

STOUR VALLEY ACTION GROUP

Mr John Davies,
Principal Planning Officer
Environmental & protective Services
Colchester Borough Council
PO Box 889, Town Hall,
Colchester CO1 1FL

April 17th 2009.

Dear Mr Davies,

Horkesley Park Heritage and Conservation Centre; proposed change of use of land by Bunting and Sons, planning application No 090231

Introduction

The Stour Valley Action Group (SVAG) strongly objects to the Plans for Horkesley Park for the primary reason that if Planning Consent were to be granted it would do irreparable damage to the peace and tranquillity of the Dedham Vale Area of Outstanding Natural Beauty (AONB), which is celebrated for these very characteristics. This must not be allowed to happen in the name of short-term financial gain for Bunting and Sons (the Applicant). Furthermore we contend that the Application cannot be given consent under National, Regional and Local Planning guidelines, both generally and particularly as they relate to AONB's, and must be refused. Full details of our objections are given below.

As our primary objections to the proposal are based on the interpretation of the scheme in the light of planning law and policy, we have instructed an independent expert planning consultant, Andrew Warner FRICS, Dip TP, of Dalton Warner Davis LLP, to report to us on the Application. His report is at Appendix 1 and forms the basis for the objections that we expand upon below.

We note that even LDA Associates, who are the Applicant's lead consultants, in a document prepared for the Countryside Commission in 1997 on the Dedham Vale, state that;

“it is the absence of public awareness and pressure that has preserved much of the charm of the Vale, contributing to its timeless, quiet and undiscovered character.”

They are now supporting a scheme that would completely negate these characteristics for which the Vale is properly celebrated and we find it difficult to reconcile such conflicting approaches from the same organisation.

The Applicant gives great weight to potential for job creation in his Proposal. We believe that, whilst some jobs would be created, the numbers presented are speculative and highly unlikely to come to fruition. Our reasons for making this assertion are given in this letter under Tourism and Visitor Numbers below. In our view, it would be quite inappropriate to

override all other Planning Considerations just because of the potential for job creation and our advice has been that this is not an option properly open to the Council.

We have published a number of documents to our membership and others in support of our objectives. All these documents have been carefully researched against the Applicant's documentation and we are satisfied that any statements made represent our reasonably held views and our reasonable interpretation of the information given even though this may not be to the Applicant's liking. It is a matter of record with the Colchester Borough Council that we have been accused by the Applicant of scaremongering and spreading misinformation and have been threatened with legal action for so doing. We believe that such action by the Applicant is in contravention of the democratic process.

We have examined the Proposal in detail and our views are expressed under the following headings:

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2. Site Description
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The Stour Valley Action Group (SVAG) was formed as a properly constituted representative body in June 2001 in response to the Applicant's first proposal for "The John Constable Countryside and Heritage Park". It now has an active mailing list of over 600 addresses with probably twice that number of members. Its primary Term of Reference is to "*Expose to full public scrutiny the Planning Application for the John Constable Countryside and Heritage Park and any variation to such Application*". The current Application is thus covered by the Terms.

1. Summary of Key Objections

- **The Application is contrary to the whole ethos of government and local planning policy and must be rejected on these grounds alone. Full details are given in Appendix 1 which demonstrates lack of conformance with National, Regional and Local policies.**
- **The Application would compromise the peace and tranquillity of the AONB in a totally unacceptable way.**
- **No overriding national need has been established for the Application which is required under Planning Law for such a development in or adjacent to an AONB.**

- **Over 75% of revenues in the Applicant's Business Plan come from retail activities. The Application is a retail development and must be treated as such in the assessment of its conformance or otherwise with Planning Law.**
- **The projection of visitor numbers is grossly overstated. Our expert view is that, as a visitor centre, it is unlikely to attract more than 150,000 visitors by its third year of operation.**
- **The average revenue per head is grossly overstated at £27.65 for every visitor. It is more likely to be about £10.00 per head.**
- **Any reasonable estimate for visitor numbers and per capita spend results in massive losses for the Proposal. Horkesley Park is not viable as a Heritage and Conservation Centre.**
- **We conclude that the Proposal is no more than a thinly disguised attempt to get planning permission for the buildings and infrastructure for a shopping village using the disguise of a visitor attraction.**
- **Because of the demonstrated lack of financial viability of the Proposal the promised creation of 155FTE jobs on site cannot be relied on in any way. The actual number of new jobs on site is likely to be much less than 100 even when it is mature.**
- **Second and third order jobs created in the wider economy are not real and cannot be demonstrated. They must be discounted.**
- **The potential for job creation in itself must not be a reason to override all other planning considerations.**
- **The Proposal is contrary to national, regional and local policy in respect of traffic issues. The local road infrastructure is not sufficient to cope with the influx of the Applicant's predicted 480,000 visitors per annum.**
- **There will be a material increase in traffic on Fishponds Hill which is a Protected Lane. This is not permitted under Local Policy CO7.**
- **The building design is seriously deficient in terms of its fire and safety provisions. Correction of these issues would change the outside design of the buildings and would add significantly to their cost.**
- **The impact on the listed buildings on Water Lane will be severe. The wrong sightlines have been chosen in assessing these impacts.**
- **The protection of the hybrid black poplars has not been properly considered. Furthermore they are due to be pollarded from their current height of 16/17 meters to 6 meters. The visual photomontages take no account of this.**
- **The Application takes no account of noise generated by people, especially children playing. The tranquillity of the Church, churchyard and across the Valley will be considerably compromised by this effect, particularly at weekends.**

- **It will be difficult to control light pollution particularly if the Site is used for evening functions.**
- **The Application would generate at least an additional 3000 tonnes of carbon dioxide per annum from visitors' car journeys alone. The Applicant has not assessed the overall carbon footprint of the development.**
- **An ADAS (Agricultural Development & Advisory Services) report commissioned by SVAG shows that the glasshouses could still generate an adequate return from horticultural activity. The site should not be regarded as agriculturally redundant and the conversion of a Grade 2 field into an overflow car park should not be permitted within the guidelines.**

2. Site Description

The site is known as Bunting and Sons' Nurseries. It takes in agricultural land and an agricultural site in open countryside north of London Road and west of the A134 in Great Horkesley, extending to over 117 acres (47.4 hectares). The proposal involves the demolition of horticultural glasshouses and other buildings, the change of use of this core site to predominantly retail use ("Specialist" Garden Centre), commercial and restaurant use, (787 covers) and an associated car park (overall site of 10.384 acres/4.2 hectares) with an overflow car and coach park in the neighbouring grade 2 field, a Country Park and farmland (covering 101.04 acres/40.89 hectares) and the establishment of an art gallery in a private residence, "The Chantry" – (5.3 acres/2.14 hectares).

75% of the site is located within the Dedham Vale Area of Outstanding Natural Beauty (AONB). The proposed Garden Centre, Commercial/ Restaurant and associated Heritage Elements and car parking lie within the Countryside Conservation Area, and are outside the Great Horkesley Village Envelope.

The site is criss-crossed by public footpaths from which there are extensive views across the AONB towards the Little Horkesley Conservation area, and is bounded by a rural road network to the south and west and the A134 to the East.

The proposal is to create "Horkesley Park Heritage and Conservation centre; A Celebration of the English Countryside".

3. Planning Category and Land Use Allocation

The Applicant has applied for D2 use. This application is of a predominantly Retail and Commercial nature, which is of fundamental importance in consideration of relevant planning rules, and should be regarded as such. This is dealt with again in our Planning Section below.

The Application is outside the provisions of the Colchester Borough Plan as confirmed by its "Departure Application" status.

Most of the site lies within the Dedham Vale AONB and Countryside Conservation Area. It is designated as countryside in the Local Plan.

Fishponds Hill, as one of the site boundary roads to the south and west, is a Protected Lane defined as such in the Colchester Borough Plan of 2004.

4. Relevant Planning History

The core site had been used by Bunting and Sons for horticultural purposes for about 35 years, from the time they moved from North Station Road (sold for redevelopment) in 1969 to 2000 when active commercial use ceased. Predominantly with a reputation for growing quality tomatoes, Bunting and Sons developed a business for integrated crop management programmes to control insects and pests in the 1970's. This Company was bought in December 1992 by Ciba-Geigy AG, and became a wholly owned subsidiary in 1995 - formerly known as Ciba Bunting. Following subsequent mergers in 1996, the Company became known as Novartis, and in turn became known as Syngenta Bioline in January 2001. The site as a whole has not been actively used since 2000 and this part of the business, no longer with the Applicant's involvement at all, has now relocated to Clacton.

It is contended that original planning permission was granted for development of the site for the sole use of horticultural and agricultural purposes taking into account its sensitive location, that the residential buildings – Hillside (proposed park manager's house) and Broadacres (proposed farm manager's house) were built with these conditions attached. The current proposal conflicts with the views taken over many years as to the appropriate use of this site in earlier planning permissions. Strong anecdotal evidence from Mr Storey (letter dated March 19th 2009 attached as Appendix 4) suggests that there was a covenant at the time of sale of the site for greenhouses that “***should tomato/vegetable growing become unprofitable, he (Mr Peter Bunting) would clear the site and restore it to agriculture.***” This has been further supported by others with knowledge of the history of the site. We would have expected the current generation of Bunting's to be bound by this covenant entered in to by their forebears, even if the written record is obscure.

The Applicant has previously submitted planning applications for a Heritage Park on this site to Colchester Borough Council in April 2001, (withdrawn in June 2001), September 2003 (not registered due to the lack of an Environmental Impact Assessment), and September 2005 (withdrawn in March 2006 due to the lack of sufficient data).

The Applicant has a very unfortunate local planning history on the site of the greenhouses and has been forced by local pressure to apply for retrospective planning consent on five separate occasions for activities on the site. Details are as follows:

1. C/COL/01/1259 for the change of use of two former horticultural and industrial units for use by a distributor of fitness equipment and a manufacturer of quality kitchens and luxury bedroom furniture. This was granted on October 2001 for 18 months to April 30th 2003.
2. F/COL/03/0784 was granted in July 2003 as an extension to the above, three months after it had lapsed for a further period to the end of October 2004. This Application has itself now presumably lapsed and there is no public record of a further extension. *One must therefore presume that the relevant activities ceased at the end of 2004. If not, which we know to be the case, then it would appear that the Applicant must be in breach again.*
3. Application 071084 lodged in August 2007 for the retrospective change of use of an agricultural building to mixed-use agricultural/brewing and was subsequently granted for a defined period to October 31st 2010 with the very specific proviso that no retail sales should be made from the site. The reasons given for this were to “***protect the amenities of the surrounding area and to comply with the***

Council's retail policies". It is interesting to note that the Council said that **"temporary use hereby permitted is not appropriate for a permanent permission because of the location of the site within the countryside and on the edge of the Dedham Vale AONB"**. (This ruling confirms the precedent for no retail activity on the site.)

4. Application 071086 lodged in August 2007 for the use of caravans on the site for permanent accommodation. This was withdrawn.

5. Application 081073 for the retention of caravans for temporary accommodation. This application was refused. We believe that the caravans, which are the subject of this Application, may already be in use anyway. The word 'retention' in the title of the Application would suggest this to be the case.

6. We note that the land on the western side of the Greenhouses is now described as Parkland. This was previously agricultural land and we are not aware of any planning consent to change the use of this land since the last submission in 2005.

The Applicant's repeated apparent disregard of the planning process must be a matter of serious public concern.

5. The Planning and Retail Context

In order to review the planning context of the Application we have engaged the professional services of Dalton Warner Davis LLP and have appointed Andrew Warner FRICS, DipTP to put forward his expert planning view on the merits of the Application. His expert view is attached as Appendix 1 and his final statement on the proposal is that:

"It is clearly contrary to the whole ethos of government and local policy and as such, it should be refused."

Mr Warner states that the Applicant has failed to meet the requirement of Planning Policies that there should be **Overriding National Need**. The lack of need for the Countryside elements and art gallery are most eloquently expressed by the letter from Dr Ronald Blythe who is an acknowledged expert on East Anglia and the countryside. A copy of this letter is attached as Appendix 5, but to quote from this:

"It is not feasible that there could be a Constable Centre at Horkesley. Those wishing to see the work of the great local artist go to Christchurch Mansion in Ipswich and to the V & A. Flatford Mill Field Studies School not only offers visitors an unrivalled 'access' to the world of Constable, but also to the area's natural history. And where the latter is concerned the Suffolk Wildlife trust at nearby Arger Fen and the Woodland Trust's wonderful property at Fordham, plus many other nature reserves, all of them professionally organised, make the Applicant's plans for wildlife features etc. absurd."

A further comment regarding the fundamental flaws in the proposal for the Chantry Art Gallery is made in the letter from Gainsborough's House in Sudbury of April 5th which states *inter alia*:

"It is important to note that national, public and most other museums, including Gainsborough's House, are not allowed to lend art from their collections to non-accredited museum or commercial organisations. As the

Chantry would not be a registered or accredited museum they would not therefore be able to borrow any works of art other than from private individuals. So there is, in reality, little chance of an art gallery of worth being established at the Chantry.”

Furthermore, the Applicant's interest in the Suffolk Punch is of course laudable but the breed is not as endangered as he suggests and there are some 27 Suffolk Punch studs throughout the country with the most notable being at Hollesley Bay in Suffolk.

The need to treat the Development as a Retail development is dealt with by Mr Warner. It needs to be pointed out further that the Applicant's contention that the retail elements of the proposal are secondary to the heritage elements, is not supported by their own projections of revenue. Table 26 (page 166) of the Tourism Feasibility Study shows that 21.2 % of revenues will come from food and beverage sales whilst 54.32% will come from other merchandising, giving a total of 75.52% from all retail sales. It is not possible, therefore, to contend that retail sales are secondary. As stated by Mr Warner, the Application must be assessed as an out-of-town retail development against the planning policies that would apply to this.

The use of the Trentham Gardens decision by the Secretary of State, as a precedent for overruling the sequential approach for the sighting of the Specialist Garden Centre or the Food Experience shown in the Applicant's documentation is not valid, as this is related to the regeneration of an important historic garden as opposed to the creation of an entirely new garden by the Applicant. *(Trentham is one of the most important historic gardens in Britain and is currently being returned to its full glory. With great Victorian pleasure grounds designed by Sir Charles Barry for the Dukes of Sutherland, it is set within a park originally designed by Capability Brown.)*

6. Tourism and Visitor Numbers

The Applicant claims that the Centre will attract an aggregate of 485,200 visitors **in its first year** of operation. This figure is fundamental to the Applicant's justification for the whole proposal including, most significantly, projections on job creation numbers and the viability of their business plan. If their business plan does not work, the projected new jobs cannot possibly arise in anything like the numbers projected. The basis for the figure projected by the Applicant is set out in the Sykes Leisure Projects -- Tourism Feasibility Study December 2008 Update (Chapter 9.1 of the Proposal).

SVAG's own senior financial experts have analysed this study together with information gained from public sources. SVAG has also commissioned Visitor Attraction Consultants ("the Consultants") to provide its own expert conclusions on the project's viability. The Consultants have over 15 years experience in the direct management, operation, marketing and development of UK heritage-based visitor attractions. The Consultants' report is attached as Appendix 2 and the SVAG "Common Sense" Review as Appendix 3. In summary the Consultants conclude that:

- ***Horkesley Park will not attract significant numbers of visitors under its current proposals***
- ***even if these proposals were adjusted, Horkesley Park would only attract 100-150,000 visitors in its third year of operation compared with the Applicant's estimate of 485,000 in its first year***
- ***average revenue per head would be £10.00 compared to the Applicant's projection of £27.65***
- ***Horkesley Park has no unique and clear-cut concept of mass appeal***

- ***Horkesley Park has no “brand awareness”***
- ***Horkesley Park has no “natural or environmental or heritage assets of any worth”***
- ***Horkesley Park has too high a proportion of capital spend on modern buildings rather than customer experiences***
- ***Horkesley Park has too high an admission price***

The combined impact of these conclusions is that Horkesley Park would only generate revenues of £1-1.5 million compared to the £13.5 million estimated by the Applicant. The Consultants' conclusion is that Horkesley Park as a Heritage and Conservation Centre is:

“not a viable project in any way and should be reconfigured completely or abandoned. The Business Plan is unrealistic and we are surprised that a lender is willing to invest on such a scale.”

They also conclude that this project:

“would stand a greater chance of success if it abandoned the idea of being a visitor attraction with any paid-for element, but instead positioned itself purely as a retail development - in effect a 'Shopping Village' with no admission charge.”

In our view, this is conclusive evidence that Horkesley Park Heritage and Conservation Centre is a thinly disguised attempt to get planning permission for the buildings and infrastructure for a shopping village using the disguise of a visitor attraction.

The “Common Sense” Review of Tourism in Appendix 3 is even more detailed than that of the Reviewing Consultants and comes to very similar conclusions regarding realistic estimates of visitor numbers and revenue. In particular, they conclude that the penetration rates chosen by the Sykes Leisure Projects to derive visitor numbers are not supportable and that there is a substantial measure of double-counting in arriving at their total for visitor numbers.

The report shows that there is every probability that Horkesley Park would make a net loss per annum of over £6 million with its current projected cost base.

They conclude that “unless funding is already in place, it will be extremely difficult to arrange on the basis of the business plan as presented and in the current financial climate.”

The figures provided by Sykes Leisure Projects cannot be treated with any confidence for the reasons presented above. Furthermore Sykes Leisure Projects themselves set out the limitations of their conclusion in Part 7 (page 169) of their report, in which they disclaim any responsibility for changes in their conclusions brought about by unforeseen conditions that may eventuate, nor do they warrant any of their estimates. For these reasons, and in view of the current world-wide recession, which is now forecast to continue well in to 2010, and the alternative projections we have carried out, the numbers of visitors and the revenues arising cannot be relied on in any way and must be discounted. They cannot be relied on as the basis for the business plan which in itself leads to the number of new jobs forecast.

7. Job Numbers

The creation of genuine new jobs in the Colchester Borough must be attractive and is recognised as being an apparently strong point of the Applicant's submission. The key questions are: how many, what quality, how real are they and how many existing jobs may be lost?

Appendix 10.1 of the Application, Socio-economic impact assessment, technical appendix to ES chapter 10 prepared by DTZ, sets out the job creation rationale.

In preparing their assessment DTZ rely entirely on the on-site job numbers given to them by the Applicant.

This has been given to them as 155 FTE jobs and there is no serious analysis of the rationale for this figure. It is apparently based on the experience of the Applicant in running similar businesses, which is not for us to question except to note that we are not aware that they have any experience of running major tourist or retail centres of this kind.

The only jobs that can really be 'counted' are the on-site jobs. We have given good reason in Section 6 above, that the business will not justify the creation of anywhere near 155FTE jobs on site. We have insufficient information to be specific on this but it is likely to be considerably less than 100 in the first year of operation.

If the 155FTE jobs predicted by the Applicant do not arise, all the second and third order jobs predicted by DTZ must be substantially discounted.

Clearly there would be some benefit in the wider economy from the spend created by the Park in purchasing its supplies, its employees from their wage packets and visitors to the area in other outlets which might translate into additional jobs, but our view is that it would be impossible to identify any such new jobs as having been created solely as a result of Horkesley Park. Any effect is far too diverse to measure and even DTZ admit that the total number of such jobs created in Essex and Suffolk is small at 45, if the Applicant's on-site figure of 155 is to be believed. (10.1 Summary paragraph 1.9 - this is net after allowing for multiplier, leakage and displacement effects.)

Any new second and third order jobs will only be 'real' if the spend that creates them is incremental and not substitutional. It is reasonable to assume that suppliers will have other outlets for their goods and visitors to the Park will spend their discretionary leisure money anyway somewhere in the wider economy – whether it be local, regional or national and therefore it cannot be treated as incremental spend except at the very local level. This therefore confirms the argument that most of the second order jobs would be offset by losses elsewhere in the economy. The Park will not be creating new jobs in the wider economy; there is no new money being spent except at the very local level.

We would not wish to decry the quality of the jobs created but many of them would be in the service of food and other retail. They would be low wage jobs with relatively low skill levels and would be attractive to transient and short term workers prepared to work at, or close to, the minimum wage. Many of these will also be seasonal due to the predicted peak numbers in July and August. In their business model, in Chapter 9.1 of the Proposal, the cost per employee makes no apparent allowance for pension contributions which, if it is true, would confirm the short term nature of much of the intended employment.

Our view is that the Colchester Borough Council must treat the Applicant's job creation claims with considerable caution. The only real new jobs to be considered

are those on site and these are likely to be very considerably less than 100 in the first year and mainly in the unskilled category.

The potential for job creation in itself must not be a reason to override all other Planning considerations.

8. Traffic Issues

In our submission we have made it clear that we do not accept that the predicted visitor numbers are achievable. However, as the Application is predicated on the number of visitors the Applicant expects to generate, we will base our comments on the traffic issues on the figures provided by them. We emphasise that our comments here are equally applicable to the lower visitor numbers we expect to see in practice.

Overriding policy:

Government and Statutory development guidance provides that developments attracting large numbers of people should be accessible by all means of transport and the need to travel by car should be minimised.

- Existing public transport to and from the area (by bus) is inadequate, and alternative provisions within the Application do not address the inescapable fact that the majority of visitors will access the site by car.
- There is minimal provision for alternative access to the site by almost 500,000 visitors a year other than by car – 1,100 parking spaces and just 15 cycle bays.
- As visitors will predominantly access this site and others in the Dedham Vale by car, it is unlikely that most will use bus services between other points of interest in the area, preferring to use their own means of transport.

PPG 13 provides that in rural areas large-scale proposals should be rejected where they give rise to more than modest additional daily vehicle movements and where impact on minor roads will be significant.

- 480,000 additional visitors to the site will give rise to more than a modest additional daily vehicle movement and the impact on minor roads will be significant.
- The new proposed A12 junction will not prevent access to the site from Ipswich (from the North and East via the A12/B1068); from Cambridge, Braintree and Halstead (from the North and West via Little Horkesley) and from the South (from the A12, Argents Lane, West Bergholt and London Road). It is already the case that satellite navigation systems will provide a number of route options for accessing the site of the proposed development utilising unsuitable country roads.
- All of these routes are minor and in some case single track roads where the capacity is inadequate to absorb additional user numbers.
- PPG13 does not envisage all roads being filled to their “capacity” or near capacity – the test is merely one of “more than a modest increase”.
- “Demand”, “meaningful link” and “required purpose” are prerequisites for such development and none of these apply to this proposal.

CBLP Policy CO7 provides that Protected Lanes “will be protected from development that would adversely affect their physical appearance or would give rise to a material increase in the amount of traffic using them”.

- Fishponds Hill is a Protected Lane. It runs along the south western boundary of the Horkesley Park site. From Fishponds Hill there is direct access via an existing footpath across the site. Due to its proximity and location it will inevitably see a material increase in the amount of traffic using it.

- There can be no provisions within the application that prevent a significant number of the 480,000 visitors accessing the site by car via this Protected Lane or leaving the site via this route.
- It will be one of the prime rat runs to and from the site.
- There will be a significant number of the 480,000 people visiting the site accessing and leaving the site via the existing footpath from the Protected Lane.
- Its physical appearance will be adversely affected by this material increase in the amount of traffic using it and the new proposed bus service which will operate along it.

This Protected Lane provision must be cause for rejection of the Application in itself.

Local Plan Strategy (Transport Policy) has the objective to “discourage rat running, to decrease levels of noise and air pollution generated by traffic (especially diesel-engine vehicles) and to ensure flows and volumes of traffic do not exceed environmental carrying capacity of the open countryside especially in respect of the Dedham Vale AONB, Countryside Conservation Areas, and Conservation Areas”.

- London Road, Vinesse Road and Water Lane are already significant rat runs to and from the A12 via West Bergholt to and from the A134. This development will significantly increase rat running along these routes.
- Provisions to widen London Road from the A134 to the site in the Application do not and cannot address the problem that London Road does not have the capacity to absorb the potential additional traffic accessing and leaving the site.
- There will be further and additional traffic build-up along Fishponds Hill towards Little Horkelesley.
- The B1068 from the A12 via Higham, Stoke By Nayland and Nayland to the site will increase this rat run from the East.
- Comments are given on extra CO2 generation in Section 12 below.

Local Plan Strategy provides that the proliferation of signs in the countryside is to be deterred.

- Extra signage will be inevitable along country lanes directing visitors to the site.

Colchester Local Plan identifies the need to minimise transport by car through the road network, reduce the need for additional car parking facilities and the need to develop non-car modes of transport within its policy directives.

- Access to the site will be predominantly by car. **This directive is not met.**

Local Plan Strategy Provision CO11 states that “where proposals for additional visitor car parking facilities or for development which would constitute separate stand alone facilities and which would or could add significantly to the numbers of visitors and or vehicles within the surrounding countryside of Dedham will be refused”. **This directive is not met.**

Essex and Southend Structure Plan (policy T1) aims to reduce the need to travel, reduce the length, number and duration of motorised journeys and reduce reliance on the private motor car and road haulage. **This directive is not met.**

A134 Accident reports and assessments – Suffolk and Essex County Council provided negative traffic surveys in respect of previous applications. The A134 is regarded as one of the top accident black spots in a recent AA survey.

Guidance on Transport Assessment (DfT) – sets out the approach to reduce the need for travel by car, tackling the environmental impact of travel, accessibility of the location, and other measures. The Application does not meet these requirements for the following reasons:

- The site has limited potential to be accessed by non-car modes of transport.
- This is a large scale development involving major generation of travel demand by car.
- There is no realistic and safe access to the site by foot.
- The predicted high level of cycle access via single track lanes is unrealistic.
- Adequate bus services are not provided for, and are unsuitable via small single track country lanes.
- Most families will travel to the site by car.

Transport Assessment figures – are based on work done in 2005 and do not take into account growth of traffic along the A134 since that time and the projected increased use up to 2012.

Summary of Traffic issues:

- The application should be refused on all of the provisions outlined above. The site is in a rural location both within a Countryside Conservation Area, and within (and bordering) an Area of Outstanding Natural Beauty. The area is not suitable for such a large-scale development with the adverse impact of increased traffic numbers.
- The local road infrastructure is not sufficient to cope with the influx of 480,000 visitors who will visit the site predominantly by car, often along single track, country and Protected Lanes.
- There will be an increased use of rat runs.
- The already dangerous A134 is not suitable for any significant increase in traffic.
- Access to All Saints Church by an immediate right turn from this new junction will cause additional potential for accidents particularly at peak times.
- The assumption that visitors will use the new junction on the A12 to the A134 is simplistic and is not realistic - as many will access and exit the site via London Road to the south and west, and via the B1068 to and from the East.

The prime aim of the Council under policy guidelines is to preserve the protected rural nature of this area. The increased traffic from 480,000 visitors to a site that is simply in the wrong location for a development of this nature, is fundamentally at odds with this overriding principle.

9. Design Issues

The design of the main buildings has been reviewed for SVAG in some detail by Mr C Exley, RIBA, AECB, FFB. His findings show that there are some significant deficiencies with regard to fire and safety which would need to be addressed before the buildings were finalised. The external form of the main rotunda building might have to change significantly to accommodate these requirements. The apparently attractive external form of the buildings could well be severely compromised by the necessary changes. It is surprising that the Applicant has not taken these matters into due consideration and no

permission should be considered until the form of the buildings to meet fire and safety regulations has been submitted. Mr Exley's professional comments are as follows:

Please find below my findings in respect of the Heritage Centre, in particular the design of the first floor and ground floor for escape in the event of fire (Application drawings HP 2362-06 and 07 refer). The following notes are in respect of compliance with Part B of the Building Regulations and the guidance in Approved Document B (N.B. although a design can be based on standards and fire engineering design rather than the Building Regulations, the principles of designing for fire remain the same; preservation of life by provision of adequate means of escape).

The headline issues are;

- a) The first floor and ground floor design of the Heritage Centre puts at risk the lives of between 500 and 600 men, women and children (including staff)*
- b) There are **no** adequate escape routes shown on the plans for the first floor lecture theatre, exhibition area and lecture theatre*
- c) The two open helical stairs serving the first floor would cause the first floor to rapidly become smoke affected in the event of a ground floor fire. Smoke is the major killer in the event of a fire.*

The details are;

- 1. The first floor has a lecture theatre for 250 people + restaurant for 250 diners + exhibition area + external viewing gallery + kitchen and bar. Therefore the number of people (visitors + staff) on the first floor could be between 500 and 600.*
- 2. There are two helical stairs shown on the application plans, both are open and un-protected against fire at both floor levels, therefore they cannot be designated as escape stairs (which must be protected from fire and smoke)*
- 3. The lecture theatre is only accessed by visitors via the exhibition area. Escape would not be permitted through the kitchens and servery/bar - the only other internal door into the theatre. The theatre is an 'inner room' which must be limited to a maximum of 60 people (not 250 + staff)*
- 4. The number of escape routes required is determined by the number of people needing to escape. Up to 600 people will require at least 2 escape stairs (in addition to the helical 'accommodation stairs' shown). Over 600 people would require at least 3 escape stairs. Escape design should assume that one escape route is blocked by the fire; therefore the remaining escape routes must be sufficient for all the occupants in question (first floor in this case)*
- 5. Each escape stairs should be protected for its entire length, i.e. from the first floor down to the ground floor and to a final exit from the building. The stairs cannot open into the exhibition/ workshop/ cooking or other areas on the ground floor as each of these could be a source of fire/ smoke causing such escape route to be unusable.*
- 6. The width of escape routes is determined by the number of people for simultaneous evacuation (phased evacuation is not permitted for public use). 600 people will require escape widths totaling (at least) 3metres. For example;
-- Three escape stairs each of 1.5m stair width (each can accommodate 300 people). Discounting one stairs (assumed blocked by fire) means a total of 600 people can be accommodated.*

The impact of the need to provide an adequate level of escape provision could be severe on the application proposals for the following reasons;

a) *The escape stairs will impact on the internal layout at first floor and - more significantly due to the need to get to the external wall line of the building - the ground floor.*

b) *The helical accommodation stairs shown either need to be enclosed in fire resistant structure or a fire engineered solution provided to prevent rapid smoke build up in the first floor due to a ground level fire. This may cause significant cost to be added to the scheme's design.*

C Exley RIBA, AECB, FFB

10. Listed Buildings

We note that the sight-line chosen to assess the visual impact on the Grade II* Old Joscelyns and The Walnut Tree on Water Lane are incorrect. If sight-lines are drawn from the back of these houses, it is clear that there will be an open view of the main rotunda building and that they will be significantly overlooked. This will be further exacerbated when the lines of hybrid black poplars are pollarded as is proposed. The privacy of these properties will be seriously compromised by the fact that the border of the Country Park will be only about 140 meters from their boundaries. This will not be tolerable, particularly on busy summer weekends. The impact of the Development will be significantly adverse.

11. Trees

Hybrid Black Poplars Trees – loss of amenity to listed buildings, local environment and AONB.

Tree numbers 816 to 903 are hereafter known as 1st row and tree numbers 906 to 947 hereafter known as 2nd row.

It is our contention that this Application should be refused on the grounds that these two separate rows of hybrid black poplars are too valuable and very vulnerable. Any reduction in height, or indeed loss of trees, would result in this modern, 21st century, bulky main building being too exposed.

The Tree Survey states that these two separate rows of hybrid black poplars show evidence of pollarding at 6m and that for the health of the trees they must be pollarded again within 2 to 5 years (Appendix 1 of Survey Schedule of Individual Trees – May 2006). It would seem that the information supplied by the Tree Survey was not used to update the Application. Certainly immediately after pollarding more of the bulky building will be exposed. This makes a mockery of the computer generated photomontages created for the visual assessment: these views should have shown the trees thinned out and pollarded, as the present height of the trees is 16-17m, the findings would then not have been beneficial and indeed would have become adverse.

It is our contention that both the demolition of the greenhouses and the construction of not only the main building but also the Suffolk Punch Breeding Centre and the Farm Barn (level changing which can affect the roots) could further stress both rows of trees and some could be lost. This would be intolerable given their high screening value.

On this basis alone, we believe the application should be refused. Even if it is refused, we hope that a Tree Protection Order would be placed on these hybrid black poplars.

It is our understanding that once permission is given and it is later decided that a tree or trees must be removed in order to complete the construction of a permitted development, a tree or trees can be removed even if a Tree Protection Order has been put in place. **This gives us great cause for concern.**

Taking account of all the above concerns, we believe that the application should be refused on the grounds that the risk of tree loss and the repeated lowering of the height of these trees are unacceptable to the setting of the listed buildings, the amenity of the local environment and the wider AONB.

12. Noise and Light Pollution

Noise:

The Application takes no account of noise generated by people. This is not realistic. The Valley to the north of the proposed development acts as a sound chamber – particularly when weather conditions are still. Noise of people can be clearly heard across the valley. In particular there is bound to be considerable noise from the children's play area and the Country Park. Equally the tranquility of the Church and Churchyard will be compromised.

These impacts have not been assessed and will be considerably adverse and must be taken into account.

Light:

We note the comments in the documentation regarding lighting where it says that:

“The Horkesley Park area is currently a dark landscape despite the baseline illumination of the glasshouses on the Nursery Site, due to screening by topographical and other landscape features. There is security lighting in the Nursery Site which causes a moderate level of obtrusive glare to some key receptors.”

Nothing must be allowed that will impinge on this currently dark landscape.

The Application makes clear in a number of places that there is an intention to use the development for evening functions although it is very vague in terms of the number and nature of such events. Any use of the site for evening functions will introduce significant noise and light pollution in circumstances that do not now exist at all, based on current use of the site.

We note that the site will be open 364 days per year and until half an hour before dusk or 6.00pm whichever is the later. Light and noise pollution could well be a feature of the Proposal late into the evening, particularly in summer months.

13. Carbon Emissions

The Applicant has made no apparent attempt to assess the carbon footprint of the development. We assess that the likely generation of **additional** CO₂ by people travelling to and from the Park would be at least **3000 tonnes** per annum.

This is an adverse impact of the proposed development which must be taken into account.

14. The Agricultural Development and Advisory Services (ADAS) Report

The Application has, as its basis, that the glasshouses are effectively redundant. SVAG has commissioned a report from ADAS which shows a reasonable return can be made from the site from horticultural activity, although this may not meet the requirements of the entire applicant partnership and all its family members who presumably all wish – probably unrealistically - to derive a livelihood from it. It is contended the deterioration of the site through a lack of investment and commercial drive does not give rise to any essential need for “agricultural diversification” and that the site can be maintained for its originally stipulated or similar use. The site should not therefore be regarded as agriculturally redundant and conversion of a grade 2 field into an overflow car park should not be permitted within guidelines.

15. Public Comment

We are aware that the Application has generated considerable public interest and that the Colchester Borough Council has received many comments from the public both supporting and objecting the proposals. We welcome public debate but in view of the nature of the numeric bulk of public submissions we feel it necessary to offer our views on the weight that might be attached to some categories of comment.

Of course it is our clear view that the Application should be considered on its planning merits and not on any perception of public support. However, we understand that the vast numerical majority of public responses to the Council have been in the form of pre-printed, postage-paid tick-box support cards distributed and funded by the Applicant. It is our view that no weight should be attributed to these responses when assessing public support for the proposal for the following reasons:

The cards were originally sent to addresses obtained from an earlier petition in support of the development which in itself bears no relevance to this Application. In addition the earlier petition was based, as we understand it, on a concept of signing to save and support the Suffolk Punch horse breed and the proposal in the current form of this Application did not exist at the time of the petition.

In addition to the petition signatories we understand that the pre-paid cards have been leafleted on an unsolicited basis around villages near to the site of the proposed development. Such box-ticking accompanied by scant details of the development has not allowed individuals to genuinely assess the nature of the proposal or express any reasoned view of support.

In summary our view is that in judging any issues relating to public support for or against opinion on the development, such judgment should be based on the many original letters and e-mails that have been sent to the Council both for and against the proposal.

We note that the following public bodies / individuals have recorded their objections to the Proposals:

- The National Trust
- The Suffolk Preservation Society
- The Dedham Vale & Stour Valley Project (also representing Natural England and the Environment Agency)
- The Dedham Vale Society

- Gainsborough's House, Sudbury
- Colne Stour Association
- Babergh District Council
- Boxted Parish Council
- Leavenheath Parish Council
- Little Horkesley Parish Council
- Stoke By Nayland Parish Council
- Nayland with Wissington Parish Council
- Nayland with Wissington Conservation Society
- Mr Timothy Yeo, MP for South Suffolk
- Dr John Constable
- Dr Ronald Blythe

As of Thursday 16 April 2009, there have been 872 letters of objection and 372 letters of support, showing the considerable weight of opinion against the Application.

Conclusion

For all of the above reasons we are convinced that the Application is seriously deficient and that the Application for Planning Consent should be refused.

Yours sincerely

W L Pavry
Chairman, Stour Valley Action Group

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Appendices

1. Dalton Warner Davis – Letter dated 10 April 2009
2. Visitor Attraction Consultants – Report
3. “Common Sense” Review of Tourism Feasibility Study – dated April 2009
4. Mr F.G. Storey – Letter dated 19 March 2009
5. Dr Ronald Blythe – Letter dated 26 March 2009