

Chelmsford Draft Local Plan  
Examination Hearing Statement  
Matter 10:  
Development Management  
and Other Policies

November 2018





## Introduction

1. This hearing statement sets out the Council’s response in relation to the Inspector’s Matters, Issues and Questions.
2. All the evidence base documents referred to in this statement are listed at **Appendix A**, with their evidence base or examination document reference numbers as applicable.

## Matter 10 – Development Management and Other Policies

<b>Question 101</b>	<b>Does the policy (HO1) adequately address the needs of different groups in the community in accordance with paragraph 50 of the Framework?</b>
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## Response to Q101

3. It is the Council’s position that Policy HO1 does adequately address the needs of different groups in the community in accordance with the relevant provisions within the NPPF.
4. Paragraph 50 of the NPPF (2012) states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as but not limited to, families with children, older people, people with disabilities, service families and people wished to build their own homes). The Planning Practice Guidance (PPG) (2014) adds the Private Rented Sector and Student Housing and refers to ‘households with specific needs’ rather than ‘people with disabilities.’
5. The analysis of these groups can be found in Chapter 6 and Appendix 6 of the Braintree District Council, Chelmsford City Council, Colchester Borough Council, Tendring District Council Strategic Housing Market Assessment Update December 2015 (the SHMA Update) (**EB047**). Chapter 6 of the SHMA Update (**EB047**) includes analysis of the need for housing from particular groups, including specialist accommodation. Further Chelmsford specific data is provided in Appendix 6 of the SHMA Update (**EB047**).

6. The SHMA Update **(EB047)** uses a long-term balancing housing markets (LTBHM) model to determine the future demand for housing by size and tenure based on a profile of households resident in each authority area in 2037. The model assesses the current trends in occupation patterns, recorded by the change in tenure profile of each household type between the 2001 and 2011 Census, alongside changes in the size of accommodation occupied within each tenure, and models their continuation through to 2037. In addition, a further adjustment is made to model out overcrowding. The profile of suitable accommodation for each household type is applied to the size of the household group in 22 years time. The accommodation profile required in 2037 is then compared to the current tenure profile and a profile of new accommodation required is determined. The Chelmsford specific data on the type and tenure of future housing needed is provided in Appendix 4 of the SHMA Update **(EB047)**.
7. The Accessible Housing Need in Chelmsford report (Accessible Housing Need report) **(EB056)** demonstrates the level of need for the optional technical standards contained in M4(2) and M4(3) of the Building Regulations for accessible and adaptable dwellings and wheelchair user dwellings in accordance with the PPG (Housing: optional technical standards, paragraph 007 reference ID: 56-007-20150327, 2015). It demonstrates how the wide array of features associated with these standards would benefit a variety of residents.
8. The Council maintains a register of individuals, and associations of individuals, who are seeking to acquire self-build serviced plots of land in the Council's area for their own self-build and custom housebuilding. The self-build and custom build register provides information on the number of individuals and associations on the housing register; the number of serviced plots of land sought; the preferences people on the register have indicated, such as general location within the authority's area, plot sizes and type of housing intended to be built.

#### **Families with Children and the Private Rented Sector**

9. Table 4.4b on page 122, in Appendix 4 of the SHMA Update **(EB047)** sets out the size of the owner-occupied accommodation required in Chelmsford in 22 years' time in comparison to the size profile recorded in the sector currently. The implied change to the housing stock is also presented.
10. This analysis is repeated for private rented housing and is shown in Table 4.5b in Appendix 4 of the SHMA Update **(EB047)**.

11. The LTBHM model does not specifically test affordability, rather (in line with paragraph 2a-021-20160401 of the PPG) is based on '*current and future trends*'. Therefore, the need for different sizes and types of affordable housing is calculated separately, in accordance with the PPG (paragraphs: 2a-022-20140306 – 2a-029-20140306) (2014).
12. The overall profile of market housing required is summarised in Figure 7.2 on page 84 of the SHMA Update (**EB047**). The equivalent percentages are shown in the Reasoned Justification for Policy HO1 (Local Plan, Table 4, page 188). Paragraph 8.3 of the Local Plan explains that Table 4 will be used to inform negotiations between the Council and developers to determine the appropriate mix of housing. It supports Policy HO1(A)i, which states that within all developments of 10 or more dwellings the Council will require the provision of an appropriate mix of dwelling types and sizes that contribute to current and future housing needs and create mixed communities.
13. The wide array of accessible and adaptable features within a dwelling which meets M4(2) of the Building Regulations for accessible or adaptable dwellings, is summarised in paragraph 4.11 of the Accessible Housing Need report (**EB056**). It notes that pram users, like wheelchair users, will also benefit from the provision within M4(2) of the Building Regulations to widen car parking space and level access into a dwelling, which aren't regulated (parking) or guaranteed (level access) under M4(1). Further, where the limitations to M4(2) do not cater for storage for prams, the technical standards required to meet M4(3) of the Building Regulations, although primarily designed to benefit wheelchair users, will also offer the same benefits to those who use prams.
14. The Accessible Housing Need report (**EB056**) states that by 2037, approximately 8% of households within Chelmsford will have children of 5 years or under. This age group are the most prominent for pram use and will benefit from the accessibility features associated with an M4(2) compliant dwelling.
15. Based on the evidence in the SHMA Update (**EB047**), the Council considers the requirement in Policy HO1(A)i is justified, effective and consistent with national policy as it adequately reflects the needs of families through the provision of an appropriate mix of market housing. This includes private rented accommodation.
16. The analysis in the Accessible Housing Need report (**EB056**) shows how the requirements in Policy HO1(A)ii and HO1(B)i have wider benefits, beyond meeting the needs of those with physical disabilities.

## Older People

17. In considering the needs of older households, it is important to note that most older people wish to remain in their own home and the Council and Essex County Council have several initiatives to enable older people to continue to live independently. The actual number of specialist accommodation units needed for older people will depend on the changes in patterns of demand and expectations which are difficult to assess using secondary data sources, which are promoted by PPG (paragraph 2a-021-20160401) (2014).
18. The SHMA Update (**EB047**) reports that if the occupation patterns remain at current levels (123 units per 1,000 people 75 or over), then there is a requirement for 1,382 additional specialist units for people aged 55 and over, of which 1,315 should be sheltered housing and 67 extra care housing over the Local Plan-period. If it is assumed that occupation rates increase to a rate of 170 per 1,000 people 75 or over (as per the Strategic Housing for Older People tool), then 2,711 additional specialist units would be required. Bearing in mind the current patterns of occupation, and that there is no suggestion that this will change in the foreseeable future, it is appropriate for the Council to pursue the lower of these two figures, which is based on current occupation patterns and the aspirations of older people.
19. Demand for Independent Living accommodation for persons over the age of 55 is also set out in the Independent Living Programme for Older People Position Statement (**EB058A**). Using demand data based on population projections and eligible clients receiving social care, Essex County Council forecast a shortfall in Independent Living accommodation for older people in Chelmsford of 52 rental units and 162 shared ownership units by 2020.
20. The wide array of accessible and adaptable features within a dwelling which meets M4(2) of the Building Regulations for accessible or adaptable dwellings is summarised in paragraph 4.11 of the Accessible Housing Need report (**EB056**). It notes that older people will benefit from level access into a dwelling and provision to widen a car parking space. Also, as mobility deteriorates with age, the provision for a stair-lift, grab rails and a level access shower to be installed may also benefit older people. Further, where the limitations to M4(2) do not cater for older people who are wheelchair dependent, the technical standards required to meet M4(3) of the Building Regulations, feature a vast range of facilities to ensure a dwelling is either wheelchair accessible or wheelchair adaptable.
21. As at 2015, 21% of Chelmsford's households have at least one 65 or over resident (SHMA Update) (**EB047, paragraph 6.3, page 67**) and the Accessible Housing Need Report (**EB056**) notes that 45% of this age group are considered disabled.

22. Policy HO1(C)ii requires within all developments of more than 100 dwellings provision of Specialist Residential Accommodation (including Independent Living) taking account of local housing needs. Paragraph 8.6 of the Local Plan notes that Specialist Residential Accommodation includes housing for older people such as Independent Living schemes for the frail elderly. Paragraphs 5.34 – 5.45 of the Draft Planning Obligations Supplementary Planning Document (SPD) **(EB133)** provides further guidance on the definition of Specialist Accommodation, the method of calculation for the quantum of Specialist Residential Accommodation and the mix of Specialist Accommodation.
23. Based on the evidence in the SHMA Update **(EB047)** and Independent Living Programme for Older People Position Statement **(EB058A)** the Council considers the requirement in Policy HO1(A)i is justified, effective and consistent with national policy as it adequately incorporates the need for specialist accommodation for older people.
24. The analysis in the Accessible Housing Need report **(EB056)** shows how the requirements in Policy HO1(A)ii and HO1(B)i cater for residents changing needs, especially older people whom are the most susceptible to disability and mobility impairment.

#### **People with specific needs**

25. The PPG (2014) focuses on the needs of disabled people, in particular people that require adaptations in the home. The SHMA Update **(EB047, Figure 6.3, page 74)** shows the number of Disabled Facilities Grants (DFGs) that were completed between 2011/12 and 2014/15 in each authority in the Housing Market Area (HMA). The DFG is most commonly used for a level access shower, followed by a stairlift and then ramped access. These adaptations are an important function of the housing market as they reduce the demand for specialist housing by allowing residents to remain in their own home for longer. The majority of DFGs are given to people aged 55 or over indicating the preference for older people to continue to reside in their own home rather than move to specialist accommodation.
26. The analysis in the Accessible Housing Need report **(EB056, Tables 10 and 11, page 30)** shows the number and percentage of adaptations provided through the DFG programme by the Council between 2015/16 – 2017/18 that may not have been necessary or would cost less to install had the adapted dwellings been built to meet M4(2) of the optional Building Regulations for accessible or adaptable dwellings (Table 10) or M4(3) of the optional Building Regulations for wheelchair user dwellings (Table 11).

27. The Accessible Housing Need report (**EB056, pages 31-32**) sets out that as of 2011/12, 30% of all households have a resident with a long-term illness or disability and estimates that 7% of residents in Chelmsford have a mobility related impairment. The Accessible Housing Need report (**EB056, page 32**) also sets out that as of 2018, the Council's housing register indicates that 4% of applicants are recorded as wheelchair users and data from 2011/12 demonstrates that affordable housing has 7% of households with a resident who uses a wheelchair.
28. The analysis in the Accessible Housing Need report (**EB056**) shows how the requirements in Policy HO1(A)ii and HO1(B)i are justified and cater for households with specific needs.

### **People wishing to build their own homes**

29. The Self-build and Custom Housebuilding Act 2015 places a duty on the Council to keep a register of individuals, and associations of individuals, who are seeking to acquire self-build serviced plots of land in the Council's area for their own self-build and custom housebuilding.
30. Paragraph 8.5 of the Reasoned Justification sets out that based on around 30 applications to the Council's Self and Custom Housebuilding register projected to 2036, 5% of new homes on larger housing schemes should include an element of self-build/custom build plots to provide for this demand. This requirement is set out in Policy HO1(C)i. Paragraphs 5.6 – 5.33 of the Draft Planning Obligations Supplementary Planning Document (SPD) (**EB133**) provide further guidance on the implementation of Policy HO1(C)i.
31. The Council's self and custom build register has provided the demand information to justify Policy HO1(C)i and cater to the needs of people wishing to build their own homes.

### **Service Families**

32. Chelmsford does not have a Ministry of Defence site. The 2011 Census indicates only 105 members of the armed forces resident in Chelmsford, none of which were living in communal accommodation.
33. As at November 2018 there were only 4 applicants on the Housing Register who were designated as being in the Armed Forces. In its role as the local housing authority, the Council's Allocation Policy gives additional priority to certain forces applicants. This is considered an adequate response to meeting the needs of service families.

## **Student Housing**

34. There are two universities situated in Chelmsford – Anglia Ruskin University and Writtle University College. Both organisations were contacted as part of the SHMA Update **(EB047)** and asked about the current accommodation provision for their students, what expectations they have for future growth and where this growth will be accommodated. The SHMA Update **(EB047)** concludes that their future growth can be absorbed within the growth in the private rented sector.
35. Policy CF3 in the Local Plan addresses the need for the extension or expansion of existing educational facilities and notes that these will be supported subject to their accordance with the criteria of other relevant policies within the Local Plan. Proposals for the expansion of Anglia Ruskin University and Writtle University College will be considered in the context of agreed masterplans.
36. Policy HO1(C)ii requires within all developments of more than 100 dwellings provision of Specialist Residential Accommodation (including Independent Living), taking account of local housing needs. Paragraph 8.6 of the Local Plan notes that Specialist Residential Accommodation can include student accommodation. Paragraphs 5.34 – 5.45 of the Draft Planning Obligations Supplementary Planning Document (SPD) **(EB133)** provide further guidance on the definition of Specialist Accommodation, the method of calculation for the quantum of Specialist Residential Accommodation and the mix of Specialist Accommodation.
37. The SHMA Update **(EB047)** concludes that the future growth of the Universities can be accommodated in the growth in the private rented sector, which in turn is addressed in Policy HO1(A)i and the Reasoned Justification for Policy HO1 (Table 4, page 188). Policy HO1(C)ii does allow student accommodation to come forward as Specialist Residential Accommodation, taking account of local housing needs, which provides flexibility in the Local Plan period.
38. Based on the evidence in the SHMA Update **(EB047)** the Council considers the requirements in Policy HO1(A)i and Policy HO1(C)ii are justified and adequately address the needs of students.

<b>Question 102</b>	<b>In relation to the application of the optional technical standards:</b> <ul style="list-style-type: none"><li><b>a. Is the requirement in Part Aii for each dwelling to meet M4(2) of the Building Regulations for accessible or adaptable dwellings, justified and based on robust evidence of identified need?</b></li><li><b>b. Is the requirement in Part Bi for a minimum of 5% of new affordable dwellings to meet M4(3) of the Building Regulations for wheelchair user dwellings, justified and based on robust evidence of identified need? Why does this only apply to affordable dwellings?</b></li><li><b>c. Has the impact of applying the optional technical standards on viability of schemes been assessed?</b></li></ul>
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**Response to Q102**

**a) Is the requirement in Part Aii for each dwelling to meet M4(2) of the Building Regulations for accessible or adaptable dwellings, justified and based on robust evidence of identified need?**

39. The Accessible Housing Need report (**EB056**) demonstrates the level of need for the optional technical standards contained in M4(2) of the Building Regulations for accessible and adaptable dwellings. It shows how the wide array of features associated with these standards would benefit a variety of residents. Further information on the evidence of the need for these standards is summarised in the Council’s response to Question 101.
40. Policy HO1(A)ii requires each dwelling to meet M4(2) of the Building Regulations for accessible or adaptable dwellings. The justification for this Policy is summarised in paragraphs 6.61 – 6.66 of the Accessible Housing Need report (**EB056**). The report shows it is reasonable to assume at least 50% of households in Chelmsford would immediately benefit from the application of M4(2) of the Building Regulations for accessible or adaptable dwellings; including households with a long-term illness or disability; older person households and families with children of 5 years and under living in the household. This figure does not however address the lack of accessibility in the existing housing stock within the City.
41. It is not possible to calculate the exact need for dwellings to meet M4(2) of the Building Regulations however the evidence in the Accessible Housing Need report (**EB056**) demonstrates the policy requirement is justified and meets the objectives of paragraph 50 of the NPPF (2012) to deliver a wide choice of high quality homes, which are sustainable and inclusive.

**b) Is the requirement in Part Bi for a minimum of 5% of new affordable dwellings to meet M4(3) of the Building Regulations for wheelchair user dwellings, justified and based on robust evidence of identified need? Why does this only apply to affordable dwellings?**

42. The Accessible Housing Need report (**EB056**) demonstrates the level of need for the optional technical standards contained in M4(3) of the Building Regulations for wheelchair user dwellings. It demonstrates how the wide array of features associated with these standards would benefit a variety of residents. Further information on the evidence of the need for these standards is summarised in the Council's response to Question 101.
43. Policy HO1(B)i requires a minimum of 5% of new affordable dwellings in developments of 30 or more dwellings to meet M4(3) of the Building Regulations for wheelchair users. The justification for this is summarised in paragraphs 6.67 – 6.81 of the Accessible Housing Need report (**EB056**). The report shows it is reasonable to assume between 3.66% and 7.1% of affordable housing in Chelmsford should be built to comply with optional standard M4(3) to account for households in the affordable sector who use a wheelchair and more recent information taken from the Council's Housing Register. A minimum 5% is sought to cater for the forecast aging population and corresponding prevalence in disability.
44. Paragraph 6.38 of the Accessible Housing Need report (**EB056**) compares the percentage of market and affordable housing units that have a household member who uses a wheelchair. It shows only 1.89% of market households have a resident who uses a wheelchair. However, affordable housing has 7.1% of households with a resident who uses a wheelchair. This suggests that market housing does not have such a need for M4(3) wheelchair accessible dwellings compared to the affordable housing sector. Nevertheless, a high proportion of M4(2) dwellings will cater for those in the market sector with long-term health and disability.
45. The PPG on Housing: optional technical standards set out that Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling (paragraph 009 reference ID: 56-009-20150327). Local authority allocation policies will ensure that affordable dwellings that meet M4(3) of the Building Regulations will address the specific needs identified.

46. The evidence in the Accessible Housing Need report (**EB056**) demonstrates the policy requirement is justified and meets the objectives of paragraph 50 of the NPPF (2012) to deliver a wide choice of high quality homes which are sustainable and inclusive.

**c) Has the impact of applying the optional technical standards on viability of schemes been assessed?**

47. The Local Plan Viability Study including CIL Review (2018 Viability Study) (**EB082A**) applied additional costs of building to the optional technical standards M4(2) for accessible and adaptable dwellings and M4(3) wheelchair user dwellings (**EB082A, Table 8.2, pages 115-116**). The 2018 Viability Study (**EB082A**) demonstrates that the cumulative impact of standards and policies in the Local Plan are achievable and will not put development at serious risk.

<b>Question 103</b>	<b>Are the requirements in Part C for self-build homes and provision of specialist residential accommodation justified and based on robust evidence? Is the policy clear on how a decision maker would comply with the latter requirement (Cii)?</b>
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**Response to Q103**

48. It is the Council's position that the requirements of Part C of Policy HO1 are justified and based on robust evidence.

**Self-Build and Custom Housebuilding**

49. The Council's self and custom build register provides information on the number of individuals and associations who are actively engaged in securing this type of housing.
50. Paragraph 8.5 of the Reasoned Justification of the Local Plan sets out that based on 30 applications to the Council's self-build and custom build register projected to 2036, this totals 600 applicants between 2016-2036. This demand equates to 5% of new homes on larger housing schemes (sites of 100 or more dwellings) should take the form of self-build/custom build plots to provide for this demand.
51. Housing completions and outstanding commitments total 11,737 new homes (**AC27, page 53 of the Local Plan, SD002**). New Local Plan allocations and a windfall allowance accounts for the remaining 10,135 net new homes in the Local Plan (**AC28, page 53 of the Local Plan, SD002**). When you divide the total number of applicants expected to join the register between the period 2016-2036 (600) by the 10,135 net new homes figure, this supports a requirement for 5.9% of self-build and custom build homes.

52. The Council considers this to be a conservative estimate of demand when it is considered that in the base period 31 October 2017 to 30 October 2018, 39 applicants joined the register. Also, the aforementioned calculation includes sites below the 101-dwelling threshold in Policy HO1(C)i. When the total number of applicants expected to join the register between the period 2016-2036 (600) are divided by the new local plan allocations that meet the threshold in Policy HO1Ci (8,455), this produces a requirement for 7.1% self-build homes.
53. It should also be noted that the new local plan allocations figure of 8,455 includes 1,955 dwellings to be provided in the city centre, many of which will not individually meet the threshold in Policy HO1(C)i. If these sites are removed, the percentage requirement increases to 9.2% self-build homes to meet the identified demand on the remaining threshold sites.
54. Given Policy HO1(C)i is considered to be a conservative estimate of demand and calculated on the basis of ambitious supply estimates, Policy HO1(C)i provides for a minimum 5% requirement.
55. Paragraph 8.5 of the Reasoned Justification to Policy HO1, notes that the Council will review the minimum 5% requirement on threshold sites sets out in Policy H1(C)i, at the time a planning application is submitted. Paragraphs 5.6 – 5.33 of the Draft Planning Obligations Supplementary Planning Document (the SPD) **(EB133)** provides further guidance on the implementation of Policy HO1(C)i. Paragraphs 5.11-5.12 and 5.17-5.19 of the SPD **(EB133)** demonstrate how the Council will use information from the self-build and custom build register to determine the quantum and mix of self-build and custom housebuilding required. Paragraph 5.13 of the SPD notes that providers will be required to market appropriately serviced plots and ensure that they remain available for at least 12 months. If after 12 months a serviced plot has been made available and actively marketed but has not been sold, the plot can either remain on the open market or be built out by the developer in accordance with a design code (as set out in the SPD) and other relevant Local Plan policies.
56. Recognising preferences on the self and custom build register vary and will change over time, the Council considers its approach to meeting the demand for self-build and custom housebuilding is justified and effective. The Local Plan includes a suite of housing supply and delivery monitoring which will be collated, analysed and published on annual basis in a Housing Implementation Strategy, to further clarify how a decision maker would comply with Policy HO1(C)i.

### **Specialist Residential Accommodation**

57. Specialist Residential Accommodation can cater for the specific needs of a variety of people within the community, including specialist accommodation for older people such as Independent Living schemes for the frail elderly, student accommodation, specialist homes for those with physical disabilities and support needs, specialist homes for those with learning disabilities and support needs, residential institutions and non-nomadic Gypsy and Travellers who for cultural reasons, choose to live in caravans. Information on the evidence of the need for Specialist Residential Accommodation is summarised in the Council's response to Question 101 in relation to older people and student accommodation.
58. In addition, Essex County Council estimate, using demand factoring in annual population growth and existing and pipeline supply, a need for 26 self-contained, 32 shared housing and 6 individual self-contained Independent Dwellings for adults with disabilities in Chelmsford (Independent Living for Adults with Disabilities Planning Position Statement - **EB058B**)<sup>1</sup>.
59. Many adults with disabilities identified as needing Independent Living accommodation would also fit the demographic that would benefit from the implementation of the optional Building Regulations M4(2) for accessible or adaptable dwellings and M4(3) for wheelchair user dwellings set out in the Accessible Housing Need report (**EB056**).
60. In accordance with National Planning Policy for Traveller Sites<sup>2</sup>, the Council in partnership with the other Essex local authorities undertook a Gypsy and Traveller Accommodation Assessment in 2017 (**EB050A to C**). The Gypsy and Traveller Accommodation Assessment (**EB050A to C**) covers the period 2016 to 2033 and identifies a demand for 18 non-nomadic Gypsy and Traveller pitches. Extrapolating this figure up to 2036 by calculating the average numbers required per year from 2016 to 2033 and adding them on to 2016 to 2033, results in a total demand for 21 non-nomadic Gypsy and Traveller pitches.
61. Specialist Residential Accommodation can not only meet a variety of needs, some of which appear in more than one of the categories of groups identified in Paragraph 50 of the NPPF (2012) and PPG (2014), it can also be delivered in a range of settings, including individual flats or houses, shared accommodation or clusters.

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<sup>1</sup> Paragraph 9.1.3 of the Independent Living for Adults with Disabilities Planning Position Statement October 2016 (EB058B) further describes the three-different types of Independent Living accommodation required.

<sup>2</sup> Planning Policy for Traveller Sites, DCLG (August 2015)

62. Because of the wide range of forms Specialist Residential Accommodation can take and the wide range of needs the accommodation can cater to, some of which can be met in multiple forms, the Council states in the SPD **(EB133)** that the quantum of Specialist Residential Accommodation sought will be determined at the preliminary enquiry stage of a planning application. The SPD **(EB133)** also states that the quantum sought will depend on the scale and type of market accommodation proposed and viability of the proposed development to support the Specialist Residential Accommodation, taking into account the commercial model of the Specialist Residential Accommodation required.
63. Paragraphs 5.41 – 5.44 of the SPD **(EB133)** also advises on how the mix of Specialist Residential Accommodation will be approached at the time a planning application is being prepared.
64. Recognising the wide range of forms Specialist Residential Accommodation can take and the wide range of needs the accommodation can cater to, the Council considers Policy HO1(C)ii is justified. The SPD **(EB133)** provides supplementary guidance on the quantum and mix of Specialist Residential Accommodation that would be appropriate at the time a planning application is submitted, which provides flexibility to monitor the performance of Policy HO1(C)i against the range of needs identified. The Local Plan includes a suite of housing supply and delivery monitoring which will be collated, analysed and published on an annual basis in the Authority Monitoring Report and a Housing Implementation Strategy, to further clarify how a decision maker would comply with Policy HO1(C)ii.

<b>Question 104</b>	<b>Does the policy provide sufficient flexibility concerning the mix of house types and sizes to react to market forces?</b>
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#### **Response to Q104**

65. Paragraph 8.3 of the Local Plan supports Policy HO1(A)i, which states that within all developments of 10 or more dwellings the Council will require the provision of an appropriate mix of dwelling types and sizes that contribute to current and future housing needs and create mixed communities. It explains that Table 4 will be used to inform negotiations between the Council and developers to determine the appropriate mix of housing. The final mix of housing/types will be subject to negotiation with the applicant. This provides flexibility concerning the mix of dwelling sizes to react to market forces.

66. Policies HO1(C)i and HO1(C)ii both provide flexibility to respond to a wide range of demand, as well as changes in demand that might occur over time. This flexibility is set out in more detail in the Council’s response to question 103 above.
67. The primary function of Policies HO1(A) ii and HO1(B)i is to provide more flexible and sustainable accommodation, which can adapt to changing needs over time.
68. The Local Plan includes a suite of housing supply and delivery monitoring, which will be collated, analysed and published on annual basis in an Authority Monitoring Report and Housing Implementation Strategy. Where the monitoring of housing related supply indicators triggers a review of the performance of policies in the Local Plan, the Housing Implementation Strategy will identify relevant interventions. Examples of what these interventions could be are set out in the Housing Implementation Strategy published in November 2018 (**EX 025**, paragraph 6.2) and include revising existing policies acting as a barrier to delivery.

<b>Question 105</b>	<b>Does the Plan overall make sufficient provision for inclusive design and accessible environments in accordance with paragraphs 57, 58, 61 and 69 of the Framework?</b>
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**Response to Q105**

69. Overall, the Plan makes sufficient provision for inclusive design and accessible environments. The aspirations for inclusive design within the NPPF (2012) are captured by Policies MP1 – MP4. Policy MP1 is the key driver amongst the development management policies. In order to more closely reflect paragraphs 57 and 61 of the NPPF (2012) it is proposed to amend the title of Policy MP1 to ‘high quality and inclusive design’. It is also considered necessary to include the word ‘inclusive’ within policy, to reflect paragraph 58 of the NPPF (2012), this should be inserted into the sixth criterion. Criterion (vi) is the most appropriate position to insert the word ‘inclusive’.
70. Further, Strategic Policy S4 deals with the aspiration for community inclusion and neighbourhood planning, in response to paragraphs 61 and 69 of the NPPF (2012) (albeit see response to Q113 regarding deletion of policy but repositioning of the reasoned justification). Strategic Policy S7 sets the tone for Strategic Growth Sites and development management policies for ‘accessible’ community facilities, in response to paragraphs 57, 61 and 69 of the NPPF (2012).

71. The Strategic Growth Site policies (2 – 9) include requirements for a mix of uses and commentary on design and layout, which are in response to paragraph 69 of the NPPF (2012).
72. Development management policies HO1, MP1, MP2, MP4 and CF1 all include references for inclusive design and accessible environments (see criterion A (ii) of HO1; fourth, fifth and seventh, ninth and thirteenth bullets of MP2; criterion A (i) and (iii) of MP4; criterion (v) of CF1, Policy MP1 in entirety) which respond to paragraphs 57, 58, 61 and 69 of the NPPF (2012).
73. The commentary above demonstrates that the provision of inclusive design and accessible environments is embedded in the Plan at several levels.
74. The following minor modifications are intended to strengthen the policy to this effect:

***Proposed changes:***

Amend policy title to:

Policy MP1 – High quality and inclusive design

Amend part (B) (vi) to:

vi. create safe, accessible and inclusive environments

<b>Question 106</b>	<b>In relation to Policies MP1 and MP2:</b> <b>a) Are the principles and requirements within the policies justified and compliant with national policy? Do the various criteria provide a clear indication of how a decision maker should react to development proposals?</b> <b>b) Should the policies (or supporting text) refer to the Essex Design Guide? Is this necessary for soundness?</b> <b>c) Should reference to other issues including light pollution and accessibility to green infrastructure for as many users groups as possible, be included within the principles in Policy MP2?</b>
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**Response to Q106**

**a) Are the principles and requirements within the policies justified and compliant with national policy? Do the various criteria provide a clear indication of how a decision maker should react to development proposals?**

75. It is the Council’s position that the principles and requirements within Policies MP1 and MP2 are justified and compliant with national policy.
76. The NPPF (2012) dedicates an entire section to ‘requiring good design’ and cites design within its introduction. One of the core planning principles is to “always seek to secure high quality design” (paragraph 17). The principle and requirements are justified as they provide markers for assessment of proposals.
77. Policy MP1 (a) provides the starting point for decision makers assessing the design of proposals. Policy MP2 sets out the design principles that major development should follow. Policy MP2 serves to supplement the requirements within the Strategic Site policies in the absence of any indicative context plans accompanying the Local Plan.

**b) Should the policies (or supporting text) refer to the Essex Design Guide? Is this necessary for soundness?**

78. The Essex Design Guide is listed within the evidence base (**EB138 & EB139**). It is a guide for developers and has influenced the wording within both policies. Reference is made to it within the amendments at AC230 (**SD002**) in relation to Policy MP2. Reference to the Essex Design Guide in the policy is not considered necessary for soundness, however, it is already referred to in paragraph 9.9 as part of the reasoned justification for Policy MP2. The Essex Design Guide is an online resource rather than a more traditional design guide.

**c) Should reference to other issues including light pollution and accessibility to green infrastructure for as many users groups as possible, be included within the principles in Policy MP2?**

79. It is considered that reference to light pollution is implicit within the considerations of both Policy MP1 and MP2.

80. Policy MP1 includes reference to ‘form’ in part A with regard to compatibility with surroundings. Policy MP1 part A would be used to assess all development, with Major developments also being subject to MP2. Major development will also be assessed under Policy PA1, criterion (ii) of which notes ‘unacceptable light levels’. It is not considered that specific reference to light pollution is required within MP2.

81. Green infrastructure is referred to within paragraphs 99 and 114 of the NPPF (2012). The term is specifically noted within Policy MP2, but it is recognised that provision of conventional open space should not be in lieu of green infrastructure. Major developments may not on their own be of a size capable of providing larger scale green infrastructure, but they should provide a means of contributing to it. A minor change is proposed to the 11<sup>th</sup> bullet of Policy MP2. It should be noted that Strategic Policies S3 and S6 promote access to green infrastructure and it is also included in numerous Growth Site commentaries.

82. A minor modification is proposed to the policy to improve clarity.

***Proposed changes:***

Amend 11<sup>th</sup> bullet of Policy MP2 to:

- Provide public open space and contribute to green infrastructure

<b>Question 107</b>	<b>Is Policy MP3 relating to sustainable buildings sound? In particular:</b>  <b>a) Is each requirement set out within the policy (10% reduction in CO<sub>2</sub> emissions, a minimum BREEAM rating, water efficiency and EV charging point infrastructure) justified by robust evidence and consistent with national policy? Have they been viability tested?</b>  <b>b) In relation to the EV charging point infrastructure requirement, is it clear what this means within the policy? How will ‘...convenient access to...’ be determined? Para 9.20 of the supporting text provides more specific detail. Are these the requirements by which development will be judged? Where is the evidence to support them? Why are they not set out in the policy?</b>
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**Response to Q107**

**a) Is each requirement set out within the policy (10% reduction in CO<sub>2</sub> emissions, a minimum BREEAM rating, water efficiency and EV charging point infrastructure) justified by robust evidence and consistent with national policy? Have they been viability tested?**

83. The requirements within the policy are justified with robust evidence and are consistent with national policy. Specific commentary on each element of the policy is provided below. More generally, the NPPF (2012) seeks to support moving to a low carbon future at paragraphs 7, 17, 18, 95, 97 and 98.

84. The policy has been viability tested and specific reference is made to the policy within paragraphs 8.30-8.33 of the Local Plan Viability Study (**EB082A**).

10% reduction in carbon emissions in non-residential developments

85. Policy MP3 requires non-residential developments to achieve a 10% reduction in carbon dioxide emissions above the requirement of Building Regulations.

86. Following the Housing Standards Review, local planning authorities are restricted in their ability to seek energy efficiency measures for new dwellings that goes above and beyond Building Regulations. The restriction does not apply to non-residential development. The requirement is consistent with the Climate Change Act 2008, the Planning and Energy Act 2008 and the UK Carbon Plan (2011), and the 2015 Paris Climate Change Agreement.
87. It is necessary to consider the requirement for a 10% saving in CO<sub>2</sub> emissions with the wider BREEAM requirements. As set out in the BREEAM briefing paper *Assessing carbon emissions in BREEAM* (2015, Tom Taylor)<sup>3</sup>, BREEAM Very Good should achieve a CO<sub>2</sub> saving of about 15% over Building Regulations, and BREEAM Excellent a CO<sub>2</sub> saving of about 35% over Building Regulations. The 10% energy saving on non-residential buildings is therefore more than achieved by building to BREEAM Very Good standards.
88. As set out in 7.10 of the 2018 Viability Study (**EB082A**), it is assumed that all new non-residential development is built to the BREEAM Very Good standard. The additional cost of this is negligible as outlined in research by BRE.
89. Although the Council is keen to explore all opportunities for new non-residential development to reduce carbon emissions, it is considered that the proposed requirement within the policy, to achieve a 10% reduction in carbon dioxide emissions, would introduce ambiguity and potentially conflict with the BREEAM rating requirement. Therefore, it is proposed to delete the requirement for a 10% reduction in carbon dioxide emissions.

#### BREEAM

90. Policy MP3 requires non-residential development with a floor area above 500sqm to achieve a minimum BREEAM rating of Very Good. Whilst the Code for Sustainable Homes was withdrawn by the Government following the Housing Standards Review, non-residential development has not been subject to a similar review. The requirement for a minimum BREEAM rating is in line with the purpose of the planning system (paragraphs 6 and 7 of the NPPF 2012) to contribute to the achievement of sustainable development, in particular the environmental role.
91. The 500sqm threshold takes account of building scale and use to avoid imposing the requirement on modest structures which have in the past struggled to achieve the requirement such as temporary structures, community buildings and scout huts.

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<sup>3</sup> <https://tools.breeam.com/filelibrary/Briefing%20Papers/Assessing-Carbon-Emissions-in-BREEAM--Dec-2015-.pdf>

92. As set out in 7.10 of the 2018 Viability Study (**EB082A**), it is assumed that all new non-residential development is built to the BREEAM Very Good standard. The additional cost of this is negligible as outlined in research by BRE.

Water efficiency standard

93. Policy MP3 requires all dwellings to meet the Building Regulations optional requirement for water efficiency of 110 litres/person/day. Before the withdrawal of the Code for Sustainable Homes, the Core Strategy (**EB117**) had a policy requirement (Policy DC24) that all new dwellings should meet Level 3 of the Code for Sustainable Homes.
94. The new optional Building Regulations standard is slightly less onerous than the Level 3 standard with regards water efficiency (or 105 litre/person/day) which generally was not a compliance issue for developers.
95. The requirement is justified for several reasons:
- 1) Essex is one of the driest counties in the country and it is located in the Anglian region which is the driest in the UK with average annual rainfall approximately 71% of the long-term average for England (Water Resource Management Plan (2015-2040) (Anglian Water)
  - 2) Essex and Suffolk Water, which supplies water to Chelmsford, is located in an area classified as under 'serious stress, now and in the future'. This is the worst classification (Water stressed areas – final classification, Environment Agency (2013)
  - 3) The policy is supported by the Environment Agency because a reduced water consumption leads to lower greenhouse gas emissions and a reduced impact on the Blackwater Estuary (Duty to Co-operate discussions with the Environment Agency).
96. This requirement is tested in the 2018 Viability Study (**EB082A**) - as per paragraph 8.34 the 'additional costs of meeting the reduced water usage is estimated at £200/dwelling. The costs are modest however are incorporated into the modelling'.

EV charging point infrastructure

97. It is the position of the Council that the requirement for EV charging points is consistent with national policy. The NPPF (2012), paragraph 35 states that ‘Plans should ... exploit the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.’ The NPPF (2012) does not commit to a provision rate, but this standard is set out in section 5.10 in The Institute of Air Quality Managements guidance document titled Land-Use Planning & Development Control: Planning for Air Quality (2017). One EV charging point per dwelling is now the standard in many Councils across the UK including West Yorkshire, Northampton and Lancaster.
98. Having the infrastructure in place in new developments will also help achieve the Government’s targets of at least 50% of new car sales to be ultra-low emission by 2030 as set out in the Road to Zero Strategy which has been published recently (July 2018). The document sets out the Government’s ambition that all new homes, where appropriate, should have a charge point available.
99. The requirements for non-residential development is set to complement the charging points at home and is considered to be realistic. A standard of 10% is advocated by the Low Emission Partnership and has been adopted by several authorities across the UK (Low Emission Topic Note 1 Provision of EV charging points via planning agreements, Low Emission Partnership 2013).
100. This requirement is tested in the 2018 Viability Study (**EB082A**). As per paragraph 8.35 an ‘allowance of £500/ residential unit is made’. In this regard if, undertaking this study now (November 2018) HDH have advised that they would use an assumption of £260/unit as the costs of these have fallen very considerably.
- b) In relation to the EV charging point infrastructure requirement, is it clear what this means within the policy? How will ‘...convenient access to...’ be determined? Para 9.20 of the supporting text provides more specific detail. Are these the requirements by which development will be judged? Where is the evidence to support them? Why are they not set out in the policy?**
101. It is noted that ‘convenient access to’ is not explained in the policy text. It is however correct that the requirements set out in paragraph 9.20 are the requirements against which applications should be judged. For clarity, it is agreed to include the requirement in the policy text and instead refer to the guidance document, from which the standard is sourced, in paragraph 9.20 of the reasoned justification.

102. See also response to Q107a with regard to evidence.
103. The following main modification is proposed to Policy MP3.

**Proposed changes:**

Delete the second paragraph of Policy MP3.

Amend the last sentence of Policy MP3 to the following:

New dwellings and non-residential buildings shall provide convenient access to Electric Vehicle (EV) charging point infrastructure. Residential development should provide Electric Vehicle (EV) charging point infrastructure at the rate of 1 charging point per unit (for a dwelling with dedicated off-road parking) and/or 1 charging point per 10 spaces (where off-road parking is unallocated). Non-residential development should provide charging points equivalent to 10% of the total parking provision. Public charging points should be located in highly visible, accessible locations close to building entrances.

Amend paragraph 9.20 as follows:

The standards for electrical vehicle charging points for new residential development are taken from The Institute of Air Quality Managements guidance document 'Land-Use Planning & Development Control: Planning for Air Quality (2017)' and is now the standard in many Councils across the UK. Standards for non-residential developments are set by the Low Emission Partnership's 2013 guidance document Low Emission Topic Note 1 Provision of EV charging points.

<b>Question 108</b>	<p><b>Is Policy MP4 (Design specification for dwellings) sound?</b></p> <p><b>In regards to <u>part A</u> of the policy:</b></p> <ul style="list-style-type: none"><li><b>a) Is the requirement for development to achieve the Nationally Described Space Standards justified and based on robust evidence of identified need?</b></li><li><b>b) Is it clear what is meant by ‘private amenity space’? Is this private garden space? Does it include communal garden space or balconies (flats)?</b></li></ul> <p><b>In regards to <u>part B</u> of the policy:</b></p> <ul style="list-style-type: none"><li><b>c) Is it clear what is meant by ‘amenity space’? Is this private/communal garden space?</b></li><li><b>d) Is the provision for off-street parking at a ratio of one space per bedroom justified?</b></li><li><b>e) Is v. duplicating the Building Regulations requirements?</b></li><li><b>f) Have the requirements within the policy been viability tested?</b></li><li><b>g) Would reference to the Council’s Making Places SPD (AC25 and AC236 of SD002) provide greater clarification for the policy?</b></li></ul>
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**Response to Q108**

**a) Is the requirement for development to achieve the Nationally Described Space Standards justified and based on robust evidence of identified need?**

104. In accordance with the PPG (Housing: optional technical standards, March 2015), the Council has considered the need for internal space standards within Chelmsford. This information is set out in the Chelmsford Local Plan Nationally Described Space Standards report (the Chelmsford NDSS report) **(EB053)**.

105. The Chelmsford NDSS report **(EB053)** explains that a desktop review was carried out to see whether recent completed dwellings within Chelmsford meet the NDSS. A sample of 100 developments were reviewed from a range of types of development that were completed between 01/04/14 – 30/03/17. Appendix 1 of **EB053** shows the internal areas which are colour coded to indicate compliance against the NDSS. The colours indicate whether a measurement is equal to or above the standard (green), up to 5% below the standards (amber), and over 5% below the standard (red).

106. Paragraph 3.8 of the Chelmsford NDSS report (**EB053**) breaks down the findings of the desktop review according to the Gross Internal Area (GIA) measurements; storage space measurements; single bedroom size measurements; and double/twin bedroom size measurements. Whilst the majority of dwellings met or exceeded the GIA measurement (61.37%), the combined results show that only 33.94% of the sample taken had either met or exceeded every single standard. Additionally, 51.26% of all dwellings within the sample had at least one measurement that was over 5% below the equivalent NDSS. The Council therefore considers it reasonable to conclude that Chelmsford has an identified need to implement the internal space standards as the combined standards are not currently being met on the majority of developments.
107. The Council considers that by implementing the internal space standards it will secure a consistent level of habitable space across all dwellings; encourage a more efficient use of land to prevent under-occupancy; ensure a high quality of life for the city's residents; and generate interest and support for further redevelopment. These conclusions are explained in more detail in paragraphs 3.10-3.15 of the Chelmsford NDSS report (**EB053**).
108. Further, analysis of the strong link between space standards and accessibility standards, secured through optional Building Regulations M4(2) and M4(3), is provided in section 5 of the Accessible Housing Need in Chelmsford report (**EB056**).
109. The PPG (2015) states that the impact of adopting the space standard should be considered as part of a local plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. It also states that local planning authorities will need to consider impact on affordability where a space standard is to be adopted. The modelling in the Chelmsford City Council Local Plan Viability Study including CIL Viability Review (the 2018 Viability Study) (**EB082A**) (from paragraph 8.9), is based on the NDSS. The effect of this extra standard is fully reflected in the study, which concludes that the cumulative impact of policies in the Local Plan will not put development at serious risk.
110. The Council therefore considers that the requirement for development to achieve the NDSS is justified and based on a robust evidence of identified need. Since the Council's plans to adopt the NDSS have been public since March 2017, it is not considered necessary for the implementation of the internal space standards to have a transitional period.

**b) Is it clear what is meant by ‘private amenity space’? Is this private garden space? Does it include communal garden space or balconies (flats)?**

111. The term ‘amenity’ has been used on several occasions within policies in the Local Plan. In this instance the substitution of the words ‘private amenity space’, with ‘private garden space’ would not accurately reflect the standards outlined in Table 11 in Appendix A. With reference to Table 11 in Appendix A some houses and flats are not specifically required to have private garden space - the provision can be communal gardens and balconies. The term ‘amenity space’ is intended to capture all forms of private or communal space associated with a new dwelling. The policy needs to be read alongside Appendix A, as noted within the policy and the reasoned justification at 9.23. It is not considered that an amendment is necessary.

**c) Is it clear what is meant by ‘amenity space’? Is this private/communal garden space?**

112. Part B of Policy MP4 is specific to Housing in Multiple Occupation (HMOs). Table 11 in Appendix A only refers to ‘communal garden’ in terms of garden space, therefore the direct reference within the policy can be more specific than section A (which deals with all new dwellings). In this instance the substitution of the word ‘amenity space’, with ‘communal garden space’ (as a cross reference to Table 11 in Appendix A) would provide greater clarity to the decision maker.

**d) Is the provision for off-street parking at a ratio of one space per bedroom justified?**

113. It should be noted that a room within a HMO will be occupied by at least one person, possibly two, which is equivalent to a one bedroom flat. On this basis, if one was to refer to the Essex Parking Standards 2009 then 1 space per 1 bedroom flat would be the standard. The policy does allow for a relaxation when a HMO is sited within the City Centre (representing the area of likely greatest intensity of HMOs). It is considered that the standard is justified.

**e) Is v. duplicating the Building Regulations requirements?**

114. Criterion (B)(v) would seek to achieve one part of the Building Regulations standard which is applied to flat conversions, but for HMOs, where a HMO would adjoin another dwelling. There will be certain instances where the formation of a HMO, either newbuild or conversion, will not be subject to the requirements of sound insulation in the Building Regulations and therefore this formation would need additional planning controls to achieve this objective. Criterion (v) is suggested to be amended to make it clearer that the party wall is the key issue, due to the potential noise impact on neighbouring living conditions. The reasoned justification should then direct the decision maker to the similar Building Regulations standard – see proposed changes below.

**f) Have the requirements within the policy been viability tested?**

115. Requirements within Part (A) of Policy MP4 have been tested on viability. These were considered, as set out in paragraphs 8.34-8.35 on pages 118-119 of the 2018 Viability Study (**EB082A**), which notes that Appendix A of the Local Plan contains guidance to be applied to planning applications and seeks to ensure new developments will meet the needs of their occupiers, minimise the impact of new developments on surrounding occupiers and encourage higher rates of recycling. These standards are not new in the area, nor are they unusual, rather they are simply setting out best practice and providing clarity for architects. On the whole, these standards can be met through good design and do not add to the costs modelled elsewhere in this study.
116. The 2018 Viability Study (**EB082A**) considered the cumulative impact of all the policies in the emerging plan in accordance with paragraph 174 of the NPPF (2012), including the requirements for enhanced building regulations, (Part M) water measures, car charging points, NDSS as well as the 'big ticket' items of affordable housing, CIL and wider developer contributions. The Viability Study (**EB082A**) concludes that the cumulative impact of policies in the Local Plan will not put development at serious risk.

**g) Would reference to the Council's Making Places SPD (AC25 and AC236 of SD002) provide greater clarification for the policy?**

117. References to a revised Making Places Supplementary Planning Document are already proposed in the Pre-Submission Local Plan Schedule of Additional Changes (**SD002**) at AC235 and AC236. The former is a proposed reference at the end of Policy MP4, whereas the latter is as a new paragraph at the end of the reasoned justification. The reference was included to provide greater clarification for the policy (see 'reason for change' column in **SD002**).
118. The following minor modifications are proposed for clarity and consistency.

**Proposed changes:**

Amend Policy MP4 (B) (i) to read:

i. achieve sufficient communal garden space; and

Amend Policy MP4 (B) (v) to read:

v. Provide sound proofing to party walls where the proposed HMO is attached to another dwelling

Amend 9.25 to add the following:

Sound proofing to the party wall should be in accordance with the airborne sound insulation values for dwelling house and flats formed by material change of use set out in Table 0.1a of Section 0 of Approved Document E of the Building Regulations 2010 (2003 edition).

<b>Question 109</b>	<b>What is the status of the Essex Car Parking Standards – Design and Good Practice (2009)? Does it form part of the development plan and if not, is the requirement to comply with these standards in Policy MP5 consistent with national policy?</b>
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**Response to Q109**

119. Chelmsford is not a unitary authority; Essex County Council is responsible for adopted highways and provide consultation responses on planning applications. Essex Car Parking Standards – Design and Good Practice (2009) were approved and adopted as County Council Supplementary Guidance in 2009. The Guidance provides local parking standards for residential and non-residential development, in accordance with paragraph 39 of the NPPF (2012).
120. The introduction states that “The Guide is recommended to Essex Planning Authorities and others as providing quality advice and guidance on the provision and role of parking within residential, commercial and leisure areas in Essex” (pg. ii). The Council does not seek to set its own parking standards as a set of standards has been produced by the authority responsible for providing highways advice to the Council. Reliance on those standards is considered to be reasonable.

121. The Essex Car Parking Standards do not form part of the development plan. However, they are a technical evidence base document (**EB136**) that has been subject to their own consultation and adoption process. As such they are not different from a Supplementary Planning Document which provides the detailed or technical specification for the implementation of the policy. The policy reference to a County Council document is intended to provide certainty to the developer, avoid conflict with any new (potentially differing) local parking standards and avoid duplication.
122. It is considered that the requirement to comply with local standards, through Policy MP5, is consistent with national policy. This approach is consistent with other Local Plans in Essex.

<b>Question 110</b>	<p><b>Policy MP6 identifies development ‘above 6 storeys or above 16m high’ as tall buildings. On what basis has this been defined and is it justified by the evidence?</b></p> <p><b>The policy will apply ‘in parts of the City Centre...’ – are these areas identified in the Plan?</b></p> <p><b>Is the policy clear as to where it will or will not apply?</b></p> <p><b>Are the Council’s proposed changes (AC237-AC239 in SD002) necessary for soundness?</b></p>
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**Response to Q110**

**On what basis has this been defined and is it justified by the evidence?**

123. Although the Council’s position is that the policy is justified, it is recommended that a minor modification is made to the policy wording so that the policy aligns with the reasoned justification. The reasoned justification notes six storeys to represent a ‘shift in scale’. The policy should be amended to change to ‘above 5 storeys or above 16m high’
124. As noted within the reasoned justification at 9.29, the predominant scale range across the city centre is up to 4 storeys, meaning building above 5 storeys (i.e. 6 or more storeys) will represent a step change in the character (scale) of Chelmsford. This is evident from visual inspection. The existing adopted Town Centre Area Action Plan (**EB119**) provided the starting point of managing the height of new buildings in the town centre (see figure 12). Buildings up to 5 storeys comprise the majority of the map in figure 12.

**The policy will apply ‘in parts of the City Centre...’ – are these areas identified in the Plan? Is the policy clear as to where it will or will not apply?**

125. The ‘City Centre’ is defined on the Policies Map. The policy only relates to proposals within the ‘City Centre’. ‘Parts of the City’ are not identified on the Policies Map, but the intention is that the policy sets out what ‘parts’ of the City the policy will allow tall buildings and where more control should be exerted – this could be reworded to remove reference to ‘parts’, as reference to the ‘City Centre’ already defines the physical extent of the policy. The policy and reasoned justification provide a comprehensive overview of where taller buildings may be acceptable, but there is a need to assess proposals against Part A of MP1 in order to judge the acceptability of such development.

**Are the Council’s proposed changes (AC237-AC239 in SD002) necessary for soundness?**

126. The proposed changes AC237-AC239 (**SD002**) are not considered necessary for soundness. AC237 and AC239 simply makes reference to the Council’s forthcoming SPD entitled Making Places. AC238 was included following representation received from Historic England (PS1799) and their concern about the heritage assets which are in close proximity to the train station.
127. The following minor modification is proposed for clarity and consistency.

***Proposed changes:***

Amend Policy MP6 to begin:

The Council will support proposals for buildings above 5 storeys or above 16m high in the City Centre, provided:

<b>Question 111</b>	<b>Is the requirement for the provision for superfast broadband within Policy MP7 consistent with national policy? Are the changes to the policy and supporting text set out in AC240 and AC241 in SD002 necessary for soundness? Is the policy duplicating Building Regulations?</b>
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**Response to Q111**

128. The provision for superfast broadband is consistent with paragraphs 42 & 43 of the NPPF (2012).
129. The policy duplicates the requirements within the Building Regulations Approved Document R and it is proposed to be deleted, along with the relevant reasoned justification. The aspirations to support the expansion of high speed broadband is suitably captured within Strategic Policy S11.
130. The proposed amendment below is considered to be a main modification.

***Proposed changes:***

Delete Policy MP7  
Delete paragraphs 9.33 – 9.36 inclusive

<b>Question 112</b>	<b>Is Strategic Policy S2 consistent with national policy and is it necessary to repeat the presumption in favour of sustainable development as set out within the Framework?</b>
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**Response to Q112**

131. It is the Council's position that Strategic Policy S2 is consistent with national policy and it is appropriate to include the presumption in favour of sustainable development as set out in the NPPF (2012) within the Local Plan.
132. Strategic Policy S2 is entirely consistent with national policy as it sets out the Council commitment to securing sustainable development, which is the foundation of the planning system and in turn the Council's Local Plan. The wording of the policy reflects the NPPF (2012) which makes clear that the presumption in favour of sustainable development is at heart of the Framework and should be seen as the golden thread running through plan-making and decision-taking. Strategic Policy S2 also makes clear that this is case for plan-making and decisions in Chelmsford.

133. Strategic Policy S2, reflects the wording of the current Local Development Framework Policy CP1, which was amended by the Council's 'Focused Review' undertaken in 2013, a process in which the Council amended a number of policies within the Core Strategy and Development Control Policies Development Plan Document 2008 so they were consistent with the NPPF (2012) when it was first published. The Focused Review Development Plan Document (**EB118**) identifies the objective of each amended policy. For Policy CP1 the following was given:

*'The inclusion of the model wording published by the Planning Inspectorate to help local planning authorities ensure that local plans reflect the presumption in favour of sustainable development contained within the NPPF.'*

134. The Focused Review Development Plan Document and the amended policies were found sound by the appointed Inspector (**EB167**).
135. The Local Plan Strategic Policies underpin and guide the Council's Spatial Strategy such that it is considered justified that there is a clear and identified policy that sets out the Council's approach to securing sustainable development. It is not considered that it is merely a repeat of the NPPF (2012) but instead a cornerstone of the Council's Local Plan as a whole which should be recognised and front loaded within the Plan. Paragraph 12 of the NPPF (2012) makes clear that the starting point is the development plan and given the importance of sustainable development the Council does not consider it appropriate to simply defer to the NPPF (2012). It is therefore considered appropriate for the presumption in favour of sustainable development be included in the Local Plan by way of Strategic Policy S2, consistent with national policy.

<b>Question 113</b>	<b>What is the purpose of Strategic Policy S4? Does it provide a clear indication of how a decision maker should use the policy when reacting to a development proposal? Are these objectives/principles rather than policy requirements?</b>
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**Response to Q113**

136. It is proposed to delete Strategic Policy S4.
137. It is also proposed to shift the reasoned justification for S4 (5.15 – 5.17) to the reasoned justification for Strategic Policy S9 as new paragraphs 6.47 – 6.49
138. The proposed amendment below is considered to represent a main modification.

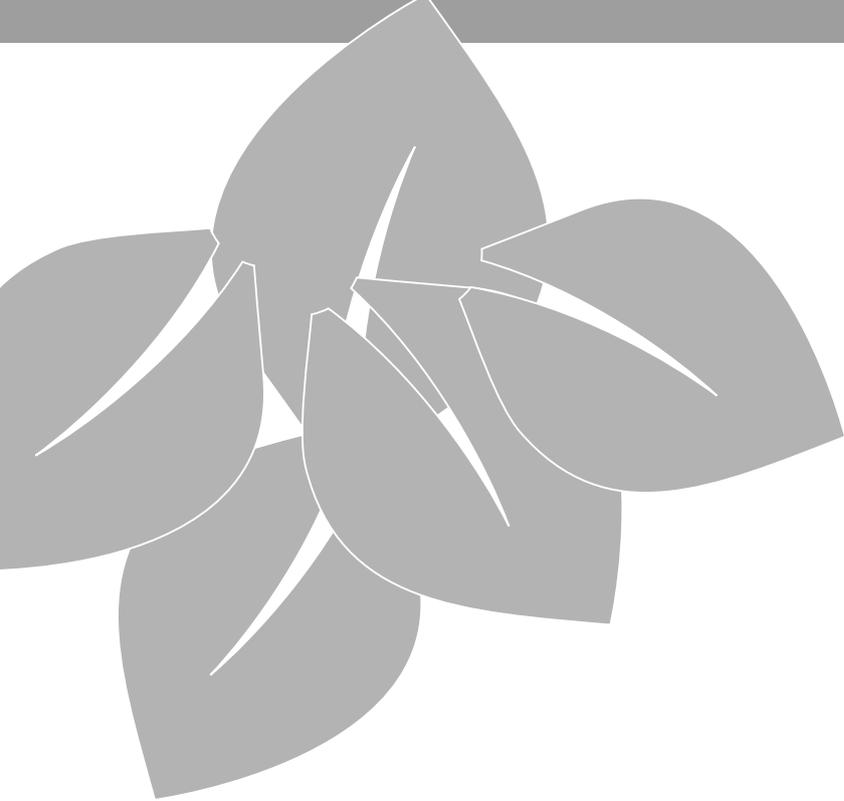
***Proposed changes:***

Delete Policy S4

Move paragraphs 5.15 – 5.17 to reasoned justification for Strategic Policy S9, as new paragraphs 6.47 – 6.49 below a new title 'Community inclusion and neighbourhood planning'

**APPENDIX A**

<b>EVIDENCE BASE LIST FOR MATTER 10</b>	
SD 002	Pre-Submission Local Plan Schedule of Additional Changes
EB 047	Braintree District Council, Chelmsford City Council, Colchester Borough Council, Tendring District Council Strategic Housing Market Assessment Update December 2015
EB 050	<b>A</b> Chelmsford City Council Gypsy, Traveller and Travelling Showpeople Accommodation Assessment Need Summary Report June 2017 <b>B</b> Essex, Southend-on-Sea and Thurrock Gypsy, Traveller and Travelling Showpeople Accommodation Assessment Joint Methodology Report January 2018 <b>C</b> Essex, Southend-on-Sea and Thurrock Gypsy, Traveller and Travelling Showpeople Accommodation Assessment Summary Report January 2018
EB 053	Chelmsford Local Plan Nationally Described Space Standards
EB 056	Chelmsford Local Plan Accessible Housing Need in Chelmsford
EB 058	<b>A</b> Independent Living Programme for Older People Position Statement <b>B</b> Independent Living for Adults with Disabilities Planning Position Statement
EB 082	<b>A</b> Local Plan Viability Study Including CIL Viability Review January 2018
EB 117	Core Strategy and Development Control Policies Document including Proposals Map
EB 118	Core Strategy and Development Control Policies Focused Review
EB 119	Chelmsford Town Centre Area Action Plan including Proposals Map
EB 133	Draft Planning Obligations Supplementary Planning Document
EB 136	Parking Standards – Design and Good Practice
EB 138	The Essex Design Guide 2005
EB 139	The Essex Design Guide 2018
EB 167	Inspector’s Report on the Examination into Chelmsford City Council Core Strategy and Development Control Policies Focused Review Development Plan Document
EX025	Housing Implementation Strategy November 2018



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