

The Priory,  
Little Horkesley,  
Colchester  
CO6 4DB

Mr Simon Cairns  
Colchester Borough Council  
PO Box 889,  
Rowan House,  
33 Sheepen House,  
Colchester CO3 3WG  
May 16<sup>th</sup> 2016

Dear Mr Cairns,

**Application No: 160906**

## **HOLDING OBJECTION**

### **Application number 160906 (“the Application”) Land adjoining Church of All Saints London Road Great Horkesley Colchester (“the Site”)**

As you are aware the Stour Valley Action Group (SVAG) was formed in 2001 specifically to scrutinise and monitor planning applications for the Site. Having reviewed the proposals in detail, we do accept that the scheme proposals have merit in their design and in the enhancements that may follow their implementation. However, we presently wish to put forward a holding objection until such time as evidence is produced by the applicant company that justifies the scale of development they propose.

The planning history of the site can be given no weight in the determination of the current planning application. The proposal for the use of the site as the Stour Valley Visitor Centre or any similar ambitions was defeated at appeal. Such a use is most unlikely to ever emerge again in the future and a line can be drawn under this episode of the site history. We are therefore left with what are a collection of former agricultural buildings in the landscape, which can fairly be described as being of industrial scale. The applicant company knowingly purchased this collection of redundant buildings, presumably with no agricultural use for them. They now offer a cleansing of the site in favour of the erection of some 22no. residential units, a scheme of development that would ordinarily be in conflict with planning policy in this rural and unsustainable location. The proposals are therefore a form of enabling development intended to remove the harm to the landscape resulting from the existing buildings on the site. Whilst the scheme proposed may well arrest that harm, approval for development of this type and in this location, would represent a major departure from national and local planning policy. As such, any approval would be as an exception to policy, which if it is to be approved, should rely upon robust justification. Whilst it is accepted that the scheme proposed is of high quality and is well considered, the supporting documentation is silent as to why 22no. residential units, represents the minimum scale of development required to remove the harm to the landscape.

It is perhaps surprising that the Council, through the PPA, has not sought to obtain this information from the applicant company. There is no doubt that removing the unsightly buildings and glasshouses from the landscape will come at a significant cost to the applicant company. Equally, there will be a substantial level of income generated through the sale of what will become 22no. unique rural properties of high quality. One

is presently in the dark as to whether the costs are equaled by the expected returns or whether the returns are significantly over and above the costs, well beyond normal expectations for a return on investment.

It would be unfortunate and perhaps embarrassing for the Council, if it were in future to learn that the harm could have been equally eradicated from the site, with the erection of say ten or twelve residential units. It would therefore seem to be wholly inappropriate to blindly allow such a major exception to planning policy, without fully understanding the need for the scale of development proposed. At the very least, the Council and the public should have sight of robust financial evidence, which illustrates the level of income, including a reasonable developer's profit, which is necessary from the sale of the development to remove the harm. It might be that a much smaller scheme has the same cleansing effect as that proposed, but as a reduced development, it has less impact on the landscape, sustainability and general urbanising activity in this sensitive rural location.

Were the applicant company to provide satisfactory financial viability evidence to support the scale of development proposed, then SVAG will remove its objection to the current proposals, subject to the necessary safeguards being put in place as set out below.

### **Planning Policy Matters**

Whilst the Application is substantially different from previous applications, we note that it is still contrary to many policies contained in the current Colchester Borough Council ("CBC") Local Plan ("the Plan"). It is not our intention to list all of the possible departures from the Plan in detail but the following are important to note:

- The Applicant's proposed use of the Site for residential purposes is contrary to the existing agricultural use of the land. We note that conclusion of the Planning Appeal in 2014 by the Secretary of State did not designate the land associated with this development (which includes the redundant greenhouses and other buildings) as 'Brownfield' land. The presumption must be that it is therefore agricultural land. If the Application is allowed, this would be a serious departure from Policy which could create precedents elsewhere in the Borough and more widely.
- Policy ENV1 and Policy DP 22 give very specific protections to the Dedham Vale Area of Outstanding Natural Beauty. Specifically they state that "developments that have an adverse impact on the DVAONB will not be supported". Whilst this proposed development is not actually in the DVAONB, but is contiguous with it, it clearly therefore has a significant impact on it. We are not satisfied that the unsustainable residential development of the scale proposed will not have an adverse impact on the AONB and is therefore contrary to these crucial Policies.
- Policy H4 requires affordable housing to be integrated with market housing to create mixed and sustainable communities. It is noted that the affordable housing in the Application is located in one area; it appears to be surrounded by a wall separating it from the remainder of the Site and has a separate road access. It is submitted that the Application fails to achieve the "integration" required by this policy.
- Policy TA1 provides that "Developments that are car-dependent or promote unsustainable travel behaviour will not be supported." It is noted that each of the residential units has a minimum of two parking spaces and some units have considerably more. It is submitted that this represents an implied admission by the Applicant that car use is essential for access to and from the Site. Furthermore the bus service provides a very limited service. On Sundays there is no service; in the morning there are hourly service at 7.20 and 8.00 thereafter a two hourly service until the afternoon when the service ceases at 18.20.

The Stour Valley Action Group was established in 2001 with the sole purpose of opposing plans for the development of the Horkesley Park Heritage and Conservation Centre. This was a development of national significance entirely out of keeping with the rural setting that opened up the risk of significant commercial and retail operations within and abutting the Dedham Vale ANOB. The potential for harm to the countryside was clear to all and the membership of SVAG was unanimously committed to the common cause of preventing that development from taking place. After battling a number of applications in different forms, SVAG was instrumental in seeing the application refused by the Colchester Borough Council and in the subsequent dismissal of the appeal by the Secretary of State in 2014.

SVAG resolved to remain in existence to monitor future development proposals for the Site, in accordance with its Terms of Reference, with the stated aim of gathering information about new proposals, scrutinising the details and informing our membership.

W&H Park/Pigeon made it clear soon after acquisition of the Bunting assets, which included the Site, that it was their intention to seek Planning Consent for Residential Development of the Site. SVAG has liaised closely with them and the Borough Council to monitor their proposals and in particular to seek to minimise the impact of the proposed development and to encourage the imposition of safeguards against further development through the provision of restrictive covenants and the requirements of any S106 Agreement (the legal agreement that the Council will require before Planning Permission becomes effective). SVAG acknowledges that W&H Park/Pigeon have consulted widely with the local community and other interested groups throughout the current Planning Application's development.

W&H Park/Pigeon have drafted covenants to protect the farm land to the east of the current greenhouses and to protect the views of residents in Water Lane and Fishponds Hill who overlook the Site; SVAG understands that whilst the provision of such covenants is not part of their application, they are germane to its reception of it. SVAG would like to acknowledge W&H Park/Pigeon's considerate approach in initiating these covenants. The land between the proposed houses and the church - a Grade I listed building - and the land that encompasses the current cricket pitch had, until last week, no protection from future development on it. W&H Park/Pigeon have, we understand, addressed our concerns about this and are proposing new covenants to protect this land from further development. As a result of this, we hope to see conditions in place that remove permitted development rights from *all* the proposed dwellings and such conditions as are necessary imposed to fully protect the 'open spaces' within the current plans also secured by a s106 agreement or by some other legally binding means. In asking for this, we reflect the views of many of our members who feel that twenty-two houses now might, without such protection, become fifty or more houses in the future.

SVAG does acknowledge that the Application appears to have certain merits in the careful design of the houses and the provision of additional facilities to the Church of All Saints, but we reserve judgement on a formal objection, until such time as it has been satisfactorily demonstrated that the scale of development proposed represents the minimum level of development required to remove the harm, whilst allowing a reasonable developer's return on investment.

If the Council is minded to accept this Application in either its current form or in a reduced scale, both of which would be contrary to Policy, we would ask the Council to require the addition of stringent conditions as part of the s106 agreement. We reserve judgement on a formal objection on the following grounds:

- That any s106 agreement (or other legal means) signed by both the CBC and the Applicants covers the *whole* site, including the blue land.
- Anything other than agriculturally related development must be excluded so that no applications for such non-agricultural schemes could be admissible in the future.

In summary, we would want to see the above points addressed before we consider removing our objection.  
Yours sincerely

Kate Charlton-Jones  
Chairman. Stour Valley Action Group