

Application No: 160906

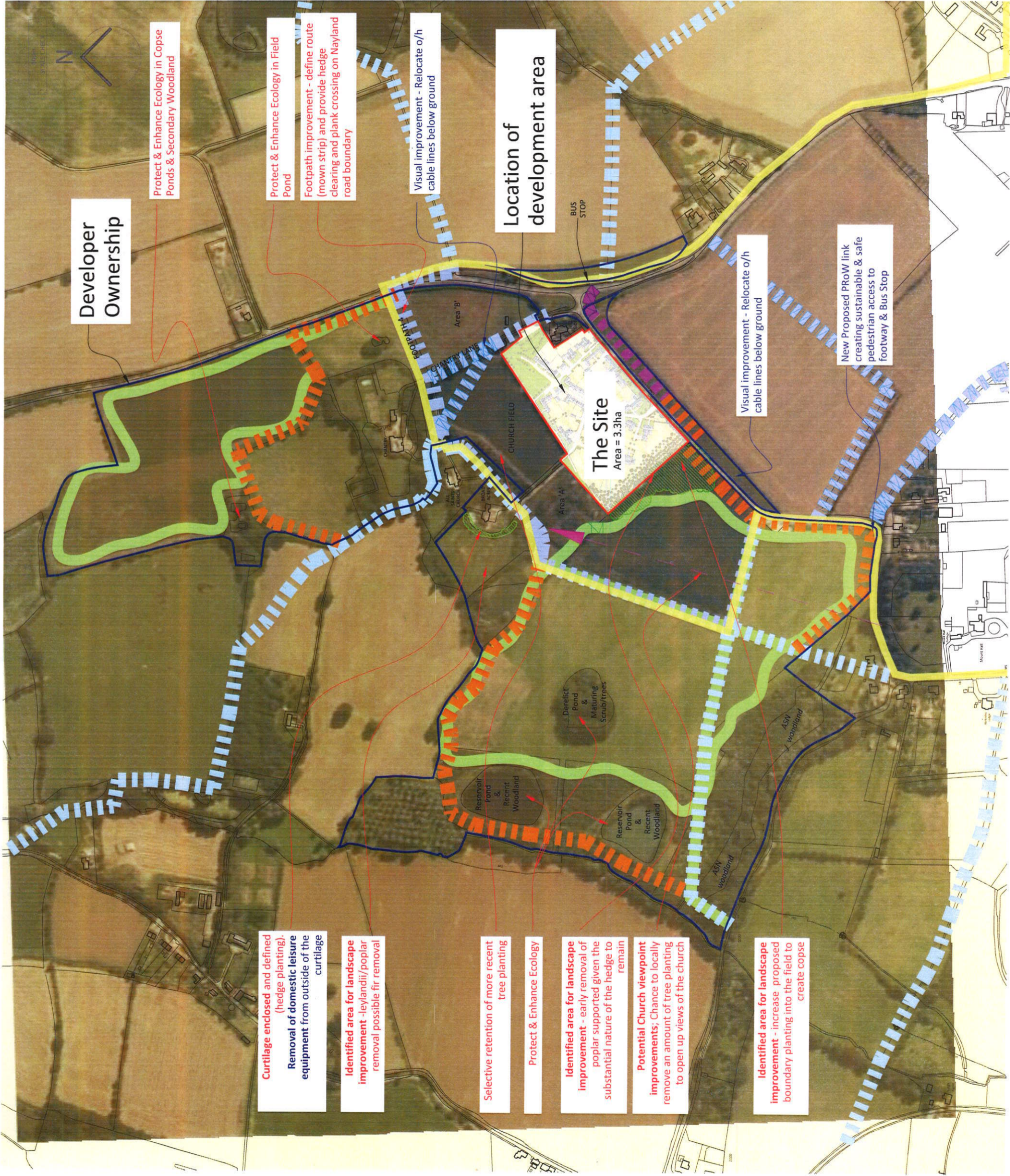
Location: Land Adjoining Church of All Saints, London Road, Great Horkesley, Colchester

Scale (approx): 1:2500

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Site Location Plan (1:2,500 scale)



Amendments:	
Client:	merseahomes
Project:	Redevelopment of Existing Glasshouses & anc. bldgs Land Adj. Ch. of All Saints, London Rd, Gt Horkesley
Dwg. Title:	WIDER PUBLIC BENEFIT PLAN
Dwg. No:	1119 - L - WPB
Approved By:	
Scale:	as shown
Original Sheet Size:	A1
Date:	17.08.16
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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **20th October 2016**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Simon Cairns

MAJOR

Site: Land adjoining Church of all Saints, London Road, Great Horkesley, Colchester

Application No: 160906

Date Received: 19 April 2016

Agent: Mr David Rose

Applicant: W & H Park Ltd & Mersea Homes

Development: Removal of the existing glasshouses and ancillary buildings; change of use and replacement with a new residential scheme comprising of 18 private dwellings and 4 affordable dwellings along with enhancement measures to improve both the surrounding AONB and the Church of All Saints and its setting.

Ward: Rural North

Summsary of Recommendation: Conditional Approval subject of signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because:

- the site has a controversial history and objections have been received from local residents and amenity groups;
- the proposals represent a departure from the adopted local plan; and

- approval is recommended subject to a s.106 agreement and prior resolution of outstanding matters of detail.

2.0 Synopsis

2.1 The key issues explored below are:

- the site history, and in particular, the Secretary of State's recovered decision in April 2014 following a public inquiry into the development of a rural themed visitor's centre at Horkesley Park (120965);
- the detailed scheme now proposed for 22 houses (including 4 affordable) on the site of the existing glasshouses together with the package of contributions/public benefits now on offer.
- the policy context and the weighting to be applied to the development of homes in this countryside location in terms of whether the package of enhancements/benefits associated with the scheme can be considered to outweigh the presumption against housing development in this location.

3.0 Site Description and Context

- 3.1 This detailed full application relates to a parcel of land covering 3.3 hectares to the north of London Road and to the west of the A314 Colchester-Sudbury Road, Little Horkesley. The site is currently occupied by disused glasshouses and forms part of a larger holding of agricultural land extending to the west and north of the site, centred on the grade I church of All Saints, Great Horkesley. The total holding covering an area of 47.4 Hectares. The application site lies outside the Dedham Vale and Stour Valley AONB but is immediately adjacent and clearly contextual to that designated area. The remainder of the site in the applicant's ownership is mainly within the designated AONB. The site is elevated on the crest of the southern flank of the Stour valley and the land gently falls to the north and west. The existing glasshouses are prominent and intrusive being punctuated by the brick flue of the boiler house and present a quasi-industrial
- 3.2 Prior to the submission of this full application a Screening Opinion was sought (151179) under the Town & Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and the Council concluded that an EIA was not required. The application site is in close proximity to several dwellings to the immediate east (Hillside, Chantry Lodge) and north (Broad Acres and The Chantry). The Chantry is a grade II listed, stuccoed villa set in spacious and well screened grounds to the north east of the parish church. Immediately to the north of the application site is a meadow that provides separation between the application site and the parish church/Chantry. All of these neighbouring properties are currently in the applicants' ownership.
- 3.3 The area immediately to the north east of the site is an area of spoil heaps that extend towards the detached house known as Broad Acres. The southern site boundary to London Road is partly screened by a boundary hedgerow with a mature hedgerow inset behind a line of hybrid black poplar trees on the western boundary of the site. The northern flank of the site is open to the church field and existing spoil heaps giving direct views to the grade I listed parish church.

4.0 Description of the Proposal

4.1 The proposals comprise a residential development of 22 units (of which 4 are affordable homes). The house types are each of bespoke design and based on vernacular precedents found in the Stour valley area. The houses are essentially laid out to address three new street frontages. The first is grouped along the north side of London Road and seeks to suggest a farmstead group with barnyards and farmhouse type units. The four affordable units are sited within this frontage and form part of a 'model farm' style courtyard group and each comprises a two bedroomed single storey dwelling (designed in response to a request from the affordable housing officer). The second consists of a village street of detached and terraced units aligned along a new thoroughfare set on an approximate south-west to north-east alignment with the built form increasing to the north east end and grouped around a proposed junction. The third frontage responds to the undeveloped church meadow that immediately adjoins the application site. This element presents a dispersed soft edge of cottages and houses set in large plots with vehicular access achieved from the area. All of the proposed units comply with relevant adopted local plan policies in respect of parking, separation distances and amenity space. All of the proposed units are considered faithful in design to their vernacular precedents and propose traditional vernacular materials, detailing and proportioning of plan forms. A single unit (no.14) is part thatched in response to its prominent location facing the parish church. It is anticipated that the roads would not be adopted but maintained by a management company.

4.2 The application comprises the following documents:

- Planning Statement (ADP); Design and Access Statement (ADP); Heritage Statement (ADP); Arboricultural Impact Assessment (TPS); Ecological Assessment: Faunal Surveys (Eco-Planning UK); Geo-environmental Assessment (Hydrology & Geology) (LDA Design); Statement of Community Involvement; Comparison of existing and proposed traffic levels and accessibility of the site by alternative modes (Intermodal Transportation); Flood Risk Assessment & Drainage Strategy(KWL); Horkesley Green: Executive summary of local archaeological and heritage assets (CAT); Landscape and Visual Impact Assessment (WoolertonDodwell); Package of wider landscape and ecological enhancement 15.08.16 (Eco Planning/WoolertonDodwell); Architectural detail reference sheets 1119.D.0-17 (ADP);
- ADP Drawings: 119.L.01 Site Location Plan; 119.L.002 Existing Site Plan; 119.L.003 Proposed Site Plan; Plot 1- Plans & Elevations 1119.L.010; Plot 2 Plans & Elevations 1119.L.011; Plot 3 Plans & Elevations 1119.L.012; Plots 4-7 Plans & Elevations 1119.L.013; Plot 8 Plans & Elevations 1119.L.014; Plot 9 Plans & Elevations 1119.L.015; Plots 10 & 11 Plans & Elevations 1119.L.016; Plots 12 & 13 Plans & Elevations 1119.L.017; Plot 14 Plans & Elevations 1119.L.018; Plots 15 & 16 Plans & Elevations 1119.L.019; Plot 17 Plans & Elevations 1119.L.020; Plot 18 Plans & Elevations 1119.L.021; Plot 19 Plans & Elevations 1119.L.022; Plot 20 Plans & Elevations 1119.L.023; Plot 21 Plans & Elevations 1119.L.024; Plot 22 Plans & Elevations 1119.L.025. Woolerton Dodwell Illustrative Landscape Proposals drawings ref: 781.201 & 781.202

5.0 Land Use Allocation

- 5.1 The site is 'white land' and is not allocated for development and was last used for horticultural purposes (glass houses).

6.0 Relevant Planning History

- 6.1 LEX/63/62- glasshouse nursery, boiler house and packing shed- Approved 9.4.62
- 6.2 LEX/222/69 Extension of glasshouse, packing shed and boiler house and erection of Dutch barn. Approved 01-07-1969
- 6.3 LEX/388/70- extension to existing greenhouse to provide cover for storage tanks- Approved 3.11.70
- 6.4 LEX/489/71- extension of existing greenhouse at the nurseries- Approved 6.10.1971.
- 6.5 LEX/117/74 Extension of existing horticultural nursery including erection of new glasshouses Approved 25-07-74
- 6.6 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.
- 6.7 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.
- 6.8 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.
- 6.9 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.
- 6.10 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
- 6.11 071084 Change of use from agricultural building to mixed use agricultural/brewery temporary permission 07-11-2007

- 6.12 090231 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. Planning permission was refused in February 2009 for the following reasons (paraphrase):

The site is not allocated for major development and is set in open countryside, divorced from existing settlements. It has not been demonstrated that there is a requirement to locate the development at this site or that there are other material planning considerations that would justify a departure from the development plan. The amount of retail development was significant and it had not been demonstrated as essential in this countryside location. It was not concluded that there was an appropriate planning mechanism by which the extent of retail sales could be appropriately controlled to prevent intensification.

The deliverability of the key economic benefits was questionable together with the overall viability of the attraction. Relevant local plan policies identify that Colchester Town will be the focus of larger scale tourist, leisure and cultural activities in order to concentrate development at the most accessible and sustainable location. The proposal by virtue of its scale, location and design was considered to conflict with adopted policy objectives. National and local plan policies direct major development away from designated areas including AONB otherwise than in exceptional circumstances and such a case had not been made in this instance.

- 6.13 121013 Temporary storage of waste skips for a period of three years on two areas of open land adjacent to existing glass houses. Refused 17-07-2012

- 6.14 120965 Development of a rural-themed visitor attraction ('The Stour Valley Visitor Centre') comprising a country park, art and craft studios (The Chantry), public gardens, a central building complex with indoor display ring, 'Suffolk Punch Breeding Centre', entrance building, shop, café, 'Field to Fork', 'Farming through the ages', 'Active Learning', 'Nature Watch', demonstration nursery and gardens, 'Energy Centre', car parks and highway improvements.

- 6.15 The application was refused and Members may recall the controversy that surrounded the public inquiry for a themed visitor attraction on the wider holding. The appeal proposals were 'recovered' for determination by the Secretary of State (SoS) himself having determined that the proposals gave rise to 'substantial regional or national controversy'. The inspector recommended that the appeal be dismissed and the Secretary of State agreed with the recommendation. The SoS concluded that:

- The site cannot be considered to be in a sustainable location with regard to accessibility for a development that would generate significant traffic movements;
- The proposals would not conserve or enhance the natural beauty of the landscape and would undermine the aim of providing quiet enjoyment of the countryside contrary to local plan policies DP22 and ENV1 and the objectives of the AONB Management Plan;
- Whilst the new jobs would create increased prosperity in accordance with local plan policies DP9 and DP10 and paragraph 29 of the Framework, the proposed Chinese Garden would not preserve the Chantry or its setting contrary to local plan policy

DP14 and the provisions of the Framework. He concluded the proposals would have a neutral effect on the setting of the grade I church.

- 6.16 The Inspector makes some insightful observations in his reasoning that are of relevance to the consideration of the current proposals in particular:

Paragraph 283 “..the existing industrial scale agricultural buildings are something of an eyesore.....In closer views from the public footpaths in the AONB, and in wider views outside it, the full extent of the somewhat utilitarian structures is evident. I consider that, notwithstanding their agricultural use, the group of existing buildings on the nursery site currently has a harmful visual impact on the character of the rural surroundings.”

Paragraph 284. “As land occupied by agricultural buildings, the nursery does not fall within the definition of previously developed land. It is agricultural land but, since it has been built on, I do not accept the Council’s argument that it should be treated as greenfield land. “

Paragraph 287. “The distinctive character of the AONB is not solely derived from the natural environment. The traditional buildings of the area contribute in no small part to the special character of the AONB landscape...”

The relevance of these statements will be explored in the report and their implications for considering the current development proposals will be expanded upon further.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out how the Government’s planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations

SD2 - Delivering Facilities and Infrastructure

SD3 - Community Facilities

H1 - Housing Delivery

H2 - Housing Density

H3 - Housing Diversity

H4 - Affordable Housing

UR2 - Built Design and Character

PR1 - Open Space

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 (adopted 2010, amended 2014):

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP22 Dedham Vale Area of Outstanding Natural Beauty

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA H1 Housing Allocations

- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents

Community Facilities
Vehicle Parking Standards
Sustainable Construction
Open Space, Sport and Recreation
The Essex Design Guide
External Materials in New Developments
Affordable Housing
Cycling Delivery Strategy
Street Services Delivery Strategy SPD
Little Horkesley Village Design Strategy (July 2010)

- 7.6 **National Planning Policy Framework (NPPF) 2012**

Relevant paragraphs to consider include:

Paragraph 9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes.

Paragraph 55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should: – be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; – reflect the highest standards in architecture; – significantly enhance its immediate setting; and – be sensitive to the defining characteristics of the local area.

Paragraph 56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 109. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; • preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 111. Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.

Paragraph 115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.²⁵

Paragraph 116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- 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 environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Paragraph 125. By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 137. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Paragraph 140. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Paragraph 187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

7.7 National Planning Practice Guidance (NPPG) provides guidance to underpin the policies set out in the framework. The following paragraphs are considered to be of relevance:

What is meant by the term public benefits?

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework ([Paragraph 7](#)). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

Revision date: 06 03 2014

Does planning need to take account of management plans for National Parks and Areas of Outstanding Natural Beauty?

Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area. As part of this, local planning authorities and neighbourhood planning bodies should have regard to management plans for National Parks and Areas of Outstanding Natural Beauty, as these documents underpin partnership working and delivery of designation objectives. The management plans highlight the value and special qualities of these designations to society and show communities and partners how their activity contributes to protected landscape purposes.

National Parks and Areas of Outstanding Natural Beauty management plans do not form part of the statutory development plan, but may contribute to setting the strategic context for development by providing evidence and principles, which should be taken into account in the local planning authorities' Local Plans and any neighbourhood plans in these areas.

National Parks and Areas of Outstanding Natural Beauty management plans may also be material considerations in making decisions on individual planning applications, where they raise relevant issues.

Revision date: 06 03 2014

Related policy

National Planning Policy Framework

[Paragraph 165](#)

Paragraph: 005 Reference ID: 8-005-20140306

How is major development defined in National Parks and Areas of Outstanding Natural Beauty, for the purposes of the consideration of planning applications in these areas?

Planning permission should be refused for major development in a National Park, the Broads or an Area of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated to be in the public interest. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The Framework is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable. Revision date: 06 03 2014

7.8 **The Dedham Vale Area of Outstanding Natural Beauty (AONB) and Stour Valley Project Area Management Plan 2016-2021.**

Areas of Outstanding Natural Beauty management plans do not form part of the statutory development plan, but may contribute to setting the strategic context for development by providing evidence and principles, which should be taken into account in the local planning authorities' Local Plans and any neighbourhood plans in these areas. Areas of Outstanding Natural Beauty management plans may also be material considerations in making decisions on individual planning applications, where they raise relevant issues. The following sections are extracted from the most recent plan and are of relevance to the consideration of the current proposals.

7.9 **Excerpts from part 2.5 of the 2016-2021 Management Plan.** Sections in bold are added to highlight particular sections considered to be of direct relevance.

2.5. Natural Beauty and Special Qualities

Section 89 of the Countryside and Rights of Way Act (2000)¹ requires Local Authorities to formulate policy for the management of AONBs. This Management Plan formulates that policy. Section 85 of the Act places a duty on all relevant authorities to 'have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'.

Landscape quality is enhanced by a sense of tranquillity experienced in the area. Some forms of development and recreational pursuits can lead to a loss of relative tranquillity which the Campaign to Protect Rural England includes:

- Perceived links to nature
- Positive features in the landscape
- The importance of wildlife
- Peace, quiet and calm
- The Campaign to Protect Rural England notes that factors included in the loss of tranquillity include:
 - Disruptive behaviour of other people
 - Noise, especially from cars
 - **Overt signs of human development**
 - **Negative features in the landscape**

Scenic quality:

A distinctive sense of place is achieved due to the landform, woodland cover, and land-use and settlement pattern. **Villages play a key part in contributing to the scenic quality, being historic in nature with many timber framed building and often dominated by churches situated in prominent locations.** The sense of place is further enhanced by the areas close association England's finest landscape artist, John Constable.

The special qualities of the AONB can be summarised as:

- Iconic lowland river valley associated with the artist John Constable RA, the views he painted are still recognisable today
- **Historic villages with timber framed housing and prominent churches** □ Valley bottom grazing marshes with associated drainage ditches and wildlife □ Naturally functioning River Stour with associated tributaries, meres and historic river management features
- **Semi natural ancient woodlands on valley sides with associated wildlife** □ **Traditional field boundaries intact and well managed**
- **Apparent and buried archaeology indicating millennia of human activity**
- **A sense of relative tranquillity**
- **Surprisingly long distance views from higher ground along the valley in an area associated with large skies**

3.1.5 Management Plan Policies:

- Lobby for national and local planning policies to reflect the significance of the natural beauty and special qualities of the AONB and Stour Valley.
- **Support development that contributes to the appropriate economic development and contributes to the conservation and enhancement of the AONB and Stour Valley.**
- **Protect the area, including its setting, from developments that detract from its natural beauty and special qualities, including its relative tranquillity.**
- Resist fragmentation of farmland and wildlife habitats and encourage landscape scale co-ordination of initiatives, including Environmental Stewardship, to conserve and enhance the natural beauty and special qualities of the AONB and Stour Valley.
□ Support the aspiration to extend the AONB boundary to the west of its existing limit.
- Improve understanding of the AONB and Stour Valley in particular its natural beauty and special qualities.
- **Maintain the local distinctiveness of the AONB and Stour Valley.**
- Work in partnership to minimise impacts of diseases and pests such as Chalara on the landscape features.

3.2.7 Management Plan Policies

- Ensure Local Plans reflect the need to conserve and enhance the AONB and Stour Valley
- **Support development that contributes to the conservation and enhancement of local character**
- Encourage communities to increase their understanding of the area and become involved in environmental projects to conserve and enhance the area
- Promote the appeal and distinctiveness of villages to help develop the visitor attractiveness
- Promote the role of villages as centres of rural economy, particularly their shops and service providers
- Lobby for Local Enterprise Partnerships to support activity that recognises the economic benefits of the area's natural capital
- Support the provision of high quality infrastructure, including roads, where it does not detract from the area's special qualities
- Work with Amenity Societies such as Dedham Vale Society and Colne Stour Countryside Association whose objectives support the Partnership's work
- Utilise Ofgem allowances and similar schemes to remove unsightly and redundant infrastructure from the landscape

8.0 Consultations

8.1 Planning Policy Response

Date of Response: 14.09.16

Application ref 160906;

Land Adjoining Church of All Saints London Road, Great Horkesley Colchester

The removal of the existing glasshouses and ancillary buildings; change of use and replacement with a new residential scheme comprising of 18 private dwellings and 4 affordable dwellings along with enhancement measures to improve both the surrounding AONB and the Church of All Saints and its setting.

Background

These Planning Policy comments relate to matters of principle associated with the proposed development and make no judgement on issues of detail such as design.

At a high level it must be acknowledged that the proposed development in this location is not immediately supported by local planning policies. However the planning history associated with this site together with the fact that the proposed development does not extend beyond the foot print of the land currently occupied by the glasshouses, must have some bearing on the consideration of this planning application and this response reflects the key considerations relevant.

The site lies adjacent to the Dedham Vale Area of Outstanding Natural Beauty and currently is occupied by former glasshouses and semi- derelict nursery buildings. Although by legal definition this is not technically viewed as brownfield land, it is also difficult to see it as green field land in the true sense of the word as mentioned by the Inspector in the recent appeal decision set out below.

National Planning Policy

A core principle in the National Planning Policy Framework is to encourage the effective use of land by reusing land that has been previously developed (brownfield land),

provided that it is not of high environmental value. Although not strictly defined as brownfield land, the site is currently occupied by disused semi derelict buildings / glasshouses and as such shares some characteristics relevant to land defined as brownfield. The comments referenced below refer to a previous appeal decision in respect of the current uses on the site and are relevant to this point.

Part 11 of the Framework states, at para 109, that the planning system should contribute to and enhance the natural and local environment by, among other things 'protecting and enhancing valued landscapes.' It goes on, at para 116, to state that "planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest."

Also relevant is the requirement under the CROW Act 2000 which places a requirement on the Local Planning Authority to "have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty".

Local Plan Policy

The Adopted Core Strategy and Development Management Policies comprise the relevant Local Development Plan in respect of this application. Policies ENV1 and DP22 are both relevant. ENV1 indicating that development that has an adverse impact on the AONB will not be supported, and DP22 similarly only providing support in or near to the Dedham vale AONB 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, including by increased vehicle movement; and supports the wider environmental, social and economic objectives as set out in the Dedham Vale AONB and Stour Valley Management Plan. One of the key objectives stated in the Management Plan is ... "seeks to conserve and enhance the AONB and Stour Valley by ensuring that land use decisions and development proposals reflect the special qualities of the area."

Relevant Planning History

The most relevant planning history on this site is application Ref 120965 which was subject to appeal and review by the Secretary of State. Although the nature of the proposals the subject of that application were quite different in scale and scope from this planning application there are some useful key issues referenced in the decision letter which are relevant to its consideration. In respect of the part of the site which is the subject of this planning application, the Planning Inspector for the aforementioned Appeal APP/A1530/A/13/2195924 stated the following; *"As it stands, the existing industrial scale agricultural buildings on the site are something of an eyesore. As I saw on my site visit, while the glasshouses are largely screened in longer views from the AONB, the boiler house chimney in particular is very prominent. In closer views from public footpaths in the AONB, and in wider views outside it, the full extent of the somewhat utilitarian structures is evident. I consider that, notwithstanding their agricultural use, the group of existing buildings on the nursery site currently has a harmful visual impact on the character of their rural surroundings."* Furthermore the Secretary of State concurred with this view stating; *"Having had regard to the Inspector's remarks at IR283 – 289, the Secretary of State sees no reason to disagree with that analysis. Taken on balance, he too concludes that, while the replacement of the former tomato nursery buildings would substantially improve views into and from the AONB".....*

Conclusion and Recommendation

In principle the proposal represents development in the countryside which is not supported by the national or local planning context and is contrary to the principles of sustainable development underpinned by the Development Plan and the National Planning Policy Framework;

The site is currently disused, including run down / dilapidated buildings and is widely recognised as an “eyesore”. This view was stated by the Planning Inspector at the previous Planning Appeal and supported by the Secretary of State. Both confirmed that development which replaces this eyesore would represent an enhancement to the character of the area.

The site is situated adjacent to the Dedham Vale AONB which has a policy context which only supports development which does not cause an adverse effect and seeks opportunities for enhancement of the character of the AONB.

The proposal in its entirety would not take any land beyond the footprint of the site currently occupied by the rundown glasshouse buildings;

Due to the scale of the scheme it is unlikely to cause unacceptable harm to the character of the area and therefore no adverse effect is caused therefore is supported by Policies ENV1 and DP22;

In view of the current state of the site, its proximity to the AONB and the relevance of the planning history require a more pragmatic approach to be taken in respect of other planning considerations;

As the site is situated adjacent to the AONB, it is appropriate to support proposals which provide an opportunity to enhance the area, particularly in the light of a conclusive view of the site comprising an “eyesore”. Support for enhancement of the character of the AONB comes from the NPPF, the Access to the Countryside and Rights of Way Act (2000) and the Local Plan.

The proposed development is therefore supported by the NPPF, CROW Act, Local Plan Policies ENV1 and DP22 and the Dedham Vale and Stour Valley Management Plan objectives.

Recommendation

As a matter of principle it is recommended that this proposal is supported as an exception for the reasons stated above which together justify a pragmatic approach and enable an overall enhancement to the site in close proximity to the AONB. It is considered that the benefit of the development will outweigh any harm and furthermore the removal of the “eyesore” and replacement with a permanent planning solution will enhance the character of the AONB in this area. Support for this approach is provided by national and local policy as outlined above.

Subject to satisfactory, design, layout, access and other detailed matters (which have not been considered in this Policy response), it is recommended that this proposal is approved.

- 8.2 **Anglian Water** comment that “As the developer is not proposing to connect to any of Anglian Water’s assets to dispose of foul sewage or surface water; we have no comment.”
- 8.3 **ECC SUDS** comment “Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.” Conditions are suggested and these are incorporated into the suggested decision.
- 8.4 **Natural England** comment:

“Wildlife and Countryside Act 1981 (as amended)
The Conservation of Habitats and Species Regulations 2010 (as amended)
Countryside and Rights of Way Act 2000
Landscape advice

The proposed development is for a site within or close to a nationally designated landscape namely Dedham Vale Area of Outstanding Natural Beauty (AONB). Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the ‘landscape and scenic beauty’ of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB’s statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape’s sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area’s natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to ‘have regard’ for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a ‘reasonable likelihood’ of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’*. Section 40(3) of the same Act also states that *‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’*.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#). “

- 8.5 **Urban Design** comments: “The scheme design generally successfully provides new housing in a way which complements the sensitive rural setting, will help instil a sense of community and appears incrementally derived using an accurately applied range of bespoke vernacular house types.

Such an exceptional approach to design has the potential to positively contribute to the setting. Nevertheless, there is still opportunity for further refinement which should be taken given the sensitivities of the scheme.” Small scale revisions were suggested to the detailed scheme as submitted. Agreement has since been achieved in relation to the majority of these issues.

- 8.6 **Dedham Vale and Stour Valley Project** comment as follows:

“The existing glasshouses rest on land outside, but adjacent to the nationally designated AONB. The land is within the setting and is related in landscape character and visual terms to the AONB itself. Whilst the land in question is not designated per se, it is so closely related, that full consideration must be given to whether there is potential for the development to have an adverse impact on the AONB.

There are of course a number of policy considerations which have already been highlighted in the application documents and by other consultees which will need to be tested in order to ensure that the principle of development at this location is appropriate. In particular, the site does not represent the obvious location for residential development in terms of its lack of connectivity with nearby settlements and associated facilities. Local policies relating to the AONB should also be applicable in the determination of this application, including those detailed in the AONB Management Plan. The attached AONB Partnership Position Statement relating to development within the setting of the AONB is of particular relevance.

Specific attention is drawn to the question of whether the development contributes to the character and special qualities of the AONB. The potential landscape enhancement as a result of the removal of the glasshouses, hybrid poplar shelter belts etc. at the site is not disputed. However, the introduction of a residential development of this scale does represent a significant development which will have a visual impact on the AONB which cannot be fully mitigated – i.e. a permanent change in landscape character and pattern of settlement will result from the development.

As detailed in the Landscape and Visual Impact Assessment, viewpoints 4,5,6,7 along with the images of proposed development do emphasise the need for a robust landscaping plan. The successful establishment of this planting is essential to achieve the desired effect to reduce visual impact from the AONB.

Should the local planning authority be minded to approve the application, appropriate conditions to secure the landscaping, such as an extended period of maintenance and management would be required.

Viewpoint 1 – although off-site, hedgerow planting alongside the A134 to mitigate the impact from this viewpoint should be considered.

To offset the visual impact and change in landscape character, we consider that measures, such as the covenants and s. 106 agreement are secured to protect the surrounding land from future development. The area detailed as 'Horse Paddocks' should not be subject to any permitted development rights and strict controls to ensure that structures, lighting etc. are not permitted. Similarly, the land in between the church and the development, and the cricket field is very important to the setting of the Grade II* listed church and should be safeguarded from any future development.

It is noted that there are several areas of amenity land within the site, including the uncultivated buffer zone either side of the footpath running south west from the site. These elements, which seek to improve landscape and biodiversity will need to be managed appropriately in the future. A mechanism to detail and secure this management into the future are required.

Attention is drawn to the need to control exterior lighting within the development. Measures to prevent the introduction of inappropriate lighting are recommended. It is noted that no street lighting is proposed, however, this comment relates to lighting within the domestic curtilage of each property. Similarly, controls relating to boundary treatment for each curtilage are required to prevent the introduction (at a later date) of structures, materials, planting etc. which would be inappropriate in this setting.

Policy DP 22, in particular – “the development should seek to support the wider environmental, social and economic objectives as set out in the Dedham Vale AONB & Stour Valley Management Plan.”. It is noted that great effort has been made to engage with the local community and to consider the local distinctiveness of the built development and landscape. The measures, such as removal of non-native Poplar and planting of native hedgerows, establishing meadows etc. are predominantly proposed within the ‘red’ line of the built development. There are opportunities to extend this beyond the ‘red line’ and to contribute to supporting the wider environmental, social and economic objectives, such as:

- Improving ecological connectivity across intensively farmed arable land
- Improving connectivity in the local public rights of way network and in particular ensuring that a local circular walk is available for residents of the development to reduce the need to travel by car to walk for recreation elsewhere
- Securing measures on within land in the ownership of the applicant to enhance landscape character and biodiversity. We would be happy to provide further detailed advice on site specific and appropriate measures which would support the conservation and enhancement of the AONB.

Please note that these comments represent officer views and recommendations.”

Comments on Draft Heads of Terms – Landscape and Ecology Enhancement

The principle of enhancing the land surrounding the proposed development site is something we see as extremely important in the context of the proposed development and fundamental to achieving the primary purpose of conserving and enhancing the natural beauty and special qualities of the AONB.

The draft Heads of Terms for the ecology, landscape and access enhancements is broadly in line with our recommendations, however it fails to go far enough to define and quantify the actual benefits to be delivered and how this will be achieved over a defined period of time. The submitted plan refers to broad themes such as ‘identified area for landscape enhancement’ or ‘protect and enhance ecology’ to which we are supportive, however, for the purposes of the Management Plan, much more detail is needed so that all parties are clear on what activity is proposed.

It would be useful if all elements as detailed in Appendix 1 and 2 were identified on a detailed proposal plan, or explained in further detail as this is not consistent in the information submitted.

I have some detailed comments on specific elements of document:

Aquatic Habitat – There are no management suggestions for the existing aquatic habitats. We would advise that there is an undertaking to survey as required and provide a management proposal which details the features of each of the existing ponds, with recommendations for any intervention to improve their biodiversity potential. A series of ponds at different stages of succession may be achievable for maximum biodiversity benefit. An up to date ecological report for baseline purposes would be required for the production of the Management Plan.

Other opportunities to enhance the aquatic habitats were considered at our site meeting in July, but these have not been included in the plan (although brief reference is made to them on Appendix A B4). There are opportunities, particularly in naturally low lying areas which we would expect to be incorporated in an overall plan for the enhancement of the site. The area we consider to have natural potential in terms of proximity to existing water bodies is located in a low-lying area of the field and is highlighted on the attached plan.

River Stour Restoration. The parcel of land located to the south bank of the River Stour has not been included in the document or proposal plans (although is briefly noted in Appendix 1 B3). The Dedham Vale AONB and Stour Valley Project are actively working on a river restoration proposal on the north bank and will be approaching the landowner to the south (the applicant) in any case. This seems the ideal opportunity to collaborate on the delivery of a high profile and highly beneficial project. Our detailed suggestions have been shared with the applicant and we are disappointed to see that they do not feature in the document. In terms of delivering multiple biodiversity benefits, the river restoration project rates highly. If required, we may be able to provide an estimated cost for this project.

Hedgerows are noted to be limited in their connectivity and conservation value in the document. A simple walkover survey to note the lengths of new hedgerow being proposed and identification of any gaps that can be filled is required. Ideally this would be presented on a plan to be included in the Management Plan. This would be accompanied by a specification for the works, agreeable to the LPA.

My initial advice was to plant a new hedgerow to define the public footpath which runs in a south-westerly direction from the site. Following a site visit and much deliberation about the appropriateness or otherwise of this suggestion, I have sought advice from Jess Tipper to check on the historic mapping. He confirms that there is evidence of field boundaries here. As such, restoration of this field boundary would be appropriate - a hedgerow crossing the full extent of the arable field would offer the ecological connectivity that we are seeking to achieve and would define the public footpath effectively whilst also fitting in appropriately with the landscape character of the area.

In addition, the boundary adjacent to London Road, following south westwards, then southwards from the development site would benefit from the removal of cricket bat willow and replacement with native hedgerow with hedgerow trees, consistent to the landscape character of the AONB. This is partially covered in Appendix A, A4.

The extensive information included in the document regarding maintenance of hedgerows should be accompanied by a detailed plan and schedule of works in the Management Plan.

Lowland Neutral Grasslands

It is not explicitly clear where the grasslands are to be established. I understand that Areas A and B are to be managed as grassland, and presumably also the buffer strips proposed around the field boundaries although this is not explicit in the proposal document and needs to be clarified for the purposes of the Management Plan.

Arable land

There is no explanation of what measures are proposed on the remaining arable land. The future use of the land should be defined clearly in the Management Plan. Appendix 1 B1 refers to the enhancement of agricultural land through reduced intensity of agricultural production. How this will be achieved requires further definition.

Public rights of way

A proposed route has been included close to the southern tip of the arable land and labelled as new proposed PRoW link creating a sustainable and safe pedestrian access to footway and bus stop. From a PRoW network perspective, there is already a network in place which achieves this particular link, and it also runs through the area that we have previously identified as suitable for pond creation. I would advise that part of this particular link (marked as A-B on the attached plan) is removed from the proposal plan, leaving B – C in place to connect to the already proposed footway link to the bus stop.

Additional routes around the periphery of the development should be labelled so that each can be considered separately. The principle of creation of a connected network is supported, further detail on how this would be achieved within or in addition to the field margins is required along with a principle for how these will be maintained in the future.

Principles of a Management Plan

We consider that the proposed principles for the enhancement of the surrounding AONB landscape can be delivered through a Management Plan, under the terms of a section 106 agreement which could be agreed following determination of the planning application. We consider that this method of securing the wider public and environmental benefits is essential to ensure that all parties are clear on what benefits are to be delivered, how these will be achieved and within what timeframe. On production of the Management Plan, the Dedham Vale AONB & Stour Valley Partnership will consider it for formal endorsement.

8.7 Contaminated Land, Environmental Protection comment:

“Re: Brown 2 Green Associated Ltd, Updated Phase 1 Geo-environmental Desk Study Report, Ref. 1634/rpt 1v1, May 2016

Thank you for supplying me with a copy of the above. I note that this report provides an up-to-date re-assessment of the site, including initial conceptual model and potential contamination risks for the proposed residential use. This report is acceptable for Environmental Protection purposes and has identified some potential pollutant linkages requiring further investigation, possible remediation and validation, following the removal of the fuel storage tanks.

From the photographs, it would appear that there may be asbestos containing material within existing buildings: whilst not strictly with my remit to comment on, the applicant should be advised that where asbestos containing material is suspected, we will expect there to be appropriate surveys undertaken and any relevant material to be suitably removed and disposed of, prior to the main demolition of structures, and reporting of these matters should be provided to Colchester Borough Council.

However, based on the information provided, it would appear that the site could be made suitable for the proposed new use, with contamination matters addressed by way of condition. Consequently, should permission be granted for this application, Environmental Protection would recommend inclusion of the following conditions:” The suggested conditions have been incorporated into the recommended decision.

8.8 Historic England comment:

“The applicants sought advice from us in the development of these proposals.

Historic England Advice

Historic England’s interest in this proposal arises from the relationship between the site and All Saints’ Church. The church is of Norman origin, and was enlarged and remodelled in the 14th and 15th centuries, before being restored by Chancellor in 1882. It stands in an isolated position, but for the presence of the former nursery and a few nearby houses, one a fine stuccoed house, the Chantry, in the manner of Soane. The church is listed at grade II* on account of its special architectural and historic interest; the Chantry is listed at grade II.

The nursery site is derelict, and the applicants seek to use it to build twenty-two dwellings. Their proposals would create a modest settlement evoking through its planning and design the historic settlements characteristic of the area. The informal layout of the proposed development, the variety of sizes of house and of designs, and the relationship between the settlement and its surroundings are the product of close consideration of local precedents.

Historic England consider the proposed development to have been conceived in a manner consistent with the policies of the National Planning Policy Framework. The proposals hold out the promise of meeting the Framework’s objective of providing social, economic and environmental benefits simultaneously (NPPF, 8). Although the development of a small settlement on this site would change the historic setting of the church we believe the sympathetic character of the proposals would ensure that they would not harm its setting or its significance (NPPF, 132).

There are points which might be debated - for example, could the network of roads be more permeable; is the construction of a “converted barn” desirable? The general approach, however, is appropriate, and the designs are thoughtfully conceived. It would be vital to control the detail of materials and craftsmanship if the character illustrated by the application drawings is to be secured in the construction of the development.”

8.9 Archaeological Advisor comments:

“The proposed development is located within an area of archaeological interest recorded in the Colchester UAD. The landscape context of the site, above the Stour Valley, and between two minor tributaries of the River Stour, is topographically favorable for early occupation – particularly later prehistoric and Roman occupation. There are a large number of cropmarks, indicative of archaeological features, to the south-east of the application site. There is also the cropmark of a ring ditch just to the southwest of the application site, possibly the remains of a ploughed-out Bronze Age barrow. It is, therefore, quite possible that there are archaeological remains within the application site.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.”

An archaeological condition is recommended and this has been incorporated into the recommendation/draft decision.”

8.10 Landscape Planner recommends minor changes to means of enclosure around some of the proposed house plots and, subject to these detailed amendments the use of landscaping conditions. Regarding the strategic landscape content/aspect of the wider public benefit proposals lodged on 19-08-16 the extension of the hedgerow on the south side of London Road is recommended.

8.11 Arboricultural Officer: Has considered the Arboricultural Impact Assessment and confirms that he is satisfied with the proposals.

8.12 Highway Authority ECC comment:

“This Authority has assessed the highway and transportation impact of the proposal and having regard to the fact that the site could through staff, customers, deliveries, and servicing, already generate a high level of vehicular traffic, does not wish to raise an objection.

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.”

A series of conditions are recommended that are incorporated into the draft decision notice.”

9.0 Parish Council Responses

- 9.1 **Great Horkesley Parish Council** supports the proposal but raises concerns about asbestos in the greenhouses and requests a covenant be imposed to prevent further development across the whole site in the future.
- 9.2 **Little Horkesley Parish Council** expresses conditional support and acknowledges that the proposals represent a considerable improvement yet raise some fundamental concerns:
- Residential development is contrary to policy whereas a single exemplar house would comply with national policy;
 - Development area must be tightly controlled and any development on the Church Field prevented by covenant;
 - Architectural narrative could extend to include contemporary forms other than vernacular;
 - Range of dwellings restricted to large houses at odds with typical hamlet/village and floor areas are not stated;
 - Dwelling designs attractive with varied streetscene;
 - Scant reference is made to sustainability with almost all journeys being by car;
 - Increase in traffic movements inevitable and passing places on London Road is desirable;
 - Setting of grade I listed church must be protected.
- 9.3 **Nayland with Wissington Parish Council** does not object in principle subject to covenants to prevent further development and encroachment into AONB. The following points are raised:
- Better solution to future of site than continued decay;
 - Conditions required regarding drainage and site run-off;
 - Condition required regarding contaminated land and to mitigate biodiversity impacts.

10.0 Representations

- 10.1 Twenty-six letters of objection and eight letters in support have been received from residents together with a further three neutral representations. The following objections were raised:
- Land is not redundant for horticulture/agriculture;
 - Site is poorly served by amenities with inadequate infrastructure;
 - Poorly served by sustainable modes of transport;
 - Loss of agricultural land;
 - Harm to Area of Outstanding Natural Beauty (AONB);
 - Land is protected by restrictive covenant;
 - London Road is unsuitable for increased traffic;
 - Contrary to Local Plan DP13, DP22, DP24 and NPPF para.115/116;
 - Not brownfield land;
 - Undesirable precedent;
 - Potential archaeological impact;

- Site should revert to agricultural land use;
- Over-development;
- Inadequate road network;
- Adverse impact on landscape views;
- Harmful to setting listed buildings (grade I church and The Chantry grade II);
- Excessive height of proposals compared to glasshouses;
- Loss of existing screening from Poplar trees and need for screen planting;
- Guarantees required for future development of site;
- Not allocated for development in local plan;
- Potential for noise and light pollution;
- A134 and London Road are dangerous and speed needs to be restricted to 30mph and controlled by cameras funded by s.106;
- Affordable homes are grouped and not pepper-potted;
- Tree planting must be protected by s.106 agreement;
- Unsustainable location dependent private car trips;
- Insufficient affordable houses;
- Affordable homes are unsuited to first time buyers
- Inadequate parking;
- Lack of justification;
- Footpath required into village
- Two storey houses are intrusive;
- Transport Report Flawed; rural enterprises would be better for rural economy than homes.

10.2 The following 'neutral' comments were received from three individuals:

- Restrictive covenants on remainder of site essential to ensure that future development is strictly controlled;
- Concerns over access traffic and use of London Road for construction;
- View of church from main road required;
- Covenant required to prevent objections to church and bell ringing from new residents;
- Restrictive covenant needs to be effective and suggest National Trust holds covenant for public benefit.

10.3 The following supportive comments were received from eight individuals:

- Potentially enhance local community;
- Something more acceptable is proposed on contentious site;
- Preferable to dilapidated glasshouses;
- Development in scale with surroundings;
- Development will look like a normal part of local landscape
- Sympathetic approach;
- Support especially affordable housing element.

10.4 **The Dedham Vale Society** objects to the proposals and raises the following points:

- Existing site is an eyesore;
- Asbestos in buildings poses a health hazard;
- Scheme presents a well-designed mix and design reflects architectural style;
- Questionable brownfield status;
- Loss of agricultural land;
- Site not designated for development in local plan and should be pursued via emerging plan;
- Effect on setting grade I listed church and The Chantry (grade II);
- Infringement of countryside.

10.5 **Colne Stour Countryside Association** objects to the proposed development. The following points are raised:

- Agricultural land not brownfield
- Scheme too intensive;
- Unsustainable location and car dependant;
- Covenants need to cover adjacent land in AONB
- Precedent;
- S.106 clauses need to be acceptable to Dedham Vale and Stour Valley (DVSV) Project;
- Too many houses and insufficient affordable houses;
- Applicants should be required to make significant contribution to DVSV Project.

10.6 **Stour Valley Action Group (SVAG)** Reserves Judgement upon the development.

The following points are raised:

- Scheme has design merit;
- Planning history of site is irrelevant;
- -Major departure from local and national planning policy;
- -Scheme is of high quality and well considered;
- -Proposed development lacks justification;
- Why are 22 units required to remove harm to the landscape?
- removing unsightly buildings will have significant costs but no information is provided to demonstrate whether costs/revenue are balanced or whether costs are exceeded;
- Financial viability evidence required;
- Local Plan policies ENV1 & DP22 give specific protection for Dedham Vale AONB;
- Unsustainable residential development with adverse impact on AONB;
- Affordable homes are not pepper-potted across development;
- Development car dependant and poorly served by sustainable modes of transport;
- SVAG acknowledges that the developers have consulted widely with the local community and interest groups;
- Restrictive covenants/s.106 required to control development across whole site;
- Careful design of houses and provision of new facilities for Church of All Saints laudable;
- In the event that the Council is minded to grant planning permission SVAG requests that stringent conditions and s.106 clauses are imposed to cover the whole site in order to control future development.

10.7 **Nayland with Wissington Conservation Society** objects to the scheme and raises the following points:

- Land is in agricultural use and proposals are a departure from adopted plan policies;
- Unsustainable location poorly served by sustainable transport modes contrary to policy TA1;
- Contrary to policy H3 that requires a range of house types including elderly and special needs;
- Adverse impact on AONB contrary to policies ENV1 & DP22;
- Removal of glasshouses does not represent a significant landscape enhancement/benefit nor will it conserve or enhance AONB as required by section 85(1) of the CROW Act;
- Proposals are contrary to local plan policies H1, H3, H4, TA1, ENV1, DP13 & DP22;
- Application does not explain how long term management plan delivered and enforced;
- Provision of new church facilities welcomed;
- Marginal benefit to biodiversity;
- S.106 agreement required to (a) Prevent use of land except for agricultural purposes with recreational use on the cricket field (b) strict compliance with submitted plans/elevations (c) Implementation and maintenance of landscape scheme.

10.8 **Colchester Cycle Campaign** (Will Bramhill) requests provision of cycling connectivity to connect lanes to the north and south of Stour valley by s.106 funding; including feasibility of inclusion in national Hovis byway, possibly through EU funding.

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

11.0 Parking Provision

11.1 The proposed parking provision accords with Development Policy DP19 and is in conformity with EPOA Vehicle Parking Standards 2009.

12.0 Open Space Provisions

12.1 The proposals satisfy the adopted standards set out in Development Policy DP16 in terms of private amenity space and public open space with generous plots and a large area of meadow to the south of the Church of All Saints to the immediate north of the development.

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered at the meeting of 19 May 2015 that Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The Obligations that would be agreed as part of any planning permission would be:

- £150k to address the outstanding repair issues identified in the quinquennial condition report for the Church of All Saints, Great Horkesley together with the provision of electricity/drainage to the church boundary;
- Transfer of parking area to immediate south of The Chantry to provide church of All Saints with parking to facilitate viable use of the church;
- ECC Highways request transport packs be provided for all new residents together with improvements to the bus shelter on the A134 to the south of the site. It was not accepted that improvements to London Road were appropriate as this would lead to increased speeds;
- Archaeology a contribution of £2200 towards maintenance of the HBSMR;
- Education: ECC seek a contribution of £16,872 towards Secondary education transport costs;
- Affordable housing: Four units of housing in compliance with adopted standard (20%) with cascade letting policy giving preference to local residents or those with a demonstrable link to the local area.

15.0 Report

15.1 The report considers the following issues:

- Planning Status of the Site: Greenfield/Brownfield
- Conformity with national and local plan policy
- Impact on AONB
- Impact on setting of listed buildings in site
- Design and Layout
- Scale, Height and Massing
- Impact on the Surrounding Area and Neighbouring Properties
- Highway Issues
- Package of public benefits
- Prevention of speculative development on remainder of holding in the future

15.2 Planning Status of the Site

Many representations raised this issue and it underpins the case for the proposal. The recent recovered appeal ref: 120965 that was dismissed by the Secretary of State in 2014 (following a public inquiry), addressed this issue by acknowledging that as former horticultural land it was not technically brownfield but commented further that this was not to say that the site should be treated as greenfield as the built form rendered this classification too simplistic:

Paragraph 284. “As land occupied by agricultural buildings, the nursery does not fall within the definition of previously developed land. It is agricultural land but, since it has been built on, I do not accept the Council’s argument that it should be treated as greenfield land. “

15.3 The council sought a legal opinion on this matter to clarify the position from senior counsel. The advice received is that there is indeed a simple dichotomy in terms of the NPPF and agricultural buildings/uses are explicitly excluded in the glossary to the NPPF from the category of brownfield land (or previously developed land – PDL). However, conversely whilst technically objectors are correct to assert that the site is not PDL this in itself does not prevent development that meets other national and local plan objectives. In officers opinion, it is this fact that the Inspector is alluding to in his statement namely that this simplistic test does not ‘trump’ all other material planning considerations and that the national and local policy framework must be read as a whole and individual policy objectives weighed up against the merits of the proposals.

15.4 **Conformity of the proposals with national and local planning policy**

A statutory duty exists to determine applications in accordance with the provisions of the development plan unless material considerations indicate otherwise (s.38 (6) of the Planning and Compulsory Purchase Act / s.70 (1) of the Town & Country Planning Act 2010). The policy framework must be considered as a whole and not in isolation as there will always be policies that support/conflict with any proposal. These policies must be weighed in accordance with the relative importance of the relevant issues.

In this case, the site is located in a countryside location that is poorly served by amenities and sustainable modes of transport. Nevertheless, the site adjoins the AONB and its condition detracts from its intrinsic qualities and from the setting of the adjacent grade I listed church. These are both statutory considerations that warrant particular consideration. The present state of the site and its visual impact on the character of the countryside is addressed by the Inspector in the 2014 appeal decision:

Paragraph 283 “...the existing industrial scale agricultural buildings are something of an eyesore.....In closer views from the public footpaths in the AONB, and in wider views outside it, the full extent of the somewhat utilitarian structures is evident. I consider that, notwithstanding their agricultural use, the group of existing buildings on the nursery site currently has a harmful visual impact on the character of the rural surroundings.”

15.5 Many of the representations received also acknowledge that the existing built form associated with the glass houses and associated boiler house and flue together with the areas of tipped material to the north (that together extend to approximately three hectares) constitute an eyesore that materially detracts from the rural landscape (and by association from the setting of the adjacent grade I church and grade II house known as The Chantry). Whilst the site is not itself within the AONB designation, it is immediately adjacent to it and materially impacts upon it and this view is shared by many objectors and the Dedham Vale and Stour Valley Project Officers (DVSVP) in their response. This harm and the potential for enhancement forms the basis of the case in support of the proposals. Some objectors have suggested that if refused, the site will return to agricultural use but in the opinion of officers, this would not deliver enhancement as it is unlikely that any owner would unilaterally agree to remove built form without incentives.

15.6 The application site is within a rural location where new homes would not normally be permitted otherwise than as an exception to adopted local plan policy. The NPPF (Para 55 at 7.6 above) seeks to direct new housing to sustainable locations in existing settlements except where material enhancements can be delivered:

“Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should: – be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; – reflect the highest standards in architecture; – significantly enhance its immediate setting; and – be sensitive to the defining characteristics of the local area.”

15.7 This is an approach also reflected in relevant local plan policies that seek to restrict development in the open countryside and outside development boundaries (Local Plan Core Strategy policies SD1, H1). However whilst there is a policy presumption against development in such rural locations there are exceptions where a significant enhancement can be delivered (policies ENV1 and DP22). Policy DP22: Dedham Vale Area of Outstanding Natural Beauty sets out three criterion against which proposals should be assessed:

“Development will only be supported in or near to the Dedham Vale Area of Outstanding Natural Beauty (AONB) that:

- (i) Makes a positive contribution to the special 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 vehicular movement; and;
- (iii) Supports the wider environmental, social and economic objectives as set out in the Dedham Vale AONB and Stour Valley Management Plan....”

15.8 Enhancement of environmental quality lies at the heart of sustainable development. Paragraph 9 of the NPPF states:

“Paragraph 9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to): • making it easier for jobs to be created in cities, towns and villages; • moving from a net loss of bio-diversity to achieving net gains for nature;⁶ • replacing poor design with better design; • improving the conditions in which people live, work, travel and take leisure; and • widening the choice of high quality homes.”

15.9 The site immediately adjoins the AONB and is clearly contextual to it and both the existing and proposed development has the potential to impact materially upon its intrinsic qualities. This point is made by many objectors and the DVSVP in their representations. The NPPF and allied NPPG confirms the statutory position with regard to AONB's namely that:

"Planning permission should be refused for major development in a National Park, the Broads or an Area of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated to be in the public interest. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The Framework is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable." NPPG Paragraph: 005 Reference ID: 8-005-20140306.

15.10 It is a moot point whether the proposed development constitutes major development. It is outside the AONB designation but clearly has potential impacts upon it. These are considered to be potentially significantly positive. The application site is at present almost entirely developed and the proposal would replace the existing blanket of alien and incongruous built form by a more diffuse pattern of development of vernacular scale interspersed with significant landscaped areas in between. The proposals represent a significant enhancement in the opinion of officers and this is acknowledged by the parish council responses. The DVSVP also acknowledge the potential for enhancement associated with removal of the existing structures:

"The potential landscape enhancement as a result of the removal of the glasshouses, hybrid poplar shelter belts etc. at the site is not disputed. However, the introduction of a residential development of this scale does represent a significant development which will have a visual impact on the AONB which cannot be fully mitigated – i.e. a permanent change in landscape character and pattern of settlement will result from the development."

15.11 They also do acknowledge that the associated package of enhancements associated with the remainder of the holding (land edged in blue) accord with the aims of the AONB designation.

"The principle of enhancing the land surrounding the proposed development site is something we see as extremely important in the context of the proposed development and fundamental to achieving the primary purpose of conserving and enhancing the natural beauty and special qualities of the AONB." DVSVP response.

Impact on the AONB

15.12 In the opinion of officers, there would be a significant and enduring public benefit to the qualities of the AONB gained from the removal of the existing unsightly buildings and their replacement by a considered and well-designed small group of houses of vernacular design. In addition a further package of public benefits has been proposed by the applicants that would enhance the remainder of the holding. These benefits include the undergrounding of overhead wirescape on London Road and are explained in greater depth at paragraphs 15.20-23 below) It is considered that such enhancement

is in conformity with national policies (especially paragraphs 115-116 of the NPPF) and local planning policies (ENV1, DP22) together with the DVSV AONB Management Plan. These public benefits are considered to outweigh the unsustainability of the location and inevitable dependence on the private car. The DVSV Management Plan is a material planning consideration and acknowledges that the enhancement of the area and its setting is a key policy objective whilst the vernacular heritage of the area is intrinsic to its special qualities. (Set out at Paragraph 7.7 above). The key management plan objectives are considered to be met by the scheme, namely:

“3.1.5 Management Plan Policies:

- Support development that contributes to the appropriate economic development and contributes to the conservation and enhancement of the AONB and Stour Valley.
- Protect the area, including its setting, from developments that detract from its natural beauty and special qualities, including its relative tranquillity.”

15.13 A statutory duty exists (s.85(1) of the CROW Act 2000) to “have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”. In this case the proposed development is considered to meet this strategic aim and is supported by relevant provisions of the Framework and adopted Local plan. The quantum of development necessary to deliver this enhancement has been questioned by SVAG, possibly based around the methodology proposed by English Heritage in relation to enabling development and heritage assets. In this case, the public benefits being primarily visual are difficult to ascribe a monetary value that can be reflected in a viability appraisal and have therefore been assessed on a qualitative as opposed to a quantitative basis. The quantum of development was increased through pre-application discussions with Historic England who sought to promote a convincing surrogate village of an appropriate scale to reflect the form of existing small historic settlements in the Stour Valley and based on submitted evidence of settlement characterisation. This issue is considered further below

Impact on the setting of listed buildings within the site

15.14 The existing buildings within the site adversely impact on the setting of the Grade I listed Church of All Saints and to a lesser extent on the setting of The Chantry (grade II). The grade I listed Church is by definition of national importance and its setting is afforded special regard in the planning process. (S.66(1) of the PI (Listed Buildings & Conservation Areas) Act 1990.) Both the Framework (paragraphs 129-140) and local plan (policies ENV1, DP14) lend support to proposals that deliver enhancement of heritage assets. In this case, Historic England have concluded that the proposals accord with the objectives of the Framework:

“The nursery site is derelict, and the applicants seek to use it to build twenty-two dwellings. Their proposals would create a modest settlement evoking through its planning and design the historic settlements characteristic of the area. The informal layout of the proposed development, the variety of sizes of house and of designs, and the relationship between the settlement and its surroundings are the product of close consideration of local precedents.

Historic England consider the proposed development to have been conceived in a manner consistent with the policies of the National Planning Policy Framework. The proposals hold out the promise of meeting the Framework’s objective of providing social, economic and environmental benefits simultaneously (NPPF, 8). Although the

development of a small settlement on this site would change the historic setting of the church we believe the sympathetic character of the proposals would ensure that they would not harm its setting or its significance (NPPF, 132).”

- 15.15 In conclusion, the proposals are considered to accord with the statutory tests and would result in a material enhancement to the wider setting of these listed buildings by removing discordant features and replacing them with a markedly more sympathetic form of development that Historic England confirms to be in accordance with the NPPF’s objectives.

Design and Layout

- 15.16 The detailed design of the proposed units has been based on historic precedents of existing buildings in the Stour Valley and Dedham area. The proposals seek to create an authentic albeit synthetic, hamlet of authentic character and form. The development comprises three distinctive character areas, comprising: street farmstead, village street and church green. Each area employs the use of bespoke house types and varying densities and compositions to create attractive streetscenes redolent of the AONB. All of the proposals meet the relevant adopted policy standards for parking, amenity space and overlooking. The design proposals are considered to be of an exceptionally high standard of vernacular design that is based on local architectural traditions. The proposals are in conformity with adopted Development Plan policies DP1, DP12, DP16 and DP22.

Scale, Height and Massing

- 15.17 The proposals comprise a diverse mixture of building types including barnsteads and houses of varying scale from modest cottages to higher status ‘polite’ houses. These would together create an attractive composition and lively roofscape enlivened by prominent chimneys. The traditional forms have received commendation from the Dedham Vale Society and Stour Valley Action Group (despite their other detailed objections). It is considered that the proposed massing is considered and appropriate to this elevated rural location abutting the AONB and that the detailed scheme accords with the design aspirations of the DVS Management Plan.

Impact on the Surrounding Area and Neighbouring Properties

- 15.18 The landscape and visual impact of the scheme has been subject to a Landscape and Visual Impact Assessment (WollertonDodwell) and this has been reviewed by the Council’s Landscape Architect and the DVSVP Officer. Whilst the proposals will result in an intentional change in character as the agri-industrial character of the existing buildings is replaced by a hamlet; these changes are considered to be positive and whilst the replacement built forms will be visible to varying degrees, their vernacular character is considered to be consistent with the special qualities of the AONB namely “historic villages with timber framed housing and prominent churches”. The new development is considered to relate positively to the existing houses that adjoin the application site in terms of scale, separation, privacy and overlooking. The removal of the existing commercial structures should deliver an enhancement for the amenities enjoyed by these existing homes. Concerns have been raised around impact on residents arising from the use of London Road for construction traffic and the general noise/disturbance associated with the demolition and construction phases. It is considered that these are issues that can be appropriately addressed through a

construction method statement condition and this condition is included in the suggested draft decision. In conclusion, the impact on both the surrounding area and neighbouring properties is considered to be positive.

Highway Issues

- 15.19 The site is located adjoining the A134 and London Roads. Many objections were received to the development on the basis that the A134 is a busy road and London Road has substandard width in places. Objectors have suggested that these roads are unsuited to serving the proposed development and that significant improvements should be sought; including widening of London Road and speed cameras/speed restrictions imposed on the A134. These issues were considered by the Highway Authority who concluded that improvements to London Road would be counterproductive, potentially resulting in increased speeds and dangers to road users. A footpath is proposed on the south side of London Road providing pedestrian access to the bus stop on the A134 with developer contributions sought to upgrade this bus shelter by ECC Highways. A condition is proposed relating to visibility at the site access (inter-alia) to improve safety. In terms of the A134, it is not considered that the vehicular movements generated by 22 homes could alone justify the imposition of a speed limit nor traffic calming measures as this would be disproportionate and inconsistent with the CIL Regulations governing s.106 contributions.
- 15.20 Paragraph 32 of the Framework confirms that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” Whilst the development is poorly served by sustainable modes of transport and will inevitably generate trips dominated by use of the private car, this is often the case where development is proposed in rural village locations and ECC have requested that the developers provide travel packs for residents and upgrading of the bus shelter on the A134 to encourage modal shift. In addition, a financial contribution of £16,872 has been sought through Development Team by ECC Education towards Secondary education transport costs. The submitted traffic assessment and accessibility report has received criticism from third parties who have suggested that it is unrealistic. Whilst this may be the case, the levels of traffic generation are relatively modest from a development of this scale and the modal split predictably car dominated in a rural location with limited public transport. Whilst the site is now disused, the former use for tomato production would have generated potentially significant levels of vehicular movements.

Package of public benefits: Affordable Homes, Landscape and Biodiversity Enhancement

- 15.21 The developer has agreed to provide 4 units of affordable housing in the form of two bedroomed, single storey units in a courtyard ‘model farm’ courtyard arrangement. This reflects the advice of the Affordable Housing Officer and accords with adopted Core Strategy policy H4 equating to 20% of the units. The provision of affordable homes in this rural part of the Borough is considered a significant public benefit in an area of extremely low affordability. A local letting policy is considered appropriate to prioritise families with local link to the village, or surrounding parishes cascading to the wider Borough housing waiting list.
- 15.22 The application is supported by illustrative landscaping proposals (WollertonDodwell) relating to the application site and is supported by an Ecological Assessment. The report

demonstrates that whilst the application site is improvised generally, there is evidence for the use of some buildings as bat overnight roosts and for the use of bat corridors along the edges of the site (mainly hedgerows). With the exception of intensive arable fields, the remainder of the site is much more diverse; particularly the deciduous woodland, grassland and wetland/aquatic habitats. Whilst there was no evidence of active badger setts within or adjacent to any part of the development site. A biodiversity mitigation strategy is required to be agreed and implemented prior to the commencement of development. It is considered that this mitigation strategy can reasonably form part of the wider enhancement scheme that is currently under negotiation (see below).

15.23 The applicants have indicated their willingness to deliver a package of wider enhancement including landscape, biodiversity and public access improvements relating to the wider holding (land outlined in blue). An initial scheme has been submitted and discussions have taken place with the DVS Project Officer who has been extremely supportive in actively negotiating a package of enhancements. The formulation of this detailed package has yet to be fully resolved and the following comments have been received from the DVS Project Officer:

“The draft Heads of Terms for the ecology, landscape and access enhancements is broadly in line with our recommendations, however it fails to go far enough to define and quantify the actual benefits to be delivered and how this will be achieved over a defined period of time. The submitted plan refers to broad themes such as ‘identified area for landscape enhancement’ or ‘protect and enhance ecology’ to which we are supportive, however, for the purposes of the Management Plan, much more detail is needed so that all parties are clear on what activity is proposed.”

15.24 A draft cost plan has been received for these works but officers are unsure as to how these costs have been arrived at given that some elements have yet to be quantified. The broad issues are illustrated on a plan reproduced as Appendix A to this report and the suggested enhancement scheme includes:

- Undergrounding of suggested wirescape on London Road and along driveway to Church from the A134;
- Increased field edge planting to create copse to SW boundary of application site;
- View point enhancements to view from west of church;
- Removal of Leylandii conifers and Poplar belt to west of Broad Acres (house sited SW of Church);
- Various landscape enhancements together with measures for the protection and enhancement of biodiversity;
- Improvements to footpaths and new public rights of way to improve connectivity.

15.25 Whilst there is agreement regarding the broad heads of terms of these wider enhancements to the landscape, biodiversity and footpath connectivity and the DVSV Project Officer is supportive in principle, there remains further detail to be provided and resolution of the quantum of these elements that will be delivered together with a delivery strategy (timescales and responsibilities). In addition, a biodiversity mitigation strategy is required to address the potential impacts identified in the Ecology report submitted with the application e.g. direct and indirect impact on bats using the site. Members will note that the recommendation is to seek resolution of the outstanding issues identified and delegate approval of the application to the Head of Commercial Services subject to completion of a s.106 agreement. This approach will allow officers supported by the Council's biodiversity advisors and the DVSV Project Officers to agree the detailed form of this agreement that would form part of the s.106 agreement once agreement has been received from the Committee with regard to the principle of the proposed residential development. This approach would avoid potential abortive and costly work by the applicants in the event that members do not support the recommendation to approve subject to resolution of outstanding issues and completion of a s.106 agreement as set out in the recommendation.

Prevention of speculative development on wider holding in the future

15.26 Many of the consultees highlight concerns that the current application could be a precursor to future development proposals on the remainder of the site. Officers acknowledge that these anxieties are understandable given the controversial site history and the exceptional nature of the current scheme as a departure from the local plan. A private covenant has been advanced by the developers to give the neighbouring properties an enforceable covenant restricting future use of the remainder of the land holding (the land outlined in blue in the applicants ownership) to agriculture only. The Councils' legal advisors have raised concerns that this would not provide enforceability by the Council and that such clauses may fail in the future. The applicants have cooperated on this issue and have agreed to grant the Council an Options agreement that would allow the Council to buy land at agricultural value and thereby preclude such potential for predatory development proposals. The detailed form of wording has yet to be agreed but Officers are advised that this is a straightforward matter. A s.106 agreement cannot be used for this purpose as landowners have a statutory right to pursue development and this right cannot be lawfully removed by a s.106 agreement and hence the Options agreement suggested is considered the only robust means of addressing the legitimate concerns of local residents around potential future development. The remainder of the site will however remain outside any area allocated for development and there are no material considerations apparent that would currently justify development.

16.0 Conclusion

16.1 The proposed development represents an equitable means of securing significant visual enhancement of this disused former commercial horticultural nursery and would deliver significant public benefits to justify a departure from restrictive national and local planning policies relating to development in the open countryside and AONB in particular. There remain matters of detail that have yet to be resolved concerning the detailed wording of the suggested Options Agreement, package of landscape, biodiversity and public rights of way improvements and biodiversity mitigation strategy. Approval subject to prior resolution of these outstanding details and delegation to officers (supported by the advice of the Dedham Vale and Stour Valley Project Officer

and the Council's legal and biodiversity advisors) is recommended subject thereafter to completion of a s.106 agreement to secure the developer contributions (set out at 14.1 above) and agreed enhancement and biodiversity mitigation strategy for the wider site.

17.0 Recommendation

17.1 Approve subject to agreement being reached regarding :

- i) detailed enhancement and biodiversity mitigation strategy for wider site (15.23 above) and
- ii) Options Agreement (15.24 above) and once detailed wording has been agreed; thereafter:

17.2 APPROVE subject to the signing of:

- i) Options Agreement
- ii) A legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:
 - £150k to address the outstanding repair issues identified in the quinquennial condition report for the Church of All Saints, Great Horkesley together with the provision of electricity/drainage to the church boundary;
 - Transfer of parking area to immediate south of The Chantry to provide church of All Saints with parking to facilitate viable use of the church;
 - ECC Highways request transport packs be provided for all new residents together with improvements to the bus shelter on the A134 to the south of the site;
 - Archaeology a contribution of £2200 towards maintenance of the HBSMR;
 - Education: ECC seek a contribution of £16,872 towards Secondary education transport costs;
 - Affordable housing: Four units of housing in compliance with adopted standard (20%) with cascade letting policy giving preference to local residents or those with a demonstrable link to the local area;
 - Detailed enhancement strategy for the wider site (paragraphs 15.22-23 refers) and Biodiversity mitigation strategy.

17.3 On completion of the legal agreement, the Head of Commercial Services be authorised to grant planning permission subject to the following conditions:

18.0 Conditions

1 - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers); Architectural detail reference sheets 1119.D.0-17 (ADP); ADP Drawings: 1119.L.01 Site Location Plan; 1119.L.002 Existing Site Plan; 1119.L.003 Proposed Site Plan; Plot 1- Plans & Elevations 1119.L.010; Plot 2 Plans & Elevations 1119.L.011; Plot 3 Plans & Elevations 1119.L.012; Plots 4-7 Plans & Elevations 1119.L.013; Plot 8 Plans & Elevations 1119.L.014; Plot 9 Plans & Elevations 1119.L.015; Plots 10 & 11 Plans & Elevations 1119.L.016; Plots 12 & 13 Plans & Elevations 1119.L.017; Plot 14 Plans & Elevations 1119.L.018; Plots 15 & 16 Plans & Elevations 1119.L.019; Plot 17 Plans & Elevations 1119.L.020; Plot 18 Plans & Elevations 1119.L.021; Plot 19 Plans & Elevations 1119.L.022; Plot 20 Plans & Elevations 1119.L.023; Plot 21 Plans & Elevations 1119.L.024; Plot 22 Plans & Elevations 1119.L.025. Wollerton Dodwell Illustrative Landscape Proposals drawings ref: 781.201 & 781.202 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3 - Site Levels Plan

Prior to the commencement of development, detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, shall have been submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any difference in such interpretation could have an adverse impact of the surrounding area.

4 - Non-Standard Condition/Reason

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Run-off from the site restricted to a maximum of 24.5l/s for all events up to the 1 in 100 inclusive of climate change (40%) storm event.
- Infiltration testing across the site area, in accordance with BRE 365, to support the SuDS hierarchy.
- Control of all surface water run-off generated within the development for all events up to and including the 1 in 100 year event inclusive climate change (40%).
- An appropriate amount of treatment in line with the CIRIA SuDS Manual C753.
- Final detailed modelling of the whole drainage network on site.
- A drainage plan highlighting final conveyance and exceedance routes, location and sizing of storage features, discharge/infiltration rates and outfall/s from the site

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to

increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

5 - Non-Standard Condition/Reason

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented. The scheme shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

6 - Non-Standard Condition/Reason

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

7 -Non-Standard Condition/Reason

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

8 - Contaminated Land Part 1 of 4 (Site Characterisation)

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

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and the Essex Contaminated Land Consortium's "Land Affected by Contamination: Technical Guidance for Applicants and Developers".

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

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

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

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

10 - Contaminated Land Pt. 3 of 4 (Implementation of Approved Remediation)

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

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

11 - *Validation Certificate

Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 8.

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

12 - Non-Standard Condition/Reason

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works. The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Colchester Borough Council's Core Strategy (2008).

13 - *Full Landscape Proposals TBA

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);

- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

14 - Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

15 - Non-Standard Condition/Reason

Prior to occupation of the development, the new access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 33 metres to the north east and 2.4 metres by 33 metres to the south west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Note: The acceptability of interruption to vehicular visibility splays by trees, lamp-columns, telegraph poles etc. will be considered on a case by a case basis.

16 - Non-Standard Condition/Reason

Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

17 - Non-Standard Condition/Reason

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

18 - Non-Standard Condition/Reason

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- All single garages should have a minimum internal measurement of 7m x 3m.
- All double garages should have a minimum internal measurement of 7m x 6m.
- All tandem garages should have minimum internal measurements of 12m x 3m

19 - Non-Standard Condition/Reason

All garages shall be retained for the purposes of vehicle parking in perpetuity.

Reason: To encourage the use of garages for their intended purpose and to discourage onstreet parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

20 - Non-Standard Condition/Reason

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

21 - Non-Standard Condition/Reason

Prior to occupation the new section of footway, and the works to upgrade the bus stop on Nayland Road has been provided entirely at the Developer's expense. The works to the bus stop shall, if appropriate, include raised kerbs, shelter, and real time information boards.

Reason: To make adequate provision within the highway for the additional pedestrian or public transport traffic generated within the highway as a result of the proposed development

22 - Materials to be Agreed

Prior to the commencement of development, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction shall have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

23 - Surfacing Material to be Agreed

Prior to commencement of the development hereby approved full details of the surfacing materials to be used for all private, non-adoptable accessways, driveways, footpaths, courtyards, parking areas and forecourts shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: There is insufficient information within the submitted application to ensure that these details are satisfactory in relation to their context and where such detail are considered important to the character of the area.

24 - Refuse and Recycling Facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times. Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

25 - Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- access arrangements for construction phase;
- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

26 - Sample Panel

Prior to the commencement of any works a sample panel of all new facing brickwork shall be constructed on site showing the proposed brick types, colours and textures, face bond and pointing, mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority and the materials and methods demonstrated in the sample panel shall have been approved, in writing, by the Local Planning Authority. The approved sample panel shall then be retained on site until the work is completed and all brickwork shall be constructed in all respects in accordance with the approved details.

Reason: In order to ensure that the brickwork can be satisfactorily considered on site with regard to preserving the character of the listed building.

27 - *Light Pollution for Minor Development

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note EZ1 AONB.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

28 - Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

29 - Tree and Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

30 - Non-Standard Condition/Reason

No services, pipes or cables shall be routed within the root protection areas as identified in the Tree Constraints Plan unless otherwise agreed in writing by the Local Planning Authority. Reason: To protect trees on the site in the interests of visual amenity adjacent to the AONB.

31 - Non-Standard Condition/Reason

Additional drawings of all architectural details including hips, verges, ridges, parapets, doors, door cases, windows (including the depth of the reveals and method of opening), roof lights, sills and lintels, plinths, eaves, barge boards, string and dentil courses, copings, console brackets, chimney stacks, recessed or projecting brickwork, parapets, porches, render detailing on corners/plinths/window/door heads or other architectural features to be used, by section and elevation, at a scale between 1:50 and 1:1 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works (excluding underground enabling works). The development shall thereafter be carried out in accordance with such details.

Reason: Insufficient detail has been submitted to ensure the character and appearance of the area and wider AONB is not compromised by poor quality detailing having regard to the exceptional case advanced in justification of the development.

32 - *General Removal of Residential PD Under Schedule 2 Part 1

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A,B,C,D,E,F,G,H and Part 2 Classes A,B,C,F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other external alteration to the dwellings shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: The site is heavily constrained adjacent to the Dedham Vale & Stour Valley AONB and forming part of the setting of the Grade I Church of All Saints and having regard to the exceptional case advanced in support of the scheme as a departure from the adopted local plan based on significant enhancement any further development on the site would need to be considered at such a time as it were to be proposed.

33 - Estate Development Service Roads

Prior to the first occupation of any dwelling within the development hereby permitted, all parts of the service road which provide access to that dwelling shall have been constructed in full accordance with the approved plans.

Reason: To ensure that there is a satisfactory means of access to each occupied unit regardless of the wider construction timetable for the development as a whole, in order to protect the interest of future residents.

34 - Estate Road Layout

No works shall take place until details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure all roads and footways are constructed to an appropriate standard in the interests of highway safety.

35 - *Residential Parking Spaces Retained

Prior to the first occupation of the development, the GARAGE(S) / PARKING SPACE(S) shown on the approved plans shall be made available for use for the parking of motor vehicles to be used solely for the benefit of the occupants of the dwelling of which it forms part, or their visitors, and for no other purposes whatsoever. The GARAGE(S) / PARKING SPACE(S) shall then be maintained free from obstruction and for this purpose at all times thereafter.

Reason: In order to ensure that the development retains adequate parking provision.

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition**

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either BEFORE you commence the development or BEFORE you occupy the development. ****This is of critical importance****. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. ****Please pay particular attention to these requirements****. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

(4) Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/C @ 'Guidance Notes LIS/C'

(5) PLEASE NOTE that it is understood that bat roosts exist within the application site. Bats are a statutorily protected species, and it is the developer;s responsibility to ensure the requirements of the Wildlife and Countryside Act 1981 which relate to the protection of bats and their roosts are fully complied with.

(6) PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

20.0 Positivity Statement

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.