not determining this application in accordance with the development plan and its policies.

13.4 The decisive consideration is therefore whether the benefits that have been identified, when taken together, outweigh the failure to comply with development plan policies and any other harm that would arise.

13.5 This task is not straight forward as it involves weighing many disparate considerations in balance and ascribing relative importance to each of them. The conclusion of officers, bearing in mind the nature of the development proposed and the varied and disparate nature of the cumulative benefits that would arise, is that the identified benefits have some weight in an argument for this application. However, it is concluded that they would not outweigh the considerable harm that would be caused by the development. This

conclusion is largely determined by a magnitude of harm caused by accepting a development of this scale in the open rural country, the failure to demonstrate need for development in the AONB (and adequately demonstrate that the proposed development would not have a adverse impact on the AONB), the poor design of the development and the unsustainable nature of this location. Set against these elements, the combined benefits of the proposal are not considered so proportionately overwhelming as to outweigh the harm that would be caused. It is therefore recommended that the application is Refused.

14.0 Recommendation

REFUSE planning permission for the reasons set out in the report above.

Relevant national policy is set out in PPS1, PPS 4, PPS 5, PPS 7, PPS 9, PPG 13, and PPG 17. Regionally, the sentiments of these policies are expanded through the East of England Plan (EEP) policies SS1, SS2, SS3, SS4, C2, E6, T1, T2, T7, T8, T9, T13, T14, ENV1, ENV2, ENV 6, ENV 7 and HG1. The local policies that add specific detail to these overall aims and objectives are the adopted Core Strategy (2008) policies SD1, CE1, UR1, UR2, TA1, TA2, TA3, TA3, TA5, ENV1, ENV2 and ER1; and Development Plan Policies (adopted 2010) DP1, DP5, DP7, DP9, DP10, DP14, DP17, DP20, DP21, and DP22. The basic principles of these policies is an aim is to conserve and enhance the countryside and protect and enhance the built environment through recognising the importance of achieving sustainable development, in terms of location and design and its impact on the surrounding area. The adopted Site Allocation DPD and adopted Proposals Maps (2010) reflect these principles and objectives. The Tourism Good Practice Guide, the Dedham Vale AONB Management Plan and the Landscape Character Assessment also form material planning considerations.

EEP policies SS1, SS2, SS3, SS4 and SS6 and Core Strategy Policies SD1 and CE1 direct significant development proposals to existing settlements (notably town centres and the identified regeneration areas / key gateways) and/or allocated sites. The Horkesley Park development proposal conflicts with these policies as the site is not identified for significant development and is set in open countryside, divorced from existing settlements. It has not been demonstrated that there is a requirement to locate this development at this site or that there are other material planning considerations that would justify a departure from the development plan.

The Horkesley Park development is promoted as a regional tourist attraction and should therefore constitute an excursion destination, the primary purpose of which is to allow public access for entertainment. The scale of the PPS 4 elements (Food and Garden Centre) are significant and are not considered to be truly ancillary to the tourist element of the proposed development. The PPS 4 elements should be subject to the PPS 4 sequential tests. The amount of retail development proposed is significant and the case has not been made to show it is essential in terms of being enabling development to justify the scale of the town centre type uses in this countryside location. The PPS4 requirement is not overcome by the claimed relationship to those elements that are appropriate to a countryside location either in terms of ancillary or enabling development so as not to justify their location in a sequentially preferable site. Furthermore, it is not considered that there is an appropriate planning mechanism by which the extent of retail sales can be appropriately controlled to prevent intensification of these uses or would be reasonable and/or practical for the Local Planning Authority to enforce.

The key economic benefits put forward as a part of the Horkesley Park development proposal are dependent upon the attraction achieving 485,000 visitors per annum. The Local Planning Authority has not been convinced that the attraction will sustain 485,000 tourist visitors in the long-term and this calls into question not only the deliverability of the claimed economic benefits of this proposal but also the overall viability of the attraction.

Development Plan policy DP9 states that employment development proposals in the countryside should be of a small scale and should not harm the rural character of the area either by the nature and level of activity or any other detrimental effects such as noise and pollution. Development Plan policy DP10 states that proposals must be compatible with the rural character of the surrounding area and avoid causing undue harm to the open nature of the countryside or designated sites. Where accessibility is poor, proposals should be of a small scale and/or comprise the conversion of suitable rural buildings. Policy DP10 states that the urban areas of Colchester will be the focus for larger scale tourist, leisure and cultural facilities and accommodation in-line with the need to concentrate development at the most sustainable and accessible locations. The proposed development, by virtue of its scale, location and design is considered to conflict with these policies.

PPS 13 focuses on the importance of providing new development in accessible and sustainable locations so that it minimises reliance on the private car. PPS4 supports more sustainable patterns of development and highlights the importance of reducing the need to travel, especially by car. Core Strategy Policies SD1, TA1, TA2, TA3, TA4 and TA5 and Development Plan Policies DP17 and DP18 reinforce the need for sustainable developments and reducing dependency on the car. The proposed development, by virtue of its rural location, is not sited in a sustainable location and will not reduce car dependency. Paragraph 37 of PPG 13 advises that when determining the acceptability of developments involving leisure, tourism and recreation which generate large amounts of traffic and which will not be well served by public transport, consideration should be

given to the extent to which the proposal needs to be in the proposed location, including whether the development has a meaningful link with the particular location or attraction. In seeking compliance with PPG 13, the onus is on the applicant to demonstrate the need for the development and that there is a meaningful link between the development and the proposal site. It is considered that the applicant has not adequately demonstrated a need for the development in this location or that the development as a whole has a meaningful link with the site.

Development Plan Policy DP19 requires parking provision to be provided in accordance with Essex Planning Officers Association Vehicle Parking Standards which was adopted by the Council as SPD in November 2009. The size of the proposed parking bays do not conform to the standards set out in the SPD. The proposal also fails to provide adequate parking provision for disabled and motorcycle parking or for cycle parking.

PPS1 seeks to promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. PPS 1 advises that design, which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Core Strategy Policy SD1 states that development proposal will be expected to achieve a high standard of design, sustainability and compatibility with local character. Core Strategy policy UR2 also promotes high quality design, stating that development that is discordant with their context and fail to enhance the character and quality of an area will not be supported. Development Policy DP1 require all new development to be designed to a high standard and that it should respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, scale, form, massing, proportions, materials and/or landscape setting. The proposed development, and in particular that of the Main Building, is considered by virtue of its size, scale, mass and general design to be wholly inappropriate for this sensitive countryside location.

PPS 5, Core Strategy Policy UR2 and Development Plan Policy DP14 require development proposals to preserve or enhance listed building and their setting. The development proposal, and in particular the intensity of use generated by it, is considered to have an adverse impact on the setting of the Church of All Saints, a grade I listed building.

Core Strategy Policy ENV1 and Development Plan Policy DP22 states that development proposals will only be supported in or near to the Dedham Vale Area of Outstanding Natural Beauty that make a positive contribution to the special landscape character and qualities of the area; do not adversely affect the character, quality of views and distinctiveness of the AONB or threaten the enjoyment by the public of the area and support the wider requirements of the Dedham Vale AONB & Stour Valley Management Plan. The submitted Landscape and Visual Assessment fails to analyse the proposed development in the context of the proposal to reduce the height of the belts of Hybrid Black Poplar trees (as recommended in the arboricultural assessment). In view of this, the true impact of the development on the wider landscape setting has not been adequately demonstrated and it cannot therefore be determined whether the proposal will have an adverse visual impact on the surrounding area and, in particular, in views from the AONB. The applicant has also failed to satisfactorily demonstrate that the proposed development would not have a detrimental impact on the tranquillity of the AONB.

PPS7 provides that major developments should not take place in designated areas, including Areas of Outstanding Natural Beauty (AONBs), except in exceptional circumstances. Consideration of major applications should include assessments of the need for the development; the cost of and scope for developing elsewhere outside the designated area or meeting the need for it in some other way; and any detrimental effect on the environments, the landscape and recreational opportunities and the extent to which that could be moderated. The Warren Building is considered to constitute major new development within the AONB. The onus is on the applicant to demonstrate the need for the development and the scope for providing the development in some other way or outside the site. It is considered that the applicant has not

adequately demonstrated a need for the development in this location or assessed the potential for providing the proposed development in some other way.

The Colchester PPG17 Study and the Haven Gateway Green Infrastructure Study (HGGIS) indicate that there is not a requirement for a new regional level Accessible Natural Green Space (ANGS) within the Stour Valley given its designated status. Instead, HGGIS states that it is vital that great care is given to the siting, scale and detailed design of new development to reflect local character and maintain the distinctiveness of the Areas of Outstanding Natural Beauty. Furthermore ANGS in the context of the PPG17 study and the Haven Gateway Infrastructure Study is defined as sites that are free at the point of entry for the public. The proposal is accordingly not considered to be in accord with PPG17.

Policy DP21 requires development proposals to be accompanied by sufficient information to assess the effects of the development on designated sites or protected species together with any proposed prevention, mitigation or compensation measures. A Great Crested Newt, which is a protected species, has recently been discovered in the vicinity of the application site. The submitted protected survey strategy is now considered out of date and fails to provide an up-to-date mitigation strategy in respect for the Great Crested Newt.

Informative

The applicant is advised that in the event that the refusal of planning is appealed and an updated protected species survey undertaken prior to the start of the appeal which provides satisfactory evidence that no new impacts have been identified or that any new impact cannot be satisfactorily mitigated, then the Council would not wish to sustain this aspect of the refusal decision provided the Inspector agrees to attach appropriate conditions should the appeal be upheld and planning permission granted.



Colchester Borough Council Development Control

Advisory Note on Parking Standards

The following information is intended as guidance for applicants/developers.

A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.

The residential parking standard for two bedroom flats and houses is two spaces per unit. The residential parking standard for one bedroom units is one space per unit. One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development.



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction & Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Control.

Best Practice for Construction Sites

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Noise Control

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holiday days.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
4. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

Emission Control

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
2. No fires to be lit on site at any time.
3. On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
4. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Best Practice for Demolition Sites

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

Noise Control

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

Emission Control

All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.