Planning Committee

15th January 2019

<table>
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<tr>
<th>Application No</th>
<th>18/01514/REM Approval of Reserved Matters</th>
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<td>Location</td>
<td>Beaulieu Park White Hart Lane Springfield Chelmsford</td>
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<td>Proposal</td>
<td>Community Gardens and Associated Strategic Landscaping. Creation of landscaped open space including, provision of secondary cycleway, footpaths, a community garden building, a formal garden and orchard area, an informal kickabout area for ball games and associated ancillary development.</td>
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<tr>
<td>Applicant</td>
<td>Countryside Zest (Beaulieu Park) LLP</td>
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<td>Agent</td>
<td>DWD Property &amp; Planning</td>
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Appendix 1 Drawings
1. Executive Summary

1.1. The application is referred to Planning Committee at the request of the local ward member due to its complexity in relation to NCAAP and access.

1.2. The provision of community gardens, strategic landscaping and public open space, within this part of the Beaulieu development fully accords with the outline planning permission and the approved Parameter Plans; it is therefore acceptable as a matter of principle. The reserved matters form the next stage of the compensatory measures and are designed to protect the setting of New Hall and its associated Registered Park and Garden.

1.3. Historic England has advised that the scheme, is in line with the Parameter Plans agreed as part of the outline planning permission and has raised no objections to the application on heritage grounds as it meets the requirements of the NPPF, particularly paragraphs 184 and 193.

1.4. The spaces are arranged logically around access points and routes within the site. The scheme connects existing Public Rights of Way, residential areas, open spaces and local amenities and delivers a further element of the strategic footpath/cyclepath network, as contained in the Beaulieu Movement Network Strategy.

1.5. The letters of representation, including from New Hall School itself, refer to the absence of a pedestrian/cycle access from the strategic footpath/cyclepath proposed through the community gardens, to the school’s western gate. The use of the Western Gate does not form a specific part of the reserved matters submission, nor can it because it would encompass land outside the area covered by the outline planning permission; consideration of this specific issue therefore falls beyond the scope of the application. Further, it was not incumbent upon the applicant to provide for a pedestrian/cycle access to the school at this point, in accordance with the already approved Parameter Plan 4 – Footpaths, Cycleways and Bridleways, nor is there a legal obligation upon the developer within the s106 Agreement to provide a connection.

1.6. The Community Gardens and associated strategic landscaping deliver a series of high quality, well designed public spaces which work collectively, incorporate existing landscape features, provide a valuable social and community asset and deliver a key part of the Beaulieu site wide green infrastructure. Approval is recommended.

2. Description of Site

2.1. The application relates to a parcel of predominantly open arable farmland. The land wraps around the western boundary of New Hall School and its playing pitches and extends to the east of Old Lodge Farm and Old Lodge Court. A nun’s cemetery is situated between the eastern boundary of the site and an area to the south of the school, known as the ‘Wilderness’.

2.2. The archaeological remains of a lime kiln, presumed to date from the early 16th Century are situated within the south-eastern corner of the site. The kiln lies buried beneath a low mound.

2.3. Public Footpath 4 Springfield runs along the northern boundary of New Hall School, and part of the application site. Public Footpath 5 Springfield runs along part of the southern site boundary, and eastwards, connecting with Public Footpath 22 Boreham, the entrance to New Hall School and Generals Lane.
3. Details of the Proposal

3.1. The submission seeks reserved matters approval for the creation of community gardens and strategic landscaping, comprising approximately 4.62ha of open green space, primary and secondary strategic footpaths and cyclepaths, landscaping and drainage.

3.2. The scheme comprises a series of open spaces, including community gardens, formal gardens, an orchard and an informal kickabout area. The spaces connect residential development to the west with the Estate Parkland to the south, public rights of way to the north and south, and New Hall School and the Nun’s Cemetery to the east. The scheme delivers parts of the compensatory measures contained within the LDMP.

4. Other Relevant Applications

Outline planning permission was granted on 7th March 2014 for a mixed-use residential-led development of up to 3,600 dwellings, 09/01314/EIA refers, on land to the north of White Hart Lane.

5. Summary of Consultations

- Springfield Parish Council – No objections.
- Broomfield Parish Council – No comments.
- Boreham Parish Council – No comments.
- Public Health & Protection Service – No comments.
- Parks & Open Spaces – Acceptable.
- Essex County Council: Highways – Comments; no objections.
- Essex County Council: Historic Environment Branch – Archaeological work complete for Zone E.
- Historic England – No objections.
- The Gardens Trust – No response.
- Ramblers Association – No response.

6. Policy Position

6.1 Paragraph 91 of the NPPF seeks to achieve healthy, inclusive and safe places which enable, and support healthy lifestyles through the provision of safe and accessible green infrastructure.

**North Chelmsford Area Action Plan (NCAAP) – Adopted July 2011**

6.2 The NCAAP adopted in July 2011 requires that development within North Chelmsford should be landscape led and responsive to the natural environment. Paragraph 1.54 sets out an expectation that high quality public open spaces will be provided to serve residential development in accordance with adopted standards and policies.

6.3 The site falls within Site Allocations 7, 22 and 24.

**Site Allocation 7: Land East of the Green Way**

6.4 Land for development, located to the east of the North-South Greenway, and extending to New Hall School, is shaped by heritage setting and the school grounds. A substantial woodland buffer is proposed around the western side of the New Hall School grounds to resolve the relationship
between new development and the existing open, rural context, valued by the school. Community gardens are to be placed adjacent the Wilderness and the Nun’s Cemetery. East of Old Lodge Farm, open land is to contain a public open space with a village green character.

**Site Allocation 22: New Hall School**

6.5 The site allocation encompasses the existing school property, the avenue approach and its grounds. Land on the western side of the tennis courts and sports buildings is allocated for school use, where the margin can be used to enable a built or planted interface between the school and new development, and to improve the appearance of that part of the school boundary, whilst also maintaining privacy and security. Land to the west of the Nun’s Cemetery is included to enable the school to extend the Wilderness as part of the compensatory measures.

6.6 The landscape strategy in the NCAAP establishes the principle of a landscape buffer to maintain, as far as practicable, the school’s environmental quality, privacy and security.

**Site Allocation 24: Land South of New Hall, West of Bulls Lodge Farm**

6.7 Extensive landscape design works are required within the areas of land either side of the Avenue approach. Tree planting forms an essential part of the allocation with a requirement for its inclusion along the southern edge of the landscaped area, south-east of Zone E Residential.

**Landscape Design and Management Plan (LDMP) – Adopted August 2012**

6.8 The LDMP, adopted in August 2012, supports the implementation of NCAAP and provides the detailed practical measures to secure the setting of associated listed building groups. The LDMP was prepared by the local planning authority in collaboration with Historic England, New Hall School and other partners to secure the objectives for this area. The document draws its formal status from the adopted NCAAP, approval by the Council’s Development Policy Committee on 13th June 2012 and the 2010 Statement of Common Ground between Chelmsford City Council and Historic England (then English Heritage).

6.9 The Community Gardens and Strategic Landscaping falls within Area 6 - West of the Wilderness and Nun’s Cemetery and 7 - West of the School Sports Facilities, where the following land uses are confirmed as acceptable:

- Community Gardens
- Community orchards
- Woodland
- Education (excluding playing fields or playground use)

The required landscape compensatory measures comprise:

- **C4 – Landscape Works West of the Nun’s Burial Ground and the Wilderness**
  - Increase tree planting west of the nun’s burial ground.
  - Maintain a view of the cemetery gate pinnacle.
  - Enhancement of the boundary.
• **E1 – West of New Hall School**
  
  - Provision of a tree lined avenue reaching into the development area from open land to the south.
  - Provision of a margin of land free of buildings next to the school boundary with buffer woodland planting according to the NCAAP Landscape Strategy.
  - Provision of community gardens adjacent the Wilderness and Nun’s Cemetery.
  - Provision of a generous linear green space for the existing footpath to run through.

E1 is addressed by a series of detailed specifications which, in the context of the application site, include:

- West of the Nun’s Cemetery - Woodland edge screen; 5m wide. Community orchard / community garden with land prepared and enclosed to enable food growing and local, native fruit trees. A pathway to be provided through the orchard to retain a view of the cemetery gate pinnacle.
- Tree Screen to the Southern Part of the Development – Substantial new tree planting to screen new buildings where the southern part of the development area meets open parkland to the south.
- Woodland Edge Screen Along the Eastern Edge of the Old Lodge Site – Provision of a belt of non-continuous woodland (5m wide) with small gaps for glimpsed views.

**Outline Planning Permission – Granted March 2014**

6.10 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that planning applications should be determined in accordance with the development plan, unless material planning considerations indicate otherwise. Outline planning permission for the mixed-use, residential-led development at Beaulieu was granted on 7th March 2014.

6.11 The current lawful planning land use allocations are confirmed by the approved Parameter Plans, which take precedence. The NCAAP contains the development principles to be referred to for each site allocation, when considering the detail of the reserved matters. Specifically, land is allocated to the west of New Hall School’s Historic wall for use as a ‘Community Garden and Orchard’, as shown on Parameter Plan 5 – Landscape Character, as public open space for use as ‘Community Gardens’ on Parameter Plan 6 – Public Open Space and within the south-eastern part of the site as ‘Estate Parkland’ (Pastoral/Meadow character) on Parameter Plan 5 – Landscape Character; this latter area is not proposed as public open space and hence, it is not included as such on Parameter Plan 6 – Public Open Space.

**Site Wide Play Strategy – Included within the Beaulieu s106 Agreement dated 7th March 2014**

6.12 The Site Wide Play Strategy was agreed between the local planning authority and the applicant during the consideration of the outline planning application; this included indicative locations for NEAP’s, LEAP’s, informal kickabout areas, LLAP’s, youth facilities and formal sports pitches. The plan forms an appendix to the Beaulieu s106 Agreement entered on 7th March 2014.

**Allotments & Community Gardens Strategy – Approved May 2016**

6.13 The Allotments & Community Gardens Strategy was approved in May 2016 pursuant to Condition 18 of the outline planning permission. The Strategy contained an indicative plan of the community gardens, access and parking arrangements, a provisional location for the communal buildings, options for boundary treatment and confirmation of the water supply.
6.14 The Beaulieu Movement Network Strategy was approved in June 2016 pursuant to Condition 26 of the outline planning permission. The Strategy was prepared in collaboration with the local planning authority, Essex County Council including the Public Rights of Way Team, Essex Highways and the Essex Bridleways Association to establish agreed non-vehicular movement principles across the site.

7. Conformity with the Approved Plans and Other Guidance

7.1 Two small triangles of land between the site boundary and the Nun’s Cemetery/Wilderness are outlined in blue on the application drawings; as they are now within the applicant’s ownership but were not included within the outline planning permission. The current application shows how these small areas would be planted and landscaped as part of the scheme; given the size of the areas, the alterations are considered de minimus.

7.2 The reserved matters demonstrate compliance with Parameter Plans 5 and 6 and the landscape masterplanning principles within the Environmental Statement.

7.3 The proposed scheme is consistent with the approved Beaulieu Movement Networks Strategy.

8. Environmental Information – Screening

8.1 The local planning authority has separately screened the reserved matters submission; 18/01896/EIASO. All environmental impacts of the development were fully considered in the Environmental Statement and Addenda accompanying the outline planning application. The environmental impacts are deemed to have been fully considered within the Environmental Statement and Addendums submitted with the outline planning application and no further Environmental Statement is required. The environmental information submitted with the outline planning application has been fully reviewed in considering the reserved matters submission, in accordance with the local planning authority’s duty as set out in Regulation 8 (2) of the Town & Country Planning (EIA) Regulations 2017.

9. Pre-Application Engagement

9.1 The application is subject to a Planning Performance Agreement (PPA) between the Council and the applicant/developer Countryside Zest, in recognition of the scale of the wider Beaulieu scheme and as advocated by paragraph 46 of the NPPF. The reserved matters submission has been the subject of pre-application discussion, including with Parks Services and the Heritage Officer to ensure the delivery of high quality open space and strategic landscaping, which is consistent with the compensatory measures contained within the LDMP, to protect the setting of New Hall School, Old Lodge Farm and Old Lodge Court.

10. Planning Considerations

Main Issues

10.1. The provision of community gardens, strategic landscaping and public open space, within this part of the Beaulieu development fully accords with the outline planning permission and the approved Parameter Plans. The use of the land as detailed is therefore accepted as a matter of principle. The application is consistent with the Parameter Plans. The principle consideration is
therefore whether the detail contained within the scheme, is acceptable and delivers the required compensatory measures.

**Principle of Development**
Core Strategy and Development Control Policies Development Plan Document: CP2, CP7
Chelmsford Draft Local Plan: SP9
National Planning Policy Framework: 91, 92, 96

10.2. The outline planning permission approved a series of Parameter Plans, which detailed the governing principles to be followed. Parameter Plan 5 – Landscape Character confirms that the site is approved as ‘Community Gardens and Orchards’ and ‘Parks and Gardens’. Parameter Plan 6 – Public Open Space confirms that the site will comprise ‘Green Corridors and Planning Amenity Space’, ‘Community Gardens’ and ‘Local Parks’ with an area suitable for informal ball games. The application is consistent with the Parameter Plans. The principal consideration is whether the detail contained within the scheme, the reserved matters, is acceptable and delivers the required compensatory measures.

10.3. The Community Gardens, areas of strategic landscaping and green spaces form an integral part of the Beaulieu development and accord with both the outline planning permission, and the requirements of the LDMP. The applicant also has an obligation within their s106 Agreement to deliver the areas of public open space – see below.

10.4. The NCAAP confirms that the provision of multifunctional green space for recreation should be encouraged within the North Chelmsford area (Objective QL1 – Providing Community Facilities). The NCAAP confirms through Figures 28 and 30 that land to the west of the Wilderness and adjacent Old Lodge Farm respectively, are designated as public open space. The provision of open space, which enhances existing landscape character, and utilises existing trees and hedgerows, is also supported by Policies CP12 and CP14 of the development plan.

10.5. The provision of community gardens, strategic landscaping and public open space, within this part of the Beaulieu development fully accords with the outline planning permission and the approved Parameter Plans; it is therefore acceptable as a matter of principle.

**Layout & Design**
Core Strategy and Development Control Policies Development Plan Document: CP16, CP20, DC4, DC36, DC40, DC42
Chelmsford Draft Local Plan: MP1, MP2, PA1
National Planning Policy Framework: 91, 92, 124, 127

10.6. The proposed layout incorporates a series of different landscape approaches, appropriate to the character of the areas of open space; these are:

- Green Link North
- Community Gardens
- The Orchard and Formal Gardens
- The Avenue and Formal Square
- Informal Kickabout Area
• Green Link North

10.7. A generous linear green link and landscaping belt is proposed adjacent to the school playing fields. The area extends to principally 15m in width, in accordance with the LDMP. Delivery of planting to this width would not be possible in a few short sections, however the case is justified on drainage grounds where necessary drainage features create pinch points adjacent to the strategic footpath/cyclepath. A larger area of tree planting is also accommodated to the south of the buffer. Planting included along the eastern boundary with New Hall School would nonetheless provide a visual screen. The swale and footpath between the planted belt and the western boundary, provide an open landscape to move through.

• Community Gardens

10.8. The Community Gardens extend from the Green Link North to the Orchards and Formal Gardens in the south. The Land Trust, Countryside Zest’s site wide management company, have confirmed their support for the scheme and a detailed design will be brought forward, in consultation with the local community and submitted for approval under Conditions 38 and 39 of the outline planning permission. The principle of a community led approach accords with the Allotments and Community Gardens Strategy Rev C, approved under Condition 18 of the outline planning permission.

10.9. The Gardens are intended to be accessed by all. Level access paths are provided throughout the gardens, with two disabled parking spaces accommodated within the car park. The communal buildings and outdoor space are proposed within the north-eastern corner of the Community Gardens. The main building is of a modest size and scale, measuring 11.9m in length and 2.9m in depth, single storey, with a mono-pitch roof and of timber construction. The building would provide kitchen and toilet facilities, an indoor space, secure storage and include an area of hardstanding, which would provide an outdoor gathering and teaching space; it has been designed to be accessible by all user groups. The area would be the subject of future consultation with The Land Trust. A tool shed of a similar design is proposed adjacent to the communal building; this would measure 3.25m in width and 2.65m in depth.

10.10. A timber post and rail fence and hedge would mark the eastern boundary of the Community Gardens creating a defined edge. Hedge and tree planting would provide a distinct barrier between the gardens and adjacent residential development to the west (Zone E Residential). A landscaped buffer is intended to provide screening between the Community Gardens and the New Hall School playing fields.

10.11. The Land Trust are an established national land management charity; they work with a variety of commercial and residential developers across the country managing their green infrastructure and large country parks around, and adjacent to, housing developments or business parks.

10.12. Beaulieu Estate Management, which form part of The Land Trust (the site wide management company), will take responsibility for the management, and detailed design of the community garden. The company will guide residents’ proposals to ensure that the layout is suitable for all users. The accompanying statement recognises the importance of the space to the surrounding schools, and the benefits to be realised in allowing them easy access to the garden, to support the national curriculum. Beaulieu Estate Management hope that the schools will input into the layout of the space, incorporating its use as an outdoor classroom space.
• **The Orchard and Formal Gardens**

10.13. The Orchards are proposed adjacent to the Nun’s Cemetery, and the Wilderness, providing multi-functional green space for recreation and growing purposes. The Land Trust will manage the orchard area with the community, involving residents in decision making and a programme of events.

10.14. Formal Gardens are located south of the Community Gardens, within an area between the existing hedge in the southern part of the site and the Nun’s Cemetery. The area will provide a series of pocket gardens, offering seating and sensory planting, whilst preserving the archaeological remains of the Tudor Lime Kiln.

• **The Avenue and Formal Square**

10.15. The Avenue extends from Zone E Residential and is located within the southern part of the site, between the existing hedgerow, the Orchards and the Informal Kickabout Area. The area provides a continuous route from Zone E Residential to the Estate Parkland to the south, lined by Hornbeam. The Formal Square marks the entrance to the Orchards, the Formal Gardens, the Informal Kickabout Area and the Estate Parkland to the south, laid out with seating and sensory planting.

• **Informal Kickabout Area**

10.16. The Informal Kickabout Area forms part of the approved Beaulieu Site-Wide Play Strategy, providing an area of open grassland for informal play and ball games. Tree planting is proposed to the boundaries, as outlined above, to screen Old Lodge Farm and Old Lodge Court, from residential development within Zone E Residential.

10.17. The proposed layout of the Community Gardens and associated strategic landscaping is well designed. The spaces work collectively, are of high quality, incorporating existing site features of merit, and are arranged logically around access points and routes within the site.

**Relationship with Neighbouring Properties**

Core Strategy and Development Control Policies Development Plan Document: DC4
Chelmsford Draft Local Plan: PA1
National Planning Policy Framework: 127

10.18. The site lies adjacent the western boundary of New Hall School and its playing fields. The scheme includes a series of landscape compensatory measures, including buffer planting along the eastern boundary of the Green Link North, and within the southern part of the Community Gardens, adjacent to the Nun’s Cemetery, to screen the school from development.

10.19. The Zone E Residential Parcel forms the western boundary of the Community Gardens and associated strategic landscaping. Tree planting is proposed to encourage views from the residential area into the landscaping, but in a manner, which also screens the housing from the Avenue, Formal Square and Estate Parkland.

10.20. The informal kickabout area, east of Old Lodge Farm and Old Lodge Court, is intended to contribute to the public open space requirements for Beaulieu, and forms part of the Play Strategy for the development. New hedgerow planting is proposed along the southern boundary of the space with properties in Braganza Way, Beaulieu Park. An area of tree planting is
Landscape Approach & Trees

Core Strategy and Development Control Policies Development Plan Document: CP9, DC14, DC40, DC42
Chelmsford Draft Local Plan: S6, NE2
National Planning Policy Framework: 127, 170

10.21. The site comprises existing boundary hedges and oak, elm and ash of varying quality along the southern edge of the future informal kickabout area. A field hedge runs through the southern part of the site with a mature oak tree part way along. The layout seeks to incorporate, and enhance, the existing site features, including mature trees and hedgerows.

10.22. The Arboricultural Impact Assessment confirms that minimal works would be required to existing trees to enable the development. A mixed group, and part of a recently laid hedge would be removed, and crown lifting works undertaken to two Category A, and three Category B oak trees, to allow the construction of the new strategic footpath/cyclepath, access creation and ecological mitigation works. The works would be mitigated by significant new tree planting, as referred to above (Relationship with Neighbouring Properties).

10.23. Flowering and fruit bearing trees, interspersed with grassland, would be introduced within the area proposed as an orchard. Herbaceous species are proposed around the vehicular entrance and car park, the southern entrance to the community gardens and within the formal square and gardens. An avenue of hornbeam trees would extend from Zone E Residential through the formal square, spreading into the Estate Parkland to the south.

10.24. Feature trees are positioned in strategic locations throughout the scheme, to create a sense of place. Hedge planting is proposed along the western boundary of the site to reinforce the screening effect of the residential development to the west.

10.25. Timber street furniture is proposed to match that provided elsewhere at Beaulieu and to reflect the Parkland aspect of the site.

10.26. The land adjacent the communal buildings serving the Community Gardens would be developed in consultation with The Land Trust and could accommodate raised planting beds or accessible gardens. Details will be submitted pursuant to Conditions 38 and 39 of the outline planning permission (Hard and Soft Landscaping Works).

10.27. Conditions are recommended to require compliance with the submitted Tree Report.
Effect on the Setting of the Listed Building

Core Strategy and Development Control Policies Development Plan Document: CP9, DC18
Chelmsford Draft Local Plan: S5, HE1
National Planning Policy Framework: 184, 189, 193, 196

10.28. The NPPF requires local planning authorities to consider the significance of heritage assets. Heritage assets are to be conserved in a manner appropriate to their significance (paragraph 184) and when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the assets conservation (paragraph 193). Harm is to be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use (paragraph 196).

10.29. Beaulieu forms the setting of New Hall, a Grade 1 listed building, formerly a royal palace and country house of outstanding significance and its gardens. Historic England largely accepted the proposed development at Beaulieu and the compensatory measures, contained within the approved Landscape Design and Management Plan.

10.30. The reserved matters form the next stage of the compensatory measures, a Community Garden and associated landscaping. The compensatory measures are designed to protect the setting of New Hall and its associated Registered Park and Garden.

10.31. Historic England has advised that the proposed Community Garden, including the provision of a cycleway, footpaths, a community garden building, formal garden and orchard area and an informal area for kickabout ball games, is in line with the Parameter Plans agreed as part of the outline planning permission.

10.32. Open space, landscaping and planting belts are proposed to mitigate the impact of residential development on the setting of New Hall School. The Community Gardens would include a building and tool shed to enable their management; whilst these structures are proposed within the area intended to be kept free of development, they are modest in size and scale and do not undermine the landscape-led approach. The Council’s Heritage Officer has raised no objections on this basis.

10.33. The Green Link provides a planted buffer to the edge of the school playing fields; to the centre, the Community Gardens would flank the historic walled garden, (now tennis courts and sports facilities), with a planting belt to screen residential development within Zone E.

10.34. An orchard, formal landscaping and an avenue of tree planting is proposed to the south. The orchard reflects the grid layout of the brick pads found during the archaeological investigations but on a different alignment on drainage grounds. A link would be provided from the path to the Nun’s Cemetery to the strategic footpath/cyclepath to the south as a mown grass path, creating a more informal landscape character, rather than the formality of a hard landscaped path. The avenue links Zone E with the Estate Parkland to the south-east with the formal landscape intended to reflect the Tudor origins of the site.

10.35. A planning application is currently pending consideration for the erection of a gate, to provide a private access to the Nun’s Cemetery from the Community Gardens; 18/01588/FUL refers. The current scheme has been amended to align the path within the Community Gardens with the path to the Nun’s Cemetery; this accords with the Heritage Officer’s advice.
10.36. The kickabout area to the south-west retains the open setting between Old Lodge Farm and New Hall School. The planting belt to the west, adjacent Old Lodge Farm and Old Lodge Court has been devised to retain glimpsed views of the historic barns.

10.37. The scheme proposals introduce a series of landscape character areas, which provide a varied landscape. The detailed design accords with the approved Parameter Plans and the LDMP. The scheme would form part of the compensatory measures to limit, and mitigate, the impact on New Hall School, protect the setting of the Wilderness and preserve the open setting of Old Lodge Farm and Old Lodge Court.

10.38. Historic England has raised no objections to the application on heritage grounds and considers that it meets the requirements of the NPPF, particularly paragraphs 184 and 193.

**Ecology and Biodiversity**
Core Strategy and Development Control Policies Development Plan Document: CP9, DC13
Chelmsford Draft Local Plan: S6, NE1
National Planning Policy Framework: 170, 175

10.39. The principal ecological features of the site are a species rich, and important hedgerow, located within the southern part of the site and a pond, which will be retained within the southern part of the Green Link. A population of Great Crested Newts has been recorded intermittently within the pond.

10.40. The scheme retains and enhances existing landscape features enabling the Community Gardens and strategic landscaping to act as a wildlife corridor.

10.41. An undeveloped 3m strip of grassland and scrub, adjacent the western boundary of New Hall School, and at the eastern edge of the Community Gardens, will be left to grow naturally; bug hotels and hibernacula mounds are also proposed along the eastern boundary to provide wildlife habitat. The existing pond would be managed, monitored and maintained in accordance with the Beaulieu Great Crested Newt Masterplan, Mitigation and Management Plan and associated licences. Landscaping within the Community Gardens will be supervised to minimise any short-term impacts on reptiles. The loss of hedgerows and other vegetation to development will reduce available nesting habitat, however this is to be balanced by the introduction of new landscaping and favourable management of retained features, leading to a neutral impact overall. Vegetation clearance will be timed to occur outside the recognised bird nesting season. Lighting near key habitats will be lower level.

10.42. The impact of the scheme on biodiversity is considered neutral with a potential net gain in the future.

10.43. The scheme accords with Policies CP9 and DC13 of the development plan.

**Archaeology**
Core Strategy and Development Control Policies Development Plan Document: CP9, DC21
Chelmsford Draft Local Plan: S5, HE3
National Planning Policy Framework: 189

10.44. A 16th Century lime kiln was discovered in the south-eastern corner of the site, between the Formal Gardens, the Orchards and the existing hedgerow. Historic England advised that the kiln should be re-buried to preserve the archaeological remains and prevent future deterioration. A modern interpretation of the kiln is proposed above ground, in the form of a wood carved...
representation set within an area of bespoke seating. The seating would be laid out using timber blocks, following the pattern taken from the kiln’s brick arched opening. Hardstanding and an opening within the adjacent Orchards would create amenity space for residents and visitors with a feature tree proposed to frame the space.

10.45. The Council’s Heritage Officer noted that the lime kiln would be covered with a slight mound and had requested that consideration be given to a higher mound in a snail form, which would be a feature associated with Tudor landscapes and add recreational value.

10.46. An information panel would be provided to inform and educate visitors of the 16th Century lime kiln. The lime kiln itself would be denoted by a grassed mound, which would create a physical marker without affecting the remains below ground. Having discussed the feasibility of providing a snail mound above the lime kiln with the landscape consultants, the applicant has advised that there is insufficient space between the swale and the hardstanding area to provide a higher mound that that proposed which is only 0.5m. Further, the location of the hardstanding is restricted by the root protection areas of existing trees. The applicant has also expressed concerns about the ability to protect the archaeological remains during the construction of a higher mound; to ensure the preservation of the remains, the provision of an area for the public to interpret the archaeological find and to meet the requirements for sustainable drainage, it is not considered appropriate to provide a snail mound.

10.47. The County Historic Environment team has confirmed that archaeological work has been completed for Zone E Residential, which includes the application site and a Post-Excavation Assessment produced. Conditions 21 and 25 are therefore deemed to be discharged through the reserved matters.

Access
Core Strategy and Development Control Policies Development Plan Document: CP8
Chelmsford Draft Local Plan: MP2, S1
National Planning Policy Framework: 108, 110

• Scheme

10.48. A primary strategic footpath / cyclepath provides a route from Zone E Residential leading to the informal kickabout area, and through the Formal Square, to the western edge of the Estate Parkland. A secondary strategic footpath / cyclepath extending through the Community Gardens and Green Link creates an important connection between Public Footpaths 4 Springfield, 5 Springfield and 22 Boreham, to the north and south of New Hall School. The scheme in this respect, accords with the approved Beaulieu Movement Network Strategy.

10.49. A series of pedestrian routes, provided as paved footpaths and grass tracks feed through the southern part of the site, leading to the Lime Kiln, the Orchard and Informal Kickabout Area. A private access is proposed to the Nun’s Cemetery; 18/01588/FUL refers. The entrance is not intended to provide a thoroughfare to the Wilderness and onto New Hall School but would form a private access for nuns wishing to visit the graves. The nuns would park at Beaulieu Square and walk the relatively short distance to the gate. Funerals at the cemetery are to be arranged as currently, via the New Hall School access.

10.50. A small parking area is provided close to the communal buildings. Vehicular access to this area would be occasional, restricted to official use, as well as meeting the needs for those with disabilities; access would be controlled through lockable bollards.
10.51. The western gate lies outside the red line outline application site boundary and consequently outside the current reserved matters application red line.

10.52. Listed building consent was granted in 2017 for the installation of a fixed gate within the historic wall forming part of the school’s western boundary; 16/02250/LBC. The historic wall lies to the east of the Community Gardens. The supporting Design and Access Statement advised that the gate would ‘allow the school to plant trees to the west of the wall, to provide canopy screening of the upper floor to the proposed development.’ The statement noted, that the gateway would remain, as it was needed for the school to access their land beyond the western wall. Listed building consent was granted on the basis that the gate would be fixed, and access would only be to a 5.5m wide strip of land, essentially for maintenance purposes. The local planning authority could only consider the application on listed building grounds.

10.53. The letters of representation, including from New Hall School itself, refer to the absence of a pedestrian/cycle access from the strategic footpath/cyclepath proposed through the community gardens, to the school’s western gate. Specifically, the school wish to see a connection provided to enable students to walk/cycle from the Beaulieu development to the school and particularly, the pre-reception and reception school building to avoid the need to walk/cycle along the upgraded secondary strategic footpath/cyclepath extending in front of the school and then via the school grounds, to access these buildings. Further, the school maintain that to allow use of the Community Gardens by students for educational purposes, in common with the other Beaulieu schools, access via this gate is required.

10.54. Officers note the school’s rationale for delivering pedestrian/cycle access to the Community Gardens however it is important to note what can legally be considered as part of this application. The applicant has submitted details of the layout, landscaping and access to the community gardens together with details of the scale and appearance of the Community Gardens building and tool shed; these are the reserved matters, the details. The red line for the reserved matters application accords with the red line for the outline planning permission as it must do. The use of the Western Gate does not form a specific part of the reserved matters submission, nor can it because it would encompass land beyond the scope of the outline planning permission; consideration of this specific issue therefore falls beyond the scope of the application. Further it was not incumbent upon the applicant to provide for a pedestrian/cycle access to the school at this point. Parameter Plan 4 – Footpaths, Cycleways and Bridleways, which formed part of the outline planning permission does not show a strategic footpath/cyclepath connection at this point, nor is there a legal obligation upon the developer to provide a connection.

10.55. The Western Gate, whilst a feature within the historic western wall, has not been used as an access for many years. Reference has been made within the letters of representation from New Hall School to a footpath, which it is stated previously extend along the length of the western boundary. The applicant has advised that the farmer who previously owned the land, allowed the public to walk the route however it is not a public right of way. Independent examination of the definitive public rights of way maps and correspondence with the Public Rights of Way team at Essex Highway, has confirmed that the route has no status as a definitive Public Footpath.

10.56. Access by all modes of travel to New Hall School was considered during the master planning for Beaulieu; in this respect a new purpose-built access to the school from the north is included as an obligation within the s106 legal agreement for the Beaulieu development. The applicant has recently obtained reserved matters approval for this northern access road, 18/01378/REM.
refers, this will connect with the Radial Distributor Road beyond, and it is envisaged that it would most likely be used by parents / visitors to the school travelling from Braintree, Great Leighs and villages to the north avoiding the need to travel along Essex Regiment Way and White Hart Lane; this will clearly have a benefit to the traffic flows along the primary network. The northern access road is also provided with an off-carriageway strategic footpath/cyclepath; this will connect with a network of primary and secondary routes planned across Beaulieu, as set out in the approved Beaulieu Movement Network Strategy. The provision of the northern access road and associated pedestrian and cycle access was considered the optimum solution when considering travel to the school, providing good permeability from all directions and all modes of travel.

- **Pedestrian / Cycle Access to New Hall School via the Western Gate**

10.57. The road which extends around the eastern edge of Beaulieu Zone E Residential and which abuts the community gardens, is proposed as a shared surface with a width of 4.8m. The road type was accepted by the Highway Authority as it conformed with the guidelines at that time. Concerns were however raised by both officers and the Highway Authority during consideration of the reserved matters, at the possibility of the school seeking to create a connection over third party land to enable pedestrian / cycle access. Specifically, it was considered that this would inevitably result in additional traffic generation as parents sought to use the road as a ‘drop-off’ point for children. The estate road at its width, could not safely accommodate this additional traffic generation. A condition was imposed on the reserved matters approval for Zone E Residential, 16/01015/REM refers, which prevents the provision of a vehicular or pedestrian connection from the estate roads within this zone to New Hall School.

10.58. The Highway Authority has considered the current reserved matters submission having regard to the position adopted on Zone E Residential and mindful of the school’s desire to reopen access through the historic western wall adjoining the proposed Community Garden. The Highway Authority has recommended imposition of a condition to prevent vehicle, or pedestrian access to/from the Western Gate from being provided over the Community Garden land.

10.59. New Hall School has engaged in correspondence with the Highway Authority and has seen sight of its consultation response; specifically, it has sought to justify how it might allay the authority’s concerns by incorporating biometric security at the Western Gate. The system controls access through a fingerprint recognition system or tag system. The school advise that use of the access would be restricted to parents / students residing locally and not travelling at any point by car for the school journey. A self-closer would ensure the gate would not be left open for others. Staff members would monitor the gate to ensure that non-authorised persons would not be permitted access.

10.60. The Highway Authority’s concern is to prevent the encouragement of any additional traffic on inappropriate routes. A biometric security system could only be controlled by New Hall School and there is nothing to guarantee how long it would operate for.

10.61. Notwithstanding, use of the Western Gate does not form a specific part of the reserved matters submission, nor can it as it falls outside the area covered by the outline planning permission. The provision of a pedestrian / cycle access would incorporate land outside the scope of the outline planning permission and should the school wish to pursue pedestrian/cycle access it would need to submit a planning application; there would then need to be a separate discussion between the school and the applicant in relation to facilitating any link from the strategic footpath/cyclepath; this is the only mechanism for delivering such a link.
• Access to New Hall School

10.62. New Hall School is served by an access from White Hart Lane and Generals Lane. Future access to the school will be secured from the north, this includes pedestrian / cycle access via a new estate road within the development (Phase 2c Road – 18/01378/REM refers). Further, existing footpaths which wrap around the school perimeter have been / or will be upgraded to provide properly surfaced and lit routes of a uniform width. The extent to which the school can be accessed by sustainable methods of travel will be / has already been notably improved since the advent of the Beaulieu development. Prior to the development vehicular access was only achievable from the Avenue and pedestrian access via an unmade public footpath running east-west from Generals Lane to Beaulieu Park. The public footpath was not readily usable during periods of inclement weather. The upgraded public footpaths to the south of New Hall School now deliver a properly surfaced and lit route from Beaulieu Park, (with onward connections to bus stops within the Beaulieu scheme itself, including at the Neighbourhood Centre) to the Avenue leading to the school and to Generals Lane.

10.63. Officers acknowledge that a few residents would have to take a longer journey than would be the case using the Western Gate but for many others, the journey would be more direct using the northern and southern accesses. The access arrangement as planned, and included within the Beaulieu Movement Network Strategy, is therefore appropriate.

10.64. The eastern access to the school, via New Hall lane, is viewed as successful; combined with the Northern Access Road, the school would have good accessibility going forward.

10.65. The routes accord with Policies CP19 and CP20 of the development plan and objective QL2 of the NCAAP.

• Access to the Community Gardens

10.66. The Community Garden is intended to serve the community. The expectation being that residents would walk or cycle to the gardens. A small amount of parking is provided, but this is largely for maintenance purposes or for those with disabilities and so uptake would be infrequent. Access to the parking area by the public would be controlled by lockable bollards. Parking is not a focus of the scheme and it is not the intention that the gardens would attract people from further afield, like a country park clearly would. The level of vehicular movement to the gardens arising from its use and the five parking spaces provided would be entirely different to the level of traffic potentially generated from an additional access into New Hall School which has 1250 students and 420 staff.

• Other Matters

10.67. The letters of representation from New Hall School seek to draw an analogy between the concerns raised by the Highway Authority in relation to use of the Western Gate and likely use of a proposed private access to the adjacent Nun’s Cemetery, as referenced above. The proposal for a private access to the cemetery is a separate application, supported by the developer, Countryside Zest. The gate would be locked always, and entry would only be permitted by prior arrangement with the Nuns of the Order of the Holy Sepulchre. Funerals would be managed as presently, with mourners parking at New Hall School. The gate access is only 1.8m wide and so not intended for vehicle access.
10.68. The likely use of the private access is expected to be low and infrequent and cannot be compared to the potential demand for the Western Gate.

**Drainage**

Core Strategy and Development Control Policies Development Plan Document: CP10, DC25
Chelmsford Draft Local Plan: S3, NE3
National Planning Policy Framework: Paragraph 165

- *Flood Risk*

10.69. Chapter 17 of the Environmental Statement ‘Water Resources’ submitted in support of the outline planning application assessed the potential effects of the development on surface water, ground water sources and flood risk. The site lies within Flood Zone 1, classified as being of low probability risk. The provision of infrastructure is an acceptable form of development within this zone.

- *Surface Water Drainage*

10.70. The Strategic Site Wide Surface Water & SuD’s Report provides the overarching drainage scheme for the development and was developed following discussions with the Environment Agency, the ECC SuD’s team and Anglian Water.

10.71. Sustainable drainage features are incorporated within the landscaped spaces in the form of a swale, which extends through the Green Link North and the Community Gardens to the Estate Parkland to the south, enhanced with mixed flowering marginal planting. An existing ditch extends from the pond at the southern end of Green Link North. The drainage features are integrated within the green spaces and provide habitats for local wildlife.

10.72. The principles of the drainage scheme accord with the overarching strategy. Full details will be submitted to satisfy the requirements of Condition 45 of the outline planning permission.

**11. Planning Obligation**

Core Strategy and Development Control Policies Development Plan Document: CP4
Chelmsford Draft Local Plan: S11, S12
National Planning Policy Framework: 54

11.1. The outline planning permission is subject to a s106 Agreement and an informative reminding the applicant of the need to comply with its requirements is recommended. The application is not CIL liable.

- *Schedule 13: Open Space*

11.2. The s106 Agreement requires the submission of a management plan detailing how the open space is to be laid out, paved, planted, equipped and maintained, together with a programme for its completion. An Ecology and Landscape Management Plan has previously been approved under a separate discharge of conditions application.

11.3. The scheme would secure delivery of the community gardens and an informal area of kickabout space.

11.4. The application is not CIL liable.
12. Conclusion

12.1. The Community Gardens and associated strategic landscaping deliver a series of high quality, well designed public spaces which work collectively, incorporate existing landscape features, provide a valuable social and community asset and deliver a key part of the Beaulieu site wide green infrastructure.

12.2. The provision of community gardens, strategic landscaping and public open space, within this part of the Beaulieu development fully accords with the outline planning permission and the approved Parameter Plans; it is therefore acceptable as a matter of principle.

12.3. The scheme forms part of the compensatory measures to protect the setting of New Hall and its associated Registered Park and Garden, as set out within the LDMP, securing a planted screen between the school and the Nun’s Cemetery to the east, and residential development to the west. The spaces are arranged logically around access points and routes within the site. The scheme connects existing Public Rights of Way, residential areas, open spaces and local amenities through the provision of further elements of the strategic footpath/cyclepath network, as contained in the Beaulieu Movement Network Strategy.

12.4. Notwithstanding, that use of the Western Gate does not form a specific part of the reserved matters submission, it was not incumbent upon the applicant to provide for a pedestrian/cycle access to the school at this point. Parameter Plan 4 – Footpaths, Cycleways and Bridleways does not show a strategic footpath / cyclepath connection and there is no legal obligation upon the developer to provide a connection. The provision of a pedestrian / cycle access would incorporate land outside the scope of the outline planning permission and should the school wish to pursue pedestrian/cycle access it would need to submit a planning application.

12.5. The application is subject to a Planning Performance Agreement (PPA) between the Council and the applicant/developer. The collaborative process has been significant in bringing forward an acceptable scheme.

12.6. Having regard to the reasons given above and all other matters raised, it is concluded that the proposed development is acceptable and in accordance with the adopted Development Plan policies.
Consultations

Springfield Parish Council

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<th>Comments</th>
<th>Council Response</th>
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<tr>
<td>25.09.18</td>
<td>No objections.</td>
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<td>Noted.</td>
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Broomfield Parish Council

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<th>Council Response</th>
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<tr>
<td>03.10.18</td>
<td>No comments.</td>
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<td>Noted.</td>
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Boreham Parish Council

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<th>Comments</th>
<th>Council Response</th>
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<tbody>
<tr>
<td>24.10.18</td>
<td>The local planning authority met with New Hall School and the applicant to discuss the school’s concerns. The representation from New Hall School and interested parties have been carefully considered and are summarised and addressed below.</td>
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<tr>
<td></td>
<td>The current lawful planning land use allocations are confirmed by the approved Parameter Plans, which take precedence. The NCAAP contains the development principles to be referred to for each site allocation, when considering the detail of the reserved matters.</td>
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<tr>
<td>12.11.18</td>
<td>The Highway Authority has considered the application in some detail and responded to correspondence from New Hall School in this regard.</td>
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<tr>
<td>27.11.18</td>
<td>Following an extensive site visit by members of the Parish Council of the New Hall School grounds, including land to the west of the school, which is currently accessed by the school’s Western Gate, the Parish Council consider that it is quite clear that there have been dramatic changes to the NCAAP agreed back in 2011 particularly regarding land</td>
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<td>The proposal to provide a gate to the cemetery forms the basis of a separate planning application – see consideration above.</td>
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<td>Members of the Planning Committee agreed that the best outcome would be one in which both parties had an opportunity to discuss, in an amicable way with the local planning authority, a way forward; both parties agreed this approach. The Parish Council asked that it be kept in the loop.</td>
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<td>Councillors considered the application and referred comments to Chelmsford City Council planners to continue to work to find a solution for all parties.</td>
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<td>The Boreham Planning Committee meeting was attended by the applicant’s agent and New Hall School; both parties gave valid and constructive cases in support and objecting to the Beaulieu Community Gardens in their current guide; as such the Committee did not feel it would be fair to decide to support or object to the proposals. The parties were not currently communicating (although the Parish Council appreciate that it was not the case earlier in the process.</td>
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Under ‘Land Allocated for Protection of Landscape and Heritage’, the NCAAP clearly states that the land marked as A and A1 is listed as land allocated for school use on the western side of the tennis courts and sports buildings, to enable a built or planted interface between the school and new developments whilst also maintaining privacy and security.

Land to the west of the nun’s cemetery is also included to enable the school to extend the Wilderness as part of the compensatory measures; this included a historic footpath which dates to the 1800’s. The public footpath has been erased in the latest proposals and replaced with a wooden fence bordering the proposed Community Garden site, which now excludes any previous access from the Western Gate onto this footpath.

Pathways have already been built to create an access to the nun’s cemetery; this will create not only public access to the cemetery but also to an access gate to the school premises, thereby creating a serious security problem for the school. The Parish Council understands that both the cemetery and the access gates are not under school ownership and therefore security as it stands would not be determined by the school. Any access to the school should have remained as originally set out to be by the Western Gate and not through a historic cemetery as this potentially opens the door to crime, namely vandalism, graffiti and ultimately drug abuse in what will be well hidden areas easily accessible by the public.

The original proposed Wilderness in the NCAAP agreement (para. 3.112) has been totally ignored and erased and replaced by a proposed so called educational Community Garden which incorporates some buildings, car parks and footpaths and minimal screening at various points. The Parish Council believe the current plans:

- are totally out of keeping with the historic setting of the school;
- are currently designed to only be used by the public with the total exclusion of the school, which contravenes the original scheme to allocate this area for school use as a compensatory measure; and
- do not deliver what is agreed in the NCAAP to provide the school, or indeed the new development, with adequate screening or privacy.
The application effectively reduces substantially the space between the edge of the future building development and the existing school perimeter. Studying both plans, if the proposed community garden area is overlaid over the same scaled area shown in the NCAAP, the land allocations A and A1 appear to have shrunk in size significantly.

The developers have effectively gained land at the expense of the school compensatory measures which negates the protected area for the school grounds; this totally detracts from the New Hall Estate as being a protected Grade I listed historic site, one of only two in the area.

All the alterations will completely change the outlook of the western side of the school to the significant detriment of its historic value and use. The Parish Council therefore propose that the details as set out in the agreed NCAAP should be adhered to; this would give the New Hall estate the protection warranted for a historic Grade I listed site and provide the Beaulieu development with the necessary screening from the school, to the benefit of both.

### Public Health & Protection Services

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<th>Comments</th>
<th>Council Response</th>
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<tr>
<td>12.09.18</td>
<td>No comments.</td>
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<td>Noted.</td>
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### Parks & Open Spaces

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<th>Comments</th>
<th>Council Response</th>
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<tr>
<td>06.11.18</td>
<td>Parks &amp; Open Spaces consider the plans acceptable and have discussed the scheme with the Council’s Heritage Officer.</td>
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<td></td>
<td>Noted.</td>
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### Essex County Council Highways

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<th>Comments</th>
<th>Council Response</th>
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<tr>
<td>28.11.18</td>
<td>The Highway Authority is aware of a desire from New Hall School to reopen access through the wall adjoining the proposed Community Garden (known as the Western Gate). The estate road in the adjoining Zone E (nearest road to the</td>
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</table>
Community Gardens) is approved and being built as a shared surface with a width of 4.8m. The width of this road is not appropriate to accommodate traffic other than that related to the houses along the route and is of insufficient width to safely and efficiently accommodate any additional traffic related to school drop off and pick up. A condition is therefore necessary to prevent vehicle or pedestrian access to/from the Western Gate from being provided over the Community Garden land.

New Hall School is being provided with an additional access point to the north of their site via the Beaulieu development as well as utilising their existing southern access; there is a network of paths within the Beaulieu development, which enable good, direct access to the school from the north and south for those wishing to walk or cycle to/from the school.

The submitted Planning Statement states (para 4.10) that ‘solar lights ..........are proposed to light the primary footpath’ for clarity, due to the strategic importance of the primary cycleway through the Community Garden, solar lighting is not acceptable as these do not provide adequate illumination and are not an adoptable specification. The route will be adopted and will be a key route between the station and the wider residential area (when the station is operational); it is essential the route is sufficiently lit to provide a safe and secure route for pedestrians and cyclists. Lighting needs to be to an adoptable standard. The Highway Authority understands that lighting can impact upon the character of the open space, however it is imperative that the development offers alternative modes of travel to the car and a well-lit walking/cycling route through this space is essential to enable sustainable modes of travel.

The impact of the proposal is acceptable from a highway and transportation perspective subject to the following measures:

1. Access to New Hall School - No vehicle or pedestrian access connection is to be provided from the estate roads to New Hall School. Reason: Having regard to potential additional traffic generated by any new access in this location in connection with the school and its impact on an estate road considered to be inadequate to cater for the proposal while providing safety and efficiency for all road users owing to its unsatisfactory width.

2. Street Lighting – A system of street lighting columns is provided along the primary cycleway through the application site between the Avenue and Footpath 5


2. Noted. The matter is addressed by Condition 58 – Lighting Scheme of the outline planning permission. The
Springfield (in the process of being upgraded to Bridleway 5 Springfield). Reason: To provide a safe and secure route for pedestrians and cyclists to enable sustainable travel.

Informatives

3. Highway Works – All work within, or affecting the highway, is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of the Highway Authority; details to be agreed before the commencement of works.

4. Essex Highways – The applicant to be advised to contact the Development Management Team, Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU. Email: development.management@essexhighways.org

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

Essex County Council Historic Environment Branch

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<th>Comments</th>
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<tr>
<td>01.10.18</td>
<td>Noted.</td>
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<tr>
<td>The archaeological work has been completed for Zone E Residential and archaeological condition 21 can now be discharged. The Post-Excavation Assessment for Condition 25 has also been reviewed and the condition can also be discharged.</td>
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Essex County Council Minerals & Waste Planning

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<td>No response.</td>
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### Essex Police: Architectural Liaison Service

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<th>Council Response</th>
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<tr>
<td>25.09.18</td>
<td>Historically community gardens and allotment areas have been a focus for crime. Secured by Design recently exhibited at this year’s RHS Hampton Court Palace Flower Show. Essex Police would welcome the opportunity to work with the developer to achieve a Secured by Design award. Essex Police can support the applicant to achieve appropriate consideration of the requirements and is invited to contact Essex Police via <a href="mailto:designingoutcrime@essex.pnn.police.uk">designingoutcrime@essex.pnn.police.uk</a></td>
</tr>
<tr>
<td>An informative is included encouraging the applicant to liaise with Essex Police regarding achieving Secured by Design accreditation.</td>
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### Historic England

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<th>Council Response</th>
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<tr>
<td>19.12.18</td>
<td>Historic England has advised as follows: Historic England has advised as follows: Beaulieu Park forms the setting of New Hall, a former royal palace and country house of outstanding significance, and its gardens. The building is listed at Grade I, and its garden is included on the Register of Gardens and Designated Landscapes at Grade II; as a fragment of a Tudor royal palace the remaining part of the once much larger building is a rare survival, the immediate landscape represents elements, such as the wilderness and main avenue of an ambitious seventeenth century designed landscape. Beaulieu Park is identified as an area for extensive housing development in the adopted North Chelmsford Area Action Plan. Extensive engagement by English Heritage (now Historic England), both at the time of the initial application for this development, in 2009, and subsequently, have been focused on restricting harm on New Hall and its setting by the provision of the appropriate landscape buffers. English Heritage largely accepted the proposed development and compensatory measures in its response to the authority of 25th April 2012, as part of the outline planning application (09/01314/EIA). The current application is for the next stage of those compensatory measures, a Community Garden and associated landscaping, to the west of New Hall. Historic England noted from a site visit that much of the ground works for the proposed garden had already been carried out.</td>
</tr>
<tr>
<td>The provision of community gardens, strategic landscaping and public open space, within this part of the Beaulieu development fully accords with the outline planning permission and the approved Parameter Plans; it is therefore acceptable as a matter of principle. The scheme introduces a series of landscape character areas, which provide a varied landscape. The detailed design accords with the approved Parameter Plans and the LDMP. The scheme would form part of the compensatory measures to limit, and mitigate, the impact on New Hall School, protect the setting of the Wilderness and preserve the open setting of Old Lodge Farm and Old Lodge Court.</td>
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The proposed Community Garden, including the provision of a cycleway, footpaths, a community garden building, a formal garden and orchard area, and an informal area for kickabout ball games, is in line with the Parameter Plans agreed as part of the outline planning permission. During our recent meeting with the local planning authority and the developers, Countryside Zest, it was useful to hear how the current application forms part of the wider implementation of the overall landscape compensatory measures. The discussions highlighted the need for on-going dialogue as the wider scheme is built out and Historic England welcome the developer’s proposal that a yearly liaison meeting might be an appropriate forum.

National policy as set out in the NPPF makes clear the government’s commitment to sustainable development (paragraphs 7 and 8). Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (paragraph 184), when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the assets conservation (paragraph 193). Harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use (paragraph 196).

Historic England has no objection to the application on heritage grounds.

Historic England consider that the application meets the requirements of the NPPF, particularly paragraphs 184 and 193; in determining the application, the local planning authority, should bear in mind, the statutory duty of section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, or their setting, or any features of special architectural or historic interest which they possess.

The local planning authority should take Historic England’s representation into account in determining the application.

### The Garden Trust

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<th>Comments</th>
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<tr>
<td>No response.</td>
<td>Noted.</td>
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Ramblers Association

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<tr>
<td>No response.</td>
<td>Noted.</td>
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Local Residents

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<th>Council Response</th>
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<tr>
<td>246 letters of representation have been received; 2 neither in support or raising an objection and 2 which support the application. The remaining letters of representation raised objections to the scheme. Copies of correspondence sent to various parties by New Hall School have also been received. The points raised, in so far as they relate to planning matters have been fully considered, and the issues raised are summarised, and addressed below, and within the report above.</td>
<td>1. The proposed use of land to the west of New Hall School as Community Gardens is acceptable as it provides a suitable use in relation to the planned development, enhances the setting of the heritage assets, allows for an improved appearance at that part of the school boundary whilst also protecting the outlook, privacy and quiet of the school environment. The current lawful planning land use allocations are confirmed by the approved Parameter Plans, which take precedence. The NCAAP contains the development principles to be referred to for each site allocation, when considering the detail of the reserved matters.</td>
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Objections

1. Land Allocation – Allocated land which was designated for the Wilderness as part of the compensatory measures is no longer being used for this purpose. Land previously allocated ‘for school use’ within the NCAAP. The boundary of Site Allocation 22 has been reduced. Land previously allocated to New Hall School is essential given the recent influx of new students from the Beaulieu development. Reneging made on the promises to New Hall School in the original plans. Reduction of the available space which could be used for sports facilities. Encroachment of New Hall land is a product of overdevelopment at Beaulieu. LDMP requires the Community Gardens to be located within Site Allocation 7; ie: outside Site Allocation 22. School’s proposal for the land consistent with the definition of a Community Garden. Retention of a path at the western edge of the Land Allocation would ensure a secure and safe area could be achieved for school children. Provision of the path at the centre poses a safeguarding issue in terms of supervising children, protecting them from the public and dogs. New Hall undertaken considerable work on the design and use of Land Allocation A; proposal to extend its ‘Forest School’ provision to nursery and pre-prep children for some timetabled sessions. Land would form a dense planted buffer and estate woodland / gardens; did not form part of the public open space requirements agreed under NCAAP. Community Gardens are intended to be provided in an area west of the playing fields not the area of Site Allocation 22.
Community Garden does not honour the agreed site allocated for school use.

2. New Hall School: Historic England – The proposal is not in keeping with the protection offered by Historic England’s ‘Buildings at Risk Register’.

3. Setting – The proposal fails to protect the historical setting of the Grade I Listed Building.

4. Buffer – A land buffer should be implemented to preserve the school estate. Deep rounded planted buffer zone shown to the west of the school playing fields; drastically and inappropriately reduced in the Community Gardens application. Wide curved zone is required, particularly for screening, privacy and security at this point as well as to assist in blocking any overlooking from housing and light and noise pollution.

5. Nun’s Cemetery – Scheme disrespectful to the surroundings of the nun’s cemetery.

6. Informal Kickabout Area – The Estate Parkland will be compromised by the proposed informal kickabout area.

7. Parkland – Scheme would create a contrasting design with the open Parkland nature of New Hall School.

2. Historic England has raised no objections; see consultation response.

3. See 2 above.

4. The Green Link provides a planted buffer to the edge of the school playing fields; to the centre, the Community Gardens would flank the historic walled garden, (now tennis courts and sports facilities), with a planting belt to screen residential development within Zone E.

5. The Orchards are proposed adjacent to the Nun’s Cemetery, and the Wilderness, and intended to provide multi-functional green space for recreation and growing purposes. Formal Gardens are located south of the Community Gardens, within an area between the existing hedge in the southern part of the site and the Nun’s Cemetery. The area will provide a series of pocket gardens, offering seating and sensory planting, whilst preserving the archaeological remains of the Tudor Lime Kiln. The nuns have submitted a letter of representation in support of the scheme.

6. Figure 30 of the NCAAP confirms that land to the west of the Wilderness and adjacent Old Lodge Farm is designated as public open space. The Informal Kickabout Area forms part of the approved Beaulieu Site-Wide Play Strategy, delivering an area of open grassland for informal play and ball games. The area of land to the east of Old Lodge Farm is not shown as Estate Parkland.

7. The scheme proposals introduce a series of landscape character areas, which provide a varied landscape. The detailed design accords with the approved Parameter Plans and the LDMP.
8. Privacy & Security – Poor access / security for the current facilities and the future nursery site.

9. Archaeology – The original Lime Kiln is not being preserved.

10. Sustainable Travel – The scheme compromises New Hall School’s Green Travel Plan. Failure to incorporate access and pedestrian/cycle routes to and from the Western Gate within the western school boundary via the Community Gardens. Health and wellbeing of students has not been taken into consideration. Unacceptable further traffic congestion would be caused by the blocking of the Western Gate. Beaulieu scheme was approved with a requirement to improve sustainable ‘green’ access routes for the area; current proposal contravenes the approach. Prevents pedestrian and cycle access which would relieve local traffic congestion. Proposed use of the Paxton Biometric Security System, already in use at New Hall School, would allow controlled access – operates on a fingerprint recognition system enabling the school to restrict users to designated people and restrict to local residents not travelling at any point by car for the school journey. Self-closer would ensure the Gate would not be left open for others. Staff member would monitor the Gate to ensure that non-authorised persons would not be able to access. Pedestrian and cyclist access only points have health and safety benefits. Comparison with state-maintained schools inappropriate.

11. Zone E Residential – Queries raised regarding (i) the basis for Condition 7 on the reserved matters approval for Zone E Residential, (ii) weight attached to claims made by the applicant regarding the placing of bollards on Footpath 22 queried; reference made to complaints received by local residents regarding vehicles stopping to drop off students to New Hall School to allow students to walk along the pathway south of the Wilderness to the school entrance and driving along the footpath, (iii) lack of consultation with New Hall School.

8. A 5.5m area of land exists between the historic wall and the eastern site boundary. A generous linear green link and landscaping belt is proposed adjacent to the school playing fields (Green Link North). The provision of Community Gardens is consistent with the Parameter Plans and the LDMP.

9. Historic England advised that the kiln should be re-buried to preserve the archaeological remains and prevent future deterioration. A modern interpretation of the kiln is proposed above ground, in the form of a wood carved representation set within an area of bespoke seating.

10-15. The matters raised are considered in detail in the section of the report entitled ‘Access’.
regarding the use of the western gate, (iv) efforts made by the Highway Authority to analyse the impact of housing around New Hall School and the best means of traffic distribution questioned, (v) whether proper consideration given to the likelihood of reduced overall local traffic through pedestrian and cycle use of the Western Gate, (vi) why estate roads within Zone E were designed to be of insufficient width around a busy school which educates 1,250 students and employs 420 staff, (vii) the absence of proper account having been taken of the ways in which risks identified within Condition 7 could be mitigated in simple and cost-effective ways, (viii) how it is proposed to allow students to access the community gardens for educational purposes, (ix) how the Highway Authority propose to ensure that all users of the proposed new cemetery gate only access the cemetery by foot, cycle or public transport and why such measures should not also work for the school’s western gate, (x) how the Highway Authority propose to address the issues which resulted in the imposition of Condition 7 in the context of northern and eastern accesses to the school and (xi) a request for reconsideration of Condition 7.

12. Footpath 22 – CCTV is present at the school’s entrance; school has a match between those entering the site by foot/cycle and their local residency – details show no students living further afield from Beaulieu and Springfield (for pedestrians) and from Boreham and Chelmer Village (for cyclists) have been dropped off by car. Bollards were installed after requests to CZ from New Hall School. Recorded incidents of vehicles seeking to use the footpaths were private motorists unrelated to the school and a delivery vehicle. School have a record of all staff and parent’s car registration numbers and a number plate recognition system.

13. Access to the Community Garden – Gardens clearly designed with additional traffic in mind; significant number of car parking spaces shown and undesignated areas which may become car parking spaces. Maintenance and service vehicles would use the roads. ECC Highways should oppose the application on the basis that the inadequate 4.8m width road cannot accommodate traffic and additional parking.

14. Northern Access Road – Road would not be in place until 2020 at the earliest; use of the Western Gate is especially important prior to the creation of the route.

15. Educational Use of the Community Gardens – Intention to block the western gate renders use of the community garden by New Hall School students impossible during the school day; the time and distance travelled would
be unreasonable and prohibitive; round trip of 1.3km. Excessive distance for young children. Series of questions raised with The Land Trust regarding the scheme detail; features to attract teachers and students, hours of opening, impact of use on the local bat population, evidence that local schools would use the Gardens, scope of accessible features, assessment of volume, type and times of school use, toilet facilities, scope for planned events to fit with the requirement to keep the area secure, tranquil and appropriately planned, scope to keep the area free from noise nuisance and scope for accessible and adequate minibus parking.

16. Conflict with Condition 62 (09/01314/EIA) – Applicant obliged to maintain a margin free of building, next to the school boundary with buffer woodland planting according to the NCAAP Landscape Strategy. Half of the land is taken up with parking, hard surfaces and community / teaching building and shed.

17. Compensatory Measures – The developer has expressed a view that the Beaulieu Community Gardens are not compensatory measure led.

18. Ecology – Bug hotels are a good environmental consideration but pose an arson risk.

19. Residential Amenity – Proximity to local resident’s gardens will result in a loss of privacy.

20. Safety - Changes to the access via pathways will put pupils at risk. Anti-social behaviour is already prominent at Beaulieu. Encroachment of the boundary comprises the safety and security of the children. Cycle and public footpaths should be positioned outside of the land

16. The Community Gardens would include a building and tool shed to enable their management; whilst these structures are proposed within the area intended to be kept free of development, they are modest in size and scale and do not undermine the landscape-led approach.

17. The reserved matters submission refer in detail to the compensatory measures contained within the LDMP.

18. The community gardens will be the subject of routine management and maintenance by The Land Trust.

19. New hedgerow planting is proposed along the southern boundary of the informal kickabout area with properties in Braganza Way, Beaulieu Park. An area of tree planting is proposed to the north of the kickabout area, and to the west of this space; this is inset from the rear garden boundaries of properties in Old Lodge Court. The provision of planting is a requirement of the LDMP. A path extends through the informal kickabout area, offset from the garden boundary of the nearest property in Old Lodge Court by 10m at its closest point, but increasing to 17m further to the north; in this respect, users of the path would not have a direct view across the adjacent private garden areas.

20. The provision of a strategic footpath/cyclepath through the Community Gardens is a requirement of Parameter Plan 4. The route is offset from the school boundary, which is
allocations to ensure the welfare and safety of students. Serious safeguarding and security concerns.

21. Cemetery Gate – CMC4 is not delivered by the scheme and therefore the cemetery gate (18/01588/FUL) cannot be established within an appropriate setting. No right of way, to the school’s knowledge over New Hall land to the existing cemetery gate. No comprehensive assessment has been provided for the frequency, volume and type of access required. Access described as a vital link to Beaulieu Park; query how ECC Highways propose to ensure all users of the proposed new gate only access the cemetery by foot, cycle or public transport. Four events in November involved hundreds of attendees; school permitted the use of its car parks but there is no right of way and parking for the public on the campus. All visitors sign in at school reception for safeguarding reasons; neither desirable for visitors nor straightforward to manage for the school. Majority of visitors travel by car. Query measures to (i) enable cycle access; storage racks, security and anticipated numbers, (ii) to provide accessible parking, its position and how many places will be made available and (iii) to ensure safety is not compromised and that the gate does not present a safety and a safeguarding risk. Significant increases in security breaches and acts of vandalism including the destruction of a gravestone in the cemetery and graffiti. School has increased security significantly with additional security personnel and dogs at a cost of £148,000 per annum. 15 separate serious incidents recorded over a 3-month period with no significant incidents in the previous 15 years until 2 years ago. Proposed gate breaches the secure boundary and creates a significant safeguarding concern. Any agreement for a new gate must contain a requirement for the treatment of the internal gate between the cemetery and New Hall School. School will need to spend £640,000 in the next year on fencing and security gates around the entire school campus due to the proximity of the housing development. Cemetery maintained voluntarily by the New Hall School Trust on behalf of the religious community without charge nor legal obligation; specialist equipment has been obtained to undertake the work – query whether an assessment has been made of the type and size of maintenance equipment requiring transportation through the gate. No provision made for cycle racks and accessible parking.

22. Consultation – Lack of consultation with the School.

partly formed by a tall historic wall.

21. The matter is considered in detail in the section of the report entitled ‘Access’.

22. New Hall School has been formally consulted on the outline planning application and all reserved matters/full
23. Land Acquisition – CZ and CCC not considered New Hall being the landowner and New Hall School Trust being responsible for delivering the compensatory measures on the land.

24. Estate Parkland – School has displayed a willingness to take on the management and ownership of land to the east and west of the Avenue to develop the rural setting for appropriate equestrian use, originally used for grazing. School ran an equestrian centre for most of the 20th Century.

25. Other Matters – Increase in environmental pollution. Significant works completed prior to a grant of planning permission. Paths completed during the public consultation process.

**Comments in Support**

26. Design & Layout – Ambitious scheme which attempts to incorporate a great number of elements within a small space.

27. Community Benefit – Apparent that New Hall School wish to obtain the area of land for their own purposes and do not wish the local community to benefit from the new space. Objectors mainly live outside the local area and would not benefit from the new open space, neither do they care about the local community losing it. Open space with paths and gardens is required; it does not affect the school but impacts upon thousands of residents.

28. Western Gate – Gate has never been open in 16 years and no one has ever sought to access the school via the gate; ugly feature with a huge chain and the new gate is not much better. Opening of the gate would result in the roads within the new Beaulieu development being used as drop off points; the roads were not designed for this purpose and there will be an impact on residents – this already occurs at Beaulieu Park. Children are dropped in the access roads on Beaulieu Park by the sand track to avoid parents using the drive and Generals Lane and within the mouth of Oak Lodge Tye which is very dangerous to road users, pedestrians and children. Path constructed by New Hall blocks a ditch and restricts the flow of water. Use of gate recently; arranged photo call with the Essex Chronicle, propaganda and inappropriate use of students at the school.

23. The matter of land acquisition falls beyond the scope of consideration of the reserved matters submission.

24. The areas of the Estate Parkland which the school refer to in their representation, either side of The Avenue to New Hall School fall beyond the scope of consideration of the reserved matters submission.

25. The level of vehicular movement to and from the Community Gardens would be extremely limited and controlled by the site wide management company.


27. The representations have been carefully considered and all comments reported and addressed within the report.

28-31. The matter is considered in detail in the section of the report entitled ‘Access’.
29. Use of Footpaths – Small numbers of people walk the existing paths; evidence of a cyclist and a couple of staff walking to the school but no evidence of 70+ people that are alleged to walk to the school. CCTV could be viewed. School can be accessed by foot, cycle and from all over Beaulieu but reality is that most parents drive their children to school, even those close by. No number of paths or accesses would change this pattern.

30. Proposed Strategic Footpath/Cyclepath – Community Garden will deliver a footpath / cyclepath connecting the existing path to the south of the school with the pathway north of the school providing a lovely walk around the lake.

31. Historic Footpath – Mud track used only by dog walkers, walkers and runners. Path along The Avenue is a permissive path but had been in use for over 20 years.

32. New Hall School & Letters of Representation – Comments receive are a consequence of the School Principal sending emails to staff and parents asking them to write to the City Council. All comments appear to have been received on 5th October; none of those submitting these representations would have walked the path and seen the planning notice, they have been cajoled. Methods used to stop development are underhand and with no concern for a lovely piece of planning for the local community. Misleading untruths. Coercion of people with no connection to the local community and Boreham Parish Council. Boreham Parish Council represent the wider community and not just the interests of New Hall School. Overlaying of the school’s letter with that of the Parish Council’s suggests it might have been written for them. Historic footpath is within the parish of Springfield not Boreham. Request for two weeks’ notice of meetings but meetings arranged by the school are convened with no other interested parties present and no notice given.

33. Planning History – Outline planning permission supersedes NCAAP. School should comment on the detail only.

34. Nuns’ Cemetery – Objections raised by the school to the cemetery gate unbelievable. No public access is proposed to the cemetery; solely for use by nuns and those tending graves. Fear of crime cited; possible to gain access to the school at many points along Public Footpath 4, to the east side of the school, along the sand track, no less secure due to the presence of a fixed gate.

35. Historic Setting – All buildings works within the school are out of keeping; huge metal floodlights, a vivid blue hockey pitch, 1960’s style buildings and a large security

32. See 27 above.

33. Noted.

34. The matter is considered in detail in the section of the report entitled ‘Access’.

35. The scheme will deliver an area of open space. The acceptability of works undertaken / buildings within the school
hut at the front gate. Land in question will provide a needed area of open space.

36. Screening & Privacy – Contradicts the school’s wish to use the Western Gate. Ample planting currently. Use of the gate poses a contradiction in relation to security providing yet another point of entry.

grounds is not a matter for consideration under the reserved matters submission.

36. The matter is considered in detail in the section of the report entitled ‘Access’.

RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

**Condition 1  Accordance with Submitted Plans & Conditions**
The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and conditions listed on the decision notice.

Reason:
In order to achieve satisfactory development of the site

**Condition 2  Compliance with Tree Report**
In relation to tree protection, tree surgery and construction methods, the development shall only be carried out in accordance with the Arboricultural Impact Assessment - Beaulieu: Community Gardens prepared by Hallwood Associates Ltd dated November 2018 Rev 2 unless the local planning authority gives its written consent to any variation.

Reason:
To safeguard the existing trees in accordance with Policy DC14 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 3  Compliance with Ecological Management Plan**
The development hereby permitted shall be constructed wholly in accordance with the licensing, mitigation and enhancement measures and requirements contained within the Ecological Management Plan for Land Included in the Beaulieu Phase 1 Application Area, Community Gardens prepared by Richard Graves Associates dated April 2018; any variation to the measures and requirements shall be agreed in writing with the local planning authority.

Reason:
In the interests of wildlife habitat protection in accordance with Policies CP9 and DC13 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 4  Compliance with Biodiversity Statement**
The development permitted shall be constructed wholly in accordance with the management and enhancement measures and requirements contained within the Biodiversity Statement - Community Gardens Application prepared by Richard Graves Associates dated April 2018; any variation to the measures and requirements shall be agreed in writing with the local planning authority.

Reason:
In the interests of achieving enhanced biodiversity through a range of measures in accordance with Policies CP9 and DC13 of the Adopted Core Strategy and Development Control Policies Development Plan Document.
**Condition 5  Access to New Hall School**
No vehicular, pedestrian or cycle access connection shall be provided from the Community Gardens and adjacent estate roads within Zone E Residential to New Hall School.

Reason:
The estate road extending around the eastern edge of Zone E to the west of New Hall School is of an insufficient width to cater for the potential additional traffic likely to be generated by any new access in this location in connection with the school associated with student pick up and drop off, whilst providing safety and efficiency for all road users in the interests of highway safety in accordance with Policies CP20 and DC42 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Notes to Applicant**

1. **Outline Planning Permission**
   You are advised for the avoidance of any doubt that the following conditions contained within the outline planning permission (09/01314/EIA refers) have been fully satisfied by the approved plans and reports:


   Details are required to be submitted to discharge the specified parts of the following conditions contained within the outline planning permission:

   38 - Hard Landscaping Works & Boundary Treatments (area shaded pink on Drawing No’s. DR-0009 Rev S4-P8 and DR-0010 Rev S4-P8) and 39 - Soft Landscaping Works (area shaded pink on Drawing No’s. DR-0009 Rev S4-P8 and DR-0010 Rev S4-P8).

   Details have yet to be submitted to discharge the requirements of the following conditions contained within the outline planning permission:


2. **s106 Agreement**
   You are reminded that outline planning permission; 09/01314/EIA is subject to a legal agreement, and that the terms of this agreement must be complied with.

3. **Protection of Public Rights of Way**
   The public's rights and ease of passage over Public Footpath 4 Springfield and 22 Boreham shall be maintained free and unobstructed at all times.

4. **Highway Works**
   All works within, or affecting the highway shall be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of the Highway Authority, details to be agreed before the commencement of works. The applicant shall be advised to contact the Development Management Team, Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex CM2 5PU Email development.management@essexhighways.org
5 Liability
The Highway Authority cannot accept any liability for costs associated with a developer's improvement; this includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973 to protect the Highway Authority against such compensation claims a cash deposit, or bond may be required.

6 Secured by Design
Essex Police has advised that the scheme would benefit from support by means of the Secured by Design scheme to promote crime prevention through environmental design. You are encouraged to take advantage of the Essex Police free advice service in supporting the ethos of paragraph 91 of the NPPF.

Positive and Proactive Statement
The Local Planning Authority provided advice to the applicant before the application was submitted. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework to promote the delivery of sustainable development and to approach decision taking in a positive way.

SUMMARY OF RELEVANT ADOPTED AND EMERGING PLANNING POLICIES:

CP7
Core Policy CP7 Area Action Plans - The City Council will prepare and implement Area Action Plans for Chelmsford Town Centre and North Chelmsford, which will set out an integrated land use and urban design framework to direct development proposals and public realm investment.

CP8
Core Policy CP8 Promoting Accessibility - All development proposals will be required to be accessible to people of all abilities, whether for themselves or for the delivery of goods and services, and by all forms of sustainable modes of transport, in a socially inclusive and safe manner in accordance with a modal hierarchy.

CP9
Core Policy CP9 Protecting Areas of Natural and Built Heritage Importance - The City Council is committed to protecting and enhancing the City’s important natural and historic environment and will therefore seek to sustain biodiversity, archaeological and geological conservation.

CP10
Core Policy CP10 Protection from Flooding - The City Council will require that development is protected from flooding and that appropriate measures are implemented to mitigate flood risk and will work with the Environment Agency to put in place strategic flood defence measures.

CP12
Core Policy CP12 Protecting and Enhancing Recreational Provision - The City Council will seek to maintain and enhance the provision of formal and informal recreation facilities, at appropriate locations within the City, including the designation of new local parks and gardens, country parks and other public open spaces.

CP14
Core Policy CP14 Environmental Quality and Landscape Character - The City Council will promote and support the enhancement of the environmental quality of the City’s countryside and settlements through the preparation of a Landscape Character Assessment and Village Design Statements.
CP16
Core Policy CP16 Promoting Social Inclusion - In considering proposals for new development, the City Council will promote social inclusion through equality of opportunity and equality of access for all to social, educational, health, employment, recreational, green space, community buildings and cultural facilities.

CP18
Core Policy CP18 Providing New Community and Social Facilities in Major New Developments - The City Council will ensure that new community facilities are developed as an integral part of any proposals for major new residential development and will be accessible to all sections of the community.

CP19
Core Policy CP19 Improving Links Between Developments - The City Council will ensure that local route networks will be reinforced by new development with improved linkages and road safety.

CP20
Core Policy CP20 Achieving Well Designed High Quality Places - The City Council will require the layout and design of all development to create well designed high quality successful places for living and working.

DC4
Development Control Policy DC4 Protecting Existing Amenity - All development proposals should safeguard the amenities of the occupiers of any nearby properties by ensuring that development would not result in excessive noise, activity or vehicle movements, overlooking or visual intrusion and that the built form would not adversely prejudice outlook, privacy, or light enjoyed by the occupiers of nearby properties.

DC13
Development Control Policy DC13 Site of Biodiversity and Geological Value - The City Council will seek to restore, maintain, and enhance biodiversity and geological conservation interests. Appropriate weight will be attached in respect of designated sites when determining planning applications.

DC14
Development Control Policy DC14 Protected Trees and Hedges - Planning permission will be refused for any development that would be liable to cause demonstrable harm to protected woodland, trees and hedgerows, unless conditions can be imposed requiring the developer to take steps to secure their protection.

DC18
Development Control Policy DC18 Listed Buildings - Planning permission and/or listed building consent will be refused where development proposals or works affect both the exterior and interior of buildings on the statutory List of Buildings of Special Architectural or Historic Interest unless they preserve or enhance the special character and/or setting of those buildings. The City Council will only permit the change of use of a listed building where it is in the interests of the long-term preservation of the building and its setting.

DC20
Development Control Policy DC20 Registered Parks and Gardens - Planning permission will be refused where development would have an adverse effect on the special character of parks or gardens included in the Register of Parks and Gardens of Special Historic Interest in England.

DC21
Development Control Policy DC21 Archaeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances and preserves sites of archaeological interest and their settings.
DC25
Development Control Policy DC25 Water Efficiency and Sustainable Drainage Systems - The City Council requires developments to incorporate measures that reduce the demand for water, and the provision of sustainable drainage systems for the disposal of surface water within and leading from development sites.

DC36
Development Control Policy DC36 Accessible and Adaptable Developments - All new developments, and particularly housing, shall be designed from the outset so as to promote inclusive design, and ensure that all measures needed to promote accessibility and adaptability are achieved in a visually acceptable manner.

DC40
Development Control Policy DC40 Public Open Space for New Residential Developments - Outlines requirements for provision and, where appropriate, commuted sum payments.

DC42
Development Control Policy DC42 Site Planning - Planning permission will be granted for development proposals where the site planning and design of building spaces arranges access points, routes within the site, public and private spaces, building forms and ancillary functions in an efficient, safe, workable, spatially coherent and attractive manner, incorporates existing site features of value and does not cause unacceptable effects on adjoining sites, property or their occupiers.

SPS1
Strategic Policy S1 Spatial Principles - Sets out how the Council will apply guiding Spatial Principles to deliver the Strategic Priorities and Vision in order to underpin the Spatial Strategy.

SPS3
Strategic Policy S3 Addressing Climate Change and Flood Risk - The Council, through its planning policies and proposals that shape future development will seek to mitigate and adapt to climate change. The Council will require that all development is safe, taking into account its expected life span, from all types of flooding.

SPS5
Strategic Policy S5 Conserving and Enhancing the Historic Environment - The Council will protect and enhance the historic environment. When assessing applications for development there will be a presumption in favour of the preservation and enhancement of designated heritage assets and their setting. The Council will also seek to protect the significance of non-designated heritage assets.

SPS6
Strategic Policy S6 Conserving and Enhancing the Natural Environment - The Council is committed to the conservation and enhancement of the natural environment through the protection of designated sites and species, whilst planning positively for biodiversity networks and minimising pollution. The Council will plan for a multifunctional network of green infrastructure. A precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures.

SPS7
Strategic Policy S7 Protecting and Enhancing Community Assets - The Council recognises the important role that community facilities have in existing communities and that they are also an integral part of any proposals for new residential and employment development. Existing community assets will be protected from inappropriate changes of use or redevelopment.
SPS11
Strategic Policy S11 Infrastructure requirements - New development must be supported by the provision of infrastructure, services and facilities that are identified as necessary to serve its needs. New development must be supported by sustainable means of transport, safe from flooding, provide a range of community facilities, provide green infrastructure and utilities.

SPS12
Strategic Policy S12 Securing Infrastructure and Impact Mitigation - Infrastructure must be provided in a timely, and where appropriate, phased manner to serve the occupants and users of the development. Infrastructure will be secured through planning conditions and/or obligations or through the Community Infrastructure Levy or its successor.

LPMP1
Local Policy MP1 High Quality Design - Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape.

LPMP2
Local Policy MP2 Design and Place Shaping Principles in Major Developments - The Council will require all new major development to meet the highest standards of built and urban design. Development should be well-connected, respond positively to local character and context and create attractive, multi-functional, inclusive, overlooked and well maintained public realm. The Council will require the use of masterplans on strategic scale developments.

LPNE1
Local Policy NE1 Ecology and Biodiversity - The impact of a development on Internationally Designated Sites, Nationally Designated Sites and Locally Designated Sites will be considered in line with the importance of the site. With National and Local Sites, this will be balanced against the benefits of the development. All development proposals should conserve and enhance the network of habitats, species and sites.

LPNE2
Local Policy NE2 Trees, Woodland and Landscape Features - Planning permission will only be granted for development proposals that do not result in unacceptable harm to the health of a preserved tree, trees in a Conservation Area, preserved woodlands or ancient woodlands. Development proposals must not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area.

LPNE3
Local Policy NE3 Flooding/SUDs - Planning permission for all types of development will only be granted where it can be demonstrated that the site is safe from all types of flooding. All major developments will be required to incorporate water management measures to reduce surface water run off.

LPHE1
Local Policy HE1 Designated Heritage Assets - The impact of any development proposal on a designated heritage asset, and the level of any harm, will be weighed against any public benefits arising from the proposed development. The Council will preserve listed buildings, Conservation Areas, Registered Parks and Gardens and Scheduled Monuments.

LPHE3
Local Policy HE3 Archaeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances and preserves sites of archaeological interest and their settings.
LPPA1
Local Policy PA1 Protecting Amenity - Development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions

**Background Papers**

Case File