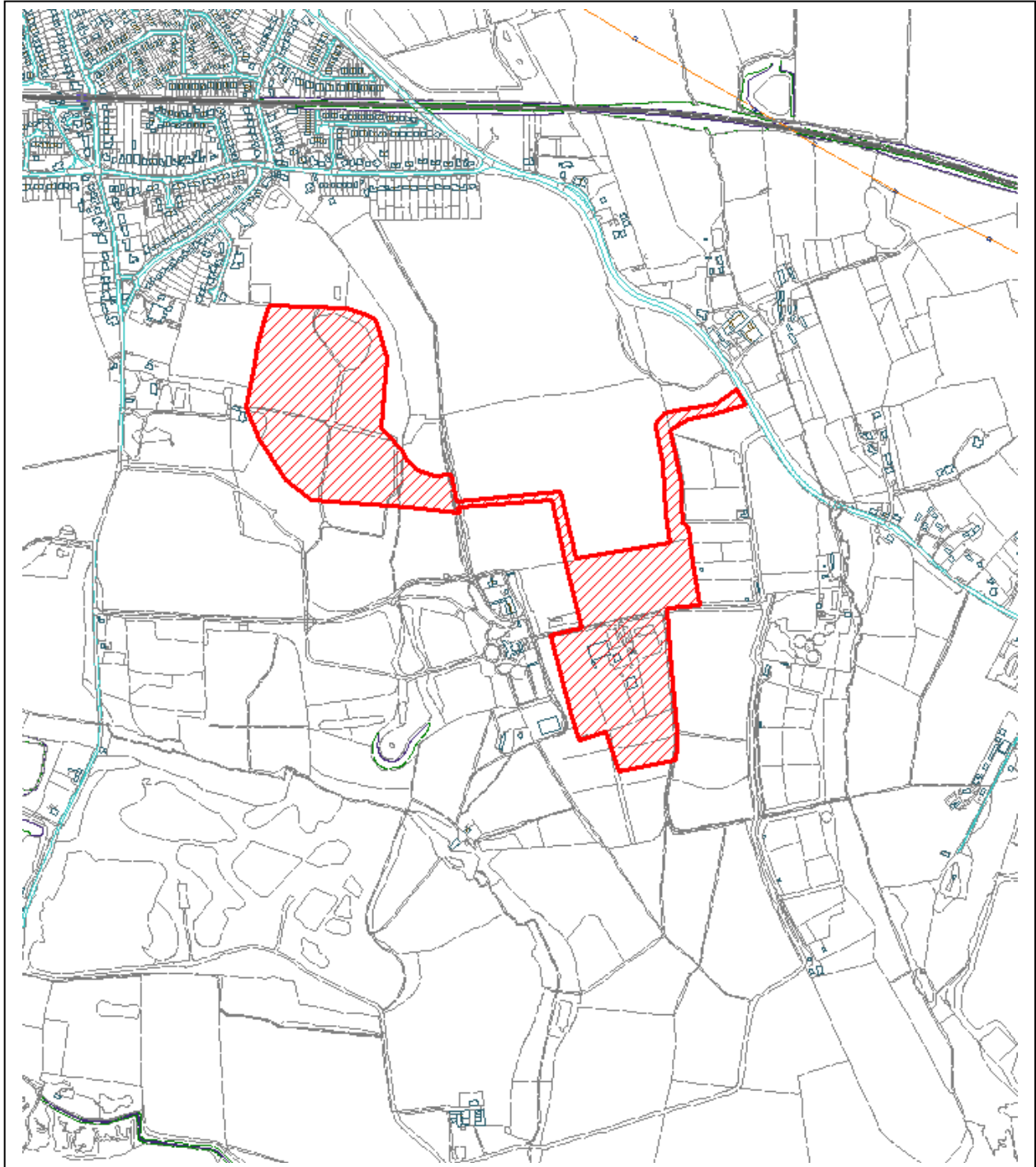


PLANNING COMMITTEE

11<sup>TH</sup> AUGUST 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.1 PLANNING APPLICATION – 19/01856/FUL – ALRESFORD HALL FORD LANE  
ALRESFORD CO7 8AY**



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

**Application:** 19/01856/FUL

**Town / Parish:** Alresford Parish Council

**Applicant:** WSM Farming

**Address:** Alresford Hall Ford Lane Alresford CO7 8AY

**Development:** Proposed farm diversification to create a children's adventure play-land within Alresford Hall Farm

## 1. **Executive Summary**

- 1.1 The development applied for relates to the construction of a children's adventure play area on the application site with associated new access from the B1027, car parking area and hard/soft landscaping. The development would comprise of; a main building accommodating indoor play, café and ticketing area, various children play zones, a maze and a woodland walk trail.
- 1.2 The application site encompasses land which hosted the former Whistleberry Nursery (to the rear and east of Alresford Hall). Alresford Hall (Grade II Listed) and its grounds are situated approximately 1.6 km south of Alresford and 10 kilometres south-east of Colchester. The site is located outside of the defined settlement boundary for Alresford in both the saved and emerging local plan and within a coastal protection belt within the saved plan only.
- 1.3 Taking into consideration the three strands of sustainability namely economic, social and environmental considerations the development is considered to represent a sustainable development by; creating local job opportunities, attracting additional visitors to the District, promoting children's interaction with nature, and retaining and strengthening existing landscaping and biodiversity enhancements.
- 1.4 The application and supporting documents/surveys demonstrate that there will be no overriding harm which cannot be mitigated in respect of heritage, landscape, ecology or highways considerations. The proposed development will reuse part of the estate which has been previously developed and provide a unique visitor attraction within the District for families.
- 1.5 Subject to the recommended conditions within section 8.2 of this report, the proposal is considered to be acceptable with no material harm to visual or residential amenity, heritage assets, ecology interests or highway safety, and the application is therefore recommended for approval.

### **Recommendation: Full Approval**

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

## 2. Planning Policy

2.1 The following Local and National Planning Policies are relevant to this planning application.

National Planning Policy Framework  
National Planning Practice Guidance

Local:  
Tendring District Local Plan 2007

QL1	Spatial Strategy
QL2	Promoting Transport Choice
QL3	Minimising and Managing Flood Risk
QL7	Rural Regeneration
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
ER16	Tourism and Leisure
COM1	Access for All
COM19	Contaminated Land
COM20	Air Pollution/Air Quality
COM21	Light Pollution
COM22	Noise Pollution
COM23	General Pollution
COM29	Utilities
COM31	Water Supply
COM31a	Sewerage Disposal
COM11	Formal Recreational Facilities in the Countryside
EN1	Landscape Character
EN3	Coastal Protection Belt
EN6	Biodiversity
EN6a	Protected Species
EN6b	Habitat Creation
EN11a	Protection of International Sites: European Sites and RAMSAR Sites
EN11b	Protection of National Sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites
EN11c	Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphologic Sites
EN13	Sustainable Drainage Systems
EN13a	Renewable Energy
EN23	Development within the proximity of a Listed Building
EN29	Archaeology
TR1	Transport Assessments
TR2	Travel Plans
TR3a	Provision for Walking
TR6	Provision for Public Transport USE
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

### **Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)**

SP1	Presumption in Favour of Sustainable Development
SPL1	Managing Growth

SPL3	Sustainable Design
HP1	Improving Health and Wellbeing
HP5	Open Space, Sports and Recreation Facilities
PP8	Tourism
PP13	The Rural Economy
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network
PPL1	Development and Flood Risk
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL7	Archaeology
PPL9	Listed Buildings
PPL10	Renewable Energy Generation

### **Supplementary Planning Guidance:**

Parking Standards Design and Good Practice Guide (2009)  
Tendring Tourism Strategy

### **Status of the Local Plan**

- 2.2 The ‘development plan’ for Tendring is the 2007 ‘adopted’ Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.
- 2.3 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities ‘Garden Communities’ proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.
- 2.4 The three North Essex Authorities are currently considering the Inspector’s advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.
- 2.5 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate,

referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

### 3. Relevant Planning History

83/00219/FUL	Continued use and extension of part as wholesale nursery garden, retention of two multi-span polythene tunnels	Approved	12.04.1983
88/01172/FUL	Retention of polythene tunnels and potting shed related to horticultural nursery ( part of renewal of 83/00219/FUL )	Approved	09.08.1988
93/00001/AGRIC	Agricultural Glasshouses	Determination	18.02.1993
11/01305/FUL	Installation of 10kw ground mounted solar pv system.	Approved	04.01.2012
12/01328/FUL	Installation of community biomass system, to include a new plant room/fuel store building.	Approved	17.01.2013
19/01856/FUL	Proposed farm diversification to create a children's adventure play-land within Alresford Hall Farm	Current	

### 4. Consultations

Environmental Protection

The Environmental Protection Team have the following comments to make -

Contaminated Land: Prior to the commencement of the development proposals, investigations shall be carried out to establish whether the site is contaminated in any way. Such investigations shall be carried out in accordance with a scheme which shall first be agreed in writing with the Local Planning Authority. If the investigations reveal contamination of the site, a further scheme shall be agreed in writing by the Local Planning Authority, setting out measures to ensure that the entire area of the site, in relation to soil conditions resulting from such contamination, will not be harmful or detrimental to human health, animal health, normal plant health or growth, to buildings, building surfaces or amenities. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

Construction Method Statement: In order to minimise potential nuisance to nearby existing residents caused by construction works, Environmental Protection ask that

the following below is conditioned;

No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

The use of barriers to mitigate the impact of noisy operations will be used where possible.

No materials produced as a result of the site development or clearance shall be burned on site.

All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

The selection and use of machinery to operate on site, and working practices to be adopted will as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.

Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

All bulk carrying vehicles accessing the site shall be

suitably sheeted to prevent nuisance from dust in transit.

ECC-SUDs

Lead Local Flood Authority position

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 based on the following:

#### Condition 1

No works except demolition 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 should include but not be limited to:

- Limiting discharge rates to 1l/s, by utilising infiltration elsewhere on site, for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753, including specified pre-treatment prior to water entering the attenuation basin.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

#### Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

#### Condition 2

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 and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall

subsequently be implemented as approved.

#### Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

#### Condition 3

Prior to occupation 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. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

#### 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.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

#### Condition 4

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.

Environmental Protection

In addition to the original comments relating to contaminated land and construction method statement; the EP would like to address the submission of the Noise Assessment, dated 28th April 2020. The EP Team are satisfied that the relevant British Standards and relevant guidelines, as outlined in the report, can be met. The report indicates that there will be no significant adverse impact to nearby residents, from the predicted noise levels associated with the proposed development. Provision should be made by the developer / site manager to implement and maintain the recommendations laid out in the report.

Essex Gardens Trust

I am commenting on this application on behalf of the Essex Gardens Trust, which represents The Gardens Trust, a statutory consultee on historic landscapes and gardens. We wish to register an objection to this application for a children's adventure playground at Alresford Hall.

Alresford Hall is of historical importance as the manor Alresford. It stands in an isolated position, above a valley, to the south of the village which is a modern development centred on the railway station. The ruined medieval parish church is to the west on Ford Lane, from which the current access to the Hall and the properties on the estate is taken. This is a stretch of countryside which has been little disturbed except by gravel workings. The Hall is listed grade II. It owes much of its appearance to Matthew Martin, a director of the East India Company, who bought it in 1720. North of the Hall is a grade II post-medieval eight bay barn, and to the south of it a walled garden, also grade II. On level ground to the east of the Hall, there was until recently a nursery. This business has closed, and the buildings there largely cleared. It is in this area that the playground is proposed. It would occupy an area of about 200m square, in which there would be structures for a variety of activities. To the south would be a service and play building 40m long and 10m wide, and parking for over 150 cars. To the north would be a new access road from the B1027. It is difficult to see how this would not affect the setting of the listed buildings, changing the character of the area from rural/agricultural to commercial and developed with built form.

The Heritage Impact Assessment with the application has failed to recognise the existence only 200-300m south of the proposed car park of a complex of listed building, including the II\* one known as The Quarters, historically associated with the Hall. The confusing name of The Quarters apparently references a link to Cromwell's troops, but the principal part of the building dates from about 1765 and is a chinoiserie

summerhouse or fishing lodge situated by a lake formed from a dammed stream. In origin this may well have been a millpond for the manor. An estate map of 1730 shows a straight drive cutting a view through woodland on the valley side down to the pond. The sweet chestnut trees that are a major component of this woodland may well date from about this time. The summerhouse was designed by Richard Woods for Thomas Martin as a Chinese temple with a cupola above sweeping soffits or eaves, large ogival headed sash windows, and a trellis work balustrade to the veranda facing the lake. Chinese style structures were popular adornments of 18th century gardens, but often of impermanent materials or at risk of changes in fashion, such that relatively few have survived. Woods was a significant landscape designer with about 40 known commissions. Some were in Essex where he settled from 1768, eventually becoming surveyor to the 9th Lord Petre at Thorndon Hall. At Alresford, he probably also improved the lake and its surroundings. The lake, the summerhouse, an island with a willow tree, and in the distance an 18th century brick bridge (also grade II), form a perfect 'Willow Pattern' picture. This, however, is not how Constable chose to portray it in his painting of 1816, which is a direct view of the summerhouse from across the lake. Around the summerhouse, there are also three roughly contemporary grade II listed buildings, a cottage, and outbuilding, a dovecot, whilst on the other side of the lake there is a listed icehouse.

These buildings, and the landscape, are part of a historic ensemble with the Hall, and the Heritage Impact Assessment should be revised to take account of them. They may not be intervisible with the development site, but historically they were part of it, and in terms of heritage values, they score highly for aesthetic, evidential and communal values. Their setting, as the wider surroundings in which they are experienced, to use the NPPF definition, will be damaged, as will that of the listed buildings at the Hall, in particular by a loss of tranquillity, an essential feature of this picturesque landscape. With the presence of tens of thousands of people a year, and 200 car movements a day, only a few hundred metres away, it could not be otherwise. The car park and the play building are a point nearest The Quarters, when ideally they should be to the north nearest the access road. The outcome would be contrary to the recommendations of the NPPF (170) which says planning policies 'should contribute to enhance the natural environment' from the effects, inter alia, of noise, and ensure new development 'is appropriate for its location', taking into account the likely effects of pollution, which includes noise (180). It is absurd that the agents say there is no need for a noise assessment. The development would also be inconsistent with the NPPF's emphasis on the 'desirability of sustaining and enhancing

the significance of heritage assets', and on the 'desirability of new development making a positive contribution to local character and distinctiveness' (192).

This is not the right place for a development of this sort, and we urge your authority to refuse the application.

#### Woodland Trust – Original Comments

Related to this application the Woodland Trust's concerns focus on the proximity of development to the ancient woodland of Stable Wood. We are additionally concerned by potential disturbance of Crestland Wood, as the applicant's Design & Access Statement includes reference to the creation of a walkway within this area, as an attraction for visitors. While this may utilise existing pathways, the Trust considers that further information is required to clarify any works which would be undertaken, and how this may impact the woodland.

A number of trees on site (T1, T20, T26, T36 and T37) are identified as veterans. The Trust considers that the proposals may impact some of these irreplaceable habitats also.

#### Mitigation

Natural England's Standing Advice on Ancient Woodland states "Mitigation measures will depend on the development but could include:

- improving the condition of the woodland
- putting up screening barriers to protect woodland or ancient and veteran trees from dust and pollution
- noise or light reduction measures
- protecting ancient and veteran trees by designing open space around them
- identifying and protecting trees that could become ancient and veteran trees in the future
- rerouting footpaths
- removing invasive species
- buffer zones"

This development should allow for a buffer zone of at least 15 metres from the adjacent ancient woodland, in order to avoid root damage and to allow for the effect of pollution from the development. The buffer should be planted before construction commences on site, and a fence should also be put in place during construction to ensure that the buffer area does not suffer from encroachment of construction vehicles/stockpiles etc. This is in keeping with Natural England's Standing Advice, which states that "you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic."

The Standing Advice additionally states "A buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter." The Trust considers that the veteran trees identified on site should be afforded a root protection area of 15 times stem diameter, and that it should be ensured the development will not encroach within the recommended buffer zones or RPAs. From the current plans it appears that there may be incursions within T1 and T37.

#### Conclusion

Ancient woodland and veteran trees are irreplaceable habitats. We consider that any development that adversely impacts on ancient woodland or veteran trees is inappropriate, and all possible steps should be taken to avoid such impact.

The Woodland Trust will maintain an objection to this planning application unless the applicant provides adequate buffering to the ancient woodland and veteran trees.

Woodland Trust – Additional Comments

Following the Trust's objection to the above application, we have received additional information and amended plans which have addressed the concerns we raised. Based on this, the Trust wishes to now withdraw our objection.

ECC Highways Dept

The additional information supplied for this application has been duly considered and site visits have been undertaken. The outstanding issues have now been addressed therefore the conclusions of the Highway Authority are as follows:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

No development shall take place until the following have been provided or completed:

1. Construction Traffic Management Plan, which shall be adhered to during the construction phase of development, shall be submitted to and approved in writing by the Local Planning Authority.

The Plan should include details regarding any temporary traffic management/signage and wheel cleaning facilities for the duration of the construction phase to prevent the deposition of mud or other debris onto the highway

network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site.

Reason: In the interests of highway safety and efficiency.

2. The opening of the attraction shall not take place until the following have been provided or completed:

a) A priority junction off B1027 Tenpenny Hill with ghosted right turn lane to provide access to the proposal site with Kerb radii measuring a minimum of 8 metres with a 2- metre-wide footway provide around each kerb radii and extended to the nearest crossing point and resurfacing of the full width of the carriageway for the extent of the ghosted right turn lane.

b) The road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 x 136 metres northwest bound and 2.4 x 160 metres southeast bound, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

c) Improvements to footways to an affective width of 2 metres from the two closest bus stops to the proposed junction and encompassing and introduction of associated tactile paving for any crossing points.

d) To current Essex County Council specification, the upgrade of the two closest bus stops on the B1027 Tenpenny Hill or upgrade of the stops which would best serve the proposed site (details shall be agreed with the Local Planning Authority prior to commencement of the development).

e) The provision of 1 no. pedestrian refuge island (with beacon/ keep left signage and bollards) in the vicinity of the site entrance to improve access for pedestrians using the bus stop on the opposite side of Tenpenny Hill (details shall be agreed with the Local Planning Authority prior to commencement of the development).

f) Provision of warning signs (x2) on new posts to diagram no. 506.1 and temporary signs (x2) diagram no. 7014(v) in advance of the new junction on each approach.

g) As part of the S278 works a drainage survey will be required in the area of the proposed site access on Tenpenny Hill.

Reason: To make adequate provision within the highway for the movement and safety of the additional pedestrian traffic generated as a result of the proposed development in accordance with policy DM1 and DM9.

3. No unbound material shall be used in the surface

treatment of the vehicular access within 30 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.

4. The gradient of the proposed vehicular access shall be in accordance with DMRB standards.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to ensure accordance with safety in accordance with policy DM1.

5. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

6. Prior to the opening of the attraction the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been marked out in parking bays. The vehicle parking area and associated turning area shall always be retained in this form. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

7. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

8. The submission of a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,000 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period.

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.

9. Prior to opening of the attraction in year (season) two a free shuttle minibus service; in principal, will operate between the site and Alresford Railway Station during Bank Holidays and the local school holiday periods; the service/ frequency and route will:

- be agreed and finalised by both the developer, ECC as part of the Travel Plan monitoring and Community Rail Partnership two months before operation of the service commences.
  - the minibus provision will be regularly promoted to all staff and visitors to the Park as part of their commitment to active and sustainable travel, via their website, leaflets and social media channels.
  - The Community Rail Partnership will help promote travel to the park by train, with leaflets and social media working closely with the Parks Travel Plan Co-ordinator.
  - At the end of year (season) two the service will be reviewed, with further monitoring occurring annually on the anniversary of site occupation for a period of five years. This review/monitoring is to be provided to Essex County Council as local highway authority as part of the Travel Plan monitoring and will look at but not restricted to what impact the promotion to use the train has had; changes in car park capacity during these periods and perceived traffic congestion getting to and from the park.
- 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.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Natural England

NATURAL ENGLAND'S LOCAL PLANNING CONSULTATION ADVICE FOR

DISCHARGES TO GROUND OR SURFACE WATER - v. July 2017

Natural England's initial screening of this planning application suggests that impacts to designated sites caused by foul drainage arrangements need to be considered by your authority (i.e. the relevant Impact Risk Zone has been triggered).

Natural England  
(Additional Comments in response

DESIGNATED SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

to Appropriate Assessment)

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Essex County Council Ecology

No objection subject to securing biodiversity mitigation, compensation and enhancements

We have reviewed the amended Ecological Impact Assessment (EcIA) (Naturally Wild, January 2020) recently supplied to the LPA, which relates to the likely impacts of development on designated sites, protected and Priority species & habitats.

We note that additional information has been requested in relation to Local Wildlife Sites but no data search from Essex Field Club for protected and Priority species. We therefore still consider the desk study submitted to be deficient but accept that the applicant's ecologists have identified those species likely to be present and affected.

We note from the amended EcIA that the development will not require its own water supply and waste water discharge will directly enter a foul sewage system for treatment. This provides certainty of impacts to the Colne Estuary SPA and Ramsar from foul drainage arrangements and following Natural England's local planning consultation advice, the LPA can record its decision regarding embedded mitigation measures in its bespoke HRA screening report.

We note that the amended EcIA states that in addition to areas of deciduous woodland and its ancient woodland, Crestland Wood Local Wildlife Site (LoWS Te21) supports a population of glow-worms. Likely impacts on this designated site from the development includes vegetation removal during construction & recreational disturbance post development. Mitigation & compensation for woodland pathways (see Fig 6, EcIA) are provided in Section 5 Conclusions and Recommendations. This includes an ecologist being



present to supervise works and to check for protected species, using a no-dig method for path construction but also fencing the path to stop visitors and dogs from walking in other areas of the woodland.

Whilst we support the aims of controlling public access within the LoWS woodland, we are concerned that fencing itself could result in damage to tree roots & soil layers. Depending on the type of fencing, it could also act as a barrier to wildlife eg mammals, so we request further information on this mitigation measure prior to beneficial use.

If this development is consented, we recommend a condition to secure a long term management plan for Crestland Wood LoWS to achieve positive conservation management for this local wildlife site as required by Government Indicator SDL 160 - 00 and supported by the NPPF. This should include a programme to thin and remove the Cypress trees which would improve its biodiversity value and make it more attractive to visitors.

We note that the amended EclA also refers to potential impacts on the adjacent Alresford Hall Woods (LoWS Te 26) from human and vehicular disturbance to any species using woodland edge plus potential trampling of woodland flora. However, we welcome the mitigation proposed for a buffer zone to be installed of 5m wide strips of species rich field margin/wildflower meadow retained or created, with fencing to prevent access to the buffer zone or adjacent woodland. This is considered acceptable to avoid impacts on this designated site in line with the Planning for Ancient Woodland (Planner's Manual for Ancient Woodland and Veteran Trees (Woodland Trust, July 2019).

The woodland on and adjacent to the site is in an area with multiple records of Hazel Dormouse (included in the EWT biological records search within 2km from Suffolk and Essex Dormouse Group) and we note that this European Protected Species has now been considered in the amended EclA. "There was no understorey within the woodland walkways area and therefore no suitable habitat that Hazel Dormice would utilise. There are very few species of plants that Hazel Dormice would readily forage on within this area and no evidence was found within this area of the woodland. It is therefore considered that this area of woodland surveyed is of negligible value to dormice." The conclusion is that due to a lack of suitable habitat and food on site, there is a negligible value to dormice. However, we note that Images 4 and 9 contain some bramble which could support Hazel Dormouse and therefore we recommend that a suitably licensed ecologist supervises works to create the woodland pathways.

In addition to surveys of trees and hedgerows in the meadow area, we also note that the amended EclA now states that, "No trees within the woodland walkway area contained any (Potential Roost Features) PRFs or any evidence of roosting bats on the date of the survey. However, as conditions of trees can change over time or suddenly during weather events, there is potential for trees to develop PRFs before, during or post construction of woodland pathways."

We consider that, by providing public access to the woodland, health & safety considerations will need to ensure that trees within falling distance of any paths are safe and this may impact on bats if any trees contain PRFs and this is likely to change over time. We therefore welcome the mitigation identified in Section 5 of the EclA relating to any trees in close proximity to the woodland walkways being assessed for PRFs prior to any tree management works and the potential for survey and a mitigation licence with compensation for the loss of any bat roost.

We welcome the suggestion for a sensitive lighting scheme within the main development site to avoid impacts on bats roosting, foraging or commuting through the site although we recommend that lighting is not installed for the woodland walks and this should be secured by a condition of any consent.

We note that the amended EclA now reports that the reptile surveys confirmed low populations of three species - Common Lizard, Grass snake and Slow worm - present in grassland on site. The updated EclA now states "A new area of grassland should be established or identified within the grounds of Alresford Hall" for a reptile receptor site as capture and translocation will be necessary to allow for those areas to be developed into the car park facility. As there has been no assessment of potential reptile receptor sites, there is no certainty that any will meet the criteria in Natural England's Standing Advice - <https://www.gov.uk/guidance/reptiles-protection-surveys-and-licences#moving-reptiles-translocation-as-mitigation>.

This states:

"If you need to move reptiles to a new location, you'll have to choose a receptor site:

- as close as possible to the development site, and within the same local planning authority if possible
- that is at least the same size as the habitat that will be lost, and larger if the habitat to be lost is high quality (you can provide smaller habitat if it's substantially better quality)
- that will serve the same function as the habitat to be lost, eg it has hibernation features
- with similar habitat to the area that will be lost, including

water bodies

- that doesn't currently support the same species, but can be improved to make it suitable
- that will be safe from future development and managed in the long term

You can introduce small numbers of reptiles to an area with an existing population if you have improved the habitat so it can support the increased numbers. You must allow enough time for new habitats to become suitable for the reptiles before you start to capture them."

There is a need for newly created habitat eg as suggested in the amended EclA, to become suitable with sufficient prey invertebrate to support the translocated reptiles. We therefore consider that this further information is necessary to understand the quality of the potential receptor sites within the applicant's control so that the LPA can assess the proposed mitigation within a Reptile Mitigation Strategy. For this reason then, it will be necessary for the applicant to confirm a reptile receptor site prior to commencement. This needs to be which, if not submitted prior to determination, we recommend is secured as a condition of any consent.

We note that an additional site visit in early 2020 may now have taken place to examine other areas within the estate ownership and look forward to receiving confirmation of an agreed receptor site as soon as possible. This is necessary to ensure that there is sufficient capacity for the translocation which may need enhancement to accommodate the reptiles needing to be re-located.

We welcome the assessment of likely impacts on Priority species in the amended EclA and recommend that the mitigation measures for Brown Hare & Hedgehog are secured by a condition of any consent. Due to tree lines around the main development site making it unsuitable for ground nesting farmland birds as they provide predator perches, those species using the network of hedgerows are not considered likely to be affected by the proposal.

We also welcome the proposed biodiversity enhancements for this development including the use of native species for landscape planting as well as bird and bat boxes to ensure that measurable net gains are provided for biodiversity. This is necessary to meet the requirements of Paragraph 170d of the National Planning Policy Framework 2019. We recommend that these are secured by a condition of any consent and identified within a Biodiversity Enhancement Layout.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under

s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions:

**1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Naturally Wild, January 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This is to include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction of the woodland pathways. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

**2. PRIOR TO COMMENCEMENT: REPTILE MITIGATION STRATEGY**

"No development shall take place (including any demolition, ground works, site clearance) until a Reptile Mitigation Strategy to include details of the receptor site, has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter."

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

### 3. PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT LAYOUT

"A Biodiversity Enhancement Layout, providing the finalised details and locations of enhancement measures shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

### 4. PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

### 5. PRIOR TO BENEFICIAL USE: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) for Crestland Wood LoWS shall be submitted to, and be approved in writing by, the local planning authority in consultation with Essex Wildlife Trust, prior to beneficial use of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed within the LoWS woodland.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions including fencing of woodland pathways.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Essex County Council Archaeology

Due to the sensitive nature of the above site and high potential for archaeological evidence a programme of archaeological evaluation was required pre-determination. This included a programme of aerial rectification and targeted trial trench evaluation.

The results of this has been submitted in an evaluation report to support the application. The evaluation has been successful in accurately locating and identifying the level of survival of the cropmarks features identified through rectification of aerial photos in addition to revealing further possible associated activity within the development area. The evaluation has revealed a landscape of multi period activity from the Neolithic to Roman period. This consists of ring ditches, enclosures,

trackway and pits. The evaluation was unable to establish the function or character of the ring ditches which may be ritual or domestic in nature and some remain undated. Late Iron Age/Roman features were numerous and clustered in certain areas while prehistoric activity was spread across the wider area.

Considering the scheme has large areas of open space and areas where the topsoil does not need to be removed there is the potential for the preservation of archaeological deposits within the scheme. Should permission be granted a mitigation strategy will need to be submitted which will outline how the construction design of the buildings and play areas will protect the surviving archaeological deposits. The proposed buildings lie within areas which contain archaeological deposits which have been partly uncovered, should preservation not be possible in this area then full excavation of the footprint of the building will be required.

The following recommendations are made in line with the National Planning Policy Framework:

#### RECOMMENDATION:

1. A mitigation strategy detailing the preservation/excavation strategy shall be submitted to the local planning authority.
2. No development or preliminary groundworks can commence on those areas containing archaeological deposits where preservation cannot be achieved by design until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.
3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Campaign to Protect Rural  
England

The Essex branch of the Campaign to Protect Rural England objects to this proposed development for the following reasons:

#### 1. Heritage

The combined elements of the proposed development are substantial and significantly at odds with the rural location. The site is located in a prominent position, within the setting of Alresford Hall. The proposal for visitor car park, outdoor adventure play components, go-

cart track and substantial built structures will result in completely inappropriate and intrusive development immediately to the east of the hall, barn and walled garden, which are all listed. It is very difficult to see how the proposed development would not affect the setting of these listed buildings, changing the character of the area from rural/agricultural to commercial and overly developed with inappropriate built form.

This change to the setting of the heritage assets, and how it contributes to their significance, can only be considered adverse. As such, the development would cause substantial harm to the designated heritage assets and para 196 of the NPPF is relevant.

Additionally, the Heritage Impact Assessment submitted with the application has failed to acknowledge the existence - approximately 250m south of the proposed car park - of another complex of listed structures, including The Quarters (Grade II\*), which is historically associated with the Hall. The Quarters was rebuilt in 1771 as a Chinoiserie fishing pavilion on the edge of a small lake in woodland. It was painted by John Constable in 1816 as part of the more well known commission of Wivenhoe Park, which is in the National Gallery Washington, whilst The Quarters painting is in the National Gallery in Melbourne. Around this pavilion, there are also three roughly contemporary Grade II listed buildings - a cottage and outbuilding, a dovecot, and on the other side of the lake there is a listed icehouse.

These buildings, and the landscape, are part of a historic ensemble with the Hall, and the Heritage Impact Assessment should really be revised to take them into account.

## 2. Noise

The noise pollution factor is very important because the tranquillity and seclusion experienced in and around the heritage assets will be significantly altered by this development - which is not typical of or appropriate for this peaceful location. The tranquillity of the setting contributes much to the II \* listing of The Quarters. There is concern that noise from the outdoor play zones cannot be contained within the boundary of the development and neither would the impact of visiting cars and contractors/delivery vehicles. With the presence of tens of thousands of people a year, and 200 car movements a day, it could not be otherwise.

The outcome would therefore be contrary to the recommendations of the NPPF which says that planning policies 'should contribute to and enhance the natural and local environment' from the effects, inter alia, of noise (para 170). In addition, para 180 states that planning policies and decisions should also ensure new



development 'is appropriate for its location', taking into account the likely effects of pollution - which includes noise. As such, and with particular reference to para 180(b), it is somewhat surprising that no assessment of noise impact has been carried out.

### 3. Wildlife

The current peace and tranquillity of the landscape attracts a rich and diverse range of flora and fauna. The abundance of wildlife includes bats, buzzards, owls, woodpeckers, muntjac and fallow deer. There are strong concerns therefore about the potential for seriously adverse impacts of the proposed development on the wildlife of the surrounding area - not only from noise and light pollution but also resulting from the creation of a new link road off the B1027 and the volume of daily vehicle movements this will support.

The existing meadows and woodlands around the site provide biodiverse habitats for the many species of local flora and fauna. Crestland Wood is included in the register of Ancient Woodland and it is difficult to accept that the proposal to make this woodland part of the wider visitor attraction can be managed effectively to ensure that potential harm to the integrity of the habitat is contained. Similarly, Stable Wood - another ancient woodland of high ecological value - would be seriously degraded in all respects by the positioning of the proposed visitor car park, which is planned to abut the woodland.

In conclusion, for the reasons set out above, CPRE Essex considers the proposed development to be totally inappropriate for the location and setting and therefore urges Tendring District Council to refuse the application.

Historic England

Thank you for your letter of 8 January 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

ECC-Places Services (Heritage)

The proposal is located in a prominent position, in the setting of Alresford Hall.

The southern part of the site has been cleared of twentieth century buildings, returning it to the character which has historically been experienced here, as evidenced on historic maps. In its current use the application site makes a positive contribution to the setting of the designated heritage assets.

The proposal will result in dense development to east of the hall and walled garden. Whilst with screen planting this may not be aesthetically prominent, the

environmental changes will be adverse. In considering the tranquillity and seclusion experienced in and around the heritage assets, this experience will be significantly altered by a development which is not typical of this location adjacent to a large rural residence. This change to the setting of the heritage assets, and how it contributes to their significance, can only be considered adverse.

As such, the development is considered to cause less than substantial harm to the designated heritage assets and paragraph 196 of the NPPF is relevant. This harm is identified to the three heritage assets noted above and is considered to be at the lower end of the spectrum of harm.

I recommend a condition is attached to any permitted planning application requiring details of the new building, landscape/planting, surface treatments and any new fixtures.

ECC-Place Services (Heritage)-  
Additional Comments

I have undertaken a site visit and reviewed the proposed scheme. I do not consider there to be any anticipated adverse impact on the setting of Grade II\* Listed The Quarters. The low key development of this site does not detract from the setting of this designated heritage asset or the manner in which setting contributes to its significance.

## **5. Representations**

5.1 Alresford Parish Council objects to this application for the following reasons:

- Significant concerns for the safety of pedestrians and vehicles accessing the site from the B1027 due to the section where the site entrance is proposed having a 60mph speed limit, being in close proximity to blind bends and there being no footways or crossing points.
- Environmental concerns due to the potential for adverse impacts on the wildlife, flora and fauna of the surrounding area.
- The land surrounding the proposed site is of great historical importance and has grade II and grade II\* listed buildings/structures. The NPPF states that Grade I and Grade II\* listed buildings must be protected from any influence detrimental in any way to their setting. A more in-depth examination is required as to the impact this development would have, for example, on The Quarters.
- The main site itself would require a thorough archaeological survey. Quote from Chartered Institute for Archaeologists: "Although the resources of the historic environment have the potential to bring great benefits, the interests of different parties involved in their management and use are not always aligned. In the UK, the planning systems and legislation relating to heritage provide a framework for mediation of those interests. They recognise that landowners have rights to do what they wish with their property, but that those rights may need to be constrained if changes planned to benefit the owner will have particularly damaging effects on resources that are important to society at large. This concept of balancing conflicting needs involves weighing up short-term benefits with potential impoverishment of society's resources for future use. Where the demand for development is found to outweigh the need for preservation of the historic environment, destruction of assets can be permitted but offset by an improved understanding of what happened in the past, normally through excavation or other types of investigation. All

historic environment assets whether designated or not are material considerations in the planning process. The spatial planning processes in the UK involve a regularly used series of steps or phases to manage change in the historic environment”.

5.2 92 representations of objection have been received and 62 comments of support. The content of these representations are outlined below;

### Objections

- Access to the site is too narrow for car to pass side by side
- Pedestrian access is not shown from bus stops
- Dangerous crossing point for pedestrians utilising bus stops to visit attraction
- Water will drain out onto highway causing traffic hazards
- The site is a wildlife haven accommodating numerous species of birds, reptiles, insects and mammals.
- Noise children’s play area would deprive site of tranquillity adversely impacting upon natural and historic aspects.
- Significant detriment to natural beauty of site/area and local wildlife within and on nearby sites.
- Negative impact upon noise pollution
- Light pollution emanating from the site would have a detrimental impact upon the character of rural area and wildlife
- Adverse impact upon the historic setting and importance of the Grade II\* building known as the Quarters
- Impact upon the setting of the Quarters and its link with the wider Alresford Hall Estate not properly assessed
- Dangerous new access on 60mph stretch of road near bend and hill
- Development would set precedent for housing development if not viable
- Local shops and outlets benefitting from passing trade is supposition only
- Adverse noise impacts upon local population and livestock occupying nearby fields
- Decrease in property values in the vicinity
- 200 cars per day is an unrealistic expectation for such a dangerous access point
- Unsustainable location forcing visitors to drive to development
- Impact of noise upon grazing livestock nearby
- Development will affect the rural setting and character of listed buildings
- Poorly designed new buildings not in keeping with the rural character
- Too isolated in the middle of the countryside
- Adverse impact on nearby ancient woodland from noise/air pollution
- Development fails to promote sustainable travel options
- Increases risk to pedestrians and cycle users
- Fails to provide enhancements to biodiversity
- Foul waste impacts upon local wildlife/designated sites
- Absence of an Environmental Impact Assessment
- Contrary to saved policy EN3 as site is within a Coastal Protection Belt
- No evidence of benefits to the Alresford Hall Estate
- Development gives rise to substantial car borne traffic.

### Support

- Fantastic asset to village
- Great for families and days out for local people
- Help to encourage learning and job opportunities
- Maintains and protects natural surroundings
- Complies with the Council’s desire to increase tourism opportunities
- Renewable energy proposals
- Replaces wasted and dis-used commercial site

- Access to woodland walks is positive for mental well-being
- Design of the play equipment is in keeping with the rural surroundings
- Edge of village and no traffic proposed to go through the village
- Development would be well-screened by existing woodland
- Forward thinking, environmentally sensitive and sustainable development project
- Owners live in closest proximity to site so in their best interests to limit noise impacts
- Need more outdoor activities for children in the local area
- Objections to traffic are exaggerated (one every 2 mins proposed)
- Great asset to local tourism industry.

## 6. **Assessment**

### Site Context

- 6.1 The application site encompasses land which hosted the former Whistleberry Nursery (to the rear and east of Alresford Hall). The nursery during its operation was a commercial enterprise which grew and sold plants. Until very recently, the site featured agricultural buildings comprising approximately 4,785 sq. m of land coverage (two buildings of approximately 530 sq. m and 1,352 sq. m of hard standing is still present on the site), polythene tunnels, glasshouses and large areas of hardstanding.
- 6.2 Immediately to the south of the former nursery site, there is a large area of land which has previously been compartmentalised through the use of Leylandii trees. The trees are approximately 15 metres in height and provide natural screening for this entire area.
- 6.3 Alresford Hall and its grounds are situated approximately 1.6 km south of Alresford and 10 kilometres south-east of Colchester. Alresford village is identified as a 'rural service centre' and 'principal defined village' in the adopted, and within the emerging, Local Plan.
- 6.4 There are bus stops located on the B1027 road, approximately 800 metres away from the site. These bus stops provide regular services to Alresford, Brightlingsea and Colchester (services No's 62, 74A, 74B, 78, 78C, 78D, 98 and 702). There is also a train station in Alresford, on the Clacton to London line, with direct access to London in approximately an hour and a half.

### Proposal

- 6.5 This planning application proposes to create a children's adventure play area on the application site. The proposed leisure use will incorporate the following aspects;
- Six outdoor play areas. Although the precise design details of each play area is yet to be determined and will be addressed by condition they are envisaged to include:
    - Enchanted castle
    - Dragon water play
    - Goblin's labyrinth
    - Jumping pillows
    - Sand play
    - Wishing well play zone
  - A main building and covered area of 429 sqm. This will include visitor facilities such as toilets, food and beverage, ticketing, an ancillary retail outlet, an indoor play space and the staff/back of house and servicing with an additional small toilet and changing facility in helpful proximity to the water play area.
  - A small additional toilet and changing block building at the north of the site:

- The food and beverage offer on-site including a mix of staple café fair served in a courtyard setting with a mix of indoor and outdoor covers with a mix of pop -up food, a small indoor food service point and beverage units that will be interchangeable and removable from the site.
  - An interactive adventure trail within Crestland Wood. The trail will utilise existing paths within the woods and provides three possible routes to allow young people and families to go on a discovery trip through the countryside and woodland, solving problems and interacting with nature.
- 6.6 A new vehicle access is proposed from the B1027 road. This will provide a two way traffic access into the site and it will feature landscaping areas to soften its visual impact.
- 6.7 A car park to provide sufficient space for up to 200 vehicles will be provided at the south of the site (located within one of the existing Leylandi compartments).
- 6.8 Supporting information accompanying the application confirms that the operation opening hours will be 10-5 pm, 7 days per week. Predominantly between the Easter Holiday period until the October half term. It is also confirmed that there may be maybe seasonal events held infrequently at Christmas, Halloween and in the summer, where a longer period of opening would be required to allow evening visitors to the site.
- 6.9 Five free standing solar PV array panels are proposed; they will be located on land to the south west of the site and complement existing solar PV array panels within the estate.

#### Principle of Development

- 6.10 The revised NPPF (2019) is a material consideration in the determination of all planning applications.
- 6.11 Paragraph 80 of the NPPF stipulates *'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt'*.
- 6.12 Paragraph 83 of the NPPF concerns rural development proposals and the promotion of a prosperous rural economy. It states that planning policies and decisions should enable:
- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
  - b) The development and diversification of agricultural and other land-based rural businesses;
  - c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and;
  - d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- 6.13 Saved Policy ER16 of the adopted Local Plan relates to tourism and leisure uses. When promoting the development of new tourist attractions, the Council will seek to direct investment within the resort towns and main settlements as specified in the area policy statements. This policy provides support for tourism and leisure uses provided that:
- The development is accessible to all potential visitors and users;
  - There is suitable vehicular and public transport access to the site and parking provision, especially where the proposal is likely to generate large traffic volumes;

- Proposals should be located close to the main road network and link to other public rights of way wherever possible;
  - The type of use proposed would not cause undue disturbance by reason of noise. Uses creating high levels of noise should be located well away from residential property and sensitive wildlife areas;
  - There will not be an adverse effect on agricultural holdings and the proposal would not result in an irreversible loss of high-quality agricultural land; and where appropriate opportunities are taken to improve damaged and despoiled landscapes and enhance the landscape character of the area.
- 6.14 Emerging policy PP6 contained within the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) provides support for farm and other land-based diversification schemes that benefit the rural area and emerging policy PP8 states that the Council will generally support proposals that would help to improve the tourism appeal of the District to visitors, subject to other relevant policies in the Local Plan. In particular, the Council will support appropriate proposals for the provision of leisure and tourism facilities as part of farm diversification schemes and outdoor recreational activities that would strengthen the function and protection of the undeveloped countryside.
- 6.15 Emerging policy PP13 relates to the rural economy and provides support for growth in the rural economy and it states that the Council may grant planning permission for development in the countryside outside of defined settlement development boundaries, subject to detailed consideration, including against other policy requirements in this Local Plan:
- Where appropriate to the historic environment, conversion or re-use of rural buildings in the countryside to employment, leisure or tourism use;
  - Business and domestic equine related activities;
  - Agricultural and key workers' dwellings; and buildings that are essential to support agricultural, aquaculture, horticulture and forestry; and farm diversification schemes; and
  - Buildings that are essential to support agricultural, aquaculture, horticulture and forestry; and farm diversification schemes.
- 6.16 Saved policy EN3 of the adopted Local Plan is also relevant as the site is designated as falling within the protected Coastal Protection Belt in the adopted plan. However, it is noted that the site is well-contained and not viewed as part of a wider coastal landscape. This view is supported by the removal of the Coastal Protection Belt designated in the emerging Local Plan and indicates it's the Council's intention to not specifically allocate this site as a protected landscape.
- 6.17 The above-mentioned national and local planning policies do therefore support a scheme of this nature which aims to promote a sustainable rural tourism use that will stimulate economic growth in a rural area. The provision of well-designed new buildings on the site to sustain the farm diversification project is supported within the NPPF at paragraph 83 and must be considered against the history of the site which has accommodated in the past a large horticultural use and still contains several structures and areas of hardstanding.
- 6.18 Furthermore, the supporting documentation asserts that the proposal would assist in securing the long term future of the Alresford Hall Estate and its associated heritage assets whilst offering local employment opportunities. In addition the bespoke nature of the 'enchanted theme' offering a children's adventure play area and potential woodland adventure trail in a largely rural location provides for a visitor attraction that is unique within the District and promotes children's interaction with nature.
- 6.19 Taking into consideration the three strands of sustainability namely economic, social and environmental considerations the development is considered to represent a sustainable development by; creating local job opportunities, attracting additional visitors to the District,

promoting children's interaction with nature and retaining and strengthening existing landscaping and biodiversity enhancements.

- 6.20 Subject to the detailed design/technical matters being addressed such as highway impacts, detailed design aspects and heritage/ecology considerations the development is acceptable in principle.

#### Layout/Design

- 6.21 Saved Policy QL9 sets out a range of general design principles, including requirements for developments to have regard in their design approach to local character and distinctiveness, architectural quality, scale and massing, and landscaping. This policy requires all new development to make a positive contribution to the quality of the local environment, and to protect or enhance local character.
- 6.22 Draft Policy SPL3 sets out the requirement for development to achieve sustainable design.
- 6.23 Paragraph 124 of the NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.24 The layout of the proposed development is dictated by the various constraints of the site along with the siting of the proposed access and parking area. The car park will be sited at the southern end of the development within an area screened by existing leylandii compartments. Visitors will then enter the main play area to the north via a tree lined pedestrian route from the car park which leads to the main building and entrance area.
- 6.25 To the north of the main café/indoor play building, the play area will consist of themed outdoor play areas including an enchanted castle, a separate water play element, informal sand and toddler play, a network of tunnels themed around a goblin's labyrinth, jumping pillows and a peddle go-kart track. These areas will be interspersed amongst pedestrian pathways and a robust landscaping scheme including tree and shrub planting.
- 6.26 Further to the north of the main play areas will be a maize maze within the existing agricultural field, and beyond a pedestrian path leading to Crestland Wood to allow families access to the woodland for walks/activity trails.
- 6.27 In terms of the design approach the external appearance of the proposed development will be high quality, not only for the elevational and surface treatment of the two buildings and pathways but also for the siting and orientation, selection of materials and finishes, and associated landscaping.
- 6.28 The main building has been designed to be single storey with a steep pitched roof and timber finish. This is in order to enable the building to be more in keeping with the local rural character. The eaves height has been kept low with the use of canopies with the aim of keeping the appearance low and the roof the dominant feature. The building will have an agricultural appearance through the scale, form and choice of materials in order to reflect the previous agricultural use of the site.
- 6.29 The full details of the various children's play areas will be secured via a condition. A site layout is submitted with the application alongside indicative sketch drawings which show the proposed maximum heights of the play equipment and their indicative appearance. The scale and design approach outlined is acceptable and consistent with the rural character of the locality.

- 6.30 Officers consider that the scale of the development has been sensitively set out within the confines of the site. The location, arrangement and interconnectivity of the various buildings and play areas within the site seeks to enhance the existing site setting.
- 6.31 The positioning and space between the various buildings and play attractions sets out a low density development that allows for the continued protection and enhancement of the site's existing setting and habitat.
- 6.32 For the reasons outlined above, the proposal is considered to be in accordance with Saved Policy QL9 and emerging Policy SPL3.

Highway Safety/Parking

- 6.33 Paragraph 102 of the NPPF requires Councils, when making decisions to ensure:
- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.34 Saved policy TR1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy CP1 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 6.35 The site access is proposed to be taken from the site's eastern boundary on to the B1027 via a new access junction which will incorporate a new dedicated ghost island right turn lane and D-island refuge to assist visitors crossing the road from the bus stop opposite. Bus stops are located in the immediate vicinity of the proposed access location, both on the site-side and on the opposite side of the B1027. New pedestrian pathways from both bus stops to the site access will be installed to cater for visitors utilising the local bus service.
- 6.36 The location of the proposed access has been determined with reference to the desirable minimum visibility requirements.
- 6.37 Furthermore, the application details confirm that during highest demand (typically during the summer school holidays) the following vehicle movements are forecast;

Hour Ending	Arrivals (vehicles)	Departures (vehicles)	Two-Way (vehicles)
11:00	75	0	75
12:00	75	0	75
13:00	17	0	17
14:00	17	75	92
15:00	17	75	92
16:00	0	25	25
17:00	0	25	25



- 6.38 The supporting Transport Assessment states that the above table confirms a materially low level of forecast trip generation, with only 92 two-way trips in the busiest period, which equates to only an additional 1.5 trips on the network every minute.
- 6.39 Therefore having regard to the above details and supporting information, the submitted Transport Assessment concludes the following;
- The proposals are, despite their necessarily rural location, sited in a sustainable location; with opportunity for travel to and from key destinations by bus and rail from the site;
  - Visibility available from the proposed access will conform to desirable minimum standards relative to the speeds of vehicles on the B1027;
  - Proposals will leave significant spare capacity on the B1027 at the proposed site access with low queuing times;
  - Analysis of the existing accident data confirms no existing, or likely future, highway safety issue.
- 6.40 Essex County Council Highways have reviewed the Transport Assessment and additional supporting information and have confirmed no objections to the development proposals subject to the following requirements;
- The submission of a Construction Traffic Management Plan which will include details regarding any temporary traffic management/signage and wheel cleaning facilities for the duration of the construction phase to prevent the deposition of mud or other debris onto the highway network/public areas;
  - A priority junction off B1027 Tenpenny Hill with ghosted right turn lane to provide access to the proposal site;
  - The road junction/access being provided with a clear to ground visibility splay with dimensions of 2.4 x 136 metres northwest bound and 2.4 x 160 metres southeast bound;
  - Improvements to footways to an affective width of 2 metres from the two closest bus stops to the proposed junction and encompassing and introduction of associated tactile paving for any crossing points;
  - The upgrade of the two closest bus stops on the B1027 Tenpenny Hill or upgrade of the stops which would best serve the proposed site;
  - The provision of 1 no. pedestrian refuge island (with beacon/ keep left signage and bollards) in the vicinity of the site entrance to improve access for pedestrians using the bus stop;
  - Provision of warning signs (x2) on new posts to diagram no. 506.1 and temporary signs (x2) diagram no. 7014(v) in advance of the new junction on each approach;
  - No unbound material being used in the surface treatment of the vehicular access within 30 metres of the highway boundary;
  - The gradient of the proposed vehicular access being provided in accordance with Design Manuel for Road and Bridges standards;
  - Prior to the opening of the attraction the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, being marked out in parking bays.

- The Cycle / Powered Two-wheeler parking being provided to standard prior to the opening of the attraction;
- The submission of a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,000 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period.
- Prior to opening of the attraction in year (season) two a free shuttle minibus service; in principal, will operate between the site and Alresford railway station during Bank Holidays and the local school holiday periods; the service/ frequency and route will:
  - be agreed and finalised by both the developer, ECC as part of the Travel Plan monitoring and Community Rail Partnership two months before operation of the service commences.
  - the minibus provision will be regularly promoted to all staff and visitors to the Park as part of their commitment to active and sustainable travel, via their website, leaflets and social media channels.
  - The Community Rail Partnership will help promote travel to the park by train, with leaflets and social media working closely with the Parks Travel Plan Co-ordinator.
  - At the end of year (season) two the service will be reviewed, with further monitoring occurring annually on the anniversary of site occupation for a period of five years. This review/monitoring is to be provided to Essex County Council as local highway authority as part of the Travel Plan monitoring and will look at but not restricted to what impact the promotion to use the train has had; changes in car park capacity during these periods and perceived traffic congestion getting to and from the park.

6.41 The requirements of Essex County Council Highways are to be secured via planning conditions outlined in section 8.2 below.

6.42 In regard of parking provision, 200 spaces are proposed in conjunction with overflow provision and bus/coach parking if required. Having regard to the forecast trip generation figures and the availability of other modes of transport for visitors Essex County Council Highways are satisfied that this level of provision is acceptable and will meet the needs of the development.

6.43 Overall, the NPPF states that *“at the heart of the Framework is a presumption in favour of sustainable development”*. It is considered that the proposals, despite being located in a rural environment by necessity of their nature and purpose, are in a sustainable location, with both rail and bus access offering convenient, regular and efficient sustainable travel options.

6.44 Moreover, the NPPF states, at Paragraph 109, that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* Officers consider that from the analysis detailed in the submitted Transport Assessment in conjunction with the comments of Essex County Council Highways, that there are no “unacceptable” or “severe” impacts. On this basis the proposals are considered to be acceptable on highway grounds.

#### Heritage/Archaeology Impacts

6.45 Government policies relating to planning are given in the National Planning Policy Framework (NPPF). Section 12 (paragraphs 126 – 141) of the NPPF (Conserving and enhancing the historic environment) outlines policies relating to the historic environment

and the key role it plays in the Government's definition of sustainable development, the principle which underpins the document.

- 6.46 The NPPF requires that local planning authorities *'should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment'*, recognising that *'heritage assets are an irreplaceable resource'* and should be conserved *'in a manner appropriate to their significance'*.
- 6.47 The NPPF requires that planning applicants should *'describe the significance of any heritage assets affected'* by their application, *'including any contribution made by their setting'*.
- 6.48 The following built heritage assets have been identified in the vicinity of the site;
- The main heritage assets for consideration are:
- Grade II Listed Alresford Hall
  - Grade II Listed Barn 70 Metres north east of Alresford Hall
  - Walled Gardens to the rear and right of Alresford Hall; and
  - Grade II\* Listed Building known as the Quarters
- 6.49 The applicant's Heritage Statement and subsequent addendum looks at the impacts of the development upon the setting of these assets. The statement concludes that the fields to the east of Alresford Hall (the application site) only play a minor role in how its heritage significance and that of its associated garden walls and barn is appreciated. Alresford Hall is therefore best appreciated from the west and the proposed adventure play would be invisible from this direction. The proposals would retain the open character of the site and would be an improvement on the appearance of the nursery, which previously occupied it. The statement also confirms that the proposals would also retain the existing pattern of field boundaries and so preserve the historic character of the landscape.
- 6.50 ECC-Place Services have reviewed the content of the applicant's Heritage Statement. They agree that in its current use the application site makes a positive contribution to the setting of Alresford Hall, the Listed Barn and Walled Gardens. They consider that the development would result in a significant change to the setting of the heritage assets at Alresford Hall and whilst with screen planting the development may not be aesthetically prominent, the environmental changes would alter the tranquillity and seclusion experienced in and around those assets.
- 6.51 As such, ECC Place Services conclude that the development is considered to cause less than substantial harm to the designated heritage assets and paragraph 196 of the NPPF is relevant. This harm is identified to the three heritage assets at Alresford Hall noted above and is considered to be at the lower end of the spectrum of harm.
- 6.52 Having regard to ECC-Place Services conclusions, Paragraph 196 of the NPPF states the following, *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*.
- 6.53 Taking into consideration the requirements of paragraph 196 (NPPF), officers are of the view that the development would result in public benefits that outweigh the harm identified by ECC-Place Services. The harm identified, for the reasons outlined above, is evidently at the lower end of the 'less than substantial' spectrum. Consequently, the benefits associated with creating a unique visitor attraction for the District, including creating local job opportunities, attracting additional visitors to the District and promoting children's interaction with nature, are considered to outweigh the lower level of harm identified to the assets

associated with Alresford Hall. The development is therefore considered to meet the requirements of paragraph 196 of the NPPF.

- 6.54 Essex Gardens Trust and several objection letters refer to the adverse impact of the development upon the Grade II\* listed building known as the Quarters.
- 6.55 In this respect the submitted addendum to the Heritage Assessment concludes the following;
- 6.56 The Quarters were apparently used as either a fishing lodge or summerhouse, whereas the fields comprising the development area have been agricultural since the time of tithing and probably before. There is no functional connection between the agricultural fields of the development area and a summerhouse or fishing lodge. There is no aesthetic connection between them either because they have different physical characteristics or are experienced as different types of place.
- 6.57 The lack of comparable physical qualities between the development area and the Quarters, and the absence of a strong sensory connection, means that the only connection between them is that they were once part of the same estate. Since this historic relationship does not find expression in physical qualities, it has little bearing on defining the setting of the Quarters.
- 6.58 Given the multiple layers of buffering, the distance of the development area from the Quarters and the fall in the terrain, any sensory connection between the development area and the Quarters can be discounted. As such it is not considered that the development would adversely impact upon the setting of the Quarters.
- 6.59 This stance is supported by the comments of Historic England and ECC-Place Services. Neither of which raise any concerns or objections to the development in respect of harm to the setting of this listed property.

#### Impact upon Trees/Landscape Character

- 6.60 In order to show the likely impact of the development proposal on trees on the land the applicant has provided a tree survey and report containing an Arboricultural Impact Assessment (AIA). This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.
- 6.61 The report identifies those trees that will be retained along with those that will need to be removed in order to implement the development proposal. It also provides an indication of the locations of areas of new tree planting that would both compensate for potential tree losses and enhance the appearance of the development.
- 6.62 None of the trees identified for removal have such amenity value that they merit retention or protection by means of a Tree Preservation Order. New tree planting will adequately compensate for tree losses.
- 6.63 In order to create a new vehicular access point in the proposed location it will be necessary to remove a short section of hedgerow/young trees to physically create the new access. In itself this will not cause significant harm to the character of the area. Furthermore, the set back of the vegetation behind a highway verge in the vicinity of the new access means that there would not be removal of vegetation to facilitate the required highway visibility splays.
- 6.64 In terms of the impact of the development proposal on the local landscape character it is noted that the site is currently well screened by existing vegetation and that this can be

strengthened and improved by new planting. The site is not overlooked from the public highway or from the Public Right of Way network.

- 6.65 The relatively low level impact of the development proposal would be unlikely to cause significant harm to the local landscape character.
- 6.66 The application is supported by an Arboricultural Method Statement (AMS) containing a Tree Protection Plan (TPP) (drawing no. P1416 TPP01 V2) which contains information to show that retained trees will be physically protected for the duration of the construction phase of the development. It shows where cellular confinement systems will be utilised to avoid causing damage to roots of existing trees. Compliance with the requirements of the AMS will be essential if the development proposal is to be implemented without causing harm to retained trees.
- 6.67 In terms of soft landscaping the information provided is sufficient to secure a satisfactory level of new planting to soften screen and enhance the appearance of the development.
- 6.68 In respect of the proposed woodland activity trail the applicant has provided a plan showing the route of the existing paths and details of the likely style of a wooden bridge that would need to be constructed to facilitate safe access to the woods.
- 6.69 In terms of the increased public access and the potential minor improvements to the surface of the paths it is considered that this would not compromise the integrity of the wood itself or the ground flora contained therein. The construction of the wooden bridge may cause short term minor disturbance during construction but otherwise would not significantly affect the character of the wood.
- 6.70 The Woodland Trust originally objected to the development due to the lack of a buffer between the proposed site access and woodland to the east of the site. Furthermore, they sought further information as to the nature of the woodland walk element of the proposal and the root protection areas of the most important trees on the site. Following the submission of revised plans showing a 15m buffer zone alongside the site access and additional information showing the absence of development within the root protection areas of certain trees within the site they now confirm that they have no objections to the application.

#### Biodiversity

- 6.71 Paragraph 170 of the NPPF requires Councils, when determining planning applications, to minimise impacts on and providing net gains for biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Saved policies EN6 of the adopted Local Plan and emerging policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.72 In this respect a detailed ecological appraisal has been submitted. The appraisal concludes the following;
- Overall the site is of moderate – high ecological value. There is a small population of common lizard and slow worm within the meadow grassland on site and this area of site is also regularly used by a small number of grass snake.
  - The woodland area is of low value to badgers and of moderate- high value to nesting birds.

- Trees and hedgerow across site are also of high-moderate value to nesting birds. Tree lines, woodland and hedgerow are of value to commuting and foraging bats.
- There is also the potential for bats to roost within trees on site if potential roost features (PRFs) are created over time or from weather events. However, on the dates of survey, no PRFs were observed on trees on site or the immediate surrounding area.
- There is a negligible value to hazel dormice on site due to the lack of suitable habitat and food available to this species. The site is also of value to hedgehogs and brown hare within the grassland and woodland on site.

6.73 In view of the above findings, the submitted ecological appraisal then recommends a number of mitigation and enhancement measures which have been independently reviewed by ECC-Place Services Ecology Team. They have commented as follows upon the findings/recommendations of the applicant's appraisal;

- We accept that the applicant's ecologists have identified those species likely to be present and affected.
- We note that the ecological appraisal states that in addition to areas of deciduous woodland and its ancient woodland, Crestland Wood Local Wildlife Site (LoWS Te21) supports a population of glow-worms. Likely impacts on this designated site from the development includes vegetation removal during construction & recreational disturbance post development. Mitigation & compensation for woodland pathways are provided in the conclusions section of the appraisal. This includes an ecologist being present to supervise works and to check for protected species, using a no-dig method for path construction but also fencing the path to stop visitors and dogs from walking in other areas of the woodland.
- We support the aims of controlling public access within the LoWS woodland through fencing. However, we request further information on this mitigation measure prior to beneficial use via condition.
- We recommend a condition to secure a long term management plan for Crestland Wood LoWS to achieve positive conservation management for this local wildlife site as required by Government Indicator SDL 160 - 00 and supported by the NPPF. This should include a programme to thin and remove the Cypress trees which would improve its biodiversity value and make it more attractive to visitors.
- We note that the ecological appraisal also refers to potential impacts on the adjacent Alresford Hall Woods (LoWS Te 26) from human and vehicular disturbance to any species using woodland edge plus potential trampling of woodland flora. We welcome the mitigation proposed for a buffer zone of species rich field margin/wildflower meadow retained or created, with fencing to prevent access to the buffer zone or adjacent woodland. This is considered acceptable to avoid impacts on this designated site in line with the Planning for Ancient Woodland (Planner's Manual for Ancient Woodland and Veteran Trees (Woodland Trust, July 2019).
- The woodland on and adjacent to the site is in an area with multiple records of Hazel Dormouse (included in the EWT biological records search within 2km from Suffolk and Essex Dormouse Group) and we note that this European Protected Species has been considered in the ecological appraisal. There are very few species of plants that Hazel Dormice would readily forage on within this area and no evidence was found within this area of the woodland. It is therefore considered that this area of woodland surveyed is of negligible value to dormice. The conclusion is that due to a lack of suitable habitat and food on site, there is a negligible value to dormice.

-We welcome the mitigation identified in Section 5 of the ecological appraisal relating to any trees in close proximity to the woodland walkways being assessed for potential roosting features prior to any tree management works and the potential for survey and a mitigation licence with compensation for the loss of any bat roost.

-We welcome the suggestion for a sensitive lighting scheme within the main development site to avoid impacts on bats roosting, foraging or commuting through the site although we recommend that lighting is not installed for the woodland walks and this should be secured by a condition of any consent.

-We note that the ecological appraisal reports that the reptile surveys confirmed low populations of three species - Common Lizard, Grass snake and Slow worm - present in grassland on site. The ecological appraisal states "A new area of grassland should be established or identified within the grounds of Alresford Hall" for a reptile receptor site as capture and translocation will be necessary to allow for those areas to be developed into the car park facility. We therefore consider that this further information is necessary to understand the quality of the potential receptor sites within the applicant's control so that the Local Planning Authority can assess the proposed mitigation within a Reptile Mitigation Strategy. For this reason then, it will be necessary for the applicant to confirm a reptile receptor site prior to commencement. This needs to be, if not submitted prior to determination, secured as a condition of any consent.

-We welcome the assessment of likely impacts on Priority species in the ecological appraisal and recommend that the mitigation measures for Brown Hare & Hedgehog are secured by a condition of any consent. Due to tree lines around the main development site making it unsuitable for ground nesting farmland birds as they provide predator perches, those species using the network of hedgerows are not considered likely to be affected by the proposal.

-We also welcome the proposed biodiversity enhancements for this development including the use of native species for landscape planting as well as bird and bat boxes to ensure that measurable net gains are provided for biodiversity. This is necessary to meet the requirements of Paragraph 170d of the National Planning Policy Framework 2019. We recommend that these are secured by a condition of any consent and identified within a Biodiversity Enhancement Layout.

-We note from the ecological appraisal that the development will not require its own water supply and waste water discharge will directly enter a foul sewage system for treatment. This provides certainty of impacts to the Colne Estuary SPA and Ramsar from foul drainage arrangements.

6.74 A bespoke HRA screening report has been produced and confirms that the Local Planning Authority can have certainty that the impacts of foul drainage arrangements and the development overall will not adversely impact upon the designated sites noted above. Natural England have confirmed agreement with the conclusions of the Local Planning Authority's HRA screening report.

6.75 The ecological mitigation/enhancement measures outlined above are to be secured via conditions included at section 8.2 of this report.

#### Impacts on Residential Amenity

6.76 The NPPF (2019) at paragraph 127 states that planning should secure developments with a high standard of amenity for existing and future users. Saved Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria development will only be

permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

- 6.77 The closest properties to the site are: Alresford Hall, Hall Cottages, Wood Cottage, Stable Cottages and The Quarters.
- 6.78 The closest is Alresford Hall itself. Despite its owner's interest in the development, this has been modelled as a noise sensitive receiver within the submitted Noise Assessment to provide completion and context. A pair of semi-detached cottages, Hall Cottages, lie to the north of the Hall, at the north-western corner of the 'maize maze field'. To the south of the Hall, Wood Cottage and beyond it, Stable Cottage lie slightly down-slope of the site on the edge of Mill Wood. The Quarters is Grade II\* listed, with a cluster of associated listed structures and outbuildings, and lies some 200 metres to the south west of Stable Cottage through dense woodland, at the bottom of the valley.
- 6.79 Against this context a noise survey was requested and prepared by the applicant's to support the development proposals. The noise survey produced a baseline soundscape survey in conjunction with an evaluation of the proposed sound levels.
- 6.80 The potential noise generation has been evaluated by modelling propagation from three aspects of the proposed development: i) the play areas; ii) the access road; and iii) the car park to the five most exposed noise-sensitive residential receivers outlined above.
- 6.81 The noise survey concludes the following;
- 6.82 The risk that the proposed development might bring noise into the area that could adversely affect existing residential occupiers has been examined in detail. The most important outcomes are that:
- The noise impact of construction on residential neighbours to the development can be rated as negligible;
  - The noise impact of additional traffic on the B1027 generated by visitors to the site can be rated as negligible;
  - The noise impact of the operation of the site on its nearest residential neighbours, represented by Hall Cottages, Alresford Hall itself, Wood Cottage, Stable Cottage and the house at The Quarters, has been shown to represent 'No Observable Adverse Effect';
  - The noise impact of out-of-hours servicing of the site can be rated as negligible.
- 6.83 Consequently the proposed development as a whole presents no risk of any adverse noise effect. The development therefore complies with the objectives both of local and national planning policy.
- 6.84 The Council's Environmental Protection team has reviewed the submitted noise assessment and confirms agreement with its findings.
- 6.85 Therefore, insofar as it produces no adverse effect on any residential neighbour, the proposed development is compliant with Tendring District Local Plan saved policies QL11, ER7 and ER16. Moreover, it meets the objective of policy COM22 without the need for any mitigation.

#### Drainage

- 6.86 A Surface Water Drainage Strategy has been provided which confirms that the disposal of surface water flows is to be carried out via various infiltrations and SuDS systems to treat run-off at source. These systems include swales, permeable paving and soakaway manholes. All proposed surface water systems will be designed to accommodate the worst



case 1 in 100 year plus 40% climate change storm event and all volumes will be retained on site.

- 6.87 ECC-SUDs Team have reviewed the submitted drainage strategy and have no objections subject to conditions outlined in section 8.2 below securing precise details of the scheme, its implementation and on-going maintenance.
- 6.88 The foul drainage proposals for the site show the foul drainage from the proposed development being drained through a package treatment plant and discharge into the sub-base of the infiltration system beneath the adjacent carpark. The proposals are in keeping with the site in its current scenario mimicking the existing drainage sources.

#### Archaeology

- 6.89 Due to the sensitive nature of the site and high potential for archaeological evidence a programme of archaeological evaluation was required pre-determination. This included a programme of aerial rectification and targeted trial trench evaluation.
- 6.90 ECC-Place Services (Archaeology) have reviewed the submitted evaluation report and agree that the evaluation has been successful in accurately locating and identifying the level of survival of the cropmarks features identified through rectification of aerial photos in addition to revealing further possible associated activity within the development area. The evaluation has revealed a landscape of multi period activity from the Neolithic to Roman period.
- 6.91 Overall, they state that the scheme has large areas of open space and areas where the topsoil does not need to be removed and therefore there is the potential for the preservation of archaeological deposits within the scheme. A condition has been recommended to secure a mitigation strategy to outline how the construction design of the buildings and play areas will protect the surviving archaeological deposits.

### **7. Conclusion/Planning Balance**

- 7.1 Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives, economic, social and environmental. Having regard to the proposed development, it is considered that the proposals meet the objectives outlined above and such can be considered as sustainable development.
- 7.2 From an economic perspective the development would; result in the creation of a range of local and regional jobs during the construction phase; result in the creation of a range of full time and part jobs available for local people once the children adventure play is open and through the attraction of additional visitors to the local area; increased support for local services; and amenities will be created.
- 7.3 The social benefits from the development are as follows: the provision of a children's adventure play area would provide a unique visitor attraction within the district that would encourage children's interaction with nature, thus encouraging learning. The proposals will also encourage healthy lifestyle choices with a proposed layout that encourages outdoor activity, nature and exercise.
- 7.4 Environmentally the development would re-use an area of the estate which has been recently utilised as a horticultural nursery area containing several structures, result in landscape enhancements to include new tree planting, hedgerows and a maize maze and provide biodiversity enhancements.

- 7.5 The proposed leisure development is therefore considered to represent sustainable development that meets the three strands of sustainability namely: environmental, social and economic. As such the development is recommended for approval subject to the conditions listed at section 8.2 of this report.

## 8. **Recommendation**

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives;

### 8.2 Conditions and Reasons

1. 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. The development hereby permitted shall be carried out in accordance with the following approved plans/documents

- 663-100C
- 663-101B
- S01 Rev B
- S02 Rev C
- B01
- 2019-F006-001 Rev C
- Ground Floor Plan – Main Building
- Proposed Mezzanine & Roof Plan – Main Building
- Proposed North & East Elevations – Main Building
- Proposed South and West Elevations – Main Building
- Toilet/Changing Floor Plans and Elevations

Reason – For the avoidance of doubt.

3. No above ground works shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction of all elements of the development have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - The development is publicly visible and therefore sympathetic materials are a visually essential requirement.

4. All changes in ground levels, hard landscaping, planting, seeding or turfing shown the approved landscaping details drawing nos. 663-100C and 663-101B shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting

season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of visual amenity.

5. Prior to the commencement of any above ground works full design details of the various play areas shall be provided including scaled drawings of the various pieces of play equipment in accordance with the submitted scale parameters. The play areas shall be constructed in accordance with the approved details.

Reason – In the interests of visual amenity.

6. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Naturally Wild, January 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This is to include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction of the woodland pathways. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

7. No development shall take place (including any demolition, ground works, site clearance) until a Reptile Mitigation Strategy to include details of the receptor site, has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason - To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

8. No above ground works shall take place until a Biodiversity Enhancement Layout, providing the finalised details and locations of enhancement measures, has been submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason - To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

9. No above ground works shall take place until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

10. A Landscape and Ecological Management Plan (LEMP) for Crestland Wood LoWS shall be submitted to, and be approved in writing by, the local planning authority in consultation with Essex Wildlife Trust, prior to beneficial use of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed within the LoWS woodland.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions including fencing of woodland pathways.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason - To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

11. No development shall take place until a Construction Traffic Management Plan, which shall be adhered to during the construction phase of development, has been submitted to and approved in writing by the Local Planning Authority.

The Plan should include details regarding any temporary traffic management/signage and wheel cleaning facilities for the duration of the construction phase to prevent the deposition of mud or other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site.

Reason - In the interests of highway safety and efficiency.

12. The opening of the attraction shall not take place until the following highway works/requirements have been completed:
  - a) A priority junction off B1027 Tenpenny Hill with ghosted right turn lane to provide access to the proposal site with Kerb radii measuring a minimum of 8 metres with a 2 metre-wide footway provide around each kerb radii and extended to the nearest crossing point and resurfacing of the full width of the carriageway for the extent of the ghosted right turn lane.
  - b) The road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 x 136 metres northwest bound and 2.4 x 160 metres southeast bound, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.
  - c) Improvements to footways to an affective width of 2 metres from the two closest bus stops to the proposed junction and encompassing the introduction of associated tactile paving for any crossing points and the provision of a 2m wide pedestrian pathway within the site from the new junction to the entrance of the attraction.
  - d) To current Essex County Council specification, the upgrade of the two closest bus stops on the B1027 Tenpenny Hill or upgrade of the stops which would best serve the proposed site (details shall be agreed with the Local Planning Authority prior to commencement of the development).
  - e) The provision of 1 no. pedestrian refuge island (with beacon / keep left signage and bollards) in the vicinity of the site entrance to improve access for pedestrians using the bus stop on the opposite side of Tenpenny Hill (details of which shall be submitted to and agreed, in writing, by the Local Planning Authority prior to commencement of the development).
  - f) Provision of warning signs (x2) on new posts to diagram no. 506.1 and temporary signs (x2) diagram no. 7014(v) in advance of the new junction on each approach.
  - g) The submission of a drainage survey in the area of the proposed site access onto Tenpenny Hill shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason - To make adequate provision within the highway for the movement and safety of the additional pedestrian and vehicular traffic generated as a result of the proposed development.

13. No unbound material shall be used in the surface treatment of the vehicular access within 30 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

14. The gradient of the proposed vehicular access shall be in accordance with DMRB standards.

Reason - to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

15. There shall be no discharge of surface water onto the highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

16. Prior to the first opening of the attraction the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall have been marked out in parking bays. The vehicle parking area and associated turning area shall always be retained in this form. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

17. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facilities shall be secure, convenient, covered and provided prior to the first opening of the attraction and retained at all times.

Reason - To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity.

18. Prior to the first opening of the attraction a workplace travel plan shall be submitted to and approved, in writing, by the Local Planning Authority in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,000 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

19. Prior to opening of the attraction in year (season) two a free shuttle minibus service; in principal, will operate between the site and Alresford Railway Station during Bank Holidays and the local school holiday periods. Details of the minibus service shall be submitted and approved, in writing, by the Local Planning Authority prior to its first introduction. The service/ frequency and route will:

- Be agreed and finalised by both the developer, ECC as part of the Travel Plan monitoring and Community Rail Partnership two months before operation of the service commences.
- The minibus provision will be regularly promoted to all staff and visitors to the Park as part of their commitment to active and sustainable travel, via their website, leaflets and social media channels.
- The Community Rail Partnership will help promote travel to the park by train, with leaflets and social media working closely with the Parks Travel Plan Co-ordinator.
- At the end of year (season) two the service will be reviewed, with further monitoring occurring annually on the anniversary of site occupation for a period of five years. This review/monitoring is to be provided to Essex County Council as local highway authority as part of the Travel Plan monitoring and will look at but not restricted to what impact the promotion to use the train has had; changes in car park capacity during these periods and perceived traffic congestion getting to and from the park.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

20. A mitigation strategy detailing the archaeological preservation/excavation strategy for the site shall be submitted to and approved, in writing, by the Local Planning Authority. No development or preliminary groundworks can commence on those areas containing archaeological deposits where preservation cannot be achieved by design until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason – To protect archaeological remains.

21. Prior to the commencement of the development proposals, investigations shall be carried out to establish whether the site is contaminated in any way. Such investigations shall be carried out in accordance with a scheme which shall first be agreed in writing with the Local Planning Authority.

If the investigations reveal contamination of the site, a further scheme shall be agreed in writing by the Local Planning Authority, setting out measures to ensure that the entire area of the site, in relation to soil conditions resulting from such contamination, will not be harmful or detrimental to human health, animal health, normal plant health or growth, to buildings, building surfaces or amenities. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

Reason – In the interests of health and safety.

22. Prior to the commencement of development, a scheme for on-site foul water drainage works, including maintenance arrangements, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the attraction, the foul water drainage works relating to the development must have been carried out in complete accordance with the approved scheme.

Reason - To prevent environmental and amenity problems arising from flooding.

23. The attraction shall only be open to the general public between the following opening times and during the seasonal period outlined below, unless otherwise agreed, in writing, by the Local Planning Authority;

- 10am – 5pm (7 days a week); and
- Between the 23<sup>rd</sup> March and 31<sup>st</sup> October in any calendar year.

Reason – In the interests of residential amenity.

24. The recommendations and tree protection measures outlined within the submitted Arboricultural Impact Assessment, Arboricultural Method Statement and on drawing no. drawing no. P1416 TPP01 V2 (as prepared by Ligna Consultancy) shall be adhered to at all times during the construction phase of the development.

Reason – To protect the trees identified for retention during construction in the interests of visual amenity.

25. No works except demolition shall takes 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 should include but not be limited to:

- Limiting discharge rates to 1l/s, by utilising infiltration elsewhere on site, for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753, including specified pre-treatment prior to water entering the attenuation basin.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason -

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

26. 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 and



prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason - The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. 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. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

27. Prior to occupation 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. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

28. 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.

### 8.3 Informatives

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### Highway Informatives:

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 – Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

## **9. Additional Considerations**

### Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
  - 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
  - 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

### Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.

- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

### **10. Background Papers**

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.