

Appeal Decision

Inquiry held on 2-5 February 2016

Accompanied site visit made on 5 February 2016

by M C J Nunn BA BPL LLB LLM BCL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 June 2016

Ref: APP/P1560/W/15/3124775

Land South of Cockaynes Lane, Alresford, Essex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Taylor Wimpey UK Ltd against the decision of Tendring District Council.
 - The application Ref: 14/01823/OUT, dated 5 December 2014, was refused by notice dated 14 April 2015.
 - The development is described as "outline application for up to 145 dwellings, associated landscaping, public open space and allotments together with access from Cockaynes Lane and a pedestrian / cycle link from Station Road; and demolition of the garage to No 56 Station Road".
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Decision

1. The appeal is allowed and planning permission granted for an outline application for up to 145 dwellings, associated landscaping, public open space and allotments, together with access from Cockaynes Lane, and a pedestrian / cycle link from Station Road; and demolition of the garage to No 56 Station Road at Land South of Cockaynes Lane, Alresford, Essex, in accordance with the terms of the application, Ref: 14/01823/OUT, dated 5 December 2014, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The application is made in outline with all matters except access reserved for subsequent determination. An Illustrative Site Layout Plan and a Parameters Plan have been submitted which indicate the intended form of the development.
 3. In addition to my accompanied site visit, I made a number of unaccompanied visits to the site and its surroundings.
 4. An alternative revised access arrangement has been put forward by the appellant for consideration, to replace that originally determined by the Council. I understand the revision was to ensure all the land required for the new access was within highway or appeal site land. The key difference in the revised arrangement is that Cockaynes Lane west of the site forms a 'give way' to the new access junction, whereas previously Cockaynes Lane had priority
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over the new the site access. Publicity was undertaken by the appellant, which included letters to those originally notified of the application, a newspaper advert, notices displayed at the site, as well as an update on the appellant's website. Full details are provided in the *Public Consultation Summary*¹. The Council confirmed it had no objection to the appeal being determined on the basis of the revised access².

5. I am satisfied that those with an interest in the proposal have had sufficient opportunity to comment on the revised access arrangements, which do not alter the substance of this outline scheme. At the Inquiry I ruled that, having regard to the *Wheatcroft Principles*, no-one would be prejudiced by my assessing the appeal on the basis of the revised plans. I have proceeded on this basis.
6. After the Inquiry closed, the Council drew my attention to an appeal decision (APP/P1560/W/15/3140170) relating to an adjacent site. Interested parties were asked for their comments. I have taken this appeal decision and the comments received into consideration in my deliberations.
7. A planning obligation, dated 1st February 2016, has been submitted. I deal with this in the body of my decision.

Main Issues

8. The main issues are:
 - i. the effect of the proposal on the character and appearance of the area;
 - ii. the effect on the safe and efficient operation of the highway;
 - iii. whether the proposal would represent a sustainable form of development; and
 - iv. in the absence of a five year supply of deliverable housing sites, whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme.

Reasons

Planning Policy Context

9. The relevant legislation³ requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The statutory development plan comprises the 'saved' policies of the Tendring Local Plan, adopted in 2007 ('the Local Plan'). The Council's decision notice refers to Policies QL1, QL11, and EN1 of that document.
10. Policy QL1 sets out a 'Spatial Strategy' for the period up to 2011. It requires that most new development be concentrated at the larger urban areas of Clacton and Harwich. In smaller towns and villages, limited development consistent with local community needs will be permitted. Alresford is included

¹ Proposed Access Amendments: Cockaynes Lane, Public Consultation Summary, January 2016

² Agreed Statement in respect of proposed amendments to the access from Cockaynes Lane, dated 29th January 2016

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004

as a village. The Policy requires development to be concentrated within the settlement development boundaries, as defined on the proposals maps. Outside these boundaries, only development which is consistent with countryside policies will be permitted.

11. Policy QL11 deals with 'Environmental Impacts and Compatibility of Uses'. It requires that all new development should be compatible with surrounding land uses and minimise adverse environmental impacts. It requires development to adhere to certain criteria. Policy EN1 is concerned with 'Landscape Character'. It states that the quality of the district's landscape and its distinctive local character will be protected, and where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. It seeks to conserve specific natural and man-made features which contribute to local distinctiveness. These include, amongst other things, the setting and character of settlements, and the traditional character of protected lanes and other rural lanes.
12. The National Planning Policy Framework ('the Framework') sets out the Government's planning policies and is a material consideration in planning decisions. The Framework does not change the statutory status of the development plan for decision making. Importantly, however, the Framework advises at Paragraph 215 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.
13. Within the 2007 Local Plan, the appeal site falls outside the settlement development boundary for Alresford, where development is more restricted, and subject to policies relating to the open countryside. In this respect, the scheme would not accord with the adopted Local Plan, and specifically Policy QL1. However, as the appellant notes the Local Plan is formally 'time expired', its end date being 2011. Moreover, it is not disputed by the Council that it is unable to demonstrate a deliverable five year supply of housing, as required by the Framework.
14. The current five year supply was agreed at the Inquiry to be around 3.1 years. As the Council acknowledges, this shortfall is significant. The Council also accepts that, given the record of persistent under-delivery of housing, it is a '20%' authority for the purposes of assessing the requisite buffer. In such circumstances, Paragraph 49 of the Framework is engaged and the relevant policies for housing supply should not be considered up-to-date. Given that Policy QL1 of the Local Plan seeks to focus development within settlement boundaries, its effect is to constrain the supply of housing, and it cannot be considered up-to-date. In the context of the Framework, this significantly diminishes the weight that can be accorded to Policy QL1.
15. Paragraph 49 also records that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the Framework is clear that where the development plan is absent, silent or out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

16. A new local plan is currently being prepared, but this has been subject to delays. The decision notice refers to various policies from the Tendring District Local Plan – Proposed Submission Draft, November 2012, as amended by the Tendring District Council Local Plan – Pre Submission Changes (2014) ('the Emerging Plan'). Policies SD2, SD3, and SD4 are cited. Policy SD2 identifies the 'urban settlements' as the main focus for economic growth. Policy SD3 identifies Alresford as one of the 'Key Rural Service Centres' where smaller scale development is envisaged. Policy SD3 also requires that 'no single housing development will exceed 50 dwellings in size'. Policy SD4 relates to 'Smaller Rural Settlements', and includes a 10 dwelling limit except in certain circumstances. Alresford is not listed as such so Policy SD4 is not of direct relevance here.
17. I understand that the Council decided not to submit the 2012 version of the Emerging Plan (as amended by 2014 changes) for examination, but to prepare a new revised version. This was, amongst other things, because further substantial revisions were needed to ensure a sound housing strategy that would deliver the fully objectively assessed need for housing. This new revised version is still at an early stage. An 'Issues and Options Consultation Document'⁴ was issued in September 2015, and a 'Preferred Options Draft' is anticipated. Examination and adoption is unlikely before 2017. However, the new revised Emerging Plan is subject to various outstanding objections, and its policies may be subject to significant change. In these circumstances, in accordance with Paragraph 216 of the Framework, little weight can be given to the Emerging Plan and its subsequent iterations.

Character and Appearance

18. The appeal site forms a single, generally flat, arable field as well as the curtilage of No 56 Station Road. The northern boundary of the site follows Cockaynes Lane, but with a number of residential properties including Cockaynes House, and various commercial buildings indented to the north western corner. The southern boundary is delineated by the railway line and Alresford Railway Station. The eastern boundary is bordered by the gardens of the properties in Station Road. To the west is an open area, formerly sand and gravel workings, now comprising a lake used by a private local fishing club. Beyond this, further to the west is the Villa Farm Quarry Local Wildlife Site, an area of wetland, grassland, scrub and mature woodland.
19. The appeal site is not covered by any specific landscape designations. In terms of scenic quality, the appeal site landscape can be regarded as reasonably attractive, comprising an open field, but it is nothing out of the ordinary. It was assessed in 2009 as part of the evidence base for the emerging Local Plan.⁵ This found the appeal site to contain few landscape features of intrinsic value. The site was considered to be reasonably well contained and to possess a slightly urban fringe character. Any future development on it was considered to have 'slight adverse landscape effects'. It was also noted that development would 'effectively round off the north west corner of the village'.

⁴ Tendring Local Plan: Issues and Options Consultation (September 2015)

⁵ Potential Areas for Development Landscape Impact Assessment – Stage 1 (found at Appendix J, Landscape Proof of Evidence, Clive Self)

20. From my own observations, I consider the appeal site is relatively well contained, notwithstanding its position outside the settlement development boundary of Alresford. Although currently open, its character is significantly affected by the urban development on its edges – in particular the housing development along its eastern side and the railway line and associated station infrastructure to the south. A portion of the northern boundary is edged by development. Whilst the eastern boundary is open, the site is largely perceived in the context of the surrounding development. I do not regard the site to be an essential or intrinsic component of the wider open countryside. Moreover, the site itself has no public access, no public rights of way and does not perform a formal recreational function. In terms of tranquillity, it is affected by the railway line to the south. There are limited public views into the site, and when viewed from the railway station, it is seen in the context of the built environs of Alresford.
21. A key concern raised by the Council and objectors is the impact on the character of Cockaynes Lane. Whilst the lane is not a designated 'protected lane' as identified in Policy EN1 of the Local Plan, it nonetheless has a pleasant rural character. Cockaynes Lane is clearly locally valued, used by walkers and cyclists, including those living in and around the village to reach the recreational wildlife area to the west. The new access into the site would inevitably create a substantially more suburban appearance at its eastern end. There would be a net loss of some 12 metres of hedgerow. Widening and realignment of the carriageway would occur for a distance of around 70-80 metres at the eastern end. The associated kerbs, footways and additional traffic would undoubtedly also erode its rural appearance.
22. However, this eastern section of Cockaynes Lane is on the village fringe, and whilst rural in character, is nonetheless seen in the context of the built development of Alresford. To my mind, this eastern end is less sensitive to new development, as compared with the circumstances further westwards as the lane progresses further away from the built-up area and development becomes more sparse. The scheme would retain as much of the hedgerow as possible, as well as the existing trees along the boundary, in order to minimise the impact and to avoid a hard urban edge. Further structural planting is also proposed which would help mitigate any wider impact.
23. Drawing all these matter together, in terms of character and appearance, I consider that the appeal scheme would have a relatively localised impact on the character of Cockaynes Lane, the most marked effect being on the eastern section nearest to the built-up part of Alresford. I also consider that the new development would have a modest effect on the wider landscape because of the site's relatively self-contained nature and the existing development around its edge. In these circumstances, I do not find there to be any fundamental conflict with Policy EN1 or QL11 of the Local Plan which together, amongst other things, require development to be compatible with surrounding land uses, and not to significantly harm landscape character or quality.

Effect on safe and efficient operation of the highway

24. At application stage, no technical objections on highway grounds were raised by highway officers of Tendring District Council or by Essex County Council, subject to conditions and a legal agreement. The Council's stated position at

the Inquiry was that, based on the view of Essex County Council Highway Authority, the proposal would not present a highway safety or capacity problem⁶. However, it is an nonetheless an issue that has raised considerable concern with objectors to the scheme.

25. The appellant⁷ estimates vehicular flows would comprise up to some 74 two way vehicular trips in the weekday morning peak hour, and some 85 two way vehicular trips in the evening peak. Up to 53 two way vehicular movements are predicted outside the peak period. Around 722 two way vehicular trips are predicted over a 12 hour day. At the Inquiry, the Council mentioned that the trip rates used to generate these figures may be too low, thereby underestimating the true highway impact of the proposal. Even based on the appellant's figures, it cannot be disputed that this proposal would result in a significant increase in traffic flows.
26. An important question is how the traffic arising from the development would be assimilated in the wider transport network. There is particular concern about increased traffic flows westwards along Cockaynes Lane. However, I consider that the majority of new traffic is likely to travel eastwards to Station Road and then on to the B1027 to other destinations such as Colchester or Clacton. This is because that route is more direct and convenient. Indeed, the rural nature of the western unimproved section of Cockaynes Lane, with its narrow carriageway and sharp bends is likely to deter traffic. Although the possibility of the use of the western section of Cockaynes Lane as a 'rat run' cannot be discounted, that route is not attractive for drivers because of its narrowness and twisting nature. It would be unlikely to save time, and would not be an easy route. I do not believe it would be an attractive alternative to proceeding to Station Road and then on to the B1027.
27. Evidence was presented that the proposed revised access arrangements were flawed, and could impair larger vehicles travelling west, including accessing the commercial units to the northern edge of the appeal site, as well as prejudicing access to a possible future development site on the northern side of Cockaynes Lane. Mr Glegg, the agent representing the owner of the site to the north of Cockaynes Lane presented a number of vehicle 'swept path' simulations which sought to show design flaws in the proposed junction, especially in respect of accommodating larger vehicles.
28. However, the Essex County Council Highway Authority and the Council have not raised technical objections to the amended access proposal. I am satisfied that the junction design is essentially fit for purpose and any potential problems could be overcome by tweaks to its design, such as over-runnable kerbs and adjustment to the lane widths. These would not result in any fundamental changes to the plans before me, and could be accommodated within the land controlled by the appellant. Any necessary modifications could be secured by a suitably worded condition. Also, an outline scheme for 60 dwellings on the northern site has been refused permission. That site is not an allocated site in any development plan, and has no definitive status in planning terms.

⁶ Council's Closing Submissions, Paragraph 3

⁷ Transport and Highways Proof of Evidence, N S Marshall, Page 53

29. I have carefully considered the evidence of the Cockaynes Lane Action Group and Alresford Parish Council on highway matters, including the Highway Assessment undertaken by the Stillwell Partnership⁸, but find no compelling evidence to indicate that there would be an unacceptable risk for drivers or that the additional traffic could not be satisfactorily accommodated. If this had been the case, I would have expected Essex County Council, as the responsible authority, to have raised objections.
30. To sum up on this issue, it would not be reasonable to withhold permission for this scheme on the basis of concerns in relation to highway effects on Cockaynes Lane. There is no doubt that this scheme will result in a significantly busier traffic environment compared with the current situation. This will clearly change the locality's character but there is no evidence that it will prejudice the safe and efficient operation of the highway. Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. This would not be the case here.

Sustainability

31. A key concern of the Council and other parties is that the appeal development would be a disproportionate addition for Alresford, considerably exceeding the 50 dwelling limit identified in emerging Policy SD3. As previously noted, this Policy identifies Alresford as one of the 'Key Rural Service Centres' where smaller scale development is envisaged. It is argued that this development would represent an approximate 18% increase in housing stock in Alresford. Taken with other schemes recently proposed or granted permission, the increase would be greater. On this basis, it is said the scheme would not represent a sustainable, fair or proportionate increase in housing stock, and would be contrary to the Spatial Strategy of the Emerging Plan by placing a high number of homes in a rural village, rather than directing development to urban areas. It would place an unsustainable burden on the existing village infrastructure and result in an unacceptable carbon impact.
32. However, as previously noted, the Emerging Plan has yet to be adopted, and is still subject to outstanding objections. Its policies may be subject to change, including Policy SD3. Indeed, the Council accepts that it cannot be certain that the 50 dwelling limit outlined in Policy SD3 will appear in subsequent versions of the Plan. Furthermore, given the serious concerns that the overall level of housing provision was too low in the previous versions of the Emerging Plan, the likelihood is that increased housing will need to be accommodated across all settlements, including in Alresford. The '*Issues and Options Document*' makes it clear that, although the Council has been successful in directing development to 'brownfield' sites, these have nearly run out now, meaning greenfield land will need to be used⁹. Therefore, I cannot place significant weight on Policy SD3 as drafted. Whilst the development would represent a significant number of additional houses in Alresford, I see no reason why the new residents could not be adequately assimilated in the locality. Furthermore, the purpose of the financial contributions in the planning obligation is to ensure that local infrastructure is supported, so as to make the development

⁸ Proof of Evidence, Cockaynes Lane Action Group, Appendix III

⁹ Tendring Local Plan: Issues and Options Consultation (September 2015) , Paragraph 4.8

acceptable in planning terms. I do not find the concerns regarding the size of the scheme to be sufficiently well founded to cause the appeal to fail.

33. Turning to sustainability more generally, the Framework identifies different dimensions to sustainable development, comprising economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. The additional housing would be a weighty benefit for the area, by introducing much needed private and affordable housing for local people – 109 new market homes and 36 affordable homes. It would boost the supply of housing in accordance with the Framework. It would create additional housing choice and competition in the housing market. It would create investment in the locality and increase spending in local shops. It would create jobs and investment during the construction phase, albeit for a temporary period. The new homes bonus would bring additional resources to the Council.
34. I also consider that the site is in a sustainable location, with the railway station immediately adjacent to the site. This provides services to Colchester, Chelmsford, and London amongst other places. Bus services are also available nearby. There is also a reasonable range of shops and other facilities. Indeed, the Council has produced a document entitled '*Establishing a Settlement Hierarchy*'¹⁰ which found that Alresford was the highest scoring Rural Settlement in terms of accessibility to jobs, services and public transport. It was put to me that the majority of people who live in Alresford use the private car, and that the uptake of public transport is, in reality, low. But it does not alter the fact that there are good opportunities for sustainable transport modes to be taken up. The scheme includes financial contributions, secured by a planning obligation, to enable investment in the local primary school to facilitate expansion from 5 to 7 classes, as well as assisting the expansion of GP premises. In these respects, I am satisfied that the scheme would comply with the economic and social dimensions of sustainability.
35. A contention under the environmental dimension is that the development is unsustainable because it would lead to a loss of Grade 2 (very good) or 3 (good to moderate) agricultural land. However, much of the district is within those categories and, given the acknowledged need for housing, it is highly likely that such agricultural land will be required for development. This cannot, in itself, weigh heavily against the proposal. Whilst the development would result in the loss of an expanse of open agricultural land as well as section of hedgerow, the illustrative Site Layout Plan shows opportunities for substantial landscaping and the incorporation of green spaces. Taken as a whole, and in the light of my findings in relation to character and appearance, as well as highway matters, I consider that the site meets the social, economic and environmental dimensions of sustainability as set out in Paragraph 7 of the Framework, and these factors can be accorded significant weight in the final decision making balance.

Other Matters

36. The appellant has completed a planning obligation dated 1st February 2016. The obligation secures the provision of affordable housing at a rate of 25%. It

¹⁰ Paragraphs 3.16 -3.18

also secures on-site open space and allotments as well as a financial sum for the future maintenance of open space. It secures financial contributions towards healthcare (to be transferred to NHS England) and education (including Early Years and Childcare, Primary Education, and Secondary Education transport purposes).

37. I have no reason to believe that the formulae and charges used by the Council to calculate the various contributions are other than soundly based. The development would enlarge the local population with a consequent effect on local services and facilities. I am satisfied that the provisions of the obligation are necessary to make the development acceptable in planning terms, that they directly relate to the development, and fairly and reasonably relate in scale and kind to the development, thereby meeting the relevant tests in the Framework¹¹ and the Community Infrastructure Levy Regulations¹².
38. A number of other concerns have been raised in respect ecology and nature conservation interests, the impact on Cockaynes Wood, flood risk, ground conditions / contamination and archaeology.
39. In terms of ecology, no part of the site is covered by wildlife designations. An Ecological Appraisal and a number of surveys have been undertaken to determine the habitats present within the site. These have revealed some bat activity, and populations of slow worm and common lizard. The Appraisal notes that the hedgerows and trees on or near to the site boundaries are likely to provide opportunities for a range of local wildlife. However, I am satisfied that appropriate mitigation measures could be undertaken, secured by condition, to ensure there is no negative effect on nature conservation interests, or any protected species present within the site. There is also the opportunity for ecological enhancement and habitat creation through new open spaces proposed within the site.
40. The site is also reasonably close to a range of European and nationally designated sites. These include the Colne Estuary Special Protection Area (SPA) and Special Area of Conservation (SAC), and the Essex Estuaries SAC. The Colne Estuary is also listed as a 'Ramsar Site' and includes Sites of Special Scientific Interest (SSSIs) – the Colne Estuary SSSI and Upper Colne Marshes SSSI. Other SSSIs are found at Wivenhoe Gravel Pit and Roman River. There is also a National Nature Reserve, and a number of Local Wildlife Sites. Such sites are susceptible to damage caused by increasing recreational pressure. However, the advice from Natural England (NE) is that the development is not considered, in combination with other plans and projects, to have a significant effect on the European Sites. NE advises that appropriately designated green infrastructure should be included within the development. This can be dealt with by condition.
41. Concerns have been raised regarding the possible impact on the nearby Cockaynes Wood (which forms part of the Villa Farm Quarry Local Wildlife Site). However, there is no evidence to suggest that any increase in visitors to Cockaynes Wood arising from this scheme would have an adverse impact on this habitat.

¹¹ Paragraph 204

¹² Regulation 122

42. A Flood Risk Assessment has been prepared which confirms that the site falls entirely within Flood Zone 1 where there is a low probability of flooding. I am satisfied that flood and drainage matters can be appropriately dealt with by a condition requiring the submission of a sustainable drainage scheme prior to any development commencing.
43. In terms of ground contamination, the site has previously been used for agricultural activities with a low to moderate risk of contamination. An archaeological desk based assessment has also been carried out. The site is thought to have a low archaeological potential for the Palaeolithic and Mesolithic periods, and a moderate archaeological potential for the Neolithic, Bronze Age, Iron Age and Roman period. I am satisfied that both contamination and archaeological matters can be satisfactorily dealt with by suitably worded conditions.
44. After the close of the Inquiry, my attention was drawn to a recent dismissed appeal for a single dwelling on land adjacent to Cockaynes House (APP/P1560/W/15/3140170). This followed an earlier dismissed appeal at the same site in 2014 (APP/P1590/W/14/2216909) which was dealt with in evidence at the Inquiry. The Inspector in that most recent appeal noted that Cockaynes Lane has 'an attractive rural character, in large part due to the trees and other vegetation alongside it'. She concluded that the appeal site was quite clearly in a rural area, and distinctly separate from the built-up area of Alresford, and found that the proposal would cause material harm to the area's open and rural character.
45. By contrast, I find that the scheme before me, although much greater in scale and inevitably having a commensurably more substantial impact on the locality, would occupy a relatively well-contained site, would be well related to the existing built-up area and represent a sustainable extension to it. Unlike the dismissed appeal, this scheme would make a significant contribution to the current housing shortfall and includes a range of other social and economic benefits absent from that scheme.

Overall Conclusions and Planning Balance

46. The Framework states at Paragraph 14 and 49 that proposals should be considered in the context of the presumption in favour of sustainable development, which is defined by the economic, social, and environmental dimensions and the interrelated roles they perform. In this case, the contribution of the site to the market and affordable housing requirements of the district is of substantial importance. The scheme would also generate economic and social benefits. It is close to the railway station and bus services, as well as other facilities within Alresford. Whilst the development would result in the loss of an expanse of open agricultural land as well as a section of hedgerow, the illustrative Site Layout Plan shows opportunities for substantial landscaping and the incorporation of green spaces. The site is physically well contained and visually well related to the built-up area of Alresford. Overall, I consider the scheme is therefore a sustainable form of development, for which Paragraph 14 makes clear there is a presumption in favour.

47. Importantly, the Council cannot demonstrate a five year supply of housing. This factor attracts substantial weight in favour of granting permission for the proposals, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. I am satisfied that none of the reasons put forward for opposing the development establishes that the harm would be significant or would demonstrably outweigh the benefits. It follows that the appeal should succeed, subject to conditions. I deal with conditions below.

Conditions

48. I have reviewed the suggested conditions in the light of the discussion at the Inquiry and advice in the Planning Practice Guidance (PPG). Where necessary, I have reworded them for clarity and simplicity, and have also amalgamated some of the conditions to avoid duplication.
49. Commencement conditions are necessary to comply with the relevant legislation. A condition requiring compliance with the submitted plans, unless otherwise agreed, is necessary for the avoidance of doubt. A condition specifying the scope of requirements in relation to reserved matters is necessary to ensure these matters are properly dealt with and to ensure a high quality scheme. A phasing condition is necessary given the size of the scheme, which includes the timescale for the construction of vehicle and other accesses into the site.
50. Conditions relating to sustainable drainage, archaeology, ecology and contamination are required to ensure these matters are appropriately addressed. A condition dealing with measures to encourage sustainable transport use is required to minimise private car trips. A condition requiring a construction method statement is necessary to minimise disturbance to local residents. A condition relating to the provision of interpretation measures at the Colne Estuary SPA is necessary to manage any increase in visitors arising from the development. Other suggested conditions are unnecessary, including one stipulating the maximum number of dwellings as this is clear from the description of the scheme. A condition in respect of statutory consultation requirements in respect of Network Rail is also unnecessary given such matters are detailed in the relevant legislation.
51. In reaching my decision, I have carefully considered the serious concerns voiced by the Cockaynes Lane Action Group and Alresford Parish Council, and other local residents. I also note the concern of local people that granting planning permission would create a precedent for other housing proposals in Alresford. However, any future proposals would have to be considered on their merits bearing in mind all material factors. In this case, I have judged the balance falls in favour of granting permission because the adverse impacts would not significantly and demonstrably outweigh the benefits. That judgement is specific to this proposal and would not necessarily be the same if applied to other cases. Subject to the conditions in the attached schedule, I conclude that the appeal should be allowed.

Matthew C J Nunn

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for the approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in general accordance with the following approved plans and any variations shall be agreed in writing by the local planning authority:
 - i. Site Location Plan: CSa/2047/116
 - ii. Cockaynes Lane Site Access 'Option 2': ITL9075-GA-008 Rev D
 - iii. Proposed Pedestrian / Cycle Route and Emergency Access from Station Road: ITB9075-GA-003 Rev B
 - iv. Parameters Plan: CSa/2047/119
 - v. Site Layout: CSA/2047/113 Rev F
- 5) Details of appearance, landscaping and layout required to be submitted and approved under Condition 1 shall include:
 - i. Key landscape features and designated 'Green Infrastructure', including details of areas of open space and landscaping (including swales, allotments, orchard, public open space, play area and circuitous green routes);
 - ii. A landscaped buffer along the western boundary of the site and a scheme to ensure the protection of the rural character of Cockaynes Lane, where it is affected by the development;
 - iii. Appropriate screening between the development and properties in Station Road;
 - iv. Details of maintenance / management responsibilities for landscaped areas (excluding domestic gardens);
 - v. Details of the trees to be retained and how they will be protected during construction;
 - vi. Details of the external surfaces, including the roofs, of the dwellings;
 - vii. Details of boundary treatments;
 - viii. Details of sustainability measures to be incorporated within the dwellings, including details of renewable energy regeneration and water efficiency measures;

- ix. Details of an external lighting strategy to ensure adequate illumination of roads and paths and to avoid unnecessary light pollution;
 - x. Details of refuse / recycling storage and collection points;
 - xi. Details of cycle storage to serve each dwelling.
- 6) No development shall take place until a Phasing Plan and Programme ("PPP") has been submitted to and approved in writing by the local planning authority. The PPP shall identify the physical extent of each proposed phase of development, the layout and an indicative timescale for implementation of each phase. The PPP shall also include the timescale for the construction of the access from Cockaynes Lane as well as the shared footway / cycleway from Station Road into the site.
- 7) No development shall take place until details of a sustainable drainage scheme and an assessment of the hydrological and hydro-geological context of the development have been submitted to and approved in writing by the local planning authority. The Scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.
- 8) The dwellings shall not be occupied until a Scheme to promote and encourage the use of alternative modes of transport to the car has been submitted to and approved in writing by the local planning authority. The scheme shall include :
- i. For the first owner of each dwelling, a residential travel information pack for sustainable transport to include travel vouchers for use with the relevant public transport operator;
 - ii. Details of measures to secure the upgrade of the bus stops closest to the appeal site (such as provision of real time passenger information).
- The scheme shall be implemented in accordance with the agreed timescale and details.
- 9) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for: the proposed hours and days of working; proposals to minimise disruption to the adjacent local area from ground works, construction noise and site traffic; the parking of vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; vehicle wheel washing facilities; and measures to guard against the deposit of mud or other substances on the public highway. The approved details shall be adhered to throughout the construction period.
- 10) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the written scheme so approved.

- 11) No development shall commence until an ecological method statement has been submitted to and approved in writing by the local planning authority. The statement shall include:
- i. An updated survey to ascertain the presence or otherwise of protected species on the site. If protected species are present, the updated survey shall include appropriate mitigation measures to be approved by the local planning authority. No development shall be undertaken except in full accordance with any such approved scheme of mitigation; and,
 - ii. Details of measures for encouraging biodiversity within the site. The works shall be undertaken in accordance with the approved measures.
- 12) No development shall begin until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority (in addition to any assessment provided with the planning application). This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS10175, and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include: (i) a survey of the extent, scale and nature of contamination; (ii) the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, and archaeological sites and ancient monuments.

No development shall take place where (following the risk assessment) land affected by the contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out (and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority) before the development (or relevant phase of the development) is occupied.

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out

before the development (or relevant phase of development) is resumed or continued.

- 13) No development shall commence until a scheme for the provision of suitable interpretation materials in relation to the Colne Estuary Special Protection Area (SPA) has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- i. A suitable interpretation board to be erected at The Ford, Alresford Creek, which highlights the bird interest of the estuary and includes guidance on the responsible recreational use of footpaths along the foreshore; and
 - ii. A residents' information pack highlighting the ecological interest associated with the Colne Estuary SPA, guidance on responsible recreational behaviour within the vicinity of the SPA and alternative local recreational opportunities / walks away from the estuary.

The scheme shall be implemented in accordance with the details so approved before the development is first occupied.

Richborough Estates

APPEARANCES

FOR THE COUNCIL:

Mr Josef Cannon of Counsel

Instructed by Linda Trembath, Solicitor to the Council

He called

Mr Gary Guiver

Acting Planning Development Manager,
Tending District Council

Mr Malcolm Inkster

Planning Consultant, Trinity Planning

FOR THE APPELLANT:

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Instructed by Steven Brown, Woolf Bond
Planning

He called

Mr Clive Self

Managing Director, CSA Environmental

Dr Aidan Marsh

Director, CSA Environmental

Neil Marshall

Associate, i-Transport

Steven Brown

Principal, Woolf Bond Planning

FOR ALRESFORD PARISH COUNCIL:

Councillor George Martin

FOR COCKAYNES LANE ACTION GROUP

David Crewe

Jane Lee

Alan Diggins

INTERESTED PERSONS

C Glegg

M Patey

R Milburn

J Stimpson

Cheryl Mackie
Trevor Faulkner
Ian Dimmock
Chris Brocklebank
Howard Leithead
Jan Diggins
Councillor Ernie Osborne
David Edwards
Stephen Wood
Councillor Gary Scott
A Barke
Jamie Narborough
Edward Gittins
Glenn Coles

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Planning Obligation, dated 1st February 2016, together with covering letter dated 28th January 2016
2. Highways and Transport Agreed Statement between Essex County Council and i-Transport, dated 29th January 2016
3. Opening Submissions on behalf the Council
4. Photograph submitted by Mr Inkster
5. Photographs submitted by the Appellant
6. Opening Submissions of Alresford Parish Council (Councillor Martin)
7. Submissions of Mr John Roy
8. Agreed Schedule of appeal plans, dated 3rd February 2016
9. Highway Drawings submitted by the Appellant
10. Statement of Mr Christopher Glegg, on behalf of Mr E Fox
11. Cross Sections of Road, presented by Mr Marshall
12. Schedule of Agreed Draft Conditions, dated 5 February 2016
13. Closing Submissions on behalf of the Council

14. Joint Closing Submissions on behalf of the Parish Council and Cockaynes Lane Action Group
15. Closing Submissions on behalf of the Appellant

DOCUMENT SUBMITTED AFTER THE INQUIRY

1. Appeal decision APP/P1560/W/15/3140170

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