

Chelmsford Borough Council Local Development Framework

Statement of Common Ground

Between English Heritage and Chelmsford Borough Council

20 September 2007

Ref. No. SCG/HD/CFD/07

I Introduction

- 1.1 This Statement of Common Ground has been prepared to identify the areas of agreement between English Heritage and Chelmsford Borough Council on matters relating to the Borough Council's Core Strategy and Development Control Policies Submission Development Plan Document (DPD) and the representations submitted by English Heritage concerning that document.

2 General Matters

- 2.1 The following general matters are agreed between the parties.
- 2.2 Chelmsford Borough Council has sought to ensure that the Core Strategy and Development Control Policies Submission DPD provides a sound policy base, in accordance with the relevant Government and Regional policy advice and guidance, that has regard to a range of strategic objectives under the theme of Environmental Protection and Enhancement, specifically including Strategic Objective EPE1: Protect the Borough's natural and built environment resources, historic environment, biodiversity, geological diversity and countryside. This is achieved through a suite of Core and Development Control policies.
- 2.3 English Heritage supports the Borough Council's policy framework contained in the Core Strategy and Development Control Policies DPD concerning the protection of the historic environment in the Borough of Chelmsford, and raises no objections in principle to that policy framework.
- 2.4 English Heritage has raised specific concerns, by way of representations, regarding the potential impact of urban extensions to the north and north-east of Chelmsford on the historic environment. In particular, concern was raised in respect of the potential effect of development on the setting of New Hall and Boreham House.

3 Common Ground Between Parties

- 3.1 Both parties agree that in preparing its Local Development Framework (LDF) documents Chelmsford Borough Council has sought to ensure that the Core Strategy provides a

robust policy and spatial framework to deliver sustainable development, in sustainable locations, having regard to the requirements set out in the relevant Government guidance and the Draft East of England Plan (RSS 14).

- 3.2 Both parties agree that, subject to a series of Suggested Minor Amendments being made to the text of certain Policies and Supporting Text in the Core Strategy and Development Control Policies DPD, providing additional clarification and safeguards those Policies would comply with national guidance for the historic environment.
- 3.3 The Suggested Minor Amendments referred to in paragraph 3.2 are set out in Appendix I to this Statement of Common Ground, and concern Policies CP6, CP7, CP9, CP13, CP20, DC20, DC21 and DC22.
- 3.4 English Heritage note and acknowledge that the Borough Council's responses to representations concerning Policies CP21, DC23, DC25 and DC49 do not include any Suggested Minor Amendments, and that this is acceptable to English Heritage.

4 Matters Concerning North Chelmsford

- 4.1 English Heritage has made representations to Policies CP2, CP3 and CP4 in the Submission Core Strategy and Development Control Policies DPD. Those representations are set out in full in Appendix 2.
- 4.2 Chelmsford Borough Council recognise the concerns expressed in respect of the potential impact of development on the setting of New Hall and its relationship to the surrounding countryside. The Core Strategy and Development Control Policies DPD has been prepared, with an accompanying integrated Strategic Environmental Assessment and Sustainability Appraisal, to ensure that development is delivered in the most sustainable locations, taking all material issues into consideration.
- 4.3 Chelmsford Borough Council and English Heritage agree that the development of the proposed north-east Chelmsford neighbourhood has the potential to damage the setting of New Hall and Boreham House and the character of these country houses on the eastern fringe of the town. Careful consideration will be needed in the planning of development in this neighbourhood to ensure that the setting of New Hall and its relationship with the surrounding country is protected, and that any erosion of these is balanced by compensatory measures. This will be considered in more detail through the preparation of the North Chelmsford Area Action Plan, in conjunction with key stakeholders, including English Heritage.
- 4.4 Chelmsford Borough Council and English Heritage agree that, in the light of these considerations and in response to the representations made to Policies CP2, CP3 and CP4, the following measures should be taken:-
 - the incorporation of the Suggested Additional Text set out in Appendix 2 as part of the Supporting Text to Policy CP2
 - the preparation of detailed policy guidance, in full agreement between both parties,

to be included in the statutory North Chelmsford Area Action Plan, to ensure that adverse effects arising from development on the historic environment of the North Chelmsford area, and specifically concerning the setting of New Hall, are minimised and that compensatory measures are taken to this end.

- the preparation of site-specific guidance in the context of Policy DC20, in full agreement between both parties, to support proposals for the preservation and enhancement of Listed Buildings within the North Chelmsford AAP area.

4.5 English Heritage considers that the above agreement and the appended schedule resolve the objections that we have made to Chelmsford Borough Council's Submission Core Strategy and Development Control Policies Submission DPD.¹

¹ These comments are made in the light of the housing figures in policy CP2 and do not relate to the higher figures contained in the North Chelmsford Area Action Plan Issues and Options consultation (August 2007).

APPENDIX I - Representations to Core Policies CP6, CP9, CP13, CP20, CP21, DC20, DC21, DC22, DC23, DC25 and DC49

Table I

Core Strategy and Development Control Policies DPD	English Heritage's Representation	Chelmsford Borough Council's Response
CP6	Add 'historic character' after 'environmental quality'.	The Borough Council would support this suggested amendment.
CP7	Insert "historic features "after "public open space " in final paragraph of policy. The policy should also mention the impact on the wider context of skylines, views, landscape and setting of historic features, especially New Hall and the landscape of the Broomfield area.	The Borough Council would support the suggested amendment to the policy. Matters concerning impact on New Hall and the landscape of the Broomfield area will be addressed in the North Chelmsford Area Action Plan.
CP9	<p>While this policy is welcomed in principle, some omissions are noted and the following is suggested:</p> <ul style="list-style-type: none"> • Amend the title to refer to '...built heritage and archaeological importance', • Add 'historic parks and gardens' after 'listed buildings' in the second paragraph, • Add in the second paragraph: 'Historic landscape character and sites of archaeological importance will be protected', <p>In the text, 3rd para, add 'archaeological' after 'nature conservation'.</p>	<p>The Borough Council has suggested the following amendments:</p> <p>(1) Amend the title of Policy CP9 to refer to read 'PROTECTING AREAS OF NATURAL AND BUILT HERITAGE AND ARCHAEOLOGICAL IMPORTANCE'.</p> <p>(2) Insert 'HISTORIC LANDSCAPE CHARACTER' after 'BIODIVERSITY' in the second sentence of the first paragraph.</p> <p>(3) In the first sentence of the second paragraph of the Policy, add 'HISTORIC PARKS AND GARDENS' after Listed Buildings'.</p>

CPI3	<p>Strategic Environmental Appraisal encompasses the historic environment and this is not mentioned in this policy. While this omission is noted there is concern that this policy is insufficiently ambitious in the test it sets. The overall aim should be to maintain and enhance the environmental assets of the Borough -the SEA identifies significant effects but also, in the long term, assesses significant cumulative effects. These might be small impacts which together have a larger impact.</p> <p>With regard to the historic environment, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities to have regard to the desirability of preserving or enhancing conservation areas and of preserving listed buildings and their settings. PPG16 advises, in relation to archaeology, that archaeological remains are a fragile and finite resource which, once lost, cannot be replaced. The ambition to minimise adverse impacts in this policy is not a sufficiently rigorous test to apply to development. It is noted that this phrase is used in a number of policies; it is hoped this matter can be considered across the plan.</p>	<p>The Borough Council considers that suggested amendment to Policy CP9 (see above) address the issues raised in this representation. In addition, the Borough Council suggest the substitution of the word 'natural' with 'wider' to ensure that where damage is unavoidable it is minimised for all aspects of the environment.</p>
CP20	<p>Whether greenfield or brownfield, sites are seldom devoid of any historic interest. PPS1 refers to the need to take account of the historic environment in creating high quality new development.</p>	<p>The Borough Council would support the addition to the end of policy CP20 'All new development must be based on thorough site appraisal and be sensitive to its context.'</p>

CP21	<p>This policy should promote high quality design, which is a good neighbour to, and takes appropriate reference from, local character and distinctiveness.</p> <p>PPSI advises that the historic environment should be taken into account.</p>	<p>The Borough Council considers that the policy as drafted is sound and requires no amendment in respect of this representation. The policy is intended to apply principally to sustainable construction.</p>
DC20	<p>Support policy but it should cover the presumption against demolition of listed buildings. Delete 'both' in line 2 and amend to '.... The exterior or interior of...'</p>	<p>The Borough Council would support these suggested amendments. See also Schedules of Suggested Amendments {Ref BD/CFD/126}. The following suggested additional text is also proposed to the Supporting Text of this policy as a new third paragraph:</p> <p>'Site specific guidance will be prepared by the Borough Council in conjunction with English Heritage to support proposals for the preservation and enhancements of listed buildings in the Borough, and particularly those within Chelmsford Town Centre and North Chelmsford.'</p>
DC21	<p>While this policy is supported, it is recommended that it is reworded as follows:</p> <p>'..scheduled ancient monument, or other nationally important sites and monuments, or their settings.'</p> <p>This would reflect the advice in PPG16, paras 8 and 27. While all scheduled monuments are by definition nationally important, there are nationally important sites that are not protected by scheduling but may be of equal importance. This change would therefore extend protection to such sites.</p>	<p>The Borough Council supports this suggested amendment.</p>

DC22	Policy is supported. Add “or their settings” to end of policy .	The Borough Council supports this suggested amendment, which accords with paragraph 2.24 of PPG15.
DC23	The policy wording does not reflect the advice in PPG16, para 13, that priority should be given to preservation in situ in the first instance. This should be the starting point of the policy, even though this is explained within the supporting text.	It is agreed that the supporting test adequately addresses this point.
DC25	While the reference to conservation areas in the existing policy is welcome , renewable energy developments can affect listed buildings and other historic sites, and their settings. PPG15 and PPG16 advise that these should be protected.	In last sentence of the first paragraph of Supporting Text, on page 91 delete [to reducing]. This corrects a typographical error.
DC49	The policy should refer to the need to take account of the historic environment, including any historic buildings which may need to be integrated into the development and the need to take account of historic grain, street patterns and locally distinctive features and materials. PPSI advises that the historic environment should be taken into account. Part B of the policy should be supported by detailed assessment. There is a danger that applications for tall buildings will be made in advance of the production of the Supplementary Planning Document.	The Borough Council considers that the policy as drafted is sound and requires no amendment in respect of this representation.

Appendix 2 - Representations to Policies CP2, CP3, and CP4

Table 2

Core Strategy and Development Control Policies DPD	English Heritage's Representation	Chelmsford Borough Council's Response
CP2	<p>This policy identifies 4,117 dwellings for new neighbourhoods north of Chelmsford.</p> <p>One neighbourhood would be to the north-west of the town. The clarity of the existing edge between town and country and the beauty of the countryside itself is quite striking here. The latter is due both to the form and use of the land and to the presence of a number of old houses and other buildings, a number of which are listed. The most notable is Priors, a tall brick house dating from the 16th, 17th and 18th centuries occupying a moated site and, perhaps surprisingly, only listed at grade II. If development is to take place we would hope that it would not encroach on this landscape: an expansion of Broomfield may be better, although this too is an historic settlement.</p> <p>One of the striking features of the countryside around Chelmsford is the survival of a number of country houses. To the south-west Hylands has been restored and stands in an extensive and beautiful park. To the east are both New Hall, a complex house dating substantially from the 16th century, and Boreham House, a fine early 18th century house built on the New Hall estate. Both are of very great architectural and historic interest</p>	<p>Add the following text to the Supporting Text of Policy CP2. 'The Area Action Plan will also contain detailed policy guidance to ensure that adverse effects arising from development on the historic environment of the N Chelmsford area, and specifically concerning the setting of New Hall, are minimised and that compensatory measures are taken to this end'.</p>

	<p>and are listed at Grade I; and both have vestigial but important designed settings, which are registered. A few miles to the north, but beyond the immediate environs of the town, is Langleys at Great Waltham.</p> <p>New Hall and Boreham House are of great importance and have a particular relationship with the town. Together they still form a recognisable entity, despite the effects of the modern A12, and great care should be taken to protect their setting. The development of Beaulieu Park does not pay proper regard to its context and has already severely compromised the setting of New Hall.</p> <p>Further development o the north-east of the town should be conceived so as to cause no further damage to the setting of New Hall. To this end a substantial landscaped setting should be set aside around New Hall – one that goes very much beyond the limits of the registered landscape – and any proposals for development outside this area should be tied to the enhancement of this area. This would provide an opportunity as much as a constraint, as the re-establishment of parkland around New Hall could both screen the Hall from the modern development and provide a valuable place of recreation for the neighbouring population. The creation of parkland here would help to ensure the preservation of a rural setting for the town as a whole.</p> <p>There is some scope for development to the north of Beaulieu Park, but none for its expansion eastwards. New development should be kept well</p>	
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	<p>away from the limits of the registered landscape. If the area to the north – adjacent to the river valley to the west – is insufficient, it would be preferable to examine opportunities for development to the north of Boreham rather than encroach on the setting of New Hall. To do this would both allow for the preservation of what is left of the setting of New Hall and help to ensure that the provision of new housing and other facilities was achieved not merely by permitting urban sprawl but by creating distinct settlements with coherent identities.</p> <p>The location of the new neighbourhoods is underpinned by proposals to create a new station near Boreham and a new north-eastern bypass for the town. Both of these developments could serve to damage the setting of New Hall and Boreham House. It is important that the station should be built either to the west or to the east of the land between New Hall and Boreham House so that the sense of connection between the two that still survives is not further eroded – or, indeed, destroyed.</p> <p>In making the above comments we are mindful that the Core Strategy is not the appropriate document to define precise boundaries of development allocations. There is, however, a clear need to establish the extent of the developable land, and the density to which it can be developed, by reference to site characteristics, and in particular the historic buildings and landscape described above. In these circumstances, we are unable to recommend an amended figure for housing development in this area.</p>	
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	<p>We would, however, recommend figure for housing development in this area. We would, however, recommend a precautionary approach that will allow capacity to be established in the Site Allocations DPD, and thus ensure that any development accords with advice in PPG15 and PPS1 on preserving historic buildings and their settings, safeguarding registered historic landscapes and enhancing these where opportunities arise.</p> <p>Relevant PPG15 references: Para 2.17 – the settings of listed buildings may include land some distance from it. Para 2.24 – the effect of development on a registered park or garden or its setting is material consideration. Para 3.3 – Listed buildings represent a finite resource and an irreplaceable asset. Para 5.5 – wherever possible, new roads (and other transport infrastructure) should be kept away from listed buildings and other historic sites. Para 6.2 – England is particularly rich in designed landscapes: the greatest of these are as important as our greatest buildings. Para 6.40 – The whole of the landscape is to varying degrees an archaeological and historic artefact.</p> <p>Relevant PPS1 references: Para 17 – Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes.</p>	
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	<p>Para 18 – Planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through positive policies on issues such as design, conservation and provision of open space.</p> <p>Para 27 – In preparing development plans, planning authorities should seek to enhance as well as protect the historic environment, and landscape and townscape character.</p>	
CP3	<p>We support the release of previously developed sites within the urban area first, but have concerns regarding the new neighbourhoods north of Chelmsford. These concerns are set out in our representations on policy CP2</p>	<p>See response to Policy CP2.</p>
CP4	<p>This policy proposes a north-east bypass and a new railway station. Both of these developments could severely damage the setting of New Hall and Boreham House. It is important that the station should be built either to the west or to the east of the land between New Hall and Boreham House so that the sense of connection between the two that still survives is not further eroded – or, indeed, destroyed. Paragraph 5.5 of PPG15, is especially relevant here, and advises that wherever possible, new roads (and other transport infrastructure) should be kept away from listed buildings and other historic sites.</p> <p>We have referred elsewhere to the need to tie development in the vicinity of New Hall to landscape</p>	<p>See response to Policy CP2.</p>

	safeguarding and enhancement (see comments on policy CP2). This should be identified here, or in a separate policy covering the topic.	
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