PLANNING POLICY BACKGROUND INFORMATION

DEVELOPMENT PLAN

Section 38 (6) of the Planning and Compensation Act 2004 Act states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

DEVELOPMENT PLAN DOCUMENTS

The Core Strategy and Development Control Policies Development Plan (DPD) was adopted by Chelmsford Borough Council on 20 February 2008. This contains Core and Development Control Policies (prefixed by CP or DC) which are applied Borough-wide. The Borough’s area is covered by three further adopted development plan documents: Chelmsford Town Centre Area Action Plan (2008), North Chelmsford Area Action Plan (2011) and the Site Allocations DPD (2012). These development plan documents implement the Core Strategy by identifying land-use allocations, proposals and notations which are set out in their relevant Proposals Maps.

SUMMARY OF POLICIES REFERRED TO IN THIS AGENDA

DEVELOPMENT PLAN DOCUMENT 2001 - 2021

CP1 Core Policy CP1 Securing Sustainable Development - The City Council will promote and secure sustainable development by linking housing and employment needs and directing development to locations supported by effective transport provision, leisure, community and other essential services, whilst minimising damage to the environment and actively securing environmental enhancements. When considering development proposals the City Council will take a positive approach reflecting the presumption in favour of sustainable development contained in the NPPF.

CP2 Core Policy CP2 The City-wide Spatial Strategy - All proposals for development will be considered in the context of the City-wide Spatial Strategy which sets out the City Council's vision for development growth in the Borough in the period up to 2021.

CP5 Core Policy CP5 Containing Urban Growth - Urban growth will be contained by defining the physical limit of the urban areas of Chelmsford and South Woodham Ferrers and the Defined Settlements.

DC1 Development Control Policy DC1 Controlling Development in the Metropolitan Green Belt - Planning permission for new buildings will be refused except where it is required for purposes directly related to agriculture, appropriate facilities for outdoor sport, outdoor recreation, nature conservation and cemeteries, affordable housing for local needs, residential infilling in villages, replacement of an existing building, limited infilling or redevelopment of previously developed sites where this would not have a greater impact on the openness of the Green Belt. These are subject to compliance with policies DC33, DC32, DC12, and DC11 respectively. Local transport infrastructure, extension or alteration of a building, the re-use of a building and development brought forward under a Community Right to Build Order are appropriate in the Green Belt provided that they preserve openness. These are subject to compliance with policies DC47 and DC57 respectively. Inappropriate development is by definition harmful and should not be approved except in very special circumstances.
DC2  Development Control Policy DC2 Controlling Development in the Countryside beyond the Metropolitan Green Belt - The countryside within the rural area beyond the Metropolitan Green Belt will be protected for its intrinsic character and beauty. Planning permission will be granted for development within the rural area provided that the intrinsic character and beauty is not adversely impacted upon and provided it is for a new building that supports sustainable growth of an authorised viable rural business and there is a justified need and no adverse impact upon character, appearance and visual amenity of the countryside; or promotes development and diversification of agriculture and other appropriate land based rural businesses or is accommodation in connection with such uses; or is for affordable housing for local needs; or is for the replacement of a building; or is for local transport infrastructure; or is for residential infilling in villages. These are subject to compliance with policies DC33, DC32, DC11 and DC12. The extension or reuse of an existing building is acceptable subject to compliance with Policy DC47 or DC57. Engineering or other operations or changes of use of land are acceptable provided they would have no material effect on the appearance and character of the countryside.

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.

DC7  Development Control Policy DC7 Vehicle Parking Standards at Developments - All development will be required to comply with the vehicle standards as set out at Appendix C of the Core Strategy and Development Control Policies Development Plan Document.

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.

DC15  Development Control Policy DC15 Protected Lanes - Planning permission will be refused for development that would have an adverse environmental impact upon Protected Lanes as defined on the Proposals Map. Any proposals which would give rise to a material increase in the amount of traffic using Protected Lanes will not be permitted.

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.

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.

DC26  Development Control Policy DC26 Contaminated Land - Planning permission will only be granted for development on, or near to, former landfill sites or on land which is suspected to be contaminated, where the City Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land and that there will be no adverse impact on the quality of local groundwater or surface water quality.

DC38  Development Control Policy DC38 Promoting Sport, Leisure, Recreation and Tourism - Sets criteria for granting permission for new facilities or improvements and extensions to existing.
Development Control Policy DC44 Private Amenity Space - All new dwellings will be required to have a high degree of privacy and the use of private amenity space appropriate for the type of dwelling and its location.

Development Control Policy DC45 Achieving High Quality Development - Planning permission will only be granted for new buildings and extensions to existing buildings provided that they are well designed in themselves and amongst other matters, the siting, scale form and detail of the proposed buildings has an appropriate visual relationship with the character and appearance of the surrounding area.

EMERGING CHELMSFORD DRAFT LOCAL PLAN

Local Policy CF1 Delivering Community Facilities - Planning permission will be granted for new, or extensions to existing facilities and services which support the local community where there is sufficient access, including for the disabled and vehicle parking. The development must also be visually compatible with its surroundings.

Local Policy CF2 Protecting Community Facilities - The change of use of premises or redevelopment of sites that provide valued community facilities will only be permitted where the site cannot be used for an alternative community facility or where there is already an adequate supply of that type of facility in the locality or settlement concerned. Existing open spaces, sports and recreational buildings and land will also be protected.

Local Policy CO1 Green Belt, Green Wedges, Green Corridors and Rural Areas - Inappropriate development within the Green Belt will not be approved except in very special circumstances. Green Wedges will be protected and enhanced as valued and multi-faceted landscapes. The valued landscape character of the main river valleys where they extend into the countryside will be protected as Green Corridors. The intrinsic character and beauty of the Rural Area will be assessed and development will only be supported where it would not adversely impact on its identified value.

Local Policy CO2 New Buildings and Structures in the Green Belt - New buildings in the Green Belt will only be permitted where they do not constitute inappropriate development except in very special circumstances. Planning permission will be granted for the redevelopment of previously developed land, replacement buildings and residential outbuildings subject to meeting prescribed criteria.

Local Policy CO4 New Buildings and Structures in the Rural Area - Planning permission will be granted for new buildings in the Rural Area where the development would not adversely impact on the identified intrinsic character and beauty of the countryside and is for one of a number of prescribed developments. Planning permission will be granted for the redevelopment of previously developed land, replacement buildings and residential outbuildings subject to meeting prescribed criteria.

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.

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.

Local Policy MP3 Sustainable Buildings - All new dwellings and non-residential buildings shall incorporate sustainable design features to reduce carbon dioxide and nitrogen dioxide emissions and the use of natural resources. New dwellings and non-residential buildings shall provide convenient access to electric vehicle charging point infrastructure.

Local Policy MP4 Design Specification for Dwellings - All new dwellings shall have sufficient privacy, amenity space, open space, refuse and recycling storage and shall adhere to the Nationally Described Space Standards. All houses in multiple occupation shall also provide, amongst other matters, adequate cycle storage, parking and sound proofing.
Local Policy MP5 Parking Standards - All development will be required to comply with the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) or as subsequently amended.

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.

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.

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.

Local Policy PA2 Contamination and Pollution - Permission will only be granted for developments on or near to hazardous land where the Council is satisfied there will be no threat to the health or safety of future users and there will be no adverse impact on the quality of local ground or surface water. Developments must also not have an unacceptable impact on air quality and the health and wellbeing of people.

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.

Strategic Policy S2 Securing Sustainable Development - The Council will take a positive approach when considering development proposals that reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. Sustainable Development in Chelmsford will demonstrably contribute to the Local Plan Vision and Spatial Principles and will accord with the policies in this Local Plan and where relevant, Neighbourhood Plan policies.

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.

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.

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.
SPS9  Strategic Policy S9 The Spatial Strategy - New housing and employment growth will be focussed to the most sustainable locations by making the best use of previously developed land in Chelmsford Urban Area; sustainable urban extensions around Chelmsford and South Woodham Ferrers and development around Key Service Settlements outside of the Green Belt in accordance with the Settlement Hierarchy. New development allocations will be focused on the three Growth Areas of Central and Urban Chelmsford, North Chelmsford, and South and East Chelmsford. Special Policy Areas will be used for mainly institutional uses within the countryside.

SPS13  Strategic Policy S13 The Role of the Countryside - The general extent of the Green Belt is established and will be protected from inappropriate development. The main river valleys are identified as valued landscapes and are locally designated as Green Wedges and Green Corridors. The countryside outside of the Urban Areas and Defined Settlements, not within the Green Belt, is designated as the Rural Area.

VILLAGE DESIGN STATEMENTS

VDS: Sets out the local community's view on the character and design of the local area. New development should respect its setting and contribute to its environment.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) was published in July 2018. It replaces the first NPPF published in March 2012 and almost all previous national Planning Policy Statements and Planning Policy Guidance, as well as other documents.

Paragraph 1 of the NPPF sets out the Government’s planning policies for England and how these should be applied. Paragraph 2 confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and should be read as a whole.

Paragraph 7 says that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development meant that the planning system has three overarching objectives; an economic objective; a social objective; and an environmental objective. A presumption in favour of sustainable development is at the heart of the Framework.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 213 in the implementation section of the NPPF confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).