

# Chelmsford Policy Board Agenda

**5 March 2020 at 7pm**

**Council Chamber  
Civic Centre, Duke Street  
Chelmsford CM1 1JE**

## **Membership**

Councillor G H J Pooley (Chair)

## **and Councillors**

N Chambers, W Daden, I Fuller, J Galley, M Goldman,  
S Goldman, N Gulliver, G B R Knight, R Moore, R J Poulter,  
I C Roberts, A Sosin, M Springett, N Walsh, R T Whitehead  
and T N Willis

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There will also be an opportunity to ask your Councillors questions or make a statement. If you would like to find out more, please telephone Brian Mayfield in the Democracy Team on Chelmsford (01245) 606923, email [brian.mayfield@chelmsford.gov.uk](mailto:brian.mayfield@chelmsford.gov.uk), call in at the Civic Centre or write to Democratic Services, Civic Centre, Duke Street, Chelmsford CM1 1JE. Council staff will also be available to offer advice at the Civic Centre for up to half an hour before the start of the meeting.

**If you need this agenda in an alternative format please call 01245 606923. Minicom textphone number: 01245 606444.**

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# CHELMSFORD POLICY BOARD

5 MARCH 2020

## **AGENDA**

### PART 1

Items to be considered when members of the public are likely to be present

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

**3. MINUTES**

Minutes of meeting on 16 January 2020

**4. PUBLIC QUESTIONS**

Any member of the public may ask a question or make a statement at this point in the meeting. Each person has two minutes and a maximum of 15 minutes is allotted to public questions/statements, which must be about matters for which the Board is responsible. Questions can be put under this item or, if they relate to an item on the agenda, when the Board considers that item.

If a number of people wish to ask substantially the same questions or make the same points on a matter, they are encouraged to appoint one or more spokespersons to do so on their behalf in order to avoid repetition.

The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

**5. MAKING PLACES SUPPLEMENTARY PLANNING DOCUMENT - CONSULTATION DRAFT**

**6. PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT – CONSULTATION DRAFT**

**7. COMMUNITY INFRASTRUCTURE LEVY – OPTIONS FOR REVIEW OF THE CURRENT APPROVED CHARGING SCHEDULE**

**8. CONNECTIVITY AND LOCAL DEMOCRACY WORKING GROUP**

Chair of the Working Group to give an oral update

**9. WATERWAYS WORKING GROUP – UPDATE ON AUTOMATIC WEIR, ETC**

**10. URGENT BUSINESS**

To consider any other matter which, in the opinion of the Chairman, should be considered by reason of special circumstances (to be specified) as a matter of urgency and which does not constitute a key decision.

**PART II (EXEMPT ITEMS)**

NIL

# MINUTES

of the

## CHELMSFORD POLICY BOARD

held on 16 January 2020 at 7pm

Present:

Councillor G H J Pooley (Chair)

Councillors N Chambers, W Daden, I Fuller, M Goldman, S Goldman,  
N Gulliver, G B R Knight, R Moore, R J Poulter, I C Roberts, A Sosin,  
M Springett, N Walsh, R T Whitehead and T N Willis

Also present:

Councillors P Clark, R J Hyland and M J Mackrory

1. **Apologies for Absence and Substitutions**

Apologies for absence were received from Councillor J Galley.

2. **Minutes**

The minutes of the meeting on 3 October 2019 were signed as a correct record.

3. **Declaration of Interests**

All Members were reminded to disclose any interests in items of business on the meeting's agenda and that they should do so at this point on the agenda or as soon as they became aware of the interest. They were also obliged to notify the Monitoring Officer of the interest within 28 days of the meeting, if they had not previously notified her about it.

4. **Public Question Time**

There were no questions or statements from members of the public.



## 5. **Affordable and Social Housing Working Group**

The Board received a report setting out the recommendations of the Working Group established to look at ways of improving the supply of social housing and appropriate private sector housing in Chelmsford. Having examined the historic context for the provision of such housing, considered the role of the planning system and received information on the Council's delivery record, the Working Group had looked at how housing need was assessed, how affordable housing was defined and how supply related to need. The Working Group then looked at the type and size of affordable housing needed to meet demand and the impact of changes to the national benefits system.

The Working Group's report contained the main conclusions from its study and the options it had identified for Council-led interventions to address them. All those options would potentially help improve the supply of affordable housing, with the provision of further temporary housing and three and four bedroom social rented homes being the priorities.

In response to questions, the Committee was informed that:

- The financial implications of the Working Group's recommendations would be considered as part of the capital and revenue budgets being discussed by Cabinet and Council in the coming weeks. Until specific proposals for the acquisition of properties came forward, it was not known what the actual cost would be.
- Properties used as temporary accommodation were let on an occupation agreement/non-secure tenancy and the Right to Buy legislation did not apply to them.
- The fact that the rents of affordable properties in Chelmsford tended to be below the cap of 80% of market rents reflected the practice of Registered Providers, particularly in the case of larger properties, charging rents that were below local housing allowance levels; the lower rents were not indicative of the condition of the properties.

The Committee's discussion concentrated on the financial implications of the recommendations. The view was expressed that borrowing to pay for the capital expenditure involved was not the best fiscal approach and that the sale of assets like the John Shennan playing fields site would be a better way of meeting the cost of property acquisitions. Others pointed out that the saving on the cost of paying for short term accommodation for the homeless placed considerable pressure on Council resources and that the proposals to acquire properties for this purpose would, in the longer term, be to its financial advantage.

It was the general view that whilst the recommendations could be supported in principle, it needed to be made clear that they were subject to the Cabinet and Council providing the necessary resources and to the Cabinet being satisfied with the business case for individual proposals. This view was accepted and the recommendation amended accordingly.

**RESOLVED** that the following recommendations of the Affordable and Social Housing Working Group be approved and that the proposed approach be considered by the Cabinet when agreeing or recommending to the Council the revenue and capital budgets and the business cases for the proposals:

That the City Council:

1. acquires 20 larger family sized street properties for use as temporary accommodation in 2020/21, with further acquisition in future years to achieve the objective for all necessary temporary accommodation being owned/controlled by this Council;
2. prioritises for development four smaller and more deliverable sites owned by the City Council for 100% affordable housing to provide affordable and social rent properties (circa 40 units) in partnership with a Registered Provider (RP) in the period 2021/22;
3. promotes Entry-Level Exception Sites for RP land-led schemes with Homes England in early 2020; and
4. continues to investigate the acquisition of land by the Council for additional affordable housing and entry-level exception sites.

*(7 04pm to 8.07pm)*

6. **Movement Around the City Working Group**

The Board considered proposed terms of reference for a working group to look at ways of improving movement around the city that had the potential to reduce congestion and journey times, encourage more sustainable travel choices and help improve air quality.

It was agreed that the services provided by bus companies and the associated role of the County Council in that was an important consideration and should be included in the Working Group's work.

**RESOLVED** that:

1. the proposed terms of reference for the working group on movement around the city submitted to the meeting be approved, subject to the addition of the following as a fourth work stream:
  - d) enable and facilitate collaboration between the City Council, transport providers such as the bus companies and Essex County Council.
2. the working group comprise three Liberal Democrats, one Conservative and one Independent member, the membership to include Councillors Hyland and Lager.

*(8.07pm to 8.18pm)*

7. **Castle Point Borough Council Local Plan**

Castle Point Borough Council had sought the views of the City Council on its draft Local Plan in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. A suggested response to the consultation, generally welcoming Castle Point's commitment to meeting its housing needs in full but seeking assurances that its intentions were deliverable and clarification of housing numbers, was presented for the Board's consideration.

**RESOLVED** that the suggested response to the Regulation 19 consultation on Castle Point Borough Council's Local Plan set out in the appendix to the report to the meeting be approved.

*(8.18pm to 8.22pm)*

8. **Future Work Programme**

A proposed work programme for the Board had been circulated with the agenda and an updated was tabled for discussion.

It was noted that the programme was likely to be subject to change, with items such as the South Woodham Ferrers Neighbourhood Plan being included for consideration later in the year and a supplementary list of possible items but without firm dates being added.

**RESOLVED** that the Work Programme of the Policy Board submitted to the meeting be approved.

*(8.22pm to 8.30pm)*

9. **Urgent Business**

There were no matters of urgent business.

10. **Reports to Cabinet/Council**

The report of the Working Group on affordable housing would be referred to a future meeting of the Cabinet.

The meeting closed at 8.30pm

Chairman

## CHELMSFORD POLICY BOARD

5 March 2020

### AGENDA ITEM 5

<b>Subject</b>	MAKING PLACES SUPPLEMENTARY PLANNING DOCUMENT
<b>Report by</b>	DIRECTOR OF SUSTAINABLE COMMUNITIES

**Enquiries contact:** Laura Percy – Senior Planning Officer 01245 606486  
[laura.percy@chelmsford.gov.uk](mailto:laura.percy@chelmsford.gov.uk)

#### **Purpose**

To present the draft Making Places Supplementary Planning Document and seek the Board's recommendation that Cabinet approve the document and its supporting Appendices to be published for public consultation.

#### **Recommendation(s)**

1. That the Board recommend that the draft Supplementary Planning Document and supporting Appendices be agreed by Cabinet for public consultation.
2. Any subsequent changes to the SPD and finalising of all consultation material is delegated to the Director for Sustainable Communities, in consultation with Cabinet member for Greener Chelmsford.

#### **Corporate Implications**

Legal:	The SPD will be subject to consultation in accordance with Council's Statement of Community Involvement and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
Financial:	None.
Potential impact on climate change and the environment:	The SPD provides guidance to assist in reducing the impact development has on climate change and positively contributing to the environment.
Contribution toward achieving a net zero carbon position by 2030:	The SPD provides guidance to assist in reducing carbon emissions through development.

Personnel:	None.
Risk Management:	None.
Equalities and Diversity: (For new or revised policies or procedures has an equalities impact assessment been carried out? Y/N)	An Equalities and Diversity Impact Assessment has already been undertaken for the Council's Local Plan.
Health and Safety:	None.
IT:	None.
Other:	None.

<b>Consultees</b>	CCC – Sustainable Communities Directorate CCC – Public Places Directorate
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### **Policies and Strategies**

The report takes into account the following policies and strategies of the Council:

#### Local Plan

The Council's adopted Local Development Framework (LDF) and emerging new Local Plan sets out the strategic and detailed policy context for all planning related decision making. These documents have been informed by a wide-ranging evidence base.

#### Our Chelmsford, Our Plan 2020

#### Chelmsford Climate and Ecological Emergency Action Plan

### **Corporate Plan Priorities**

The report relates to the following priorities in the Corporate Plan

Promoting sustainable and environmentally responsible growth to stimulate a vibrant, balanced economy, a fairer society and provide more housing of all types	✓
Making Chelmsford a more attractive place, promoting Chelmsford's green credentials, ensuring communities are safe and creating a distinctive sense of place	✓
Encouraging people to live well, promoting healthy, active lifestyles and reducing social isolation, making Chelmsford a more enjoyable place in which to live, work and play.	✓
Bringing people together, empowering local people and working in partnership to build community capacity, stronger communities and secure investment in the city	✓

## 1 Introduction

- 1.1 This report outlines the content and purpose of the new Making Places Supplementary Planning Document (SPD). The draft SPD is attached at **Appendix 1** and it is recommended that this draft document be published for consultation from 30 April to 28 May 2020.

## 2 Background

- 2.1 The draft SPD will sit alongside the new Local Plan. It seeks to promote and secure high-quality sustainable new development. It is aimed at all forms of development, from large strategic developments, public spaces and places, to small extensions to individual homes.
- 2.2 It sets out the standards the City Council will require when considering future planning proposals by providing further detailed guidance on the policy requirements set out in the new Local Plan. It also provides good practice guidance on how development can go beyond planning policy requirements to create the most sustainable and environmentally friendly development possible. The guidance within the SPD is aligned with the priorities set out within 'Our Chelmsford, Our Plan' and will assist in creating development which is fairer, greener, safer and better connected for all.
- 2.3 Once adopted the SPD will be a material considered in respect of all relevant planning applications and will replace the following documents:
- Making Places SPD: Urban site guidance for designers, developers and planners (2008)
  - Building for Tomorrow SPD: Guidance on Sustainable Design and Construction (2013), and
  - Recycling and Waste: Planning Guidance on Storage and Collection of Recycling and Waste (2013).
  - Interim residential parking guidance (2015)

## 3 Preparation of the draft SPD

- 3.1 The SPD has been drafted with the input of other services across the Council as set out in the Consultation Statement at **Appendix 2**. A workshop with City Council Members also took place in January and the feedback and comments received from this have been incorporated into the draft SPD.

## 4 Contents of the SPD

- 4.1 The SPD is set out in three main parts. The first three sections set out the purpose, scope and policy context. The main body of the SPD is then set out in two parts. Part 1 covers the overall design process for all types of development. Part 2 includes detailed guidance for all types of development on the following key topics:
- Natural Environment
  - Movement
  - Public Spaces
  - Built Environment
  - Sustainable Design and Construction
  - Adaptable Construction

- 4.2 The SPD signposts other useful national and local guidance where relevant and appropriate rather than replicating within the SPD. This includes the new National Design Guide and the Essex Design Guide. The SPD seeks to encourage developers to go further than the policy requirements wherever possible, in particular to address issues related to climate change.
- 4.3 It should be noted that the SPD includes any modifications proposed to the new Local Plan, but currently refers to the Pre-Submission Local Plan policy numbers. Both the policy numbering and any modifications will be updated to reflect any changes recommended by the Local Plan Inspector ahead of the consultation.
- 5 Consultation on the draft SPD
- 5.1 In line with statutory requirements it is proposed to consult on the draft SPD for four weeks. It is proposed to run the consultation from Thursday 30 April to Thursday 28 May. This allows the SPD to be considered at Cabinet on 7 April, and to provide time to finalise the document and consultation material ahead of its publication, whilst avoiding the Easter holidays.
- 5.2 The Council will issue consultation notifications in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This will include email/letter notifications to statutory bodies including Essex County Council, local Parish and Town Councils and Government bodies and all organisations/individuals on the Local Plan consultation mailing list.
- 5.3 A public notice will be placed in the Local Press, publishing a statement of representations advising where and when comments may be made and alerting people to the consultation through their council webpages.
- 5.4 Copies of the SPD and relevant consultation material will be distributed to local Libraries, Parish Councils and placed in the City Council's Civic Centre. A Parish Council and Developer Forum is also proposed during the consultation period.
- 5.5 The consultation is intended to be a joint consultation for this SPD and the Planning Obligations SPD. The Council is preparing another Local Plan Newsletter which will include details of these consultations.
- 6 Self-build and Custom Build Design Code Template
- 6.1 Alongside the Making Places SPD the Council have produced a new Self-build and Custom Build Design Code Template. The SPD states that sites with self-build and custom housebuilding provision (required by Policy HO1), will be required to be supported by a Design Code at outline planning stage.
- 6.2 A Design Code is a form of design guidance that assists with the delivery of high-quality new development and is particularly useful for complex scenarios involving multiple parties. The purpose of the Design Code Template is to provide a framework and supporting guidance to developers to ensure consistency across development sites, giving developers greater certainty in the preparation of site-specific Design Codes and aid Council Officers in their assessment of these following submission.
- 6.3 This Self-build and Custom Build Design Code Template is attached at **Appendix 3** and is proposed to be published alongside the SPD as a supporting document to the consultation.

## 7 Conclusions

- 7.1 Subject to approval by Cabinet, the draft Making Places SPD, attached at **Appendix 1**, is recommended to be published for public consultation for four weeks from Thursday 30 April to Thursday 28 May 2020.
- 7.2 The documents attached at **Appendix 2** and **Appendix 3** are recommended to be published as supporting document as part of the public consultation.

### List of Appendices

**Appendix 1** – Consultation Draft Making Places SPD

**Appendix 2** – Consultation Statement

**Appendix 3** – Self-build and Custom Build Design Code Template

### Background Papers

Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Chelmsford Statement of Community Involvement 2017



# Making Places - Supplementary Planning Document

Consultation Draft



March 2020

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# Making Places - Introduction

## 1. About this document

### Purpose

1.1 This draft SPD seeks to promote and secure high-quality sustainable new development. It is aimed at all forms of development, from large strategic developments, public spaces and places, to small extensions to individual homes.

1.2 It sets out detailed guidance for the implementation of the policy requirements set out in the new Local Plan.

1.3 It also provides good practice examples on how development can go beyond planning policy requirements to create the most sustainable and environmentally friendly development possible.

### Background

1.4 All of us have a responsibility to assist in reducing carbon emissions and ensure we are prepared for climate change. The City Council declared a climate and ecological emergency on 16 July 2019. As part of this declaration the City Council agreed a number of resolutions; including the commitment to make the Council's activities net-zero carbon by 2030 and achieve 100% carbon energy across the Council's full range of functions by 2030.

1.5 The Council is committed to supporting and working with all relevant agencies towards making the City of Chelmsford and surrounding area net-zero carbon within the same timescale.

1.6 The City Council's, 'Our Chelmsford, Our Plan', sets out the Council's priorities which will improve the lives of residents, making Chelmsford a fairer, greener, safer and better connected place to live, work and visit. The Plan outlines the priorities under four themes which are reflected in this SPD:

- **A fairer and inclusive Chelmsford** – promoting sustainable and environmentally responsible economic growth, a fairer society and ensuring more housing of all types, but especially affordable housing.
- **A safer and greener place** – making Chelmsford Council and the district carbon neutral, promoting Chelmsford's green credentials, ensuring communities are safe and creating a distinctive sense of place.
- **Healthy, active and enjoyable lives** - encouraging people to live well, promoting better health and activity and reducing social isolation, making Chelmsford a happier place to live, work and play.
- **Connected Chelmsford** – bringing people together, empowering local people and working in partnership to build community capacity, stronger communities and to secure investment in the city.

You can read the Plan at [www.chelmsford.gov.uk/ourplan](http://www.chelmsford.gov.uk/ourplan)

### Status

1.7 This draft Making Places Supplementary Planning Document (SPD) is published for four weeks public consultation from 30 April to 28 May 2020. Feedback received will be used to inform the final version of the SPD which is anticipated for adoption in Summer/Autumn 2020. Once adopted, the new Making Places SPD will replace the following documents:

- Making Places SPD: Urban site guidance for designers, developers and planners (2008)
- Building for Tomorrow SPD: Guidance on Sustainable Design and Construction (2013)
- Recycling and Waste: Planning Guidance on Storage and Collection of Recycling and Waste (2013)
- Interim residential parking guidance (2015)

# Making Places - Introduction

1.8 Once adopted this SPD will be a material consideration in respect of decision making for all relevant planning applications. The document includes best practice guidance and also makes it clear what is a policy requirement and what is to be encouraged but not strictly required by policy.

## 2. Scope of document

### Who is it intended for?

2.1 This SPD sets out the City Council's approach towards the design of all new development. It provides guidance on various types of developments from residential extensions to major strategic sites.

2.2 The guidance contained within the SPD is intended for:

- Developers, designers and builders – to provide practical advice to help with schemes from extensions and single houses to strategic sites and their masterplans
- Property owners (housing associations, businesses and owner occupiers) – to assist with extensions and other householder development, including practical ways to assist with addressing climate change
- Councilors and planning officers - to help assess a schemes merits and compliance with policy
- Statutory and non-statutory consultees – to ensure the implementation of policy requirements are clear for all.

### What does it include?

2.3 Providing high quality new development creates opportunities and challenges. These include the benefits of mixed use development, pressure to achieve high densities, and minimising impact to the environment. This makes guidance such as this essential to enable the creation of successful new places where people want to live, work and visit.

2.4 This SPD provides detailed guidance to assist in the:

- Implementation of the strategic priorities in the new Local Plan;
- Implementation of specific requirements of new Local Plan policies;
- Effective application of the new Local Plan development standards; and
- Developer going beyond the Local Plan requirements to deliver more sustainable forms of development.

2.5 This will ensure that new development:

- is high quality, attractive, safe and well-connected;
- makes efficient use of resources and addresses climate change; and
- improves resident's quality of life, health and well-being.

2.6 The document should be read alongside the National Design Guide (September 2019) which offers general guidance on achieving high quality places and spaces. This SPD does not seek to duplicate the national guidance. Instead, it offers detailed guidance on achieving the required policy standards within the new Local Plan and sets out local design guidance relevant to Chelmsford. It also includes detailed guidance on how to go beyond the Local Plan policy requirements to encourage development to be future-proofed and be as sustainable and energy efficient as possible.

2.7 Throughout the document are diagrams and photographs illustrating examples of good design and practical examples to achieving the required standards, and how to go beyond them. It signposts relevant national and county wide guidance to avoid duplicating information.

2.8 The document is set out in themes and includes guidance which relates to residential, mixed uses, small scale development (residential extensions etc), individual homes and larger major development schemes. Within each theme are clear objectives and more detailed guidance on specific topics. It should be noted that not all topics relate to every type of development. To assist in locating which topic areas are relevant to different development types the table below sets out what needs to be considered, dependent on the development type being considered.

# Making Places - Introduction

Theme/Topic	Development type			
	Residential extensions/ household development	Single dwellings/ small scale development (<10 dwelling units)	Major development (<10 dwelling units)	Mixed use
<b>Natural Environment</b>				
Biodiversity and biodiversity net gain		✓	✓	✓
Green Infrastructure		✓	✓	✓
Flooding/SUDS	✓	✓	✓	✓
Trees and tree planting	✓	✓	✓	✓
<b>Movement</b>				
Walking		✓	✓	✓
Cycling		✓	✓	✓
Public Transport		✓	✓	✓
Parking Standards	✓	✓	✓	✓
Creating a parking space	✓	✓	✓	✓
Car sharing and car clubs			✓	✓
EV charging points		✓	✓	✓
<b>Public Spaces</b>				
Open space		✓	✓	✓
Safety of spaces		✓	✓	✓
Accessibility of public spaces		✓	✓	✓
Public realm			✓	✓
Site planning		✓	✓	✓
Green Infrastructure	✓	✓	✓	✓
<b>Built Environment</b>				
Household Extensions	✓			
Tall buildings		✓	✓	✓

Theme/Topic	Development type			
	Residential extensions/ household development	Single dwellings/ small scale development (<10 dwelling units)	Major development (<10 dwelling units)	Mixed use
Historic Environment	✓	✓	✓	✓
Integrating non-residential uses			✓	✓
Building materials and detailing	✓	✓	✓	✓
Accessibility and security of buildings	✓	✓	✓	✓
<b>Sustainable Design and Construction</b>				
Reduced water consumption		✓	✓	✓
BREEAM		✓	✓	✓
Reducing carbon dioxide and nitrogen emissions	✓	✓	✓	✓
Recycling and waste requirements		✓	✓	✓
<b>Adaptable Construction</b>				
Flexible and adaptable buildings	✓	✓	✓	✓
Space standards	✓	✓	✓	✓

## What is not included

2.9 Guidance which is covered by other existing National, Regional and Local policy/guidance is not repeated in this document. Such documents are summarised in Section 3 – Policy Context, of this SPD.

# Making Places - Introduction

## How to use it

2.10 Part 1 of this SPD sets out the policy background and sign-posts the general design processes which should be followed for any development proposal.

2.11 Part 2 includes theme-based chapters. At the beginning of each of these chapters are the overall objectives for the theme and a section which sets out 'What does success look like?' to guide development proposals. Each chapter also includes a table at the beginning which sets out the topics within the chapter and which types/forms of development the guidance is applicable to. This table also includes how the guidance for each topic contributes to fulfilling the Council's objectives.

2.12 Below the topic title is a list of Local Plan policies which the SPD provides further guidance on. Within each topic the SPD sets out what is a policy requirement as well as other good practice guidance which is strongly encouraged to be followed.

2.13 Each topic also contains key bullet points on the principles to be considered for each topic. Photos and diagrams of good examples are included for reference. Where there is conflict with other guidance elsewhere the SPD guidance should take precedence.

## 3 Policy Context

### National Planning Policy Framework (2019)

3.1 The National Planning Policy Framework (NPPF) puts a strong emphasis on the design of new developments, as well as guidance on how to meet the challenge of climate change.

3.2 Section 12 seeks to achieve well-designed places and paragraph 124 states that 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. It goes on to say that 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.

3.3 Paragraph 127, in summary, states that developments should be:

- Functional over the lifetime of the development
- Visually attractive
- Sympathetic to local character and history, whilst not preventing innovation or change
- Distinctive places to live, work and visit
- Optimising the site's potential to have a mix of uses and support local facilities and transport networks
- Safe, inclusive accessible and promote healthy living.

3.4 *The NPPF (paragraph 130) adds that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.*

### National Planning Policy Guidance (including National Design Guide)

3.5 The National Planning Policy Guidance (PPG) has a section devoted to Design. *It states that "Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations".*



# Making Places - Introduction

3.6 The National Design Guide was published in September 2019 and forms part of National Planning Practice Guide (PPG) and should be read against separate PPG on design process and tools. The National Design Guide supports paragraph 130 of NPPF.

## Local Planning Policy

3.7 At the heart of this SPD is Chelmsford's new Local Plan to 2036. The Local Plan includes nine strategic priorities for Chelmsford that are addressed through the plan. It also contains strategic and local policies which will be used to assess planning proposals, including the production of masterplans for all Strategic Site Allocations within the Local Plan, as well as for all future planning applications. Appendix A of the Local Plan includes some detailed development standards expected for different types of development.

3.8 Throughout the SPD the relevant policies are noted where guidance is applicable to that policy.

3.9 This SPD sets out further detailed guidance for applicants to assist them in ensuring proposals demonstrate compliance with the relevant policies and standards within the Local Plan to ensure the highest quality in design and sustainability of places.

## Other relevant guidance

3.10 The Council's Planning Obligations SPD sets out how some of the requirements in this Making Places SPD will be secured. The two documents should be considered alongside each other.

3.11 There are a number of other relevant policies/standards/benchmarks/strategies which should be considered alongside this SPD. Where there is conflict with these and this SPD, the SPD should take precedence.

3.12 As part of any proposal the following guidance which cover various standards should be reviewed and followed where relevant. The following

guidance is referred to at various places throughout this SPD but a brief summary of the content and key purpose of each is set out below

<b>The National Design Guide -</b> <a href="https://www.gov.uk/government/publications/national-design-guide">https://www.gov.uk/government/publications/national-design-guide</a>	
The guidance under these topics in the National Design Guide is not repeated in this SPD but the Council will expect this guidance to be the starting point for all development proposals to follow	Applicable for all forms/scales of development
<b>TCPA Garden City Principles -</b> <a href="https://www.tcpa.org.uk/garden-city-">https://www.tcpa.org.uk/garden-city-</a>	
Principles built around a Garden City being a holistically planned new settlement which enhances the natural environment and offers high-quality affordable housing and locally accessible work in beautiful, healthy and sociable communities	Encouraged for all strategic scale development proposals
<b>Design Codes –</b> <a href="https://www.gov.uk/guidance/design">https://www.gov.uk/guidance/design</a>	
A set of illustrated design rules and requirements which instruct and may advise on the physical development of a site or area	Encouraged to be submitted as part of planning applications for all strategic scale development proposals
<b>Essex Design Guide -</b> <a href="https://www.essexdesignguide.co.uk/">https://www.essexdesignguide.co.uk/</a>	
Good practice design guidance	Encouraged to be followed by all forms/scales of development. This SPD sets out where the City Council have different requirements to those set out in the Essex Design Guide.
<b>Village Design Statements -</b> <a href="https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/neighbourhood-plans-and-village-design-statements/">https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/neighbourhood-plans-and-village-design-statements/</a>	

# Making Places - Introduction

Informal guidance about the character of a village and its surroundings, offering guidance on how new developments or changes can fit in with the local context.	Applicable to all forms/scales of development within an area which has a Village Design Statement.
<b>Conservation Area Appraisals -</b> <a href="https://www.chelmsford.gov.uk/planning-and-building-control/conservation-areas-and-listed-buildings/conservation-areas-in-chelmsford/">https://www.chelmsford.gov.uk/planning-and-building-control/conservation-areas-and-listed-buildings/conservation-areas-in-chelmsford/</a>	
An appraisal of important features for the 25 conservation areas in Chelmsford.	Applicable to all forms/scales of development within a Conservation Area.
<b>Neighbourhood Development Plans -</b> <a href="https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/neighbourhood-plans-and-village-design-statements/">https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/neighbourhood-plans-and-village-design-statements/</a>	
A planning document which sets out policies for development and use of land in a particular neighbourhood area.	Applicable to all forms/scales of development within a Neighbourhood Plan Area.
<b>Chelmsford Green Infrastructure Strategic Plan 2018-2036 -</b> <a href="https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/evidence-base/">https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/evidence-base/</a>	
Provides a starting point for identifying and targeting gaps in Green Infrastructure provision, providing a framework for new development and determining how existing assets can be used to better effect.	Applicable to all forms/scales of development.
<b>Landscape Sensitivity and Capacity Assessment 2017 -</b> <a href="https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/evidence-base/">https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/evidence-base/</a>	

An assessment of landscape sensitivity and capacity of a number of survey locations across Chelmsford.	Applicable to all forms/scales of development within an assessment location.
<b>Chelmsford Town Centre Public Realm Strategy 2001-2021 -</b> <a href="https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/existing-local-plans/">https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/existing-local-plans/</a> <b>Future updates -</b> <a href="https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/evidence-base/">https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/evidence-base/</a>	
Identifies opportunities for when funding arises, including from development schemes, to improve public realm quality within the City Centre.	Applicable to all forms/scales of development within the City Centre.
<b>West End Vision 2017 -</b> <a href="https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/evidence-base/">https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/evidence-base/</a>	
Identifies opportunities to enhance the area, strengthen its character and address some of the negative aspects of the locality.	Applicable to all forms/scales of development within the West End area of Chelmsford.
<b>Nationally Described Space Standards -</b> <a href="https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard">https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard</a>	
Sets specific internal space standards for rooms in dwellings.	Applicable to all new dwelling units.
<b>Secured by Design -</b> <a href="https://www.securedbydesign.com/guidance/design-guides">https://www.securedbydesign.com/guidance/design-guides</a>	
A police initiative that improves the security of buildings and their immediate surroundings to provide safe places to live, work, shop and visit.	Applicable to all forms/scales of development.
<b>Lifetime Homes -</b> <a href="https://www.lifetimehomes.org.uk/">https://www.lifetimehomes.org.uk/</a>	
Design features which readily allow adaption of dwellings to accommodate changing personal circumstances of occupants.	Applicable to new dwelling units in accordance with the requirements of HO1.



# Making Places - PART 1 - The Design Process

## 4 The Design Process

4.1 This section of the SPD provides guidance on the design process itself. It sets out where to find more information about the processes to follow when designing a development proposal and is applicable to all scales of development.

4.2 The first stage of designing a scheme will always be the site appraisal. The chart below identifies essential steps in the design process from the initial site appraisal to a draft design of a scheme. Further information about this process can be found on the Council's website at: [weblink to follow](#)

Site Appraisal	
<b>Researching the planning context for the site</b> <ul style="list-style-type: none"><li>▪ <i>Relevant Planning policy and guidance</i></li><li>▪ <i>Planning History</i></li></ul> <b>Carrying out a site and context analysis</b>	
<b>Site Analysis</b> <ul style="list-style-type: none"><li>▪ Natural and historic environment<ul style="list-style-type: none"><li>▪ land uses</li></ul></li><li>▪ Movement &amp; Accessibility</li><li>▪ Utilities</li></ul>	<b>Context Analysis/character of the surrounding area</b> <ul style="list-style-type: none"><li>▪ Layout</li><li>▪ Built form and style</li><li>▪ open space/landscape</li></ul>
<b>Identify opportunities and constraints</b>	
<b>Draft design of scheme</b>	

### Other processes to consider when designing a scheme

4.3 As part of any proposal the following processes may also need to be considered for a scheme:

<b>Masterplan Process</b> <a href="https://www.chelmsford.gov.uk/planning-and-building-control/masterplans-for-new-developments-in-chelmsford/">https://www.chelmsford.gov.uk/planning-and-building-control/masterplans-for-new-developments-in-chelmsford/</a>	Required for all strategic scale development
<b>Pre-Application Process</b> <a href="https://www.chelmsford.gov.uk/planning-and-building-control/planning-permission-and-applications/request-planning-advice/">https://www.chelmsford.gov.uk/planning-and-building-control/planning-permission-and-applications/request-planning-advice/</a>	Encouraged for all forms/scales of development
<b>Essex County Council Quality Review Panel</b> <a href="https://www.essexdesignguide.co.uk/qualitypanel/about/">https://www.essexdesignguide.co.uk/qualitypanel/about/</a>	Encouraged for strategic scale, major or complex schemes

# Natural Environment



## Creating high-quality natural environments

**5.1** - Overview

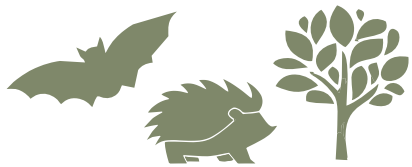
**5.2** - Biodiversity and Biodiversity net gain

**5.7** - Green Infrastructure

**5.10** - Flooding/SUDS

**5.15** - Trees and tree planting





## Natural Environment - Creating high-quality natural environments

### Objectives

- Deliver biodiversity net gain and ecological enhancements
- Use Green Infrastructure to assist in reducing Carbon in the atmosphere
- Using natural processes to protect places from flood risk
- Create a high-quality network of Green Infrastructure
- Provide protection and enhancement to the natural environment

### What does success look like

- Multi-functional green spaces that provide attractive and well-connected Green Infrastructure
- Semi-natural areas that offer informal recreation and protection for species and habitats
- Sustainable urban drainage systems and natural flood defence measures integrated into the built environment that create space for habitat and amenity
- Development that achieves measurable net gains in biodiversity

### Overview

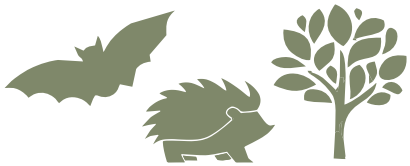
5.1 The term natural environment covers the diversity of both living and non-living features; wildlife, open countryside, rivers, lakes, farmland, woodland and urban green space. It has many different functions which can help to regulate our climate, protect against flooding and includes the essentials for human survival. The natural environment embraces our landscapes and natural heritage and is shaped by how it is managed and maintained. It supports economic growth, health and well-being,

Topic	Development Type				Our Chelmsford, Our Plan objectives			
	Residential extension/ Householder development	Single dwellings/small scale development (under 10 dwelling units)	Major development (10+ dwelling units)	Mixed use	Safer	Greener	Fairer	Connected
Biodiversity and Biodiversity net gain		✓	✓	✓		✓		
Flooding/SUDS spaced	✓	✓	✓	✓	✓	✓		
Green Infrastructure		✓	✓	✓		✓		✓
Trees and tree Planting	✓	✓	✓	✓		✓		

### Biodiversity and biodiversity net gain

NE1 NE2

5.2 The City Council has a Biodiversity Checklist (<https://www.chelmsford.gov.uk/planning-and-building-control/>), which needs to be completed and submitted with all proposals likely to affect protected species, habitats or the features listed in the checklist, and, where necessary, accompanied by an ecological impact assessment when species or habitats have been identified as likely to be affected.



## Natural Environment - Creating high-quality natural environments

5.3 Biodiversity net gain is an approach to embed and enhance biodiversity within development, to leave biodiversity in a better state than before, and ensuring no net loss occurs. All types of development that have an impact on biodiversity, are encouraged to ensure biodiversity net gain through an increase in appropriate natural habitat and ecological features over and above those being affected.

5.4 Biodiversity net gain involves the use of the mitigation hierarchy, first avoiding and then minimising biodiversity loss as far as possible. It uses a metric as a proxy for recognising the negative impacts on habitats arising from development and calculating how much new or restored habitat, and of what type is required to deliver measurable net gains. To assist the Chartered Institute of Ecology and Environmental Management (CIEEM), the Construction Industry Research and Information Association (CIRIA) and the Institute of Environmental Management and Assessment (IEMA) have produced 'biodiversity net gain - good practice principles for development – a practical guide' document, available at: [https://www.ciria.org/News/CIRIA\\_news2/Guidance\\_for\\_Biodiversity\\_Net\\_Gain.aspx](https://www.ciria.org/News/CIRIA_news2/Guidance_for_Biodiversity_Net_Gain.aspx)

5.5 In some circumstances, residual harm remains after avoidance and mitigation measures. Compensating for biodiversity loss in another location should only be a last resort. In these circumstances, biodiversity net gain is therefore delivered through habitat banking – working with partners of specialist banking

brokers to establish or add to biodiversity projects to provide local habitat banking initiative. In Chelmsford, 'The Habitat Bank' has been created to assist with this, available at: <https://www.placeservices.co.uk/what-we-do/natural-environment/habitat-bank/>

### Principles to be considered to incorporate biodiversity net-gain and ecological enhancements:

- Apply the mitigation hierarchy, seek biodiversity gain at each stage (not just at the end). Consider whether the design or layout can be amended to facilitate avoidance measures.
- Avoid losing irreplaceable habitat and biodiversity that cannot be offset elsewhere, such as aged or veteran trees.
- Try and incorporate features of the same or higher biodiversity value as those affected by development. Ensure that lost or damaged features are not replaced by features of lower biodiversity value.
- Avoid fragmenting or isolating habitats, instead enhance connections between sites, either through corridors or through 'stepping stones'.
- Seek ecological enhancements wherever possible, use native tree and hedge planting, integral bird and bat boxes (see figure X below), create connections and guidance systems to support and protect species movement.

5.6 The following are useful examples of how features can be incorporated into the design of any scheme to enhance the ecological offer of a development:

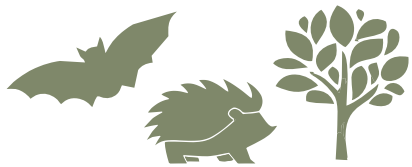
- Bird nest provision should be placed north to north-east facing, in shade and away from windows. Some species nest in colonies (e.g. Sparrow, Swift, Swallow) so nest provision should be installed in groups.



*Figure X: Swift bricks should be installed high up in gable ends or directly under eaves*

- Bat boxes should be installed south to south-west facing 3-5 high away from direct lighting, adjacent to vegetation (connected, commuting corridor) and free from obstruction: further Information can be found at: <https://www.bats.org.uk/ourwork/building-planning-and-development/bat-boxes/putting-up-your-box>





## Natural Environment - Creating high-quality natural environments

- Install guide walls or passageways to prevent access to roadways or use wildlife kerbs to provide a recess around drains to prevent small mammals and amphibians (frogs, toads, newts) falling into gullies and being unable to escape (Figure X below). See ACO for more information: <https://aco.co.uk/wildlife>



*Figure X: examples of guidance systems to help protect small mammals and amphibians*

- Bee friendly planting and bee hotels offer a haven for bees and encourages pollination of plants
- Hedgehog crossings/highways can provide safe routes for hedgehogs to pass through development

### Green Infrastructure

S11

5.7 Green infrastructure is the living network of green spaces, water and other environmental features in both urban and rural areas. It is multi-faceted and can deliver well-connected networks of healthy ecosystems by creating, enhancing, protecting and restoring habitats and features, increasing biodiversity.

5.8 Urban green space allows for species to move around, within, and between towns and the wider countryside. Green infrastructure can improve public health, well-being and quality of life.

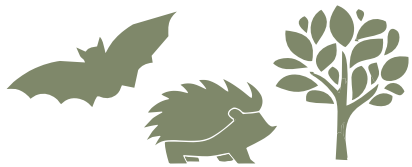
5.9 Lighting within Green Infrastructure should be avoided where possible, but where required for public safety lighting should be kept to a minimum. Low level lights are a preference but higher column lighting is likely to be required for larger cycle and footways in green spaces.



*Figure x Linear Park Beaulieu*

#### Principles to be considered to assist in contributing to suitable Green Infrastructure:

- Assess existing natural landscape features at the outset and design developments around them.
- Important features such as trees and hedges of amenity or ecological value should be celebrated and enhanced.
- Retain key green infrastructure features and improve connectivity to them, for example linear corridors such as hedgerows, rivers/streams, and railway lines.
- Identify connections to the wider landscape with complementary habitats that provide ecological networks through the site and beyond.
- Consider the incorporation of City Greening in all development types, such as green walls and roofs, especially where space is tight for planting on the ground (see figure X below).
- Encourage management and restoration of existing habitats. Look to improve the quality of existing features by better habitat management, such as pond or woodland management.
- Minimise the need for lighting in the natural environment but where it is necessary ensure any lighting is of an appropriate form and positioning to minimise disruption to the natural environment.



## Natural Environment - Creating high-quality natural environments



Figure x: example of a green wall in an urban setting

### Flooding/SUDS

NE3

5.10 The principal method of managing surface water is the use of Sustainable Drainage Systems, SuDS for short. Their role is to manage environmental risk and contribute to environmental enhancement. SuDS mimics natural drainage processes aiming to deal with water as close to the source as possible, rather than conveying surface water elsewhere. To do this a series of drainage techniques are required starting with prevention via source control, site control through to regional control of surface water.

5.11 SUDS have added benefits over conventional underground piped systems of being able to enhance both the private and public realm. They can be a focus point and be multi-functional. As such they make more efficient use of the open space network and provide informal

5.12 Industry guidance and best practice is published by CIRIA at <https://www.ciria.org/>, notably the SuDS Manual C753 which covers the planning, design, implementation and maintenance of SuDS.

5.13 Essex County Council (ECC) as lead Local Flood Authority, is the statutory body for surface water and should be consulted early in the design process. Developments when SuDS are required are:

- 10 or more houses
- A site of over 0.5ha where the number of
- houses is unknown
- A building greater than 1000sqm
- A site over 1ha.

5.14 ECC has produced a guidance document called 'SuDS design advice', which should be followed and is available from: <https://flood.essex.gov.uk/new-development-advice/how-to-design-suds-in-essex>

#### Principles to be considered when designing a SuDS scheme:

- Ensure the scheme protects people and property and flood risk is not made worse elsewhere.
- Ensure health and safety of a scheme while enhancing their visual impact and providing recreational and sociological benefits for the community.

- Consider how the scheme can prevent and treat pollution in surface water runoff, protecting and enhancing the environment and contributing towards Water Framework Directive objectives.
- Maximise the ecological value of a scheme.

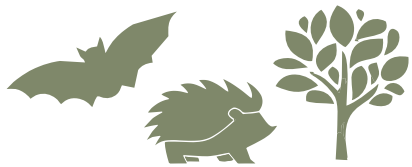
### Trees and tree planting

NE2

5.15 'Soft' landscaping includes trees, hedges, shrubs, herbaceous and ornamental plants, formal and informal grass area, water features and earth modelling. They can enhance the natural environment, provide net gains to biodiversity, support pollinating insects and nesting/foraging birds and mammals. Apart from being attractive and adding character to an area, trees in particular fulfil a large number of ecosystem services. From an urban design point of view, trees can be used for many purposes:

- As a screen to unsightly views
- As a windbreak and to reduce noise
- To filter out air pollution and to provide shade
- As an edge to development to soften it
- As a focal point and to add visual interest
- To provide privacy, and
- To reinforce an avenue or other linear feature such as a park.





## Natural Environment - Creating high-quality natural environments

5.16 For guidance and advice for selecting the right tree, planting and maintenance please refer to: <https://www.barcham.co.uk/guides-advice/>

5.17 Hedges can be planted in single or double staggered rows either as single or mixed species, and can take up as little as 0.5m in width. Single species hedges generally include either Hornbeam, Beech, Yew, Privet, Holly and Box. Mixed species hedges create greater diversity should include at least five to seven species.



Figure X: trees can also be planted for stilted screening (pleached hornbeam hedge).

Hawthorn should be at least 50% of the mix and can be complemented with Hazel, Blackthorn, Dogwood, Field Maple, Holly, Spindle, Guelder Rose and Dog Rose. In non-urban locations none native species, such as conifers and laurel should be avoided.

5.18 The Council has an ambition to plant at least one tree for every existing resident and at least three new trees planted for every new home in the Local Plan to assist in the climate and ecological emergency declared by the City Council on 16 July 2019. Green spaces provided in connection with new housing development should include the planting of three trees per net new dwelling.

### Principles to be considered when selecting trees and hedges to plant:

- Consider the ultimate height and spread of a tree. What type of canopy will suit the area: upright, spreading, conical, oval, fastigate? Will it cause shading to a building or spaces in the future or require continual maintenance (pruning) to manage its size.
- Avoid planting large trees on a southern boundary due to shading, if necessary, plant trees that provide a light and dappled canopy. Try and avoid selecting trees that drop fruit, seeds and nuts or excrete sap adjacent to parking spaces and footways.
- What will the desired effect be? Will it be to create an avenue, impressive and long-lasting results, enhance a theme or simply provide interest.
- Do the trees or hedges need to be evergreen, provide all year round interest (bark, fruit, flowers), need to provide a screen.

- Understand the soil conditions and the character of the local area when selecting species, is the ground wet or near a river, is it a rural location, are the species surrounding the site native. Street trees should have either a suitable root barrier or be planted with root deflectors to protect against future damage to services, cables and pipes.
- Using native species where possible and incorporate measures to enhance biodiversity. To increase diversity include a range of different species to make the landscape resilient to future potential threat from pest and disease. In an urban setting, select species that are appropriate to the location, are pollution tolerant, can tolerate long periods of drought and are resilient to a changing climate.
- Avoid plants that are likely to grow high and obstruct sightlines, spread over footpaths or cycle ways etc.
- The best time of year to plant is October-March inclusive, as most plants are dormant and will not suffer stress through lack of water or extreme heat.
- Ensure a suitable maintenance programme for all trees and hedges is included for any scheme.
- Ensure appropriate fire breaks are retained in large scale tree planting schemes.
- All new housing development should seek to plant three trees per net new dwelling.

# Movement



Providing access to a choice of safe, convenient and sustainable modes of travel for all

- 6.1 - Overview
- 6.2 - Walking
- 6.5 - Cycling
- 6.15 - Public Transport
- 6.19 - Parking Standards
- 6.21 - Creating a parking space
- 6.24 - Car sharing and car clubs
- 6.26 - EV Charging points







## Movement - Providing access to a choice of safe, convenient and sustainable modes of travel for all

### Objectives

- Create spaces and places which put public transport before the private car
- Ensure safe and accessible cycle and pedestrian routes are at the heart of place making
- Provide suitable, well designed and integrated parking spaces for all modes of transport

### Overview

6.1 The provision of spaces and places that can offer improved access to sustainable modes of transport can result in a decrease in traffic congestion which helps to reduce harmful emissions to the environment and all living within it. In addition, high-quality walking and cycling routes that enable and encourage residents and visitors to use them more readily also offers wider health benefits to those choosing to use them.



### What does success look like

- Car free streets/shared surfaces where appropriate by (i) lowering traffic levels to create more community interaction and promote more physical activity, (ii) creating places where through traffic is removed or reduced and (iii) delivering networks of quieter streets where walking and cycling are encouraged, children can play, community interaction is fostered and air pollution is reduced.
- Accessible cycle and footpaths with suitable surfaces and lighting to provide year-round safe routes which connect to relevant destination points
- Dedicated bus gates/cycle/pedestrian route to enhance public transport options
- Suitable and convenient bicycle parking and storage for residents and visitors
- Development where car parking is well integrated and does not dominate the street
- Provision of EV charging points for residents and visitors

Topic	Development Type				Our Chelmsford, Our Plan objectives			
	Residential extension/ Householder development	Single dwellings/small scale development (under 10 dwelling units)	Major development (10+ dwelling units)	Mixed use	Safer	Greener	Fairer	Connected
Walking		✓	✓	✓	✓	✓	✓	✓
Cycling		✓	✓	✓	✓	✓	✓	✓
Public transport		✓	✓	✓	✓	✓	✓	✓
Parking standards	✓	✓	✓	✓	✓			
Creating a parking space	✓	✓			✓	✓		
Car sharing and car clubs			✓	✓	✓	✓		✓
EV charging points		✓	✓	✓	✓	✓		



## Movement - Providing access to a choice of safe, convenient and sustainable modes of travel for all

### Walking

CF1 MP1 MP2 MP3 MP4 MP5

6.2 All proposals should include walking routes to, from and within the development site. The starting point should be the consideration of existing connections and whether these are the most appropriate routes of if they can be improved.

6.3 Networks of routes for pedestrians, should provide permeability and connectivity, follow obvious desire lines and be designed to create a sense of journey promoting attractive green links where possible, and preserving and enhancing existing ecological assets.



6.4 The need for sites to connect to the wider network beyond the site should be considered

from the outset. Destination points and the ability to access these through walking routes should be considered, as well as connecting to the wider recreational and leisure routes.

#### Principles to be considered regarding walking routes

- Routes should be provided with lighting, where this is appropriate and have natural surveillance; unnecessary light pollution should be avoided.
- Surface materials require careful consideration; these should have regard to the setting, urban or rural, and be influenced by the character of the spaces they pass through.
- A legible hierarchy of routes is necessary within larger sites.
- Primary paths should provide direct connections to key destinations within the development eg: neighbourhood centres, schools and community facilities. A uniform surface should be applied to create an identifiable route throughout the development.
- Secondary paths can provide recreational routes linking areas of open space; these should be provided with a consistent surface finish, again to aid legibility.
- Road crossings should be safe, but not require pedestrians to divert from direct routes, or cause excessive delays to their journeys.
- Walking routes should be included within a network of Green Infrastructure, where possible to offer increased well-being and access to green space.

### Cycling

CF1 MP1 MP2 MP3 MP4 MP5

6.5 All development for net new residential and non-residential uses should consider the Essex Cycling Strategy and the Chelmsford Cycling Action Plan in terms of how their proposed development could feed into the wider cycle network as well as provide improvements to it. In addition, all new development should accommodate cycle storage.

6.6 All major development sites will be required to provide necessary improvements to the wider cycle network to enable more useable connections to destination points relevant to the development's locality. This may be in the form of new routes and plugging missing gaps in existing routes, improved signage, lighting or surfaces to existing routes. On-site network provision and safe and convenient connections to the existing network should also be at the heart of the design of any development.

6.7 Consideration should be given regarding the type of cycle route and as to whether it is appropriate to be a shared route, with pedestrians, horse riders and other users. Key routes designed to promote cycle use as an alternative to the private car may be more appropriate to be provided as segregated cycle routes to avoid conflict with pedestrians and other users. Other routes are expected to be provided as shared routes in accordance with Essex County Council guidance. Such multi-user routes



## Movement - Providing access to a choice of safe, convenient and sustainable modes of travel for all

should be provided without division by white lining or changes in levels. Good examples of multi-user routes include 'Flitch Way' in Braintree District.



Figure X : Flitch Way multi user route

6.8 The Essex Design Guide provides further detailed information on how to create safe and suitable routes for cyclists. This should be read in conjunction with the 'Highways Technical Manual', which provides specific technical guidance on how to build a layout in compliance with Essex Highways and 'Manual for Streets' standards. For further guidance on these please see:

<https://www.essexdesignguide.co.uk/>

6.9 Cycle storage should be provided for all types of development. The standards for cycle parking are set out within the Essex County Council Parking Standards Design and Good Practice 2009. They are listed within this document as standards by Use Class. Below is a table showing the most common types of development.

Development type	Minimum provision
Dwelling houses (including flats/apartments)	None if garage or secure area is provided within the curtilage of a dwelling, otherwise 1 secure covered space per dwellings plus 1 space per 8 dwellings for visitors
HMO's	1 Cycle space per bedroom
Retirement developments (e.g warden assisted independent living accommodation)	1 Space per 8 units (for visitors)
Non-residential institutions	1 space per 4 members of staff
Residential institution	1 space per 5 members of staff

### Non-residential cycle storage

6.10 There are a variety of forms of cycle storage that can be provided. For non-residential uses a communal facility is usually the best. In City Centre locations near transport nodes a multi-tier facility may be the best use of space to maximise usage. Consideration should also be given to the inclusion of cycle storage near to bus stops to provide an enhanced offer to enable cycling to/from a bus stop to home/work. Consideration should be given as to whether such storage is offered as both paid for and free storage.



Figure x. Free cycle storage at Chelmsford Train Station





## Movement - Providing access to a choice of safe, convenient and sustainable modes of travel for all

6.11 All communal cycle storage facilities, both residential and non-residential, should be well designed and in a safe and convenient location, well sign-posted, well light, secure and ideally covered. The convenience of their locality should be above that of the private car.

6.12 Where there is insufficient external space to provide cycle parking internal solutions should be considered.



Figure x. A secure commercial cycle store

### Residential cycle storage

6.13 Cycle parking for individual houses should be provided in garages or sheds and ensure that they can be accessed without the need to take the bicycle through the house. For flat/apartments, cycle storage should be secure and covered, benefit from natural surveillance and conveniently located and easily accessible.

Cycle parking should be integrated into the design of the scheme at an early stage.

6.14 As an example of best practice, cycle parking can be included within the floor space of the building as this offers the most secure and convenient method of storage for residents. As a minimum it is recommended that, a secure and covered area should be provided. This could be attached to the building, within the garden or within underground parking courts.

#### Principles to be considered regarding cycle provision

- On-site network provision and safe and convenient connections to the existing network should be at the heart of the design of any development.
- Consider the **Essex Cycling Strategy** and the **Chelmsford Cycling Action Plan** in terms of how development could feed into and improve the wider cycle network.
- Ensure there is signage, lighting or surfaces to all routes.
- Cycle storage should be provided for all types of development.
- All cycle storage should be well designed, in a safe and convenient location, well sign-posted, well light, secure and ideally covered.
- The convenience of the locality of cycle storage should be above that of the private car.

## Public Transport

CF1 MP1 MP2 MP3 MP4 MP5

6.15 Major new developments should be designed to accommodate a bus service, which is attractive to passengers and efficient for the service operator. Routes need to be protected from delays caused by other traffic; this may mean installing on-street parking restrictions. Fixed infrastructure, such as bus gates may be necessary, in some instances, to achieve preferential routing and faster journey times. Essex County Council Highways and the local bus service operator should be involved in the scheme layout and positioning of bus routes and stops at an early stage.

6.16 All new developments should aim to provide bus routes within 400m or a 5 minute walk of all dwellings.

6.17 The location of bus stops should relate to the footpath and cycle network and key destination points within the development; they are generally best located at significant points of pedestrian and cycle movement.

6.18 The scheme layout should acknowledge the presence of bus stops by widening the footway and providing lighting; they should be overlooked and suitably prominent but without being intrusive to the street scene.



## Movement - Providing access to a choice of safe, convenient and sustainable modes of travel for all



### Principles to be considered regarding public transport provision

- The local bus service operator should be involved in the scheme layout and positioning of bus stops at an early stage.
- The location of bus stops should relate to the footpath network and key destination points within the development.
- Footways should be widened, and lighting provided at bus stops and they should be overlooked and suitably prominent but without being intrusive to the street scene.
- Bus stops should be provided within a shelter for waiting passengers.
- The inclusion of electronic bus timetables is encouraged as part of any new bus

### Parking Standards

CF1 MP1 MP2 MP3 MP4 MP5

6.19 All developments should comply with Essex County Council's parking standards. The standards include both design and layout advice for different types of parking solutions and parking standards across the full range of use classes. For further information the parking standards can be found at:  
<https://www.essexdesignguide.co.uk/media/1960/essex-parking-standards.pdf>

6.20 Parking standards may be more relaxed in urban locations with high levels of public transport accessibility. In such locations walking, cycling, public transport and car sharing should be encouraged as alternatives to the private car.

- Double garages need to be at least 7m x 6m internally where they will count as two parking spaces
- Garages should be set back from the property boundary by at least 6m or otherwise no more than 0.75m to prevent parked cars overhanging or blocking footways and shared surfaces
- Car ports and car lodges count as parking spaces, provided they measure at least 5.5m by 2.5m internally. An additional 0.5m should be provided where the space is located adjacent to a wall, hedge or supporting pillar

### Principles to be considered for creating parking spaces

- Be safe and secure with good lighting and natural surveillance
- Hard and soft landscaping should be used to control on street parking
- Large parking courts and long stretches of on street parking are to be avoided
- Parking courts are the least preferred option; if they are necessary, they should have direct access to the dwelling they serve not be surrounded by high walls and not serve more than 6 dwellings
- Streets should not be dominated by parking to the front of houses or large expanses of garage doors
- An allowance should be made for visitor parking in sensible places by making the road suitably wide enough for cars to pass and visitors to park.
- Parking spaces within parking courts should be delineated by means of numbered plates or a sensitive change in material eg: with a brick paved parking court, by a line of paviors laid in stretcher course at right angles to the main pattern. White lines should not be used so that parking courts read as pleasant hard and soft landscaped spaces when free of cars.





## Movement – Providing access to a choice of safe, convenient and sustainable modes of travel for all



Figure X. A metal parking bay plaque – Hall Street Chelmsford (Former Essex & Suffolk Water Offices)

### Creating a Car Parking Space

CF1 MP1 MP2 MP3 MP4 MP5

6.21 If paving over an area of your garden to create off-road parking consider it should not harm the character of the street, increase flooding or pollute drains. Consider permeable paving and/or a natural runoff such as a soakaway which allows rainfall to be absorbed into the ground. The use of grasscrete or other permeable materials can provide for additional parking without the need for hardstanding.

6.22 Whether planning permission is required is dependent on the size and type of hardstanding proposed and whether runoff can drain naturally or not. Please refer to the Planning Portal for up-to-date guidance:

<https://www.planningportal.co.uk/>

6.23 For those areas of hardstanding that require planning permission the following guidance should be considered:

#### Principles to be considered for creating an off-road parking space

- Minimise hard surfacing, especially hard, impermeable surfacing
- Minimise the length of dropped kerbs in order to retain as much street parking as possible
- Retain as much as possible of any original walls, fences, railing, hedges, shrubs and trees (see Figure x below)
- Include generous planting
- Fit the car entirely within the front garden without overhanging the pavement
- Allow enough room to get in and out the car without using neighbouring land
- Ensure 1.5 x 1.5 visibility splays in both directions
- Seek advice from the City Council before altering a garden at a listed building

### Car sharing and car clubs

CF1 MP1 MP2 MP3 MP4 MP5

6.24 The City Council requires the use of car clubs on some of its larger strategic site allocations and encourages them to be provided

in other accessible locations. Car clubs provide a convenient and environmentally sound alternative to car ownership for residents by offering a car for use when you need it on a rental type basis. These are encouraged to serve a wider population. The intention is that in time a cluster of cars will be available in the City Centre for use of both residents and businesses on and off a site.



Figure x. City Park West development car club

6.25 The City Park West development in the City Centre, has such a car club which is open to all. For more information on how it functions and if you are interested in using it please visit:

[www.enterpriseclub.co.uk](http://www.enterpriseclub.co.uk)



## Movement – Providing access to a choice of safe, convenient and sustainable modes of travel for all

### Principles to be considered for car sharing and car clubs

- When designing a scheme consideration should be given to ensuring there are sufficient spaces for car club vehicles provided in a convenient and appropriate location within a development scheme to assist in promoting their use.

## 6.8 EV Charging points

CF1 MP1 MP2 MP3 MP4 MP5

6.26 The provision of EV charging points assists in encouraging the use of more environmentally friendly modes of travel, which assists in the reduction in emissions. This not only helps in combatting climate change but also offers increased public health benefits as a result of the reduction in harmful pollutants into the air we breathe.

6.27 All new residential properties, including conversions of buildings to residential, should provide EV charging points in accordance with the requirements of Policy Mp3. In accordance with Policy MP3 one electric charging space, should be provided for every 10 spaces.



Figure x. EV charging points

6.28 The provision for additional future electric charging infrastructure is also encouraged in addition to these policy requirements. This means having the necessary servicing infrastructure in place to enable charging points to be readily connected within the development at a later date.

6.29 Extensions or alternations to existing buildings, both residential and non-residential, are encouraged to consider the installation of EV charging points, or as a minimum designed with flexibility to accommodate EV charging points in the future by including the necessary servicing infrastructure is in place to enable charging points to be readily connected.

6.30 There are three types of electric vehicle chargers; rapid, fast and slow. Slow chargers are best for charging overnight and would be suitable for home use. Fast chargers can fully charge some models in 3-4 hours. Rapid chargers can charge an electric vehicle to 80% in around 30 minutes. Fast and rapid chargers are likely to be more suitable for new non-residential schemes.

6.31 For an interactive map on the location of existing charging points for public use as well as a general guide to EV Charging visit: <https://www.zap-map.com/>

6.32 Further information on EV charging point can be found in the Essex Design Guide at: <https://www.essexdesignguide.co.uk/>

### Principles to be considered for the provision of EV charging points

- For all new non-residential buildings electric charging points for vehicles should be clearly signed/demarcated and located close to the main entrance for staff/visitors and on appropriate and attractive pedestrian routes.



# Public Spaces



Providing a variety of safe, attractive and accessible public spaces that also help enhance the communities health and well-being

7.1 - Overview

7.2 - Open Space

7.13 - Safety of spaces

7.15 - Accessibility of spaces

7.18 - Public realm

7.25 - Site Planning

7.32 - Green infrastructure







## Public Spaces - Providing a variety of safe, attractive and accessible public spaces that also help enhance the communities health and well-being

### Objectives

- Create a range of accessible and safe green space for all
- Ensure all public spaces are safe
- Create interest through public realm
- Create well-designed streets for all users
- Provide opportunities to build healthier communities

### What does success look like

- Multi-functional open spaces which combine equipped play and leisure areas for informal and formal sports year round
- Spaces designed to provide natural surveillance and appropriate lighting to reduce crime and fear of crime
- Spaces to be well-connected to local service and facilities
- Public realm to include local art designed into the street to offer interest and/or practical assistance to residents/visitors
- Suitable surfaces to ensure access for all, whilst still highlighting important differences in use of spaces
- Appropriate trees and planting are integrated into the street and feed into the wider Green Infrastructure network

- Appropriate spaces provided to assist with food production and education e.g. community gardens, orchards and allotments
- Integrated sustainable urban drainage
- New public spaces maximise existing natural features such as waterway frontages and they are designed into spaces from the outset

### Overview

7.1 Public spaces are multi-functional and provided for the benefit of all to enjoy. They not only help create attractive, safe and enjoyable spaces to move within but also provide functional space for sports, ecology and general leisure/play uses. Public spaces also offer an important resource to assist in providing a healthy community. Alongside this, public spaces need to respect the environment and offer opportunities to improve the health and well-being of its users.

Topic	Development Type				Our Chelmsford, Our Plan objectives			
	Residential extension/ Householder development	Single dwellings/small scale development (under 10 dwelling units)	Major development (10+ dwelling units)	Mixed use	Safer	Greener	Fairer	Connected
Open space		✓	✓	✓	✓	✓	✓	✓
Safety of spaces		✓	✓	✓	✓		✓	✓
Accessibility of public spaces		✓	✓	✓	✓	✓	✓	✓
Public realm			✓	✓	✓	✓	✓	✓
Site Planning		✓	✓	✓	✓	✓	✓	✓
Green Infrastructure	✓	✓	✓	✓	✓	✓	✓	✓



## Public Spaces - Providing a variety of safe, attractive and accessible public spaces that also help enhance the communities health and well-being

### Open space

MP1 MP2

7.2 Open spaces come in many different forms. They can be small green verges which can simply offer a pleasant space and environment around a development, to large multi-functional parks and more formal play and leisure spaces.

7.3 The Local Plan sets out the space standards of open space required by all developments at Appendix A. This provides for all forms of public open space from play spaces, parks, sports pitches and allotments. The provision of all these types of spaces provides for all generations and needs of the community and connects communities together. It is important to consider the needs of different groups in the community. For example, the inclusion of suitable youth shelters within open spaces or dementia friendly spaces are means to address these needs. The Planning Obligations SPD includes detailed information on the management expectations of such spaces (add weblink)

7.4 It is expected that all strategic open spaces should be accessible to all the community. The inclusion of appropriate routes through and around parks and open spaces should be considered at an early stage of the design process. Where the use of open space means it could be a destination point, e.g. sports pitches, their connection to public transport routes should be considered and suitable links and access

points put in place to encourage access to spaces via public transport connections.

7.5 The materials used for public routes should be appropriate to their setting, while offering safe and year-round access for all.



Figure x: Multi-functional green space in Bell Meadow

7.6 Lighting should also be a consideration. Spaces and cycle/footpath routes to them should balance the need for safety as well as minimising lighting pollution. Solar powered lighting or other renewable energy options to power any lights are encouraged to be explored for all public open spaces provided.

7.7 Lighting and other items such as dog bins and wayfinding signs should be in place within public open spaces from the early stages of development.

7.8 Where public spaces include waterways within or adjacent to them consideration should

be given as to how to incorporate these into a scheme. Suitable river crossings and safety measures should be considered, and opportunities to enhance the leisure offers available from the waterways is encouraged. These should be balanced alongside the need to protect and enhance the habitats within the waterways.



Figure x: Green spaces interacting with the rivers and providing suitable river crossings to connect spaces

7.9 To meet the standards expected by the Council green spaces should be designed from the outset to meet the quality mark of the 'Green Flag Award'. For more information on this visit: <http://www.greenflagaward.org.uk/>

7.10 The use of green spaces for community food production should also be considered. The Essex Design Guide contains useful guidance on how to incorporate food production into development schemes <https://www.essexdesignguide.co.uk/>



## Public Spaces - Providing a variety of safe, attractive and accessible public spaces that also help enhance the communities health and well-being

7.11 Sustainable Urban Drainage Systems (SuDS) can be included within open spaces where they can offer ecological interest, enhance both the private and public realm, and be multi-functional. The use of SuDS is covered further in the Natural Environment section of this SPD.

7.12 Consideration should also be given to the planting within all open spaces. Low maintenance plants which offer year-round interest are encouraged. The inclusion of flowering plants which are favoured by bees is encouraged.

### Principles to be considered for all spaces:

- Developments should ensure appropriate levels of Open Space are provided in accordance with the City Council's standards.
- Ensure all public open spaces are accessible to all and well connected
- How any waterways can be incorporated into spaces.
- Consider the appropriate use of materials and lighting for spaces.
- Consider incorporating spaces for community food production in development schemes.
- Consider the incorporation of Sustainable Urban Drainage Systems within open space.

## Safety of spaces

MP1 MP2



Figure x: Homes overlooking open spaces at Beaulieu

7.13 Good places are safe and secure. Policy MP1 of the new Local Plan requires that all new buildings and extensions create safe environments. Safety and security stem from good site planning and careful design of buildings and spaces.

7.14 Secured by design ([www.securedbydesign.com](http://www.securedbydesign.com)) offers useful and detailed guidance on security relating to different types of developments. The website includes a series of guidance documents that provide step to step guides on how to include security in development proposals.

### Principles to be considered for all spaces:

- Avoid aggressive security measures that give the impression that an area is particularly susceptible to crime.
- Ensure roads, cycle ways and footpaths are comfortable to use, direct, well-lit and overlooked.
- Communal spaces are easy to access, overlooked, well lit, attractive and defined by buildings.
- Landscaping is well defined and easy to maintain. Street furniture is robust, and its location carefully considered.
- There are clear boundaries between public and private space.
- There are a mix of uses to ensure activity throughout the day.
- Public entrances are well visible.

## Accessibility of Public Spaces

MP1 MP2

7.15 An inclusive environment acknowledges diversity and can be accessed and used by everyone, including those with sensory or physical disabilities, families with small children and ethnic minority groups. It encompasses where people live, the public buildings they use and how they get around.





## Public Spaces - Providing a variety of safe, attractive and accessible public spaces that also help enhance the communities health and well-being



Figure x: Public spaces within City Park West development

7.16 Barriers to inclusion should be identified as early as possible within the design process. Proposals should consider the needs of all users of the public realm, in particular at the interface of the public realm and new buildings. The public realm is a term used to include the spaces around and between buildings that are accessible to all such as streets, cycleways, footpaths, squares and parks.

7.17 Large scale developments are encouraged to design a scheme in accordance with the City Council's Livewell accreditation. This scheme has been developed to recognise the wider factors that impact on health and wellbeing. These include access to healthier food, support for local employment and education facilities and inclusive communities. For more information go to <https://www.essexdesignguide.co.uk/>

The following key principles are at the heart of inclusive design and should be considered by all planning proposals:

### Principles to be considered for all spaces:

- Include easily accessible public transport connections with bus shelters
- Include safe and convenient footpath and cycleways
- Make routes direct and include seating areas along the route
- Avoid steep gradients and using dropped kerbs where appropriate
- Incorporate ramps as well as or instead of steps if there is a gradient
- Avoid loose surfacing materials Incorporate tactile surfaces in street design
- Avoid clutter and be careful with positioning and visual contrast of street furniture
- Ensure appropriate lighting and good signage is installed
- Use built form or design devices to make places and routes memorable
- Provide Blue Badge parking spaces and drop off spaces close to entrances
- Large scale developments are encouraged to design places to adhere to the City Council's Livewell accreditation

## Public Realm

MP1 MP2

7.18 The public realm provides the setting for everyday life where people live, work and play. It gives character and identity to a place and also provides an opportunity for using sustainable modes of transport including walking, cycling and public transport.

7.19 The public realm should be designed and managed to enrich people's experience, it should allow for movement and interaction, make people feel safe and comfortable, and it should be easy to maintain. Public realm should be:

- Public realm should be:
- Accessible
- Safe
- Useful
- Attractive and uncluttered
- Long lasting
- Promote healthy living

7.20 Public art helps create distinctive places and give them character. Public art also provides enjoyment, adds prestige to a development and can provide an educational opportunity.

7.21 Public art can take a variety of different forms and use different mediums. It should be integrated into the architecture or landscape design to complement buildings and spaces.



**Public Spaces** - Providing a variety of safe, attractive and accessible public spaces that also help enhance the communities health and well-being



Figure x: Half moon Square in the City Centre

7.22 Public art is required to form part of major development proposals in accordance with Policy MP2 of the Local Plan. A Public Art Strategy or statement should be included in the planning application for any type of public art. This could form part of the Design and Access Statement. This document should outline the intention of the public art, the medium proposed and potential locations, budget, any consultation carried out and the artist selection process. Artists should be engaged at an early stage in the design of a development and work together with the developer, the architect, landscape designer, the City Council and representatives of the local community.

7.23 The City Council works with developers to ensure new public realm is delivered as part of an overall design approach to site development.

Essex County Council as Highway Authority may adopt part of the public realm including new roads (dependent on their use), cycle ways, walkways and communal parking spaces. The rest of the public realm will typically be the responsibility of a private management company.

7.24 The Design and Access Statement should set out the future on-going maintenance of the public realm.

- **Principles to be considered for all public realm:**
- Future maintenance of public realm forming part of a development proposal needs to be considered with each aspect of the design.
- Ease of maintenance should be considered in the design of all public realm.
- Public art should be integrated into the architecture or landscape design to complement buildings and spaces.
- Artists should be engaged at an early stage in the design of a development.

## Site Planning

MP1 MP2



Figure x: Development at Channels

7.25 The layout of all schemes should consider the intended function of spaces and streets from the outset. Streets should be designed with the principle of inclusivity with pedestrian and cyclist at the heart of the design. Schemes should encourage healthier lifestyles and ensure that the spaces provide physical accessibility to people of all ages, including those with disabilities.

7.26 How pedestrians and cyclists interact with vehicular traffic will be key to ensuring safe and usable routes for all. The use of materials in the design of streets can assist in making spaces more useable as well as providing attractive spaces and places.



## Public Spaces - Providing a variety of safe, attractive and accessible public spaces that also help enhance the communities health and well-being

7.27 Care should be given to surface materials to ensure these respond to the built form and character of the area. The materials should unify the space between buildings and be robust enough to withstand continuous use. Consistent materials should be used within the areas of adopted highway within larger developments, across all phases.

7.28 To ensure road crossings are safe for all users and complies with Highway standards, red paving should only be used at controlled crossings; buff paving can be used for all other forms of crossing. Tactile paving may exactly match the surrounding paving, in special areas, as per Conservation Areas, to create character; in these situations, a colour contrast may be achieved by means of a flush kerb at the road edge.

7.29 Boundaries are important in defining the character of a place and the quality of a street, particularly, where private land meets a public street; boundaries should take the form of brick walls, or walls with railings, thick hedges, or special timber fencing. Brick walls, should, where possible, flow from the face of the building in the same material. Timber garden fences normally used to separate private gardens, should not be used on highway edges or visible back of parking courts. Boundary features should be set at least 450mm from the carriageway shared surface and the margin paved in the same surface material, where practicable, with demarcation markers.

7.30 Street clutter can have an eroding effect on the appearance of a street. The need for signage, lights, railings and any other equipment, including post boxes should be considered from the outset in the design of spaces to ensure spaces are attractive as well as being safe for all users.

7.31 Feature lighting can be sensitively used to highlight public art works or trails, specific buildings, individual groups of trees or areas of landscaping and elements such as water features.

### Principles to be considered for site planning:

- Scheme layouts should consider the function of a street and recognise the importance existing landmarks and the design and scale of new and existing buildings can play in establishing character.
- Explore opportunities for introducing a range of activities within spaces to create interesting streets which can encourage walking and cycling. Ensure the spaces provide physical accessibility to people of all ages, including those with disabilities.
- The type of road and the nature of pedestrian movement should be considered at road junctions to ensure they are designed for pedestrian priority.
- No blister tactile paving should be used on residential side streets.

- Tactile paving colours should follow national guidance.
- Surface materials should respond to the built form and character of the area.
- Permeable paving should be used around trees, such as permeable resin-bound or a metal tree grille.
- Boundaries should use suitable materials to appropriately define spaces. The overuse of traffic signage and related equipment, inappropriate use of guard railing and poorly sited street furniture should be avoided.
- Street furniture should be high quality, robust and attractive, respond to the character of the space within which it is located and be appropriately positioned to ensure optimum use and benefit.
- Lighting should be positioned on buildings, where possible, and designed to enhance the quality of the street and encourage the use of spaces in the evening, as well as during the day.
- Lighting in rural areas should be carefully considered to ensure it provides the necessary illumination without compromising the rural character of the locality.





## Public Spaces - Providing a variety of safe, attractive and accessible public spaces that also help enhance the communities health and well-being



Figure x: Lighting on a path at City Park West Development

### Green Infrastructure

MP1 MP2

7.32 Multi-functionality is central to the Green Infrastructure concept and approach and is viewed as essential to supporting natural and

ecological processes, health and wellbeing and achieving sustainable communities. Green infrastructure should thread through all new developments, connecting a scheme with its surroundings, neighbouring areas of parks and gardens, open spaces and existing green corridors. Green spaces can deliver habitat, provide access to nature for all, offer recreational and leisure opportunities which contribute to the community's health and well-being, provide a landscape setting to development, offer flood attenuation and opportunities for water resource management.

7.33 The provision of green infrastructure, at a wider scale, can contribute to local identity and landscape character.

7.34 Opportunities to retrofit green infrastructure within urban environments should be explored for all development types; in this respect consideration could be given to the use of roof gardens, green roof systems, the integration of swales within streets, tree planting, the management of verges and areas of green space to enhance biodiversity and opportunities to enhance landscape character and biodiversity. More detailed information regarding ways to incorporate Green Infrastructure and how to ensure development provides links to it view the City Councils Green Infrastructure Strategic Plan which can be found at: <https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/evidence-base>



Figure x Multi-functional green infrastructure at ARU Campus

#### Principles to be considered for Green Infrastructure:

- Does the development protect and enhance existing environmental assets whilst also establishing new ones?
- Are there opportunities to strengthen green links between new and existing development and with the surrounding countryside. Are there opportunities to increase ecological connectivity and deliver high quality green space and landscapes which benefit both wildlife and people.
- Are there opportunities for green spaces to be used to provide water attenuation benefits and reduce flood risk.

# Built Environment



## Delivering high quality design

### 8.1 - Overview

### 8.2 - Household Extensions

### 8.9 - Tall Buildings

### 8.24 - Historic Environment

### 8.47 - Integrating non-residential uses

### 8.50 - Building materials and detailing

### 8.57 - Accessibility and security of buildings







## Built Environment - Delivering high quality design

### Objectives

- Integrate new development with its surroundings and make a positive contribution to the built environment
- Ensure tall buildings relate to enhance the overall cityscape
- Ensure Heritage Assets are appropriately protected/enhanced
- Ensure household development relates to the main building and reflects its locality.

### What does success look like

- High quality new development which creates places with character and identity
- High quality form, detailing and materials are used in the construction of all development to complement the surroundings and ensure safety and accessibility for all
- Well shaped cityscape with careful siting, scale and design of tall buildings
- Historic Assets are protected proportionately to their significance
- Household development follows local design requirements and fits comfortably within the surrounding area

### Overview

8.1 The design and detailing of new development affects the quality of peoples' living environment and the enjoyment and sense of place. This includes the type of materials used, the design of the buildings and the spaces around them. The design and use of both buildings and their surroundings, will impact on their success, as well as the safety and usability of places for all users. In addition, the impact on the historic and natural environment needs to be balanced to ensure it is protected and enhanced.

Topic	Development Type				Our Chelmsford, Our Plan objectives			
	Residential extension/ Householder development	Single dwellings/small scale development (under 10 dwelling units)	Major development (10+ dwelling units)	Mixed use	Safer	Greener	Fairer	Connected
Household extensions	✓					✓		
Tall buildings		✓	✓	✓	✓			
Historic environment	✓	✓	✓	✓		✓		
Integrating non-residential uses			✓	✓	✓	✓	✓	✓
Building materials and detailing	✓	✓	✓	✓	✓	✓	✓	
Accessibility and security of buildings	✓	✓	✓	✓	✓		✓	✓



## Built Environment - Delivering high quality design

### Household Extension

MP1 PA1 CO6 CO7

8.2 The vast majority of planning applications submitted to the City Council are for householder developments, where policy MP1 applies. Appendix A - Development Standards in the new Local Plan, covers issues such as privacy and proximity standards. This section gives brief guidance on the two types of common householder developments:

- Side extensions
- Roof extensions

8.3 It should be noted that in more sensitive areas, such as Conservation Areas, stricter controls may apply and pre-application advice from the Councils is encouraged.

#### Side extensions

8.4 Side extensions can have a significant effect on the external appearance of a property as they usually affect the main public elevation of a house. Cumulatively they can have a considerable impact on the character of an area. Some side extensions, especially single storey side extensions, are considered to be permitted development, hence the development can be carried out without a planning application being required. Please refer to the Planning Portal for up-to-date guidance on what requires planning permission: <https://www.planningportal.co.uk/>

8.5 All extensions, regardless of whether they require planning permission, should follow the principles set out below:

#### Principles to be considered for side extensions:

- The type of extension should relate well to the host building:
  - extensions should be subservient to the host building. This means they would be visibly modest in size and height in comparison to the building but follow a similar style of detailing. Subservient extensions should appear as a distinct element and not unbalance the building. See Fig x.
  - seamless extensions can be appropriate in some circumstances. They should not unbalance the host building, and the overall fenestration (door and window positions) and materials used should match the host buildings.
  - extensions, such as cross-wings, which project forward and/or backward of the original building might be acceptable depending on the form and style of the host building and relationship of resulting character to neighbouring buildings and the street.
- The roof form and bulk of the extension should relate well to the host building for example by using a ridged roof with a gable where gables are dominant in the main house.

- The fenestration, external materials and detailed design of architectural elements of the extension should be sympathetic to the existing building.
- The extension should respect the context of the street, preserving gaps between buildings where these are characteristic of the area.
- The extension should not unacceptably affect the amenities of residents of neighbouring dwellings.
- Where the flank of an extension would face onto a street, the visible faces of the extension shall need to incorporate windows and other detailing to positively address both streets. See Fig x.

#### Roof alterations

8.6 Roof alterations can have a significant effect on the external appearance of individual properties and can also have a considerable cumulative impact on the character of an area.

8.7 Some minor roof alterations and modest dormers are considered to be permitted development, hence the development can be carried out without a planning application being required. Please refer to the Planning Portal for up-to-date guidance on volume allowances and other limitations for roof additions: <https://www.planningportal.co.uk/>



## Built Environment - Delivering high quality design

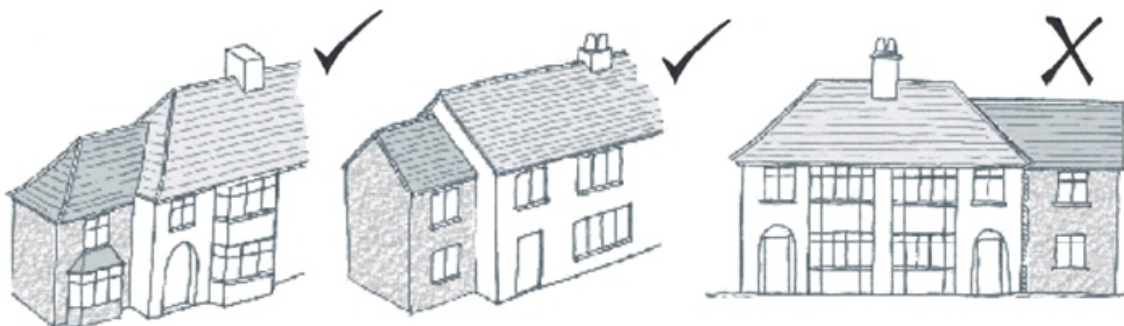


Figure x: The roof form of the side extension should reflect the roof form of the main house.



Windows different by sympathetic

These windows are not sympathetic

Figure x: The fenestration and detailing should take its cue from the host building in terms of rhythm, alignment, proportions, etc.

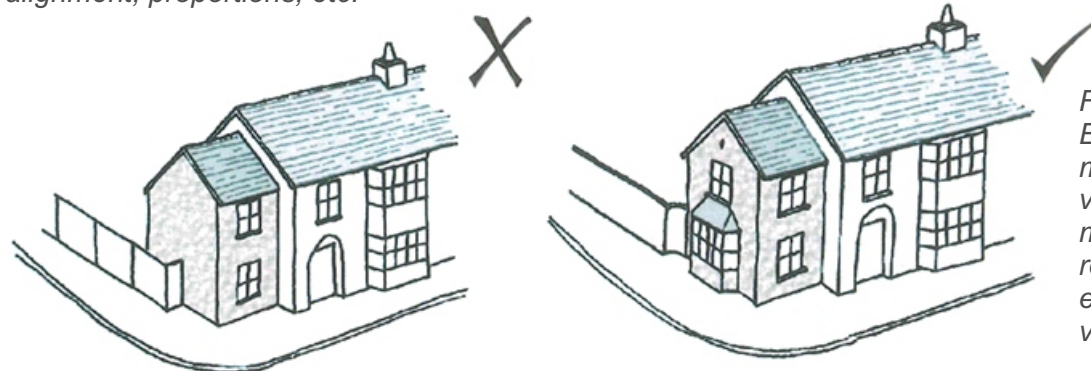


Figure x: Extensions where multiple faces are visible to the street must be designed to respond effectively to each of those viewpoints.

8.8 All extensions, regardless of whether they require planning permission, should follow the principles set out below:

### Principles to be considered for roof alterations:

- The form, size, siting, detailing and materials should relate well to the host building as well as the surrounding area:
  - Roof pitches of gabled/hipped dormers should match those of the main roof
  - Where a roof-slope is visible from a public place, new dormer windows should be positioned so they relate well to the alignment of fenestration on the elevation below
  - Dormers should be sited away from ridges, hips, verges, gables, other dormers and chimneys
  - Dormers should not be over-dominant due to their individual or cumulative size or shape
- The design of roof alterations should relate to the context of the street scene:
  - Dormer windows should not disrupt the host building's roof form or be introduced in areas with long runs of roofs devoid of dormers.
- On the front or other prominent roof slopes, dormer windows should be of a modest size and traditional design providing light rather than headroom or extra floorspace



## Built Environment - Delivering high quality design

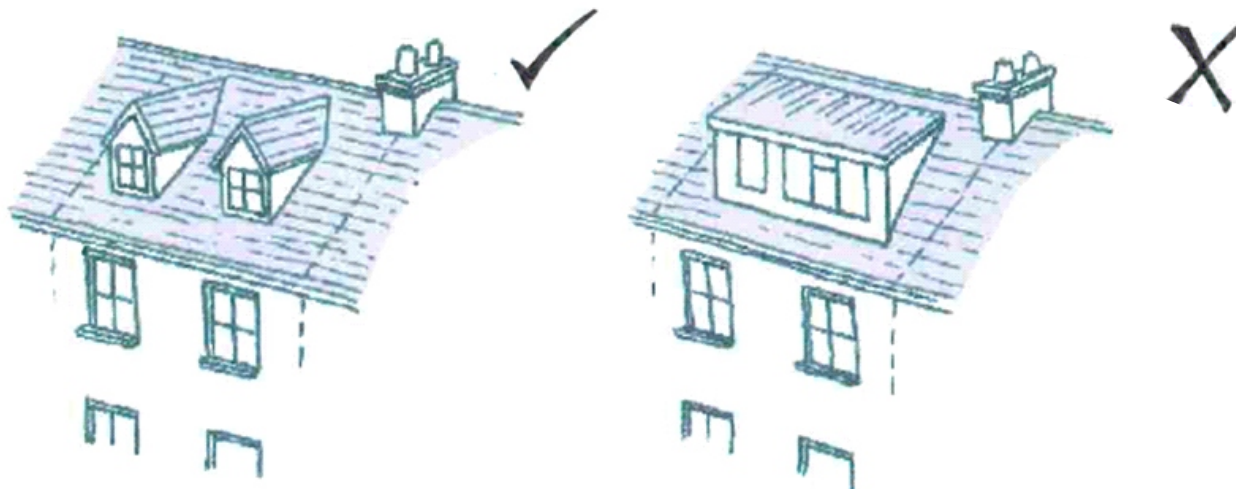


Figure x: Dormers to the left use a sympathetic form, size, siting, detailing and materials and are vertically aligned with the windows below. If on the front of a dwelling, the dormer to the right dominates the roof, is too bulky and windows and detailing do not respect their context.

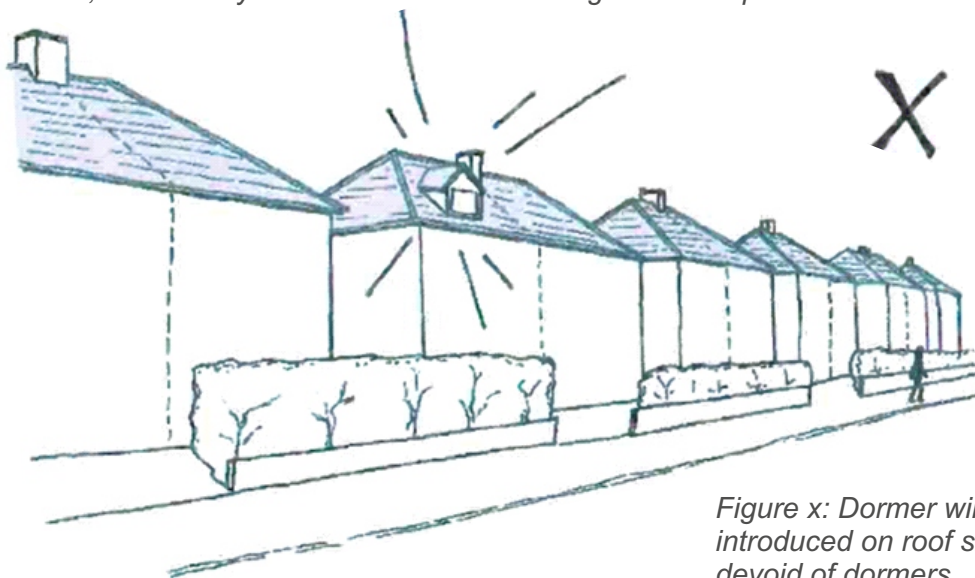


Figure x: Dormer windows should not be introduced on roof slopes in long runs of roofs devoid of dormers.

- When dormer windows are required to provide additional floor space or headroom, they should be positioned on rear or less prominent roof slopes, and when on glimpsed side or visible rear-slopes they should be set well away from hips, verges, ridge and eaves and other roof features and should not dominate the roof form of the host building.
- The privacy of neighbouring occupiers should be protected.

## Tall Buildings

MP1 MP2 MP6

8.9 For the purpose of Local Plan policies, tall buildings are those that are above 5 storeys or above 16m high. They are covered by Policy MP6 of the new Local Plan and can be appropriate in parts of Chelmsford City Centre providing the criteria listed in Policy MP6 are met. Although no maximum height is suggested in the policy, developers will always have to give a thorough justification for the height of their proposal. In the right location, with the right design and detailing, tall buildings can make positive contributions to Chelmsford and its skyline and provide recognisable landmarks. They can also add to the legibility of the City. Due to their size and prominence they can also cause harm if in the wrong location or if not designed correctly within the context in which





## Built Environment - Delivering high quality design

they sit. Outline planning applications for tall buildings will not be acceptable because sufficient detail must be available to consider the appropriateness of the proposals.

8.10 For any proposal including tall buildings consideration of the following will be required:

### Appropriateness and location of tall buildings

8.11 Figure x should be used to guide suitable height range within the City Centre in the context of other planning considerations.

8.12 The base of a tall building should be designed to interact with the street and areas surrounding the building. Active uses, including community uses, are encouraged within the ground floor of tall buildings on the basis that tall buildings would form a focal point of the City Centre.

### Contextual scale of tall buildings

8.13 Local scale ranges will indicate whether a tall building is likely to be appropriate. In areas of lesser scale, it is unlikely to be acceptable to introduce a more sudden increase in scale. Where there are already tall buildings in the City Centre making a positive contribution to placemaking, contextual scale may provide a suitable setting for other tall buildings, although the presence of tall buildings alone will not necessarily provide justification for new tall buildings in a location. Similarly, the existence of a tall building on a site will not itself justify its

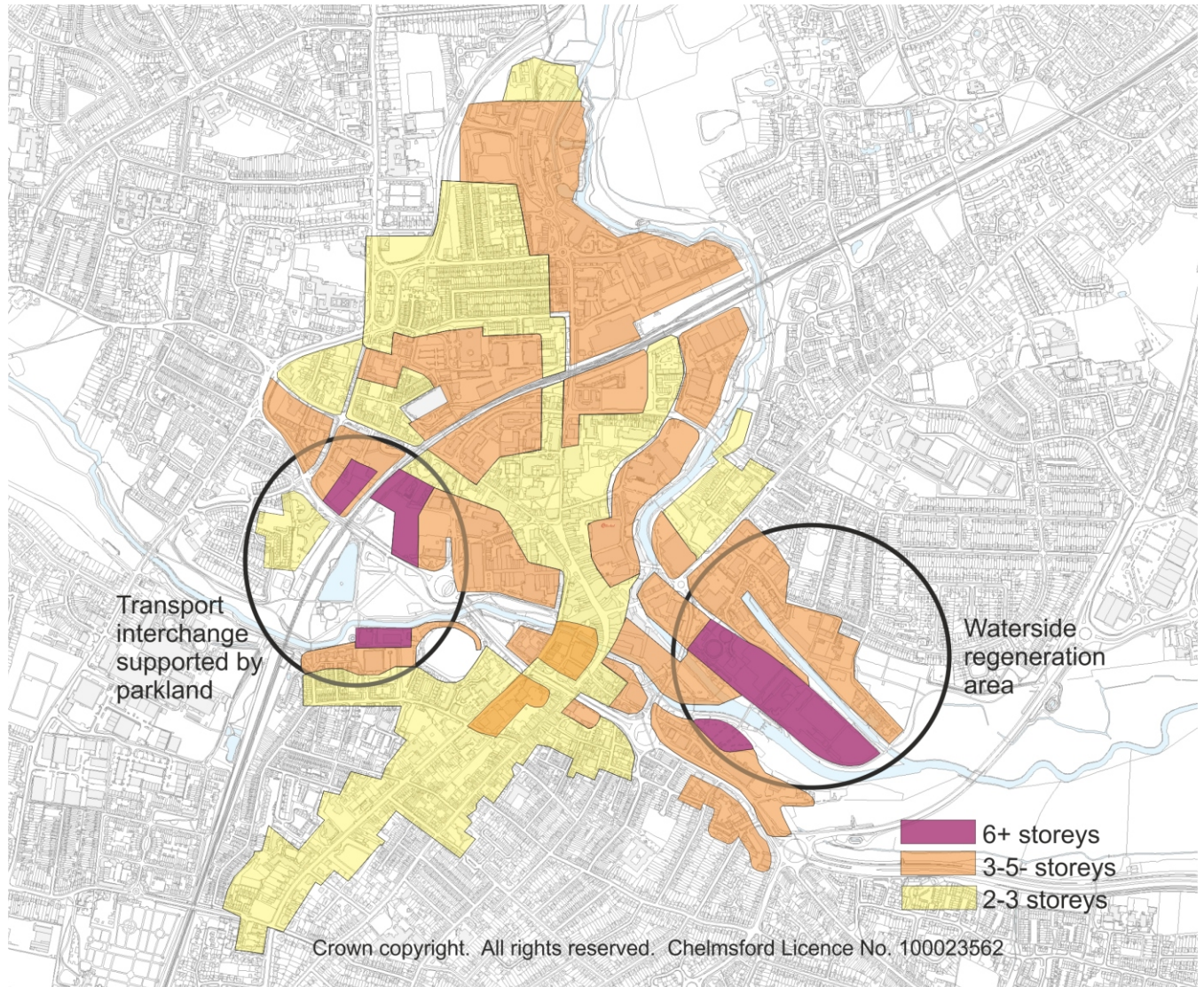


figure x: Height guide for City Centre



## Built Environment - Delivering high quality design

replacement with a new tall building on that same site or in that area. Any increase in scale must be logical, justified and must not harm local character or function.

### Setting of tall buildings

8.14 Tall buildings must benefit from sufficient space around them to balance the impact experienced at a street level which can otherwise be overbearing owing to the presence of height. Thorough design analysis needs to be given to all areas of a scheme and its surroundings, so includes, for example, careful consideration of relationships to buildings, streets and other public open spaces, residential courtyards and amenity spaces. Excessive shading or other adverse microclimate impacts must be avoided.

8.15 Consideration needs to be given to designated and non-designated heritage assets. Further guidance on this can be found under the Historic Environment section and within Historic England's guidance:

<https://historicengland.org.uk/images-books/publications/tall-buildings-advice-note-4/>

### Wider visibility of tall buildings

8.16 The presence of tall buildings can have a significant impact when viewed across or from outside of the City Centre. Buildings must not appear unreasonably alien or visually dominant and must be seen in the context of compatible scale. The overall height of the building, its form such as bodies of water or public open spaces.

and detailing must not make the building unacceptably visually conspicuous. Medium and longer-range topography will need to be considered in terms of how the structure could be viewed. Taller buildings should always be designed with the assumption of a 360° viewpath, so all sides of the building must exhibit a high-quality of architecture.

8.17 Tall buildings should enhance the shape of the skyline both across the City Centre and from wider views outside the City. Tall buildings may



Figure x: Tall buildings within City Park West development

be used to highlight the key transport interchange, or an appropriate community asset, such as bodies of water or public open spaces.

8.18 All proposals for tall buildings should be accompanied by accurate and realistic representations of the appearance of the building. This will require verifiable 360 view analysis to be submitted with any application. These representations should show the proposal in all significant views affected (to include near, middle and distant views). Where a tall building is sought to be justified by its relationship to a cluster of existing tall buildings, the proposal should be illustrated in the context of proposed and approved projects where these are known, as well as the existing situation. In addition, a scale model of the development is encouraged to be provided.

### Microclimate

8.19 All proposals for tall buildings must be accompanied by detailed assessment of impact on streets, adjacent development and open spaces and waterways as a result of shading and other microclimate impacts including wind tunnelling and turbulence. It is essential to consider and try to mitigate the impact a tall building may have on its microclimate.

8.20 Further information on tall buildings can be found at:  
<https://www.designcouncil.org.uk/resources/guidance/tall-buildings>





## Built Environment - Delivering high quality design



Figure x: 'Generator Building' sympathetically converted within Hall Street development, Old Moulsham, Chelmsford

8.21 Any alteration whether, internal or external, or to a curtilage structure, which affect the character of the listed building requires Listed Building Consent. To undertake works without consent is a criminal offence. Further guidance on appropriate alterations can be found at: <https://historicengland.org.uk/advice/your-home/owning-historic-property/listed-building/> and <https://historicengland.org.uk/advice/planning/decision-taking/>

### ■ Principles to be considered relating to Listed Buildings:

Traditional materials and finishes to match the original should normally be used in any alterations.

- Proposals for works to a listed building should demonstrate that they are informed by a thorough evaluation of the significance of the building, which should be undertaken by a suitably qualified and competent professional.
- Those commissioning works to a listed building are advised to ensure that professional advisers and contractors employed in relation to such works have appropriate expert knowledge and experience of historic buildings.
- The demolition of listed buildings will not normally be permitted.
- It is normally desirable to ensure that listed buildings are retained in use or brought back into use, where this is consistent with their conservation and it is recognised that some physical interventions may contribute to achieving that end.
- Proposals which have an adverse impact on the significance of a listed building, such as the subdivision of well-proportioned rooms to create en-suite bathrooms, or the loss of historic fabric in buildings which are characterised by small room sizes in order to create open plan living/dining/kitchen areas, are likely to be unacceptable.

### Setting of a Heritage Asset

8.22 The setting of a heritage asset will often make an important contribution to its significance. In some cases setting may be extensive, for instance the long-distance views of St Marys Cathedral, or may be more contained, such as building in a street scene. Setting is both visual, but also relates to historic association, land use and many other factors which affect how a heritage asset is experienced. For instance, a small extension to a listed building is only likely to affect the host building and those immediately adjacent, whereas a major development could impact on the setting of heritage assets over a wide area.

8.23 Further guidance on the setting of heritage assets can be found at:

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>

### Principles to be considered relating to the setting of a Heritage Asset:

- Demonstrate how the setting contributes to the heritage assets significance and what impact the development will have, and where appropriate how to maximise enhancement and avoid or minimise harm
- Consider the setting of heritage assets in a proportionate manner related to the significance of the heritage asset and the scale of the development.



## Built Environment - Delivering high quality design

### Principles to be considered when relating to Tall Buildings:

- Design the building/s to present excellent quality of architectural form and detailing from all angles.
- Avoid bulky buildings with a strong horizontal massing.
- Break large buildings down into pedestrian scale elements and use the building to aid legibility.
- The appearance of the building and materials used should be acceptable in the context of a range of weather and light conditions including night-time views.
- Relate a tower element properly to a street scale block.
- Incorporate a satisfactory relationship between height and bulk; towers can be stand alone or rise from a podium building of a similar height to existing buildings, which must not appear heavy and clumsy in relation to the taller building
- Position and design any services and plant equipment to reduce its visual impact and reduce unintentional skyline clutter.
- Ensure appropriate service/collection/parking arrangements are designed into the scheme at an early stage.

- Consider the historic environment based on a full assessment of significance, including views.
- Consider the microclimate generated by the buildings, especially wind speeds around entrances, along key walkways and in open spaces.
- Introduce meaningful tree planting within surrounding streets and open spaces to soften the urban character and to assist with mitigating wind speeds around tall buildings.
- Make sure the building/s does not adversely overshadow other buildings, walkways or public spaces.
- Demonstrate how structural safety, fire protection and means of escape have been addressed by the design.

### Historic Environment

HE1 HE2 HE3

8.24 The Historic Environment provides an opportunity to influence new development and create characterful places with local meaning and identity. Historic England promote a number of principles which should be followed when working in an Historic Environment. These can be found at <https://historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/>

### Types of heritage asset

8.25 Heritage assets include 'designated' and 'non-designated' heritage assets. Designated heritage assets include listed buildings, conservation areas, registered parks and gardens and scheduled monuments.

8.26 There are also a large number of non-designated heritage assets across the city, including historic buildings, historic landscapes and archaeological sites which do not have statutory protection (unless within a conservation area). The heritage interest of such assets is, nevertheless, a material consideration in the determination of relevant planning applications.

### Listed buildings

8.27 Listed buildings are those on a national register of buildings of special architectural or historic interest. The register includes a wide range of structures such as milestones, bridges, traditional telephone kiosks etc. which are not buildings. If you are unsure if a building or structure is listed you can search the register at: <https://historicengland.org.uk/listing/the-list/>

8.28 Further information on listing can be found at: <https://historicengland.org.uk/listing/what-is-designation/listed-buildings/> and <https://www.gov.uk/government/publications/principles-of-selection-for-listing-buildings>





## Built Environment - Delivering high quality design

### Conservation Areas

8.29 A Local Planning Authority has powers and obligations to designate as conservation areas, 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.'

8.30 Conservation areas are a type of 'designated heritage asset': they differ from other types of designated heritage assets in that they are generally designated at a local rather than a national level.

8.31 There are currently 25 Conservation Areas within the city. These range the historic village centres such as East Hanningfield, Writtle, Pleshey and Stock, and large parts of the city centre, but also include the Chelmer and Blackwater navigation and St John's Hospital.



Figure x: Conversion of a retained building within the conservation area at the St John's Hospital site, Chelmsford

8.32 Individual architectural features all contribute positively to the character and appearance of a conservation area. The loss of such important, but often seemingly small, features can cumulatively have a serious and adverse impact on the character and appearance of a conservation area and on local distinctiveness. Materials and finishes are of particular importance in these localities.

8.33 Plans of the Council's conservation areas and the relevant character appraisals can be found at:

<https://www.chelmsford.gov.uk/planning-and-building-control/conservation-areas-and-listed->

#### Principles to be considered relating to conservation areas:

- Avoid the loss of traditional front doors, timber sliding sash windows, chimneys, decorative bargeboards and cast iron rainwater goods.
- Avoid the addition of unsympathetic additions such:
  - the replacement of traditional features with modern components
  - unsympathetic changes to signage and to traditional shopfronts

changes to hard surfacing materials (including tiled or paved paths), kerbs and street furniture

- loss of boundary walls, railings and gates
- loss of front gardens
- the installation of boundary treatments which are out of keeping with the character and appearance of the area
- the addition of porches which do not make a positive contribution to the streetscene
- the addition of dormer windows which are out of keeping with the character and appearance of the area
- the addition of prominently sited solar panels which are out of keeping with the character and appearance of the area
- the creation of parking areas where this results in the loss of features which make a positive contribution to the character or appearance of the area.



## Built Environment - Delivering high quality design

### Registered Parks and Gardens

8.34 Parks and gardens may, like buildings, be on a national register, and listed at Grades I, II\* or II. However, there is no separate consent regime for parks and gardens on the national Register of Parks and Gardens, and they do not have the same statutory protection afforded to listed buildings. Inclusion of a landscape on the Register is, however, a material consideration in the determination of planning applications and consideration of how a development will affect the landscape will be considered. Parks and gardens on the Register include Hylands Park, listed at Grade II\*, designed by Humphrey Repton. For the full list see the Register at: <https://historicengland.org.uk/listing/what-is-designation/registered-parks-and-gardens/>



Figure X : Hylands Park, Chelmsford

### Scheduled Monuments

8.35 There are many thousands of archaeological sites in the city, but only minority, such as Pleshey Castle enclosure, are protected as scheduled monuments. In total there are 19 scheduled monuments within the city.

8.36 Scheduled Monument Consent will be required where activities physically affecting a scheduled monument are proposed. Further information can be found at: <https://historicengland.org.uk/listing/what-is-designation/scheduled-monuments/>

<https://historicengland.org.uk/advice/hpg/consent/smc/>

### Non-Designated Heritage Assets

8.37 There are a large number of heritage assets across the city, including historic buildings, historic landscapes, and archaeological sites, which do not have statutory protection (unless as part of a conservation area). The heritage interest of such assets is, nevertheless, a material planning consideration in the determination of relevant planning applications affecting such assets.

8.38 The Council has a Register of Buildings of Local Value, which identifies buildings and structures based on their architectural and historic interest. There are also lists of designed landscapes and protected lanes which are also

character. In addition to these three sources, the council will where necessary identify non designated heritage assets through pre-application and formal application processes at the earliest stage possible.

8.39 Further information on the Local Register can be found at: <https://www.chelmsford.gov.uk/planning-and-building-control/conservation-areas-and-listed-buildings/listed-buildings-in-chelmsford/register-of-buildings-of-local-value/>

### Heritage Statements

8.40 The Council will require a heritage statement to support any application for planning permission affecting the significance of a heritage asset or heritage assets or for listed building consent. This statement should conform to the requirements of the NPPF paragraph 189. As a minimum 'the historic environment record (HER) should have been consulted': this should be evidenced in the submission. A copy of the list entry will not be sufficient to meet this requirement.

8.41 The HER can be searched at: <https://www.heritagegateway.org.uk/Gateway/>

8.42 It is important that proposals are informed by an understanding of significance, and thus an early assessment of significance is desirable; the assessment should inform proposals rather than seek to justify those already pre-defined.



## Built Environment - Delivering high quality design

8.43 The level of information should be proportionate to the significance of the heritage asset and the works proposed. Where works are proposed to complex heritage assets a detailed assessment of their evolution, including a phasing plan will be required. Whereas a scheme of replacement windows within a listed building will require a brief assessment of the building and the affected windows, and a major development is likely to require an assessment of the setting of all heritage assets within a 1km radius, potential a wider area in certain circumstances.

8.44 Where archaeology is a material consideration it may be appropriate to include the results of field work in the submission, particularly for major developments and sites with known archaeological potential. Undertaking fieldwork at this early stage decreases the risk of making unexpected archaeological discoveries late in the day. If archaeological discoveries are made at a late stage in the development process, it is harder to make the adaptations to masterplans and programme planning which might be required to mitigate the impact of the development upon archaeology.

8.45 A heritage statement should describe the significance of the archaeological remains and the impact of the proposed development and should propose opportunities for enhancement and for mitigation of impact where relevant. Where the merits of development outweigh the significance of the archaeological remains and

will result in the loss of archaeological evidence, it may be appropriate to require archaeological recording of those remains and to secure such recording by means of an archaeological condition attached to any permission.

8.46 Building recording can assist in the understanding of a building and of its significance to inform a heritage statement and/or the preparation of a scheme of conservation, repair or alteration and/or development proposals. It can also be used to document buildings or parts of buildings which will be lost as a result of demolition. The type or 'level' of building recording appropriate to a particular set of circumstances will vary. Commonly, where alterations are proposed to a listed building, a Level 3 record will be appropriate. Guidance is set out in Historic England's Understanding Historic Buildings: a guide to Good <https://historicengland.org.uk/images-books/publications/understanding-historic-buildings/>

### Principles to be considered when preparing a Heritage Statements:

- The historic environment record (HER) should be consulted.
- The level of information should be proportionate to the significance of the heritage asset and the works proposed.

- The impact of proposals on the heritage asset(s) affected should be assessed, and conservation and enhancement opportunities with any mitigation strategies identified as appropriate. The impact on the character and appearance of a conservation area, and/or on the impact on the setting of a heritage asset or assets is addressed.
- Where archaeology is a material consideration, relevant information is presented which supports the planning application.
- The significance of the archaeological remains and the impact of the proposed development, and should propose opportunities for enhancement and for mitigation of impact where relevant.
- An appropriate building recording should be made.

## Integrating non-residential uses

CF1 MP1 MP2

8.47 Non-residential uses are essential for diversity and vibrancy. They make neighbourhoods stronger and more sustainable and are required in most major developments. In appropriate locations there is scope to mix new residential development with compatible uses, such as:





## Built Environment - Delivering high quality design

- retail
- service offices
- restaurants and cafes
- offices
- light industrial units
- institutional and community uses

8.48 Community and service type uses often only require ground floor accommodation. The Council welcomes live-work units as part of new residential and mixed use development. Where mixed uses are proposed, careful design is required to avoid noise, odour and other conflicts between uses. Measures can include:

- Placing noise sensitive rooms away from noise sources
- additional noise insulation
- acoustic lobbies
- acoustic glazing
- baffles around ventilation ducts

8.49 Well integrated mixed use development. Additionally, management limitations and planning conditions, on hours of use etc, can be used to reduce the likelihood of conflict. These may be used unless controlled by other legislation such as Licensing.



Figure x: Mixed use development at Beaulieu

### Principles to be considered regarding mixed use development:

- Consider if it is appropriate to incorporate non-residential uses on the ground floor along main routes and key intersections or where this is not practical provide ground floor units with individual rather than communal entrances.
- Non-residential uses should be grouped together where practical to create a centre or neighbourhood focus.
- Residential uses should be incorporated above non-residential uses to provide surveillance, optimise the use of the land and ensure the area is not dead out of hours.
- Servicing and appropriate waste and recycling provision must be considered at an early stage.
- Carefully design a scheme to avoid noise conflict between uses.
- On-street servicing is encouraged where feasible as it avoids wasteful service yards (this is dependent upon a street of adequate width or the provision of a suitable lay-by, but should not compromise the streetscape quality).
- High floor to ceiling heights (of around 4m) should be incorporated on lower floors to facilitate flexibility of use.



## Built Environment - Delivering high quality design

### Building Materials and detailing

MP1 MP2 MP6 HO1

8.50 All buildings and extensions, boundaries and areas of hardstanding should be of a high quality finish and standard, compatible to their surroundings. Given their visual prominence, tall buildings should exhibit an excellent standard of architectural quality, including the use of materials. The Design and Access Statement should be used to explain the rationale for all proposals.

8.51 Design Codes are encouraged for all strategic scale developments. Self-build and Custom Build dwellings, as required by Policy HO1, should follow the Council's Self-build and Custom Build Design Code Template.



8.52 Detailing of all buildings, including fenestration positioning should be considered at an early stage to maximise interest in the streetscene and encouraging natural surveillance. Using windows and glazing to maximise solar gain is strongly encouraged.

8.53 The choice of material for all forms of hardstanding should be considered carefully to avoid unnecessary surface water run-off. There are many forms of permeable materials which can be used in the construction of hardstandings, including patios, within gardens which are encouraged to be used. Requirements for driveways are covered under 'creating a parking space' in the Movement section of this SPD.



Figure x: Rural boundary with native hedge





## Built Environment - Delivering high quality design

8.54 Consideration should be given to the most appropriate form of boundary treatment for any development type. Security is a consideration, but this does not mean boundaries should be industrial in nature. The use of appropriate species as a hedge can offer suitable security as well as providing ecological and habitat enhancements. The use of high-quality materials for boundaries are of particular importance where they will be publicly viewable or impacts on a conservation area or setting of a Historic Asset.

8.55 The need for outdoor storage should be considered. It is recommended that garages and car ports should provide additional space for storage. Where these are not present garden sheds should be considered for inclusion within the private garden space of dwelling houses.

8.56 The Movement section of this SPD sets out appropriate storage for bicycles for all types of development.

### Principles to be considered relating to materials and detailing:

- Place doors and windows in public elevations to encourage a safer, more active and interesting street scene.
- Align windows and doors horizontally and vertically and maximise opportunities for passive solar gain, see also Chapter 6 Sustainable Design and Construction.

- Break down facades by using different materials, physical articulation, balconies, deeper and framed windows and door treatments etc.
- Use easy to maintain materials that complement the surrounding area and work well together.
- Use high quality, long lasting materials with a low environmental impact.
- Break up and punctuate long ridge lines e.g. with integrated solid chimneys .
- Pay close attention to the location of service intakes and pipes (run these internally where possible), utility cabinets as well as the specification and positioning of solar panels if in public view.
- Select a boundary treatment which offers the level of security required while still integrating with the surroundings, providing a positive appearance from streets and other public open spaces.
- Consider the inclusion of appropriate outside storage for dwelling houses.

### Accessibility and security of buildings

MP1 MP2

8.57 The accessibility of spaces around buildings is considered under section 7. The following are matters to be considered for all

buildings to ensure they are accessible and inclusive for all users:

### Principles to be considered at the approach to buildings:

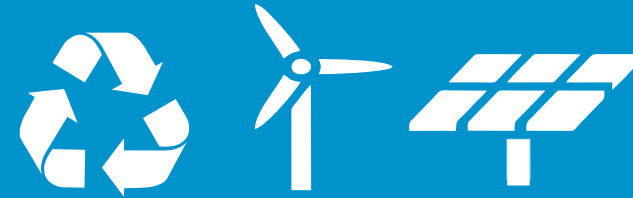
- Create clearly defined, level pathways or ramps with a low gradient.
- Make entrances easy to find and well lit.
- Use level thresholds.
- Use automated doors where appropriate.

### Principles to be considered to make buildings accessible:

- Make spaces flexible.
- Avoid steps.
- Add low window sills.

8.58 Policy MP1 of the new Local Plan requires that all new buildings and extensions create safe environments. Safety and security require the careful design of buildings and spaces. Secured by design ([www.securedbydesign.com](http://www.securedbydesign.com)) offers useful and detailed guidance on security relating to different types of developments. The website includes a series of guidance documents that provide step by step guides on how to include security in development proposals.

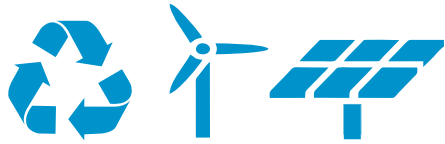
# Sustainable Design and Construction



Securing high-quality sustainable buildings and spaces which contribute to a reduction in Carbon emissions

- 9.1 - Overview
- 9.2 - Reducing water consumption
- 9.3 - BREEAM
- 9.12 - Reducing Carbon Dioxide and Nitrogen emissions
- 9.18 - Recycling and waste requirements





## Sustainable Design and Construction

- Securing high-quality sustainable buildings and spaces which contribute to a reduction in Carbon emissions

### Objectives

- Secure high-quality well-designed sustainable development
- Future proof new development to allow for fast changing technology and building standards
- Reduce the use of non-renewable resources
- Reduce carbon emissions from new buildings
- Ensure appropriate recycling and waste requirements are provided to all developments

### What does success look like

- Attractive buildings and spaces which utilise the sun to provide heat and light to them
- Designs which integrate into, and make best use of their surroundings
- Buildings that can adapt to changing energy technologies needs and are built into the design e.g. solar panels, boiler requirements etc

### Overview

9.1 Policy MP3 sets out the required standards which apply to relevant development types. In addition, this section sets out further guidance on ways in which development can achieve these requirements as well as how to go above and beyond the required standards to achieve a more sustainable development. Not only does this have obvious environmental benefits but there are added cost saving benefits to the home owner.

Topic	Development Type				Our Chelmsford, Our Plan objectives			
	Residential extension/ Householder development	Single dwellings/small scale development (under 10 dwelling units)	Major development (10+ dwelling units)	Mixed use	Safer	Greener	Fairer	Connected
Reducing water consumption		✓	✓	✓		✓		
BREEAM		✓	✓	✓		✓		
Reducing carbon dioxide and nitrogen emissions	✓	✓	✓	✓	✓	✓		
Recycling and waste requirements		✓	✓	✓	✓	✓		

### Reducing water consumption

MP1 MP2 MP3

9.2 All new dwellings are required to meet the Building Regulations optional requirement for water efficiency of 110 Lt per person per day, rather than the standard 125 Lt per person per day. All applications for new dwellings should include details on how this requirement will be achieved. The following are suggested methods for reducing water consumption in dwellings.



## Sustainable Design and Construction

Securing high-quality sustainable buildings and spaces which contribute to a reduction in Carbon emissions

### Principles to be considered for reducing water consumption in dwellings:

- Installing water efficient washing machines and dishwashers.
- Using low flush toilets, avoiding power showers and fitting aerated power heads or flow regulators/limiters on all showers.
- Using spray taps, tap aerators or flow regulators.
- Providing water butts to all homes.
- Installing rain water harvesting and grey water recycling schemes for larger schemes if feasible.
- Drought resistant or low water use plants in landscaped areas will reduce water demands.
- Water meters are standard in new homes but can be added to existing buildings.

### BREEAM

MP1 MP2 MP3

9.3 BREEAM is a national scheme that assesses the sustainability performance of buildings. It has been developed by the Building Research Establishment (BRE). The performance is measured across ten categories and results in a star rating from Pass to Outstanding. Assessments can be done at

various stages, including the design and the construction stage, by a qualified and licenced BREEAM Assessor.

9.4 All new non-residential buildings with a floor area in excess of 500sqm are required to achieve a minimum BREEAM rating (or its successor) of 'Very Good'.

9.5 This requirement applies to extensions but not to conversions. The threshold is intended to exclude smaller stand-alone schemes where viability may be an issue. Buildings with a floorspace smaller than 500sqm, but forming part of a scheme with a floorspace over 500sqm in total, will be encouraged to comply with the requirement.

9.6 Compliance with Policy MP3 will be ensured by means of a planning condition. This will typically include:

- A pre-commencement condition requiring an Interim Certificate or a Summary Score sheet following a formal Design Stage assessment
- A post-completion condition requiring the submission of either the Final Certificate or the Assessor's summary score sheet verifying that the agreed standards have been met before the building is occupied
- If the Final Certificate has not been submitted prior to occupation, this will be required within six months following approval of the summary score sheet.

9.7 BRE has developed a variety of BREEAM standards to assess different types of developments. BREEAM New Construction is used to assess new building developments and includes the following building types by sector:

Sector	Building type and description if applicable
Commercial	Offices, Industrial, Retail
Public	Education, Healthcare, Prisons, Law Courts
Multi-residential accommodation	Residential care homes, sheltered accommodation, halls of residence
Other	Residential institutions such as hotels and guest houses Non-residential institutions such as art galleries, libraries, community centres and places of worship  Assembly and leisure  Other including transport hubs, research and developments, creches and visitor centres  Bespoke - building types not listed above





## Sustainable Design and Construction - Securing high-quality sustainable buildings and spaces which contribute to a reduction in Carbon emissions

9.8 Policy MP3 includes all forms of residential accommodation, including those listed as multi-residential in the table above.

9.9 More information about BREEAM is available at: <https://www.breeam.com/>

9.10 Only where an applicant can demonstrate with evidence, to the satisfaction of the Council, that there are exceptional circumstances which make a development unable to fully comply with the BREEAM requirements, the Council may consider a revised requirement based on the individual circumstances of the scheme.

9.11 Following the Housing Standards Review, councils can no longer require that residential development is built to a specific performance standard. The City Council does however support the use of the Home Quality Mark (HQM). This standard replaces the Code for Sustainable Homes and has been developed by BRE. The Council strongly encourages all residential development to be built to the HQM standard. For more information on the HQM visit <https://www.homequalitymark.com>

### Reducing carbon dioxide and nitrogen emissions

MP1 MP2 MP3

9.12 All new residential and non-residential new builds are strongly encouraged to incorporate

sustainable design features that reduced carbon dioxide and nitrogen dioxide emissions and the use of natural resources. Ways of achieving this include the layout, orientation and design of buildings. Further details of these are set out below.

9.13 Nitrogen dioxide is released into the atmosphere when fuels are burned such as petrol or diesel in a car engine or natural gas from domestic central heating boilers. The best way to achieve a reduction in nitrogen dioxide emissions is to install high efficiency, low nitrogen dioxide emission boilers or meet the space and hot water requirements by systems that do not produce any nitrogen dioxide emissions. Condensing boilers are the most efficient and can reach emissions at or below 40mg/kWh. They are also generally the most affordable and practical.

9.14 The following low carbon and renewable energy technologies for electricity and heat generation are commonly available:

- Solar photovoltaic – panels that convert energy from the sun to electricity
- Solar thermal – collectors or tubes that convert energy from the sun for water and space heating
- Wind turbines - harness the wind's energy to generate electricity
- Biomass stoves or boilers – organic matter

- Ground source heat pumps – take heat from the ground for water and space heating
- Air source heat pumps – take heat from the air for water and space heating
- District/community heating – a plant that distributes heat from a central heat source for residential or commercial heating requirements
- Combined heat and power (CHP) – a plant that generates electricity at the point of use and captures heat generated in the process, generally for large mixed use schemes but exists as micro CHP for individual properties.



Figure x: Domestic solar panels on a roof





## Sustainable Design and Construction

Securing high-quality sustainable buildings and spaces which contribute to a reduction in Carbon emissions

9.15 It is important to remember that depending on where the development is located, e.g. in a conservation area, and what is being installed, it may require planning permission in its own right. For further advice go to:

<https://www.chelmsford.gov.uk/planning-and-building-control/planning-permission-and-applications/check-if-you-need-planning-permission/>

9.16 At new Strategic scale developments over 100 homes, the Council will negotiate Section 106 agreements which secure show homes that incorporate optional sustainable design features to showcase the benefits of including such features in a new build and how to move towards a zero carbon home.

9.17 All new developments are encouraged to include renewable, low carbon and where possible decentralised energy schemes on site. The provision of energy by renewable sources is subject to large variations due to the intermittent nature of the wind and sun. One way to overcome this is through Battery Energy Storage which evens out the inevitable peaks and troughs of renewable energy supply. A successful example of this can be seen in South Somerset District Council:

<https://www.southsomerset.gov.uk/news/2019/10/battery-energy-storage-site-additional-storage-facility-of-5mw-highlights-commitment-to-the-south-somerset-environment-strategy/>

### Principles to be considered to reduce harmful emissions and the use of natural resources:

- Install high efficiency, low nitrogen dioxide emission boilers or install energy systems that do not produce any nitrogen dioxide emissions.
- Arrange buildings to avoid overshadowing, allow natural cooling in the summer through circulation of air yet avoid high heat losses created by too high wind speeds.
- Make maximum use of daylight while avoiding excessive solar gain.
- Provide shelter belts of trees on exposed edges of the site to reduce heat loss from strong wind.
- Reduce the exposed surface area of buildings to minimise heat loss.
- Adopt a fabric first approach to buildings e.g. use best possible insulation and reduce thermal bridging.
- Avoid air leakage from buildings and make best use of thermal mass.
- Orientate windows to avoid excessive solar gain and need for ventilation.



*Figure x: Highwood Village Hall is built to Passivhaus principles with excellent thermal performance and airtightness. The triple glazed windows are oriented to the south, west and east to maximise natural solar gain and the roof overhang provides shading. Solar panels and an air source heat pump provide electricity and heating.*

## Recycling and waste requirements

### MP4 Appendix A

9.18 All new development is required to provide well designed recycling and waste storage. Appendix A of the Local Plan contains standards for the provision of recycling and waste for houses, flats and apartments in Chelmsford. It also sets out some key design standards covering the location of bin stores and the layout of developments to facilitate collection for both residential and commercial waste.



## Sustainable Design and Construction

Securing high-quality sustainable buildings and spaces which contribute to a reduction in Carbon emissions

9.19 Details of Councils waste and recycling collections and protocols can be found at: <https://www.chelmsford.gov.uk/bins-and-recycling/> Consideration should be given to accommodating the size and number of receptacles required by each household. It is recommended that space is provided for these in the kitchen, especially in flats where there is not readily accessible private outside space for storage, or under cover on the plot.

9.20 Appendix 1 of the Local Plan covers which bins are required dependant on the size and scale of a development. To assist in the design of bin storage the following recycling and waste receptacles are provided by the Council. Receptacle and bin sizes may vary depending on manufacturer but the following offers a guide:



Standard individual two wheeled bins (one of each)	180 Litre Bin for residual waste	240 Litre Bin for garden waste	360 Litre Bin (HMO only)
Height	1066mm	1075mm	1100mm
Height lid open	1525mm	1720mm	1690mm
Depth	550mm	725mm	850mm
Width	480mm	580mm	620mm



Individual food caddies (one of each)	7 Litre small food waste caddy	23Litre medium food waste bin
Height	234mm	406mm
Height lid open	360mm	630mm
Depth	229mm	400mm
Width	252mm	320mm

Green box	55 Litre box
Height	380mm
Depth	390mm
Width	590mm

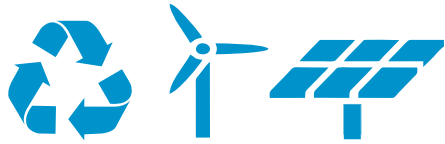


communal 2 wheeled bin	140 Litre Bin	240 Litre Bin	360 Litre Bin
Height	990mm	1075mm	1090mm
Height Lid open	1510mm	1720mm	1940mm
Depth	540mm	725mm	850mm
Width	480mm	580mm	620mm



Communal 4 wheeled bins	660Litre Bin	1100 Litre Bin
Height	1165mm	1300mm
Height lid	1370mm	2280mm
Depth	775mm	1070mm
width	1265mm	1265mm

Bags and Sacks	2x55 Litre re-usable white bay (houses)	55 Litre clear bag (houses)	23 Litre square bag (houses)
(all dimensions are approximate when bags are full)			
Height	800mm	700mm	480mm
Depth	450mm		
450mm	260mm		



## Sustainable Design and Construction - Securing high-quality sustainable buildings and spaces which contribute to a reduction in Carbon emissions

9.21 Design standards are set out below for individual and communal bin stores respectively.

### Principles to be considered for individual bin stores:

- There should be a dedicated storage area on an area of hardstanding.
- There should be easy access between the storage area and the collection point.
- Storage areas to the front of a site to be integrated and well screened.



Figure x: Well integrated bin stores to the front of properties

### Principles to be considered for communal bin stores:

- Materials should be in keeping with the surrounding development and the store should be screened or integrated with other features such as brick walls.
- Detached stores should be covered and should be at least 5m away from flats and houses to minimise noise disturbance to residents during use and collection.
- Doors to be double doors and open outwards without causing obstruction.
- Doorways and alleyways on the route from storage to collection point should be at least 2m wide to allow for manoeuvrability.
- The floor should be hard, level and easy to clean.
- Stores should be well ventilated, louvre doors provide suitable ventilation.
- The entrance door to be secured, preferable with a lock using F1/F2 keys (fire brigade keys) or electronic key access.
- There should be good lighting on motion sensors to allow usage of the store at all times.
- Stores should be easily accessible from the adopted highway.

9.22 For all commercial businesses there is a legal duty of care to manage any waste produced correctly. Full details of recycling services, waste collection and the duty of care can be found at: <https://www.chelmsford.gov.uk/bins-and-recycling/recycling-and-waste-collections-for-business/>

9.23 Any construction site will generate waste. The following are some useful ways which can assist in the successful management of a site to reduce the impact on neighbours and the amenities of the area during the construction period and minimise waste generation.

9.24 The Considerate Constructors scheme is a national initiative set up by the construction industry to promote respect for the community, ensure safe building sites, and responsible site management. The Council encourages developers to register with this scheme for all development types. More information on this scheme can be found at: <https://www.ccscheme.org.uk/>

### Principles to be considered for managing construction waste:

- Follow the waste hierarchy of reduce, re-use, recycle, recover, disposal to reduce the amount of waste being disposed in landfill.
- Consider registering all development types with the considerate constructors scheme.



# Adaptable Construction



Creating development which is accessible and can adapt to people's changing needs

**10.1** - Overview

**10.2** - Accessible and adaptable buildings

**10.10** - Space Standards







# Adaptable Construction – Creating development which is accessible and can adapt to people's changing needs

## Objectives

- Provide homes for life for all
- Create high quality adaptable buildings

## What does success look like

- Homes which can be readily adapted to cater for changes in family members circumstances or needs over time
- Internal spaces providing usable spaces as well as meeting required standards
- Adaptations that do not compromise good design

## Overview

10.1 Creating homes which last a lifetime due to changing family circumstances enables people to stay in their home for longer. To enable this, it is important that all homes are built to minimum space standard, as well as considering how other small adjustments to a building can enable long term adaptability should it be required. All buildings should enable safe and appropriate use and access for all.

Topic	Development Type				Our Chelmsford, Our Plan objectives			
	Residential extension/ Householder development	Single dwellings/small scale development (under 10 dwelling units)	Major development (10+ dwelling units)	Mixed use	Safer	Greener	Fairer	Connected
Accessible and adaptable buildings	✓	✓	✓	✓	✓		✓	✓
Space standards	✓	✓	✓	✓	✓		✓	✓

## Accessible and adaptable buildings

### HO1

10.2 Policy HO1 sets the requirement for a minimum of 50% of all new homes to meet Approved Document Part M4(2) of the Building Regulations (2010 onwards). Building homes to this standard means they can accommodate the changing lifetime needs of an occupant by having the ability to readily adapt buildings without the need for major re-building. Although this is a mandatory requirement for a minimum of 50% of new homes within any scheme it is strongly encouraged that all new homes are built to this standard as a minimum. For full details of how to achieve the required standard please see the latest Building Regulations: <https://www.gov.uk/building-regulations-approval>

10.3 Consideration should also be given to the need to provide homes with the ability for occupiers to readily work from home. This may include suitable space within habitable rooms, or specific rooms for home offices. This includes the need to ensure that new homes have connections to superfast broadband readily work from home. This may include suitable space within habitable rooms, or specific rooms for home offices. This includes the need to ensure that new homes have connections to superfast broadband.



## Adaptable Construction – Creating development which is accessible and can adapt to people's changing needs

### Principles to be considered to achieving accessible and adaptable dwellings:

- There is step free access to the dwelling, or of the building containing the dwelling and to any associated parking space and communal facilities.
- There is a step-free access to the WC and other accommodation within the entrance storey, and to any associated private outdoor space directly connected to the entrance storey.
- A wide range of people, including older and disabled people and wheelchair users, are able to use the accommodation and its facilities.
- Features are provided to enable common adaptations to be carried out in future to increase the accessibility and functionality of the dwelling.
- Wall-mounted switches, socket outlets and other controls are reasonably accessible to people who have reduced reach. Consider if new homes have the ability for occupiers to work from home and can be readily connected to superfast broadband.

10.4 Policy HO1 requires a minimum of 5% of new affordable homes to meet Approved Document Part M4(3) of the Building Regulations (2010 onwards). Building homes to this standard

means they are fully accessible for wheelchairs. Although this is a mandatory requirement for a minimum of 5% of affordable new homes within a scheme it is encouraged that all new homes are built to this standard to allow for great flexibility. For full details of how to achieve the required standard please see the latest Building Regulations: <https://www.gov.uk/building-regulations-approval>

### Principles to be considered to achieving dwellings that are wheelchair accessible:

- There is step free access to the dwelling, or of the building containing the dwelling, a wheelchair user can approach and gain step-free access to every private entrance to the dwelling and to every associated private outdoor space, parking space and communal facility.
- Access to the WC and other accommodation within the entrance storey is step-free and the dwelling is designed to have the potential for step-free access to all other parts.
- There is sufficient internal space to make accommodation within the dwelling suitable for a wheelchair user. All doors to and within the dwelling, or of the building containing the dwelling, are of the required width to easily accommodate a wheelchair.

- The dwelling is wheelchair adaptable such that key parts of the accommodation, including sanitary facilities and kitchens could be easily altered to meet the needs of a wheelchair user or, where required by a local planning authority, the dwelling is wheelchair accessible meaning those adaptations are provided prior to initial unit completion.
- Wall-mounted switches, socket outlets and other controls are accessible to people who have reduced reach.



*Figure x: Accessible entrance at Chelmsford Museum*

10.5 For all non-residential buildings it is strongly encouraged that buildings should be accessible to all.



## Adaptable Construction – Creating development which is accessible and can adapt to people's changing needs

### Principles to be considered to achieving accessibility to all buildings:

- People regardless of disability, age or gender should be able to gain access to buildings and to gain access within the buildings and use their facilities, both as visitors and as people who live or work in

### Changes of use

10.6 Where changes of use are classified as permitted development, for example office to residential conversion, works can be undertaken in accordance with the minimum standard of Building Regulation applicable to that category of building work. Where a material change of use or works involved in that conversion mean that planning permission is required, the development as a whole must adhere to relevant planning policy which will mean, in the case of an office to residential conversion for example, a minimum of 50% of new homes are to be designed to meet Approved Document Part M4(2) and where applicable, 5% of affordable housing must be designed to meet Approved Document Part M4(3).

### Extensions to buildings

10.7 Where an extension is proposed to a building designed to meet an optional standard

of Approved Document Part M, for example where a planning permission has been granted on the basis that a proportion of new homes are built to Approved Document Part M4(2) or Part M4(3), the extension should be designed to meet the equivalent standard applicable at that time.

### Heritage

10.8 For a designated or non-designated heritage assets or buildings within a conservation area the requirements for accessibility should be balanced against preserving the importance of the historic asset, its setting or the wider historic environment. Site-specific guidance must be sought from the Local Planning Authority in such circumstances.

### Retrofitting dwellings

10.9 Works to retrofit a property may on occasion be necessary. Where works are required to be carried out, they will likely be user-specific. Where changes outside of the home are needed, other sections of this document should be followed to ensure the need for works is balanced against local environment considerations.

### Space Standards

MP4

10.10 Policy MP4 requires all new dwellings, which includes the conversion of a building into a

dwelling, to adhere to the Nationally Described Space Standards. The current standards are set out in Appendix A of the Local Plan but will be periodically reviewed and may be subject to change. The latest version of these standards can be found at:

<https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

10.11 The Nationally Described Space Standards are the minimum standards that must be met for new homes to make them fundamentally adequate for occupation. The benefits of increasing the size of new homes beyond the minimum stipulated standards is greater flexibility for how occupiers live in the home and how households may diversify over a lifetime, more space for pushchairs, mobility aids, pets, etc. which support a range of age groups and needs over a lifetime and generally allow more space to enjoy day-to-day life in the home.

### Principles to be considered regarding space standards of new homes:

- Ensure all new dwellings, including conversions/changes of use, meet the Nationally Described Space Standards. Consider going beyond these standards where possible to provide greater flexibility within a home for changing circumstances.

This publication is available in alternative formats including large print, audio and other languages

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# **CHELMSFORD CITY COUNCIL MAKING PLACES DRAFT SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

## **CONSULTATION STATEMENT**

### **(Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulation 12))**

#### **Introduction**

Under Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 it is a requirement to prepare and make available a Consultation Statement setting out:

- The persons the local planning authority consulted when preparing the supplementary planning document;
- A summary of the main issues raised by those persons; and
- How those issues have been addressed in the supplementary planning document.

This statement is a record of consultation undertaken during the production stage of the SPD prior to formal public consultation.

#### **Background**

The SPD has been produced to assist in the implementation of the City Council's Local Plan policies to ensure secure, high-quality, well-designed, sustainable development is achieved. It also provides good practice examples on how development can go beyond planning policy requirements to create the most sustainable and environmentally friendly, well-designed development possible.

#### **Preparation of the draft SPD**

In preparing the draft SPD, informal consultation has been carried out with a range of internal City Council officers including those from:

- Development Management
- Inward Investment and Economic Growth
- Parks
- Recycling and Waste

Initially officers had input into the proposed content and format of the SPD. As sections were drafted officers were given the opportunity to comment on them and relevant changes were then incorporated into the final draft SPD.

A workshop was also held for all City Council Members where there were 24 attendees. This included a presentation of the proposed contents and layout of the draft SPD. Members provided comments on the layout, content and proposed examples for inclusion in the SPD. These comments have been incorporated into the final draft SPD.

All the above consultees assisted in the structure and content of the document. The informal consultation stage has resulted in relevant changes to the document including:

- Text updates to reflect City Council priorities, strategies, plans and initiatives
- Inclusion of specific examples throughout the SPD
- Minor editorial and presentational changes to help with the navigation of the SPD.

### **Consultation**

The consultation will run from **8:45am Thursday 30 April 2020 until 4:45pm on Thursday 28 May 2020.**

The Council will issue consultation notifications in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This will include email/letter notifications to statutory bodies including Essex County Council, local Parish and Town Councils and Government bodies and all organisations/individuals on the Local Plan consultation mailing list.

In accordance with the Council's Statement of Community Involvement (SCI) a public notice will be placed in the Local Press, publishing a statement of representations advising where and when comments may be made and alerting people to the consultation through their council webpages.

From Thursday 30 April 2020, the draft SPD will be made available online at:

<http://consult.chelmsford.gov.uk/portal>

Paper copies of the Making Places draft SPD will also be available for inspection during normal opening hours from the City Council main offices and from specific local libraries.

Once the consultation opens comments can be made in the following ways:

Online: <http://consult.chelmsford.gov.uk/portal>

By email: [planning.policy@chelmsford.gov.uk](mailto:planning.policy@chelmsford.gov.uk)

By post: Spatial Planning Services, Civic Centre, Duke Street, Chelmsford, Essex, CM1 1JE

By returning a specially designed response form available at

<https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/>

Further details on how to get involved can be found in the Statement of Representations available at <https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/>

### **Next steps**

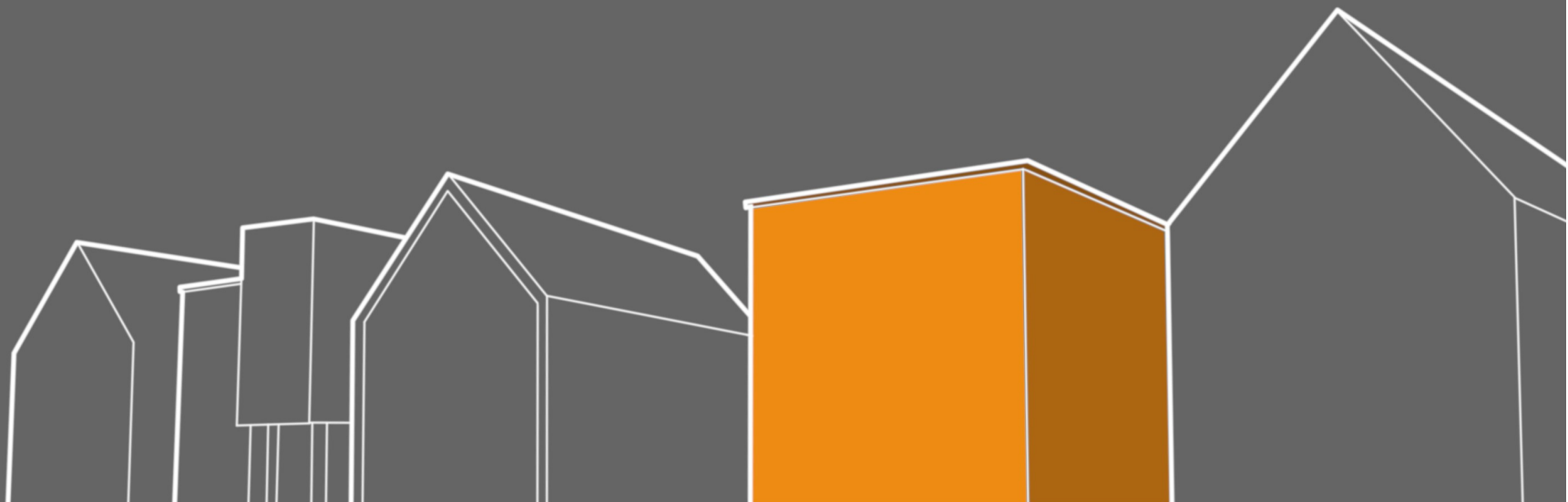
Following consultation, the representations received will be considered, and used to inform the final SPD which will be reported to relevant Committees of the City Council for adoption.

March 2020

# Self-build and Custom Build Design Code Template

May 2020

*Design Code Guidance for Strategic Growth Sites  
and Sites with Multiple Serviced Plots*





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# I. Introduction

## I.1 Commitment to self-build and custom build homes

The development of self-build and custom build homes by individuals or community groups can help to meet the need for additional housing and provide a more diverse housing stock. Based on Chelmsford's current self-build and custom build register and projected demand until 2036, 5% of new homes on larger housing schemes will need to be built on self-build/custom build plots. **Local Policy HO1** within the draft Local Plan therefore requires 5% self-build homes (which can include custom housebuilding) within all developments of more than 100 dwellings.

## I.2 Purpose of this document

The Self-build and Custom Build Design Code Template has been prepared in support of the **Planning Obligations** Supplementary Planning Guidance (SPD). The Planning Obligations SPD states that sites with multiple serviced plots or other forms of self-build and custom housebuilding provision, will be required to be supported by a Design Code at outline planning stage.

The purpose of the current document is to provide a template and supporting guidance to developers to ensure consistency across development sites and give developers greater certainty in the preparation of site-specific Design Codes.

The focus of this document is principally the structure and broad content of Self-build and Custom Build Design Codes. The detailed design parameters within each Design Code will vary depending on the scale and context. For more detailed design guidance, please refer to the Council's **Making Places** SPD.

## I.3 Definition of self-build and custom housebuilding

Self-build and custom housebuilding means the building or completion by (a) individuals, (b) associations of individuals, or (c) persons working with or for individuals or associations of individuals of houses to be occupied as homes by those individuals. But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.

## I.4 Why use a Design Code?

The National Planning Policy Framework (NPPF) paragraph 124 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.

Self-build and custom housebuilding offer the chance to deliver neighbourhoods that have a greater level of variety with homes that are personalised and tailored to individual lifestyles. While the size and setting of self-build and custom build plots may vary, and individual aspirations will likely differ, the homes built will contribute collectively to the character of a place and it is therefore important that guidance is given to support good placemaking while allowing the greatest level of flexibility.

A Design Code is a form of design guidance that assists with the delivery of high-quality new development and is particularly useful for complex scenarios involving multiple parties. A Design Code is a set of written and visual directions that translates the aims and vision of a masterplan into a specific set of detailed design parameters without establishing the overall outcome. This can give stakeholders, designers, developers and contractors more certainty and help to make high quality places.

## 2.Approval and Implementation

### 2.1 When is the Design Code required?

For Strategic Growth Sites, the Council expects that a masterplan will be submitted for approval prior to the submission of an application for outline planning permission. The approved masterplan should communicate the vision for the development and outline how each site will satisfy the requirements of the respective Site Policy.

An application for outline planning permission will need to include the proposed number of Self-build and Custom Build plots and their approximate location within the proposed development. The delivery of the proposed Self-build and Custom Build plots will be secured through a Section 106 Agreement.

A Design Code will be required through planning condition and should be submitted and approved prior to the marketing of any Self-build and Custom Build plots. The detailed design of each plot can then be submitted through an application for reserved matters. These applications will be assessed against the approved Design Code and relevant Local Policies (see **Figure I**).

### 2.2 What are developers expected to provide?

For Self-build and Custom Build plots, developers are expected to:

- i) Define the location, layout, size and number of Self-build and Custom Build Plots;
- ii) Deliver highway works and access to each plot;
- iii) Provide landscaping and public realm works outside of the proposed Self-build and Custom Build Plots;
- iv) Provide utility and drainage connections; and
- v) Prepare design guidance in the form of a Design Code.

### 2.3 Design Code Structure

Design Codes should adhere to the following structure:

- a) Introduction
- b) Site Wide Vision (required for strategic scale sites)
- c) Site and Context Overview
- d) Self-build and Custom Build Character and Delivery Approach
- e) Design Code (General Design Guidance)
- f) Plot Passport (Plot Specific Design Parameters)

Figure 1: Indicative process for Self-build and Custom Build planning approval



### Masterplan Submission

All potential Self-build/Custom Build areas indicated with high level consideration given to:

- General approach to delivery (e.g. individual self-build/custom build, group self-build/custom build, developer-led self-build/custom build).
- Character Areas
- Potential Phasing
- Construction Management

### Outline Planning Application

All Self-build/Custom Build areas shown on indicative layout plan and relevant parameter plans.

SI06 Agreement will secure delivery of Self-build Custom Build plots and a planning condition will require the submission of Design Code/s.

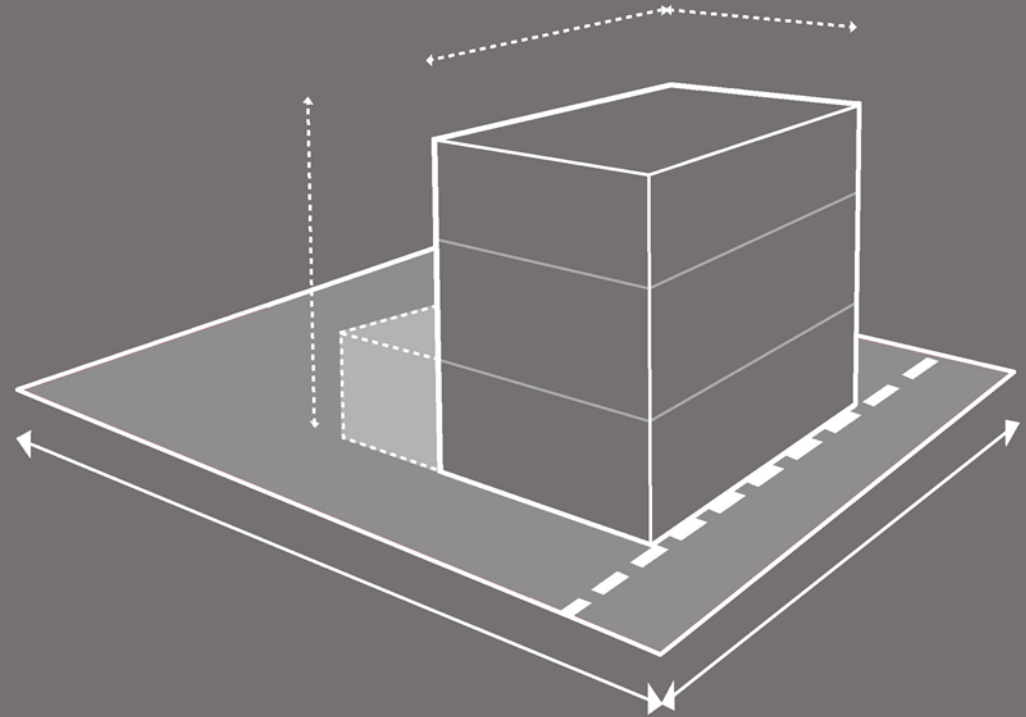
### Reserved Matters Application

Reserved Matters Application/s to establish detailed layout excluding Self-Build/Custom Build plots but plot areas are defined. This must be established before the submission of the proposed Design Code.

Following the approval of the Design Code, Reserved Matters Applications can be submitted for individual plots.



### 3. Design Code Template



## 3.1 Context and Self-Build Character

### 3.1.1 Setting the Context

The masterplan approved for each strategic growth site will set out a clear vision for the wider development that will ultimately guide the preparation and assessment of outline and reserved matters applications. The role of a design code is to operationalise the vision for a particular site or area. In this instance the area/s identified for the provision of Self-Build and Custom Build plots.

The first section of prepared Design Codes should set out the context of each Self-Build and Custom Build area including the wider vision, character areas, and the surrounding physical features.

This should include reference to the wider masterplan or outline planning approval, the location of the Self-Build and Custom Build area/s, details of existing and/or proposed adjacent development and the roads and landscaping to be delivered around the Self-Build and Custom Build plots.

### 3.1.2 Defining the character

The intended character of the Self-Build/Custom Build area/s must be clearly defined. This may vary if the plots are delivered in more than one location.

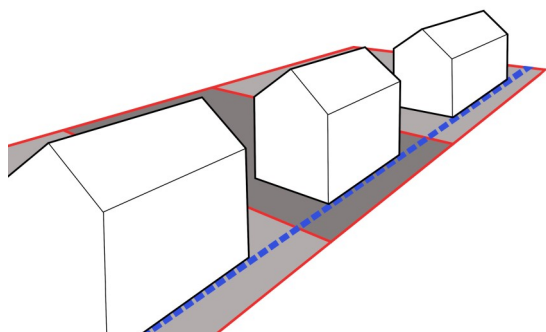
The context and setting of each Self-Build/Custom Build area and intended method of delivery should inform the intended character. While the character of the Self-Build/Custom Build area will need to be appropriate for the wider masterplan vision and surrounding context, it should be distinctive and separate to the housing delivered by the site wide developer or existing development nearby.

Identifying the intended character is essential to the remainder of the design code. This should inform all remaining sections of the document and ultimately determine which sections within the design code allow a greater or lesser degree of design flexibility.

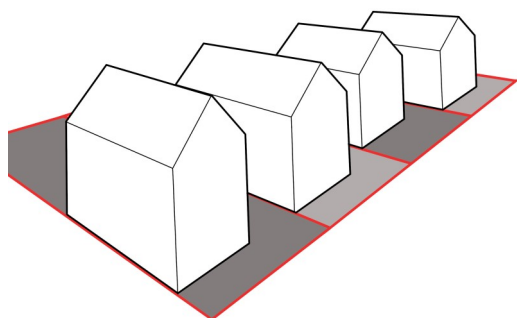


## 3.2 Plot Parameters

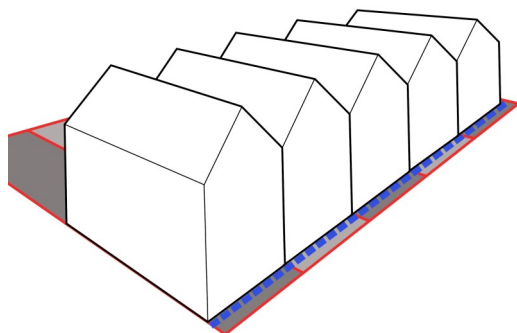
### Example: Impact of Design Code criteria on character of development



**Plot Form:**  
Generous plots  
**Plot Orientation:**  
Fronting public realm  
**Density:** Low  
**Building Types:**  
Detached  
**Building Line:**  
Minimum Setback



**Plot Form:**  
Narrow plots  
**Plot Orientation:**  
Fronting public realm  
**Density:** Average  
**Building Types:**  
Detached  
**Building Line:**  
Not defined



**Plot Form:**  
Narrow plots  
**Plot Orientation:**  
Fronting public realm  
**Density:** High  
**Building Types:**  
Terraced  
**Building Line:**  
Tight to public realm

After establishing the context and intended character, the Design Code will need to define the plot parameters. This should include; Plot Form, Plot Orientation, Density, Building Types and any requirements in relation to building lines. These do not need to be mentioned specifically but should be communicated clearly through written guidance and the use of simple diagrams.

Diagram Example



**Plot Form** – Plot form is defined by the width and depth of the plot. While this will likely vary from plot to plot, the size of plots within each area should be largely consistent as this will be informed by the masterplan vision, character area and the surrounding context including the proposed street type, landscaping and adjacent existing and proposed development. For example, more generous sized plots would be appropriate for development with a rural character and generous landscaping.

**Plot Orientation** – The design code should define the orientation and key frontages of each plot. Plots must all face the public realm and plots located on the corner of blocks should turn the corner to ensure that an active frontage is presented to the street.

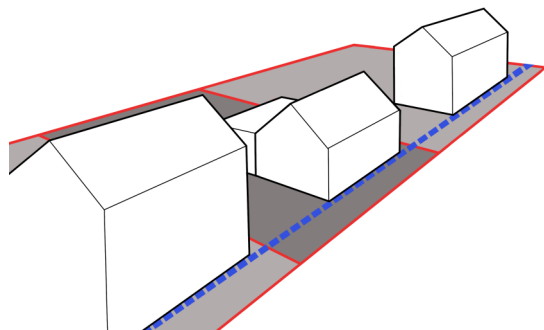
**Density** – This will be indicated by the Plot Form and grouping of plots. As with Plot Form, this should respond to the surrounding context and self-build and custom build vision.

**Building Types** – Like density, the building types should be indicated by the plot form and grouping of plots. However, this will also be guided by the intended approach for implementation. For example, terraced homes may be more suitable for a custom build approach to delivery.

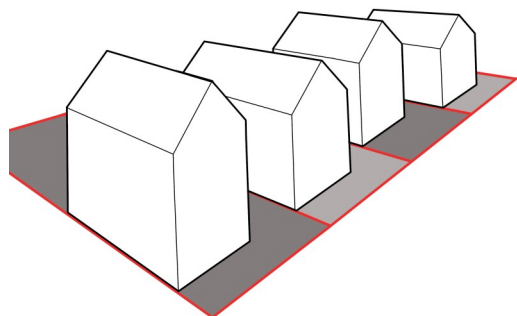
**Building Lines** – Setting a building line can have a significant impact on the character of the development. This should be informed by the existing and proposed context. A strong building line can be achieved by setting a minimum or maximum setback. A looser arrangement may be achieved without setting a building line but instead defining a build area which to ensure that buildings are not set too far forward or back.

## 3.3 Building Mass and Scale

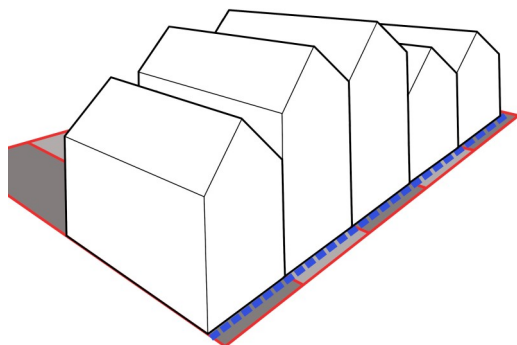
### Example: Impact of Design Code criteria on character of development



Single storey development allowed and maximum eaves height defined.



Restricted to two storeys but variation in height allowed.



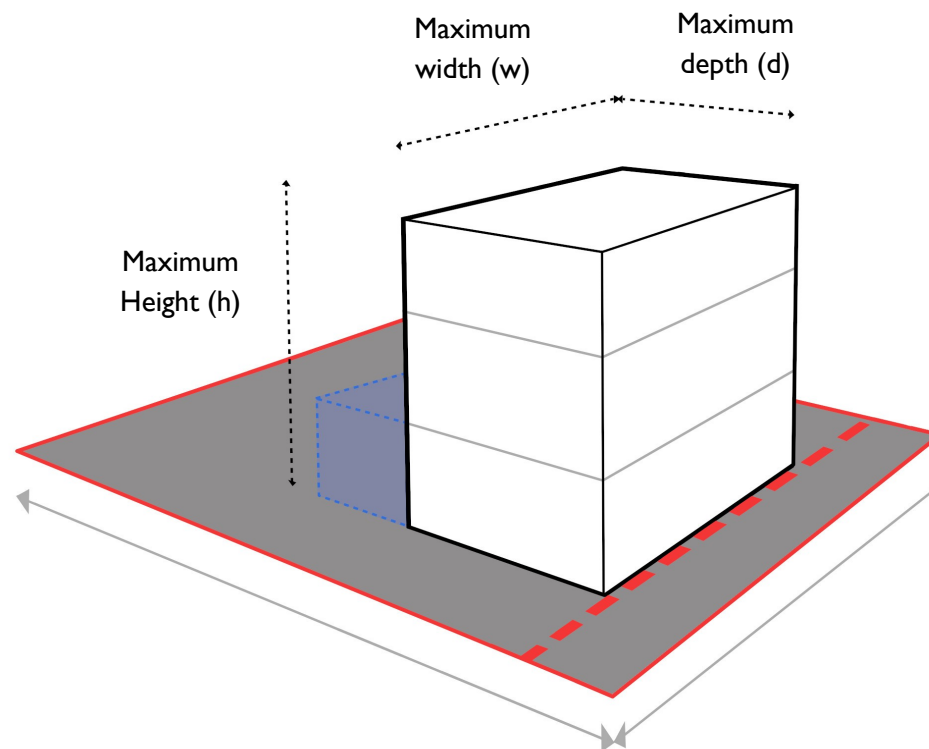
Three storeys allowed but no development below two storeys.

The Design Code should set criteria relating to the mass and scale of the development. It is possible that this may change depending on the plot. While the detailed measurements may be defined within the individual plot passports, the design code should communicate the overriding approach.

**Developable Footprint** – This can be defined in a number of ways but should seek to establish a build zone or area. This might be set using a minimum setback from the rear and sides of plot boundaries or through the use of a maximum internal floor area.

**Building Storeys and Height** – The design code must define the scale of development. The code should first establish a maximum or minimum number of storeys. It can then detail any restrictions on height e.g. maximum or minimum height, maximum eaves height etc.

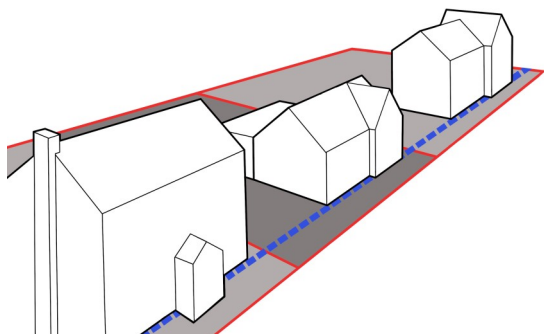
### Diagram Example



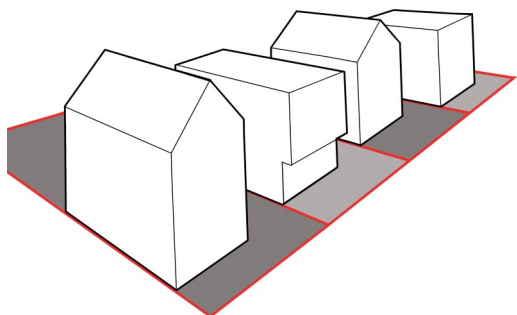


## 3.4 Streetscape Features

**Example: Impact of Design Code criteria on character of development**



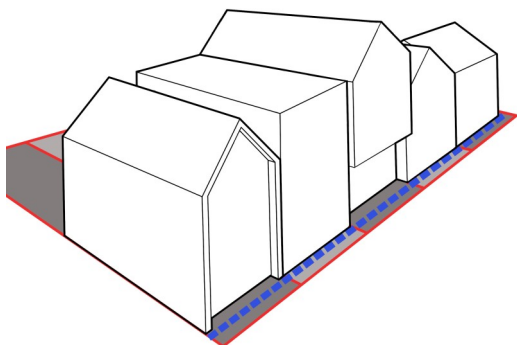
This section of the Design Code should establish features that will define the streetscape. It may consist of only a few key defined elements, a general guide or a more thorough list of design features and accepted approaches.



**Roof types** – Does the design code need to define the approach to roof design? Are pitched or flat roofs accepted? Should the pitch of the roof be controlled?

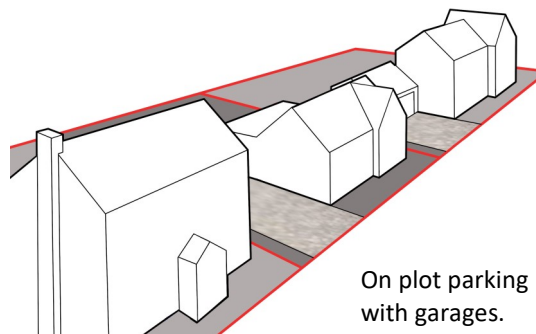
**Proportions and Articulation** – The developable footprint will define the build area or zone but it may also be necessary to provide further guidance on the articulation of the built form.

**Architectural Details** – Any criteria relating to specific details, e.g. Porches, Projections, Windows,



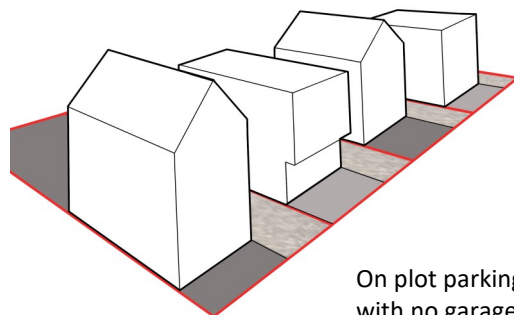
## 3.5 Parking and Cycle Storage

**Example: Impact of Design Code criteria on character of development**

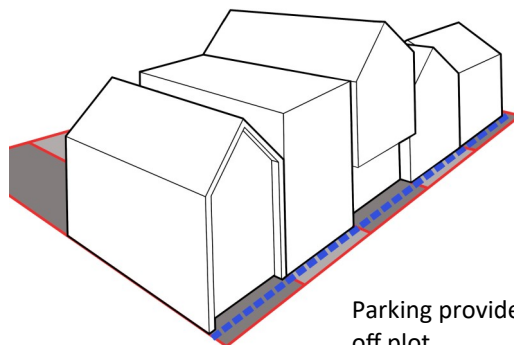


On plot parking with garages.

The Design Code must define the approach to vehicle parking and cycle storage. The level of provision will be defined by local policy but the guide should establish how these spaces will be accommodated for each plot. Please see Making Places SPD for further guidance.

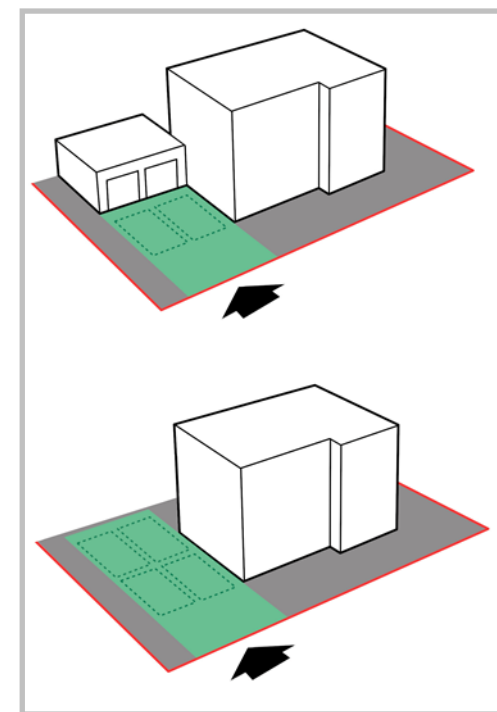


On plot parking with no garages.



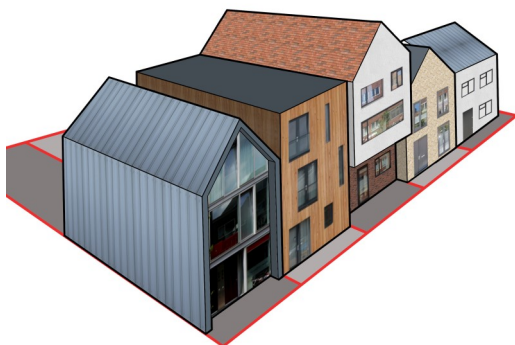
Parking provided off plot.

**Diagram Example**



## 3.6 External Materials

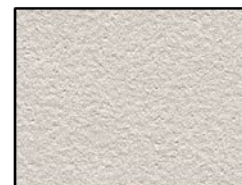
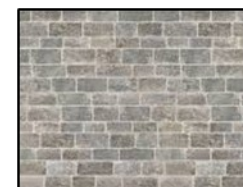
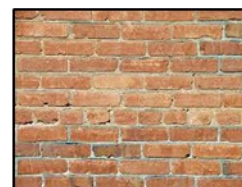
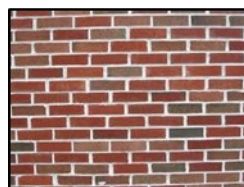
**Example: Impact of Design Code criteria  
on character of development**



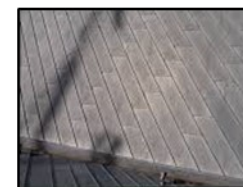
The Design Code should provide guidance in relation to material treatment of the walls and roofs. This can be represented in a material palette. This should only seek to guide plot owners and should not be overly prescriptive. For further guidance on external materials please see the Making Places SPD.

### Diagram Example

#### Wall Materials



#### Roof Materials

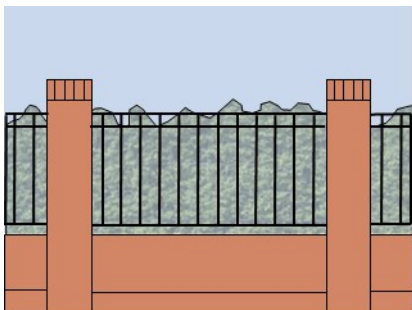


## 3.7 Boundary Treatments

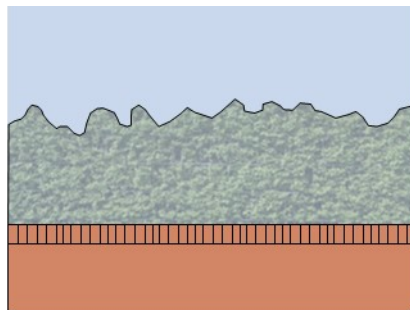
The Design Code should define the criteria for boundary treatments, especially boundaries with the public realm. This should include parameters such as:

- **Boundary Treatment Type**
- **Materials & Planting**
- **Location**
- **Dimensions (e.g. maximum height)**

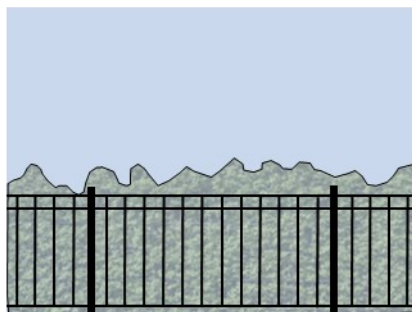
### Diagram Example



Wall and Railing



Wall and Boundary hedge



Railing and Boundary hedge  
Page 85 of 170



Boundary hedge

## 3.8 Other Guidance

Depending on the delivery approach, house types and context further guidance may be required. This may include:

- **Refuse Collection (see Making Places SPD)**
- **Water Use and Renewable Energy**
- **Sustainable Design Features**
- **Landscaping**

### Diagram Example



## 3.9 Plot Passport

The Council will support the use of Plot Passports for self-build and custom housebuilding development where supported by a Design Code.

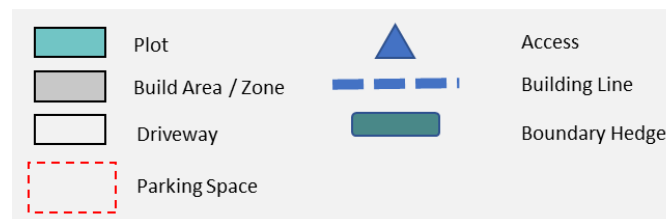
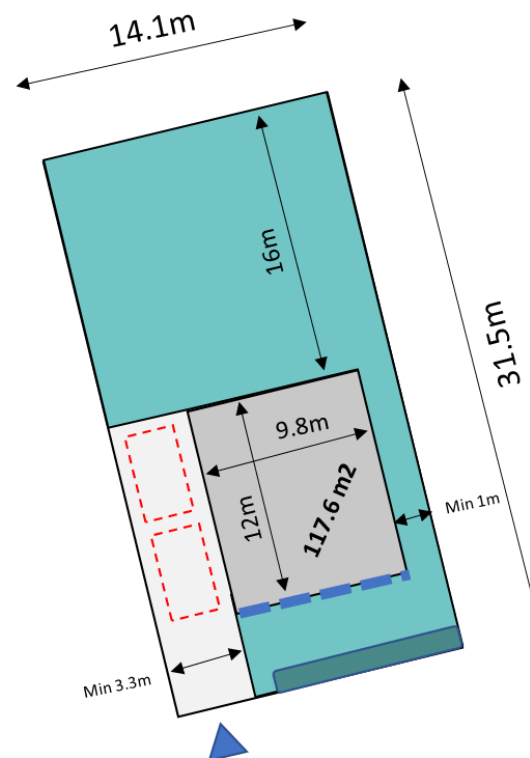
Plot Passports should provide potential plot purchasers with a simple and concise summary of the design parameters for a specific plot. It should clearly show the location, permissible building lines, heights, footprints and access to services as well as separation distances to adjacent plots. A Plot Passport should also be clear about the number of dwellings that can be built on a single plot as well as specifying car parking provision and access arrangements. Plot Passports will need to state how, and for what period, purchasers that reside or work in the administrative area of Chelmsford City Council are prioritized.

### Plot Passport Example

**PLOT NUMBER:** 5  
**PLOT AREA:** 117.6m<sup>2</sup>  
**HOUSE TYPE:** Detached 3 Bedroom House  
**PARKING PROVISION:** 2 spaces  
**MAXIMUM NUMBER OF STOREYS:** 2  
**MINIMUM NUMBER OF STOREYS:** 1

#### BUILD RULES

*All relevant rules should be detailed in accordance with the approved Design Guide.*





## 4. Summary and Interpretation

This document aims to provide a framework and supporting guidance to ensure consistency across development sites, giving developers greater certainty in the preparation of site-specific Design Codes and aid Council Officers in their assessment of these following submission. The Self-Build and Custom Build Design Code Template has not been produced to limit the parameters considered or present an exhaustive list of content. The level of detail and criteria identified will depend on the scale of the development, the approach to delivery and the existing and proposed context of the proposal site.

While the detailed parameters and level of design control will vary between sites, all presented criteria needs to be clear and easy to understand, and should be informed directly from the defined vision/character and the site context. Self-build and custom housebuilding offer the chance to deliver neighbourhoods that have a greater level of variety with homes that are personalised and tailored to individual lifestyles. Each design code must therefore seek to strike a balance and provide sufficient detail and design control to deliver a cohesive high quality new development without overly constraining the flexibility and design freedom that makes Self-build and Custom Build an attractive prospect.

Economic Development and Implementation  
Directorate for Sustainable Communities  
Chelmsford City Council  
Civic Centre  
Duke Street  
Chelmsford  
Essex  
CM1 1JE



## CHELMSFORD POLICY BOARD

5 March 2020

### AGENDA ITEM 6

<b>Subject</b>	PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT – CONSULTATION DRAFT
<b>Report by</b>	DIRECTOR OF SUSTAINABLE COMMUNITIES

**Enquiries contact:** Liz Harris-Best – Principal Housing Implementation and Strategy Officer 01245 606378 [liz.harris-best@chelmsford.gov.uk](mailto:liz.harris-best@chelmsford.gov.uk)

#### **Purpose**

To present the draft Planning Obligations Supplementary Planning Document and seek the Board's recommendation that Cabinet approve the document and its supporting Appendices to be published for public consultation.

#### **Recommendation(s)**

1. That the Board recommend that the draft Supplementary Planning Document and supporting Appendices be agreed by Cabinet for public consultation.
2. Any subsequent changes to the SPD and finalising of all consultation material is delegated to the Director for Sustainable Communities, in consultation with the Cabinet Member for Greener Chelmsford.

#### **Corporate Implications**

Legal:	The SPD will be subject to consultation in accordance with Council's Statement of Community Involvement and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
Financial:	Section 106 planning obligations, together with the Community Infrastructure Levy, make up the system of developer contributions used to secure funding towards mitigating the social and environmental impacts of development. The value of Section 106 varies depending on the type of contribution.
Potential impact on climate change and the environment:	The SPD provides guidance to assist in reducing the impact development has on climate change and positively contributing to the environment.

Contribution toward achieving a net zero carbon position by 2030:	The SPD provides guidance to assist in reducing carbon emissions through development.
Personnel:	None.
Risk Management:	None.
Equalities and Diversity: (For new or revised policies or procedures has an equalities impact assessment been carried out? Y/N)	An Equalities and Diversity Impact Assessment has already been undertaken for the Council's Local Plan.
Health and Safety:	None.
IT:	None.
Other:	None.

<b>Consultees</b>	CCC – Sustainable Communities Directorate CCC – Public Places Directorate CCC – Legal Services Essex County Council
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### **Policies and Strategies**

The report takes into account the following policies and strategies of the Council:

#### Local Plan

The Council's adopted Local Development Framework (LDF) and emerging new Local Plan sets out the strategic and detailed policy context for all planning related decision making. These documents have been informed by a wide-ranging evidence base.

#### Our Chelmsford, Our Plan 2020

#### Chelmsford Climate and Ecological Emergency Action Plan

### **Corporate Plan Priorities**

The report relates to the following priorities in the Corporate Plan

Promoting sustainable and environmentally responsible growth to stimulate a vibrant, balanced economy, a fairer society and provide more housing of all types	✓
Making Chelmsford a more attractive place, promoting Chelmsford's green credentials, ensuring communities are safe and creating a distinctive sense of place	✓
Encouraging people to live well, promoting healthy, active lifestyles and reducing social isolation, making Chelmsford a more enjoyable place in which to live, work and play.	✓
Bringing people together, empowering local people and working in partnership to build community capacity, stronger communities and secure investment in the city	✓



## 1 Introduction

- 1.1 This report outlines the content and purpose of the new Planning Obligations Supplementary Planning Document (SPD). The draft SPD is attached at **Appendix 1** and it is recommended that this draft document be published for consultation from 30 April to 28 May 2020.

## 2 Background

- 2.1 The draft SPD will sit alongside the new Local Plan. It sets out the City Council's approach towards seeking planning obligations which are needed to make development proposals acceptable in planning terms. It identifies topic areas where planning obligations may be applicable depending on the scale of development and sets out the required obligations or contributions.
- 2.2 The combination of this draft SPD and the Council's Community Infrastructure Levy (CIL) Charging Schedule set out a clear position to developers, landowners and stakeholders, of the scope and scale of planning obligations applicable to different scales and types of development. The guidance within the SPD is aligned with the priorities set out within 'Our Chelmsford, Our Plan' and will assist in creating development which is fairer, greener, safer and better connected for all.
- 2.3 Once adopted the SPD will be a material considered in respect of all relevant planning applications and will replace the existing Planning Obligations SPD approved on the 26th February 2014.

## 3 Preparation of the draft SPD

- 3.1 The review of this SPD commenced in April 2018. A first draft of this SPD was published for six weeks' public consultation in Summer 2018 and submitted as an evidence base document supporting the Independent Examination of the Local Plan. A consultation feedback report was presented to Development Policy Committee in November 2018 and the feedback and comments reported have been incorporated into the draft SPD.
- 3.2 This draft SPD has been revised to reflect revisions to national planning policy guidance, changes to the Community Infrastructure Levy Regulations, modifications to the Local Plan following the Independent Examination, and new local strategies and policy guidance. This draft has been prepared with input from other services across the Council as set out in the Consultation Statement at **Appendix 2**. A workshop with City Council Members also took place in January and the feedback and comments received from this process have been incorporated into the draft SPD.

## 4 Contents of the SPD

- 4.1 The first three sections of the SPD set out the purpose and policy context. The main body of the SPD groups infrastructure types in the same way as the Infrastructure Delivery Plan (IDP) which supported the Local Plan:
- Housing
  - Physical Infrastructure
  - Green and Blue Infrastructure
  - Community Infrastructure
- 4.2 Each section sets out the policy background to requiring such obligations, the relevant points at which such a contribution may be required, when the obligation is expected to be provided, any exceptions and any other relevant information.
- 4.3 The SPD also mirrors the four funding categories for infrastructure identified in the Infrastructure Development Plan:
- site related infrastructure needed to mitigate and support new development secured through Section 106 planning obligations;
  - specific infrastructure which addresses the needs arising on a small number of large sites and is most appropriately funded through pooled Section 106 contributions;
  - infrastructure which addresses the needs arising from many sites and is most appropriately funded through CIL;
  - secondary infrastructure, such as local open space, which is paid for by the developer but considered as standard so factored into their secondary development allowances. Some of the items identified as secondary infrastructure are secured through Section 106 planning obligation.
- 4.4 The SPD provides a guide to what infrastructure items will be covered by Section 106 Planning Obligations and what could be covered by the Community Infrastructure Levy.
- 4.5 It should be noted that the SPD includes any modifications proposed to the new Local Plan, but currently refers to the Pre-Submission Local Plan policy numbers. Both the policy numbering and any modifications will be updated to reflect any changes recommended by the Local Plan Inspector ahead of the consultation. The general design and appearance of the SPD will be improved when published for consultation.

## 5 Consultation on the draft SPD

- 5.1 In line with statutory requirements it is proposed to consult on the draft SPD for four weeks. It is proposed to run the consultation from Thursday 30 April to Thursday 28 May. This allows the SPD to be considered at Cabinet on 7 April, and to provide time to finalise the document and consultation material ahead of its publication, whilst avoiding the Easter holidays.

- 5.2 The Council will issue consultation notifications in accordance with the approved Statement of Community Involvement (SCI) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This will include email/letter notifications to statutory bodies including Essex County Council, local Parish and Town Councils and Government bodies and all organisations/individuals on the Local Plan consultation mailing list.
- 5.3 A public notice will be placed in the local press, publishing a statement of representations advising where and when comments may be made and alerting people to the consultation through their council webpages.
- 5.4 Copies of the SPD and relevant consultation material will be distributed to local Libraries, Parish Councils and placed in the City Council's Civic Centre. A Parish Council and Developer Forum is also proposed during the consultation period.
- 5.5 The consultation is intended to be a joint consultation for this SPD and the Making Places SPD. The Council is preparing another Local Plan Newsletter which will include details of these consultations.
- 7 Conclusions
- 7.1 Subject to approval by Cabinet, the draft Planning Obligations SPD, attached at **Appendix 1**, is recommended to be published for public consultation for four weeks from Thursday 30 April to Thursday 28 May 2020.
- 7.2 The document attached at **Appendix 2** is recommended to be published as a supporting document as part of the public consultation.


#### List of Appendices

**Appendix 1** – Consultation Planning Obligations SPD

**Appendix 2** – Consultation Statement

#### Background Papers

Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)  
Community Infrastructure Levy (CIL) Regulations 2010 (as amended)  
Chelmsford Statement of Community Involvement 2017  
Planning Obligations SPD Consultation Draft 2018

A stylized illustration of a tree branch with several orange leaves, positioned on the left side of the page.

# Chelmsford Local Plan

## Draft Planning Obligations Supplementary Planning Document

### Consultation Document

March 2020







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## **I- Introduction**

### **Purpose of this Document**

**1.1** This draft Planning Obligations Supplementary Planning Document (SPD) sets out the City Council's approach towards seeking planning obligations which are needed to make development proposals acceptable in planning terms. When adopted, it will replace the existing Planning Obligations SPD approved on the 26<sup>th</sup> February 2014.

**1.2** This draft SPD identifies topic areas where planning obligations may be applicable depending on the scale of development and sets out the required obligations or contributions.

**1.3** It should be noted that not all the obligation types within this draft SPD will apply to all types of development. This draft SPD has been produced to apply to varying scales of development, but proposals will be assessed on a site by site basis with the individual circumstances of each site being taken into consideration.

**1.4** The combination of this draft SPD and the Council's Community Infrastructure Levy (CIL) Charging Schedule set out a clear position to developers, landowners and stakeholders, of the scope and scale of planning obligations applicable to different scales and types of development.

**1.5** The implementation guidance provided in this document supplements the requirements set out in the Local Plan.

### **How we have got to this point?**

**1.6** A first draft of this SPD was published for six weeks public consultation in Summer 2018 and submitted as an evidence base document supporting the Independent Examination of the Local Plan.

**1.7** This draft SPD has been revised to reflect revisions to national planning policy guidance, changes to the Community Infrastructure Levy Regulations, modifications to the Local Plan following the Independent Examination, and new local strategies and policy guidance.

**1.8** This revised draft SPD will be published for four weeks public consultation in April/May 2020.



## **2- Policy Background**

### **National Planning Policy Overview**

**2.1** The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990, as amended. Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and paragraphs 54 to 57 of the National Planning Policy Framework (NPPF) February 2019 set out the Government's policy on planning obligations.

### **The National Planning Policy Framework (NPPF)**

**2.2** The NPPF advises that planning authorities should consider the use of planning obligations where they could make an otherwise unacceptable development acceptable. They should only be used where it is not possible to address unacceptable impacts through planning conditions.

**2.3** Community Infrastructure Levy Regulation 122 (2) sets out what a planning obligation can constitute and paragraph 56 of the NPPF re-iterates that planning obligations should only be sought where they meet all the following tests:

- they are necessary to make a development acceptable in planning terms;
- they are directly related to a development;
- they are fairly and reasonably related in scale and kind to a development.

**2.4** The national Planning Practice Guidance (PPG) offers a web-based resource to support the NPPF.

### **The Community Infrastructure Levy (CIL)**

**2.5** The CIL is a charge which local authorities can place on developers to help fund infrastructure needed to support new development in their areas. Unlike Section 106 Planning Obligations, CIL receipts are not earmarked for particular infrastructure. Instead, CIL monies are pooled into one fund, which can be used for any infrastructure needed to support new development across the Council's administrative area.

### **Chelmsford City Council Community Infrastructure Levy (CIL)**

**2.6** The City Council approved its CIL Charging Schedule on 26 February 2014 with an effective date of 1 June 2014. The Charging Schedule sets out a levy of £125 per sq.m for residential development, and £87 and £150 per sq.m for retail development, and a zero rating for all other types of development. The rate of CIL has increased each year since it was approved in line with an index of inflation.



## Infrastructure Delivery Plan

**2.7** The Chelmsford Infrastructure Delivery Plan (IDP) has been undertaken by independent consultants to inform Chelmsford's Local Plan. The Chelmsford IDP shows what infrastructure is required and how it will be provided; who is to provide the infrastructure; and when the infrastructure could be provided.

**2.8** The infrastructure needed to support the Local Plan is split into four funding categories:

- site related infrastructure needed to mitigate and support new development secured through Section 106 planning obligations;
- specific infrastructure which addresses the needs arising on a small number of large sites and is most appropriately funded through pooled Section 106 contributions;
- infrastructure which addresses the needs arising from many sites and is most appropriately funded through CIL;
- secondary infrastructure, such as local open space, which is paid for by the developer but considered as standard so factored into their secondary development allowances. Some of the items identified as secondary infrastructure are secured through Section 106 planning obligations.

**2.9** The funding categories of items of infrastructure required to support the Local Plan are set out in Appendix I.

## Chelmsford City Council Local Plan

**2.10** Development proposals should be considered in line with the City Council's Local Plan. Proposals which require planning obligations should be considered in accordance with the relevant policies. This SPD supports and supplements the Local Plan and is an important material planning consideration in the decision-making process.

**2.11** The overarching reasoning and justification for requiring planning obligations are set out in the Strategic Policies that underpin and guide the Council's Spatial Strategy in the Local Plan.

**2.12** The site policies are within three Growth Areas, with a policy for each site allocation. These policies set out the amount and type of development provided within each site allocation. They also set out what specific supporting infrastructure and other requirements are needed for each site.

**2.13** Other policies within the Local Plan provide specific and detailed justification for various types of planning obligations e.g. Policy HO2 - Affordable Housing and Rural Exception Sites, such policies are referred to in the relevant sections of this SPD.



## Corporate Objectives

**2.14** 'OUR Chelmsford, OUR Plan, sets out the priorities for Chelmsford City Council in the coming years. The Plan states that the ambition remains for Chelmsford to be recognised as a leading regional centre, leading by example and helping to make our society safer, greener, fairer and better connected.

**2.15** The provision of planning obligations, through this draft SPD, seeks to address the priorities of 'OUR Chelmsford, OUR Plan' by:

<b>Fairer and inclusive Chelmsford</b>	Promoting sustainable and environmentally responsible growth to stimulate a vibrant, balanced economy, a fairer society and provide more housing of all types.
<b>A safer and greener place</b>	Making Chelmsford a more attractive place, promoting Chelmsford's green credentials, ensuring communities are safe and creating a distinctive sense of place.
<b>Healthy, active and enjoyable lives</b>	Encouraging people to live well, promoting healthy, active lifestyles and reducing social isolation, making Chelmsford a more enjoyable place in which to live, work and play.
<b>Connected Chelmsford</b>	Bringing people together, empowering local people and working in partnership to build community capacity, stronger communities and secure investment in the city.





## 3- Obligation Types

**3.1** The following sections of this document set out the obligation types which may be required as part of any Section 106 Agreement. Each section sets out the policy background to requiring such obligations, the relevant points at which such a contribution may be required, when the obligation is expected to be provided, any exceptions and any other relevant information.

**3.2** Appendix 1 offers a guide to what items of infrastructure will be covered by Section 106 Planning Obligations and what will be covered by CIL. It should be noted that this is a guide only and was published prior to the introduction of the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019.

**3.3** As of the 31 December 2020, the Council will be required to publish an Infrastructure Funding Statement each year setting out the infrastructure projects or types of infrastructure that the authority intends to fund, either wholly or partly, by the levy or planning obligations. Infrastructure Funding Statements will also report on CIL and planning obligations revenue received and allocated.

**3.4** Essex County Council's (ECC) Developer's Guide to Infrastructure Contributions (2016)<sup>1</sup> provides details of the impacts that development may have on ECC services and infrastructure, and guidance to developers regarding how Section 106 agreements and CIL may be used to secure works, finance and/or land to mitigate impacts.

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<sup>1</sup> Essex County Council consulted on a revised Developers' Guide to Infrastructure Contributions Consultation in December 2019.

## 4- Housing

### Policy Background

**4.1** The NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

**4.2** Strategic Policy S8 demonstrates the Council's commitment to plan positively for new homes and to help significantly boost the supply of housing to meet the needs of the area.

**4.3** To ensure the provision of an appropriate mix of dwelling types and sizes that contribute to current and future housing needs and create mixed communities, Table I below will be used to inform the mix of market housing proposed as part of new residential development.

**Table I Size of new market housing**

<b>Size of new owner-occupied and private rented accommodation required in Chelmsford up to 2037</b>	
<b>Dwellings Size</b>	<b>Indicative Mix</b>
One Bedroom	6.2%
Two Bedroom	28.0%
Three Bedroom	46.3%
Four or more bedrooms	19.5%
Total	100%

**4.4** Policy MP4 provides information on the design specification for dwellings, which includes a requirement for all new dwellings to comply with the Nationally Described Space Standards. As this applies to all new dwellings, evidence of compliance with this requirement will need to be provided prior to the validation of a planning application.

**4.5** Policy HO1 (Aii) and Policy HO1 (Bi) describe the development thresholds and proportions of new dwellings that will be required to meet the enhanced access and adaptability standards set out in M4(2) and M4(3) of the optional requirement in the Building Regulations. These requirements will be secured through planning conditions.

**4.6** Further information on the implementation of Policy HO1 (Bi) is provided in Section 5 Affordable Housing.



**4.7** Policy HOI (Ci) requires, within all new developments of more than 100 dwellings, 5% self-build homes, which can include custom housebuilding. This requirement will be secured through a planning obligation.

**4.8** Policy HOI (Cii) requires all new development of more than 100 dwellings to provide Specialist Residential Accommodation (including Independent Living), taking account of local housing needs. This requirement will also be secured through a planning obligation.

## **Definition of Self-build and Custom Housebuilding**

**4.9** The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where individuals, an association of individuals, persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

**4.10** In considering whether a home is self-build or a custom build home, local authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. It does not include the building of a house or plot acquired from a person who builds the house mainly to plans or specification decided or offered by that person.

**4.11** There are various types of self-build and custom build projects including:

- Individual self/custom build - individuals purchase a serviced plot of land and build a house to live in. They may do some or all the build themselves or employ a builder, architect or project manager to oversee the build.
- Group self/custom build - a group of people come together to design and develop a custom build housing development which they then live in. They may build this themselves or with help from a developer to manage the project.
- Developer-led custom build - a developer divides a larger site into individual serviced plots and provides a design and build service to purchasers. This gives people a chance to customise existing house designs to suit their needs and can sometimes offer a chance to finish the house internally.
- Community-led - community led housing projects that help a group of people to build mostly affordable homes together, either individually or in cooperation with a builder or housing provider. This could utilise Community Land Trusts, which often take a long-term formal role in the ownership, stewardship and management of the homes to ensure they remain affordable in perpetuity. Alternatively, housing co-operatives can own or lease properties and rent them to their members who also manage and control the housing.
- Cohousing - a cohousing project involves a legally recognised group of people creating their own neighbourhood of homes, with shared facilities such as a communal house.



## **What is the method of calculation for the quantum of Self-build and Custom Housebuilding?**

**4.12** The Self and Custom Housebuilding Act 2015 places a duty on the Council to keep a register of individuals, and associations of individuals, who are seeking to acquire self-build serviced plots of land in the Council's area for their own self-build and custom housebuilding.

**4.13** The register provides information on the number of individuals and associations on the register; the number of serviced plots of land sought; the preferences people on the register have indicated, such as general location within the authority's area, plot sizes and type of housing intended to be built. This information will be reported each year in the Council's Authority Monitoring Report.

**4.14** At the time a planning application is submitted, the Council will review the requirements to provide 5% self-build and custom housebuilding against its register. However, the Council would not seek more than 5% self-build and custom housebuilding.

**4.15** The calculation of the self-build and custom housebuilding requirement will be undertaken in terms of the gross number of self-contained dwellings. Where the percentage of self-build and custom housebuilding sought does not result in whole numbers of units, the number of self-build and custom housebuilding dwellings or plots will be rounded up.

**4.16** In this guidance, reference to a serviced plot means one self-build and custom housebuilding dwelling, regardless of the type of self-build and custom build project.

## **What is the definition of a Serviced Plot of Land?**

**4.17** National Planning Practice Guidance provides a definition of a serviced plot of land as a plot of land that either has access to a public highway and has connections for electricity, water and waste water, or, in the opinion of the relevant authority, can be provided with access to these, within the duration of a development permission granted in relation to that land.

**4.18** Access to a public highway can include sections of private or unadopted road, it does not mean that the plot is immediately adjacent to the public highway just that there is the guaranteed right of access to the public highway.

**4.19** Connections for electricity, water and waste water means that the services must either be provided to the boundary of the plot, so that during construction connections can be made or adequate alternative arrangements are possible, such as the use of a cesspit rather than mains drainage.

## **Mix of Self-build and Custom Housebuilding**

**4.20** At the time a planning application is submitted, the Council will review the preferences of the people on the register to advise developers and landowners on the type of self and custom housebuilding required.





**4.21** Providers should provide a mix of serviced plots to meet the range of demand and affordability evidenced by local demand on the register.

**4.22** Where there is evidence of local demand for serviced plots but they are not possible e.g. flatted schemes, the Council will require the provision of 'complete shell' or 'self-finish' units where the purchaser can then define internal layouts, finishes and fixings as well as any exterior landscaping for flats with private gardens.

## **SI06 Agreement**

**4.23** To ensure that self-build and custom housebuilding provision are delivered in a way that meets local need, the Council will seek to secure a Section 106 obligation which sets out the amount, type, mix and priority mechanisms that the self-build or custom housebuilding must achieve.

**4.24** The priority mechanism will include a restrictive marketing period of 3 months. In this 3 month period a household containing at least one adult that lives or works in the administrative area of Chelmsford City Council that can demonstrate, to the satisfaction of the vendor, that they have the financial means to purchase a serviced plot at the advertised price, will be given priority over other potential purchasers that do not live or work in Chelmsford.

**4.25** The Section 106 agreement will mirror the terms of the CIL Regulations 2010 (as amended) exemption provisions and ensure that the self-builder and custom housebuilder must remain as the occupant of the dwellings for a minimum of 3 years after completion in order to benefit from the exemption.

**4.26** The Section 106 agreement will secure that self-build and custom housebuilding provision will need to be made available and actively marketed before occupation of 50% of market housing provision.

**4.27** Providers of self-build and custom housing building will be required to market appropriately serviced plots and ensure they remain available for at least 12 months at a price which is comparable to other serviced plots marketed in the administrative area of Chelmsford in the same 12-month period. If after 12 months a serviced plot has been made available and actively marketed but has not sold, the plot can either remain on the open market or be built out by the Developer in accordance with the Design Code and other relevant Local Plan policies. Plot providers reverting self-build and custom housebuilding back to market housing will be responsible for the full CIL liability.

**4.28** Self-build and custom housebuilding will not be considered as part of the affordable housing obligations set out in Policy HO2, irrespective of whether the accommodation is subject to suitable restrictions on occupation and price, because it is meeting a different identified housing need.



## Design Requirements

**4.29** To ensure that self-build and custom housebuilding is of high quality design, sites with multiple serviced plots or other forms of self-build and custom housebuilding provision, will be required to be supported by a Design Code at outline or full planning stage. The implementation of a Design Code will be secured through a planning condition rather than a planning obligation.

**4.30** A Design Code should be submitted by the provider at the outline planning stage and should set out a clear set of design rules and parameters that future development will comply with. Design Codes will vary depending on the amount of development proposed and the context of a site. They will need to be agreed with the local planning authority.

**4.31** A Design Code should include the information set out in the 'Design Code Template for Self-Build and Custom Housebuilding' which has been published alongside this SPD.

**4.32** The Council will support the use of Plot Passports for self-build and custom housebuilding development where supported by a design code.

**4.33** Plot Passports provide potential plot purchasers with a simple and concise summary of the design parameters for a specific plot. They should clearly show the location, permissible building lines, heights, footprints and access to services as well as separation distances to adjacent plots. A Plot Passport should also be clear about the number of dwellings that can be built on a single plot as well as specifying car parking provision and access arrangements. Plot Passports will need to state how, and for what period, purchasers that reside or work in the Council's administrative area are prioritised.

**4.34** The Council recognises that modular housing, which is built off-site, can help deliver custom housebuilding that is more cost effective than traditional housebuilding methods. The Council will support modular housing where it complies with design codes, policies and standards in the Local Plan.

**4.35** All residential development, including self-build and custom housebuilding must comply with the relevant Local Policies set out in the Local Plan. Each serviced plot will need to submit a full or reserved matters application where the design and appearance of an individual home will be considered.

## CIL Exemptions

**4.36** The CIL Regulations 2010 (as amended) defines self-build housing for CIL exemptions purposes as housing built or commissioned by a person and occupied by that person as their sole or main residence for the duration of the claw back period (3 years).

**4.37** Qualifying self-build developments will be required to accept liability for CIL and declare that their development is intended to be self-build, prior to commencement of development. The self-builder must remain as the occupant of the dwelling for a minimum of 3 years after completion. If the dwelling is sold or let within three years of completion, the Council will claw back the CIL liability. Occupancy is monitored through Council Tax and electoral role records.



## **Definition of Specialist Residential Accommodation**

**4.38** Specialist Residential Accommodation can cater to the specific needs of a variety of people within the community, including older people; students; people with disabilities; people with support needs and non-nomadic Gypsy and Travellers who for cultural reasons, choose to live in caravans.

**4.39** Disabilities can include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs, which may generate a range of housing requirements which can change over time.

**4.40** National Planning Practice Guidance recognises that local planning authorities may also wish to consider groups outside of the scope of the definitions in paragraphs 5.39 and 5.40 above, in order to meet specific needs within their communities.

**4.41** The Specialist Residential Accommodation required by these groups varies from independent self-contained accommodation with limited support, such as sheltered housing, to residential care homes that provide non self-contained residential accommodation for people who need regular care and support.

**4.42** Accommodation with support can be delivered in a range of settings, including individual flats or houses, shared accommodation or clusters. The term 'Supported Living' refers to the way support is organised rather than specifying one type of accommodation that is required.

**4.43** Specialist Residential Accommodation does not necessarily have associated support requirements but could cater to the specific needs of the groups requiring it through the built form of the accommodation provided, such as purpose-built student accommodation or pitches for non-nomadic Gypsy and Travellers.

## **What is the method of calculation for the quantum of Specialist Residential Accommodation?**

**4.44** Because of the wide range of forms Specialist Residential Accommodation can take and the wide range of needs the accommodation can cater to, the Council will advise on the quantum of Specialist Residential Accommodation required at the time an application is submitted.

**4.45** The quantum of Specialist Residential Accommodation sought will depend on the scale, type and commercial model of Specialist Residential Accommodation required.

**4.46** Policy HO1 (Cii) applies to all new development of more than 100 dwellings. It does not apply to standalone Specialist Residential Accommodation.



## **Mix of Specialist Residential Accommodation**

**4.47** At the time an application is submitted the Council will consider the Specialist Residential Accommodation needs identified in the Council's Housing Strategy as well as the latest assessments of need, including the Strategic Housing Market Assessment, Joint Strategic Needs Assessment and the Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment.

**4.48** The Council will also consult Essex County Council (ECC) to seek advice on their priority Specialist Residential Accommodation needs.

**4.49** The Council will provide advice on affordability evidenced by the local demand where this is not available in published assessments of need or statements of need, such as the Council's Housing Strategy, Position Statements regarding Independent Living for Older People and Adults with Disabilities, published by ECC.

**4.50** Paragraphs 5.48-5.50 applies to all new development of more than 100 dwellings. It does not apply to standalone Specialist Residential Accommodation.

## **SI06 Agreement**

**4.51** To ensure that Specialist Residential Accommodation is delivered in a way that meets local need, the Council will seek to secure a Section 106 obligation which sets out the amount, type, mix and tenure and priority mechanisms of the Specialist Residential Accommodation to be provided in perpetuity.

**4.52** Where Specialist Residential Accommodation is meeting a housing need identified by Essex County Council and non-nomadic Gypsy and Travellers, a priority mechanism for households that reside, work or have strong family connections with persons living in the administrative area of Chelmsford City Council from whom they require support, will be prioritised for a set period of time.

**4.53** The Section 106 agreement will secure that Specialist Residential Accommodation should be made available before occupation of 50% of market housing provision, to ensure timely delivery of the Specialist Residential Accommodation.

**4.54** Where Specialist Residential Accommodation is required to be delivered under Policy HO1, it will not be considered to count towards the affordable housing requirement set out in Policy HO2, irrespective of whether the accommodation is subject to suitable restrictions on occupation and price, because it is meeting a different identified housing need

## **Design Requirements**

**4.55** Specialist Residential Accommodation can cater to the specific needs of a variety of people within the community and design requirements will consequently vary significantly.



**4.56** Accessible and adaptable housing enables people to live more independently while also saving on health and social costs in the future. Accessible and adaptable housing will provide safe and convenient approach routes into and out of the home and outside areas, suitable circulation space and suitable bathrooms and kitchens within the homes.

**4.57** Wheelchair user dwellings include additional features to meet the needs of occupants who use wheelchairs or allow adaptations to meet such needs.

**4.58** Inclusive design should not only be specific to the building, but also include the setting of the building in the wider built environment, for examples the location of the building on the plot; the gradient of the plot; the relationship of adjoining buildings; and the transport infrastructure. Further guidance on inclusive design of public spaces and the wider built environment is provided in the 'Making Places Supplementary Planning Document'.

**4.59** Design principles such as those set out in the Housing our Ageing Population Panel for Innovation (HAPPI) Report (2009) are applicable for older people and age-friendly places.

**4.60** Gypsy, Traveller or Travelling Showperson sites will need to provide a suitable living environment for the proposed residents, with safe and convenient access to the local highway network. Essential services should be available on-site or be made available on-site. Sites should also include a children's play area.

**4.61** The term 'pitch' refers to the space required on a site to accommodate a Gypsy and Traveller household. There is no set size for an individual pitch. They can vary like house sizes depending on the number of family members.

**4.62** A pitch should, however, be large enough to provide at least:

- hardstanding for one static caravan;
- hardstanding for one travelling caravan;
- two parking bays for larger vehicles;
- an amenity building containing a kitchen, lounge and dining area, shower and utility room; and separate toilet facilities;
- an external shed;
- a secure enclosure for metal gas bottles; and
- clothes drying area.

**4.63** The term 'plot' refers to the space required on a site to accommodate a household of Travelling Showpeople. A number of plots are also sometimes referred to as 'yards'. There is no standard size for a plot, however the Showmen's Guild has published some model standards for sites, which are considered to form good practice guidance.





**4.64** Plots for Travelling Showpeople should be of a size sufficient to enable the storage, repair and maintenance of equipment. The area of land set aside for accommodation by one family unit and the area of land set aside for the storage and maintenance of equipment collectively forms a single plot. The storage and maintenance space can sometimes be a communal area, however, for security reasons there may be a preference for them to form part of individual plots.



## 5- Affordable Housing

### Policy Background

**5.1** The NPPF states that where local planning authorities have identified that affordable housing is needed, they should set policies for meeting this need.

**5.2** Paragraphs 20, 34, 61-64 of the NPPF and Strategic Policy S8 and Policy HO2 of the Local Plan set out the justification for requiring planning obligations in respect of securing affordable housing.

**5.3** Strategic Policy S8 sets out the Council's housing requirement. This is evidenced by the Council's Objectively Assessed Housing Need Study (OAHN) which sets the overall need for housing, and the Strategic Housing Market Assessment (SHMA), which identifies the need for new affordable homes.

**5.4** Policy HO2 (A) requires the provision of 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential development sites which comprise of 11 or more residential units.

**5.5** Planning obligations will be used to secure the following elements related to the provision of affordable housing:

- the number of units;
- the type of units;
- tenure of units;
- location of units;
- parking provision;
- commuted sums in lieu of provision (where appropriate).

**5.6** All affordable housing provided in areas covered by The Housing (Right to Acquire or Franchise)(Designated Rural Areas in the East) Order 1997 (SI 1997/623) and The Housing (Right to Enfranchise)(Designated Protected Areas)(England) Order 2009 (SI 2009/2098) will be subject to the retention restrictions imposed by these Orders.

**5.7** The statutory right of tenants to acquire their affordable homes for rent (the "Right to Acquire") does not apply to any affordable dwellings for rent which are situated within a Designated Rural Area.



**5.8** Where shared ownership leases of dwellings in Designated Protected Areas are concerned, the Registered Provider must ensure that all shared ownership leases contain a provision which either restricts staircasing to no more than 80%; or in instances where the leaseholder is permitted to acquire more than 80% (i.e. staircase to 100%), enables and obliges the Registered Provider to repurchase the property when the leaseholder wishes to sell.

**5.9** These Orders currently include the whole Parishes of Chignal; East Hanningfield; Good Easter; Great and Little Leighs; Great Waltham; Highwood; Little Baddow; Little Waltham; Margaretting; Mashbury; Pleshey; Rettendon; Roxwell; Sandon; South Hanningfield; Stock; West Hanningfield and Woodham Ferrers and Bicknacre. A significant part of the Parish of Writtle is also included.

### **Definition of Affordable Housing**

**5.10** The definition of affordable housing is set out in Annex 2 of the National Planning Policy Framework. This includes affordable housing for rent, starter homes, discounted market sales housing and other affordable routes to home ownership.

### **What is the method of calculation of the quantum of Affordable Housing?**

**5.11** Policy HO2 requires 35% of the total number of residential units on sites of 11 or more residential units to be provided and maintained as affordable housing.

**5.12** The calculation of the affordable housing obligation will be undertaken in terms of the gross number of self-contained dwellings. Where the percentage of affordable housing sought does not result in whole numbers of units, the number of affordable dwellings will be rounded up to achieve the required 35% provision.

**5.13** The 35% applies across the whole development; it does not only apply to the part of the development above the threshold.

**5.14** Where there is a proposal to increase the number of residential units on a site following grant of permission, for example a non-residential ground floor use subsequently secures planning permission for additional residential dwellings, the Council will apply Policy HO2 (A) to the total number of residential dwellings on the site, if the increase in the number of units take the total on site to 11 units or more.

**5.15** In instances where the initial proposal has been built, the additional proposed dwellings would be required to 'offset' the affordable housing requirement across the whole site.

**5.16** Once the affordable housing requirement amount has been calculated, all other parts of this section of this SPD will apply.

## Vacant Building Credit

**5.17** A Ministerial statement issued on the 28th November 2014 stated that where a vacant building is brought back into lawful use or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of the relevant vacant building when the local planning authority calculates any affordable housing contribution. Affordable housing contributions will be required for any increase in floorspace.

**5.18** The vacant building credit applies where the vacant building has not been abandoned. The reference to abandonment is the applicable planning test for the vacancy credit and is already recognised in law.

**5.19** Where there is an overall increase in floorspace in a proposed development that includes a vacant building, the Council will apply the following formula to calculate the affordable housing contribution:

- Revised Affordable Housing =  $35 \times 1 - (\text{existing vacant gross internal area/proposed gross internal area})$

**5.20** In practice this means that if an existing vacant building has a gross internal area of 3,000 sqm and the gross internal area of the proposed 60 dwellings is 4,500 sqm, the revised affordable housing percentage that will be required is 11.667% and the revised affordable housing contribution will equal 7 dwellings.

**Table 2 Example of calculating the Vacant Building Credit**

Number of Dwellings	Vacant Building Gross Internal Area	Proposed Gross Internal Area of Residential Dwelling
60	3,000 sqm	4,500 sqm
Coefficient based on existing versus proposed areas	$3,000/4,500 = 0.667$	$1 - 0.667 = 0.333$
Revised Affordable Housing Percentage	$35 \times 0.333 = 11.655\%$	
Affordable Dwellings	Market Dwellings	Total Dwellings
7.00	53	60

**5.21** For wholly residential schemes the total proposed Gross Internal Area (GIA) will be the GIA of the sum of all dwellings. Where flatted development is proposed the GIA will include all communal and circulation areas. For mixed use schemes, only the GIA of the proposed residential elements will be included.

**5.22** The number of affordable dwellings will be calculated to two decimal points and rounded to the nearest whole number.

## Mix of Affordable Housing

**5.23** To ensure new affordable provision is weighted to make a proportionate contribution to the assessed need, the Council will expect the affordable housing to include 22% of the total number of dwellings within the development as either social or affordable rented accommodation.

**5.24** Where the calculation of 22% of the total number of dwellings to be provided as affordable housing for rent does not result in whole numbers, it should always be rounded up in order to achieve the required 22%.

**5.25** The balance, 13% of the total number of dwellings, should be provided as affordable home ownership housing.

**5.26** The affordable housing provision for rent should proportionately reflect the needs identified in the latest SHMA and shortages relative to supply, in determining the optimum affordable housing mix by size and type.

**5.27** The affordable housing provision for rent should reflect the 'Need requirement' in the Table 3 where possible. The Council will report the bedroom size of new affordable housing for rent that achieves completion each year in the Authority Monitoring Report.

**Table 3 Bedroom size of affordable housing for rent**

Size of additional units required to meet housing need in Chelmsford	
Size of home	Need requirement
	As a % of net annual total
One Bedroom	22.5%
Two Bedrooms	53.6%
Three Bedrooms	14.2%
Four or more Bedrooms	9.7%
<b>Total</b>	<b>100.0%</b>

Source: Table 5.13b, page 137, SMHA Update.

**5.28** The Council's Housing Strategy will provide additional information on the size and type of affordable housing required to meet priority housing needs.

**5.29** Policy MP4 of the Local Plan requires all new dwellings to achieve appropriate internal space through adherence to the Nationally Described Space Standards.





**5.30** To accommodate the full range of bedroom requirements and associated occupancy guidelines set out in the Council's Housing Needs Register and Allocation Policy; and reflect the fact that a significant proportion of households assessed on the Council's Housing Register as requiring each size of accommodation will be at the maximum occupancy level; the Council will require affordable homes for rent to achieve appropriate internal space and number of bed spaces through adherence to the minimum defined levels of occupancy set out in Table 4.

**Table 4 Minimum gross internal floor areas and storage (sq.m) for affordable housing for rent**

Number of bedrooms	Number of bedspaces	1 Storey	2 Storey	3 Storey	Built-in storage
1 bed	2 persons	50	58		1.5
2 bed	4 persons	70	79		2.0
3 bed	5 persons	86	93	99	2.5
4 bed	6 persons	99	106	112	3.0
5 bed	7 persons	112	119	125	3.5

## Wheelchair Accessible Homes

**5.31** Policy HO1 (Bi) states that within developments of 30 or more dwellings, the Council will require 5% of new affordable dwellings to be built to meet requirement M4(3) of the Building Regulations 2015 (wheelchair user dwellings), or subsequent government standard.

**5.32** Part M of the Building Regulations sets a distinction between wheelchair accessible (a home readily useable by a wheelchair user at the point of completion) and wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users) dwellings.

**5.33** Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.

**5.34** The Council will apply a planning condition that ensures that 5% of all new affordable homes on developments of 30 or more dwellings meet the requirements of M4(3)(2)(b) of the Building Regulations 2015 to ensure that the planning permission, under which the building works is carried out, meets the needs of occupants of the affordable housing for rent that use a wheelchair at the point of completion.



**5.35** Where the 5% requirement does not result in whole numbers of units, the number of affordable dwellings for rent meeting the requirements of M4(3)(2)(b) of the Building Regulations 2015, will be rounded up.

## **Location of Affordable Housing**

**5.36** Affordable housing is an integral element of any market-led residential or mixed used development and is expected to be provided in-kind and on-site. The Council may consider a financial contribution in lieu of on-site provision of equivalent value on development sites which comprise between 11 and 15 units, to improve the provision of temporary accommodation for homeless households; or meet other affordable housing priorities identified in the Housing Strategy, which cannot be met on-site.

**5.37** The ability to consider a financial contribution in lieu of on-site affordable housing provision will also enable the Council to improve the temporary accommodation offer. The Council has a limited portfolio of accommodation and is currently dependent on the private sector to meet the demand for temporary accommodation. This restricts the Council's ability to respond flexibly to changing patterns in demand for temporary accommodation and manage its statutory duties as a local housing authority.

**5.38** Where the Council agrees to a commuted sum in lieu of an on-site affordable housing contribution, the methodology that will be used is to assess recent new build sales values from the Land Registry relating to the administrative area of Chelmsford and then deduct from that the amount that a Registered Provider would pay for those units as affordable units. The difference is the commuted sum.

**5.39** Each house sold requires an Energy Performance Certificate (EPC). This is a public document that can be viewed on the EPC Public Register. The EPC contains the floor area (the Gross Internal Area) as well as a wide range of other information about the construction and energy performance of the building.

**5.40** The price paid from the Land Registry data for new build sales values will be combined with the homes floor area from the EPC Register to provide an average new build sales value per sq.m for flats and houses from which to deduct the amount that a Registered Provider would pay. This information is shown in Appendix 2 and will be updated in April each year.

**5.41** The calculation of the commuted sum will be based on the proposed mix of market housing and will assume the affordable housing proportionately reflects the market mix of housing in terms of the bedroom size of the market housing proposed and the mix of flats and houses. The floor area in sq.m for each property size will reflect the floor areas in Table 4.

**5.42** The value of the different affordable housing values will be the same as those used in the Local Plan Viability Study (January 2018), which included a value of £2,900 per sq.m for affordable rented housing and 65% of open market values for affordable home ownership housing.

**5.43** The calculation of the commuted sum will reflect all other requirements in this section of the SPD.

**5.44** An example of the calculation of a commuted sum in lieu of on-site affordable housing based on a market proposal consisting of 5 two bedroom flats and 10 three bedroom houses, is provided in Table 5. The mix of affordable homes for rent in the example in Table 5 reflects the need for affordable homes for rent set out in Table 3 and that the demand for affordable homes for shared ownership is predominantly for smaller dwellings.

**5.45** If a commuted sum in lieu of on-site affordable housing is agreed by the Council, the commuted sum will need to be paid at commencement of the development.

**5.46** Outline planning applications that include a commuted sum in lieu of on-site affordable housing will include the formula for calculating the commuted sum in the Section 106 agreement, using this guidance. Full planning applications, where the market mix of residential dwellings is agreed, will state the commuted sum amount and be index linked. An example showing the commuted sum calculation for a 15 unit scheme is set out in Table 5 below.

**Table 5 Example Calculation of a commuted sum in lieu of affordable housing on-site**

Size (Bedrooms)	Size sq.m (Flats/ Houses)	Market Housing Mix		Affordable Housing Mix				Market Value	Affordable Value	Commuted Sum
				Affordable Rent		Affordable Home Ownership				
		Flat £4,931 sq.m	House £4,046 sq.m	Flat £2,900 sq.m	House £2,900 sq.m	Flat £3,205 sq.m	House £2,630 Sq.m			
1	50/58									
2	70/79	5				2		2 x 70 = 140 x £4,931 = £690,340	2 x 70 = 140 x £3,205 = £448,700	£241,640
3	86/93		10		4			4 x 93 = 372 x £4,046 = £1,505,112	4 x 93 = 372 x £2,900 = £1,078,800	£426,312
4	99/106									
5	112/119									
Total		15		4		2		£2,195,452	£1,527,500	£667,952



## Layout

**5.47** To achieve mixed, inclusive and sustainable communities affordable housing should:

- a) Be provided in more than one single parcel except in schemes where the overall number of residential dwellings is below 15 units;
- b) On sites incorporating 30 or more residential dwellings, affordable housing should be provided in groups of no more than 15% of the total number of dwellings being provided or 25 affordable dwellings, whichever is the lesser.

**5.48** Residential proposals should be designed to maximise tenure integration within the affordable housing on whole sites of affordable housing and market-led housing proposals, as well as between the affordable and market housing.

**5.49** On flatted developments, separate single tenure blocks will not be acceptable. The only circumstances where this might be reconsidered relates to management or maintenance matters where affordable housing dwellings are arranged around stairwells within blocks of flats that include a range of tenures.

**5.50** Affordable housing dwellings should have the same external appearance and entrance arrangements as market housing.

**5.51** If the Council accepts that there are legitimate concerns relating to management or maintenance of predominantly flatted development, which prevents pepper-potting in strict accordance with this SPD, the Council will expect the provider of the affordable housing to be given an option to opt-out of any management arrangements and costs associated with the remainder of the site.

**5.52** Plans submitted to the Council for planning consideration should clearly show the location and layout of all affordable dwellings within the development. The affordable housing provision should not be disproportionately concentrated above any non-residential uses.

**5.53** Development proposals that locate affordable housing in the less desirable parts of a development will be resisted (e.g. closest to sources of potential pollution). The Council requires the same level, design and layout of car parking provision to apply to affordable and market housing.

## Green Belt

**5.54** The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

**5.55** Paragraph 145 of the NPPF list some exceptions to this approach.



**5.56** Paragraph 145 (g) of the NPPF states that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously development land and contribute to meeting an identified affordable housing need within the area of the local planning authority is an exception.

**5.57** The Council expects the affordable housing provided under paragraph 145 (g) to be weighted to contribute to meeting the assessed affordable housing need of the administrative area of Chelmsford.

### **Entry-Level Exception Sites**

**5.58** Paragraph 71 of the NPPF states that local planning authorities should support the development of entry-level exception sites, suitable for first time buyers or those looking to rent their first home, unless the need for such homes is already being met within the authority's area.

**5.59** The NPPF states that entry-level exception sites should be on land which is not already allocated for housing and should:

- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of the NPPF; and
- b) be adjacent to existing settlements, proportionate in size to them<sup>2</sup>, not comprise the protection given to areas or assets of particular importance in the NPPF (e.g. land designated as Green Belt), and comply with any local design policies and standards.

**5.60** The Council expects the affordable housing offer on an entry-level exception site to contribute to the assessed affordable housing needs of the administrative area of Chelmsford.

**5.61** The Council expects the proposed affordable housing for rent to meet the needs of those households on the Council's Housing Register looking to rent their first home.

**5.62** The Council's Housing Strategy provides more information on the needs of households looking to rent their first affordable home and the affordable home ownership products that might be suitable for first time-buyers.

### **Rural Exception Sites**

**5.63** In the circumstances described in Policy HO2 (B) small affordable housing developments to meet local need will be permitted within Designated Rural Areas which would not otherwise be released for housing. These will only be permitted if it can be demonstrated that there is a proven need for the number, type and tenure of dwellings proposed, and the Council is satisfied that the affordable housing will remain affordable and exclusively available for local needs in perpetuity.

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<sup>2</sup> Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.





**5.64** The Reasoned Justification for Policy HO2 (B) identifies the Designated Rural Areas to which Policy HO2 (B) applies.

**5.65** All Rural Exception Site applicants must be accompanied by a local housing need survey which should contain the information set out in the Reasoned Justification for the Policy HO2 (B). In addition, the survey analysis should identify types of local connection that households in housing need have with a Parish to inform the proposed method for prioritising and allocating the dwellings.

**5.66** If a survey of local housing need supporting an application under Policy HO2 (B) has been conducted more than four years prior to a planning application being submitted, the Council will require the housing need and affordability data to be updated to ensure the continued suitability of the proposed housing to meet local needs.

**5.67** Any local housing needs survey which has been conducted more than five years prior to a planning application being submitted, will not be considered adequate to support a development proposal under Policy HO2 (B).

**5.68** The Council's Housing Register provides supplementary information on households in housing need that would prefer to live in a specific Parish. The Council can also provide information on the number of existing affordable homes and vacancies that have occurred in a Parish. If requested, this information can supplement a local housing needs survey, but will not substitute it.

**5.69** To ensure future occupancy from within the parish-wide survey area, applicants should plan to meet, in aggregate, not more than 50% of the identified local housing need for affordable housing.

**5.70** The Rural Community Council of Essex (RCCE) employs a Rural Housing Enabler to advise and assist Parish Councils and rural communities on conducting effective local housing need surveys. The Council expects all applicants proposing Rural Exceptions Sites to work in partnership with the Rural Housing Enablers and Parish Councils to identify the local housing need.

**5.71** The Council encourages all applicants proposing affordable housing on Rural Exception Sites to work with a Registered Provider that supports the work of the Rural Housing Enabler employed by the RCCE. These Registered Providers have experience in delivering affordable housing in rural areas and work within an agreed framework.



## **6- Physical Infrastructure - Highways, Access and Transport**

### **Policy Background**

**6.1** Section 9 of the NPPF requires the planning system to promote sustainable transport. The provision of viable transport infrastructure necessary to support sustainable development is important in facilitating sustainable development.

**6.2** Strategic Policy SI 1 sets out the infrastructure required to facilitate the development set out in the Local Plan.

**6.3** Strategic Policy SI 2 sets out that infrastructure must be provided in a timely and, where appropriate, phased manner to serve the occupants and users of the development. Where development proposals require additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Council and the appropriate infrastructure providers. Such measures can include:

- financial contribution towards new or expanded facilities and the maintenance thereof;
- on-site provision (which may include building works);
- off-site capacity improvement works; and or
- the provision of land.

**6.4** In negotiating planning obligations, the Council will consider local and strategic infrastructure needs.

### **Possible SI 06 Obligations**

**6.5** Essex County Council (ECC) is the Highway Authority for the Chelmsford City area. Chelmsford City Council consults Essex County Council on planning proposals that affect the highway network. Essex County Council provides advice on the scope of obligations for highway infrastructure works where it is considered that there is a need to mitigate the impact of new development(s) on the highway network.

**6.6** All development proposals will be assessed on their own merits in relation to the impact they have upon the highway network. There are no types of development which are exempt from necessary highway infrastructure obligations.



## **6.7** These may include:

- Access road from the highway into the site
- Bus Priority/Chelmsford Rapid Bus Transit (ChART) Bus services and infrastructure
- Contribution to Car Clubs/Care Sharing schemes
- Cycling and footway links/improvements/crossing Cycle/footbridges
- Link roads
- New junctions
- New roads
- Pedestrian crossings
- Raised kerbs
- Road junction improvements
- Signage
- Traffic Regulation Orders e.g. to impose waiting restrictions
- Traffic lights
- Travel Planning (residential, workplace, school etc)

## **Timing/Trigger for payment or provision of works**

**6.8** The developer is required to implement the agreed highway infrastructure works in such a way that the works can be adopted by the Highway Authority once it has been agreed that they are in an adopted standard. In general, the developer is obliged to submit suitable detailed engineering drawings to the Highway Authority prior to any commencement of the development on site, for the Highway Authority's approval.

**6.9** Before occupation of a development, the developer is usually obliged to implement the approved scheme and the Highway Authority will issue a certificate of practical completion. The developer will still have responsibility for maintaining the highway works for a minimum of 12 months and to carry out any remedial works required since the issue of the certificate of practical completion. After the 12-month period, or when the remedial works have been satisfactorily completed, a certificate of adoption will be issued, and the works adopted by the Highway Authority.

**6.10** Developers will be required to pay fees to cover ECC's costs incurred in approving the detailed engineering drawings, and for inspecting the highway works and issuing the relevant certificate. Details of these fees are to be included in a Section 106 Agreement.

**6.11** Where appropriate, a Section 278 Agreement under the Highways Act can be entered into between the developer and the Highway Authority. This agreement enables a developer to carry out works on a public highway and is separate to a Section 106 Agreement. The full details of the processes will be set out in any relevant Section 106 or Section 278 Agreements.



## **Maintenance Payments**

**6.12** Where the infrastructure works include items with the possibility of a major maintenance requirement e.g. traffic signals or where the works are beyond the usual ECC specification, the Highway Authority will require a commuted sum from the developer to maintain that infrastructure for 15 years after adoption.

## **Further Information**

### **Insurance**

**6.13** Where a developer intends to carry out works to/in the public highway they will be required to provide third party insurance.

### **Bonds**

**6.14** Developers will be required to enter into a bond for an amount specified by the Highway Authority to ensure that the highways works are completed to the Authority's satisfaction, should the developer default on any of its obligations in relation to the works. This bond will vary dependent on the works required. The bond can be a formal bond with an approved third-party surety or it can be a deposit in cash to Essex County Council as the Highway Authority.

**6.15** Land compensation bonds will be required where there is a possibility of existing properties being affected by new highway development, e.g. by increased noise resulting from new highway development, including the possibility of a reduction in price.



## **7- Physical Infrastructure - Flood Protection and Water Management**

### **Policy Background**

**7.1** Section 14 of the NPPF deals with the challenge of climate change, flooding and coastal change. It states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

**7.2** Strategic Policy S3 states that the Council will require that all development is safe, considering the expected life span of the development, from all types of flooding and appropriate mitigation measures are identified, secure and implemented. New development should not worsen flood risk elsewhere.

**7.3** Strategic Policy S6 sets out that new development will be expected to incorporate multi-functional greenspaces which help to reduce pollution using sustainable drainage systems (SuDS) and Strategic Policy S11 states that site level measures will need to provide appropriate flood risk management.

**7.4** Strategic Policy S12 clarifies that planning permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support that development or that such capacity will be delivered by a proposal and that such capacity is sustainable over time.

**7.5** Policy NE3 provides detailed flood protection and water management requirements where development is proposed within areas of flood risk. It also states that 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 and seeks to achieve betterment as well as not worsening flood risk elsewhere. All major development will be required to incorporate water management measures to reduce surface water run-off and ensure that it does not increase flood risk elsewhere.

**7.6** In considering proposals for development the Council will follow a sequential risk-based approach, including the application of the 'exception test' which should consider flood risk from all sources when considering whether development in that location is appropriate.

### **Possible S106 Obligations**

**7.7** Areas of flood risk include risk from all sources of flooding such as rivers and the sea, directly from rainfall onto the ground surface and rising groundwater, overwhelmed sewers and drainage systems and from other water bodies.

**7.8** In Chelmsford the principal sources of flood risk are from its rivers, the tidal River Crouch at South Woodham Ferrers and storm rainfall giving rise to extreme levels of surface water run-off.





**7.9** As the Lead Local Flood Authority, Essex County Council has produced a Surface Water Management Plan for the urban area of Chelmsford (2014). There may be instances where individual sites come forward for development, which in turn raises issues of flood risk or water management. If these cannot be addressed on site or by way of condition, it is anticipated that a Section 106 Agreement may be needed. These may need to alleviate any/all forms of flood risk and such techniques could include:

- Flood alleviate controls - new or enhanced provision such as flood plain, levees, reservoirs.
- Bio-retention areas
- Wetlands
- Channels
- Detention basins
- Ponds
- Infiltration/filtration
- Green roofs
- Permeable paving

### **Timing/Trigger for payment or provision of works**

**7.10** There is no general rule for the timing of payments as each scheme will be judged on a case by case basis. Should off-site works be required, it is expected these would be in place prior to the first occupation or completion of the development.

### **Maintenance Payments**

**7.11** Where the flood protection and water management infrastructure works include items with the possibility of major maintenance requirements or where works are beyond the usual specification, the Council will require a commuted sum from the developer to maintain that infrastructure for 15 years after adoption.



## **8- Green and Blue Infrastructure - Recreation and Leisure**

### **Policy Background**

**8.1** The NPPF states that the planning system has an important role in facilitating social interaction and creating healthy, inclusive and safe places. Safe and accessible green infrastructure and sports facilities make an important contribution to the health and well-being of communities.

**8.2** The Council recognises the important role community facilities such as social, sports and leisure, parks and green spaces, have in existing and new communities.

**8.3** Strategic Policy S7 states that new facilities will be accessible to the community and secured by a range of funded measures, including planning obligations.

**8.4** Strategic Policy SI1 sets out that infrastructure necessary to support new development must provide or contribute towards ensuring a range of green and natural infrastructure. It also details a range of community facilities required to support new development, including sport leisure and recreation facilities.

**8.5** Strategic Policy SI2 describes some of the mitigation measures that will be required where additional infrastructure capacity is required.

**8.6** When delivering new community facilities, Policy CFI seeks to ensure that these facilities are accessible by sustainable modes of transport, physically compatible in form and appearance with their surroundings and cater for people with disabilities.

**8.7** Policy MP2 embeds requirements for public open space or larger scale green infrastructure, to provide opportunities to promote healthy living and improve health and wellbeing and create attractive multi-functional public realm in the design and place shaping of new major developments.

**8.8** Policy MP4 and Appendix A of the Local Plan provide further requirements for the provision open space that applies to all new dwellings.

### **Possible SI06 Obligations**

#### **Open Space**

**8.9** Local Open Space in its entirety should be provided in accordance with the requirements of the site policies and Appendix A of the Local Plan. It may include:

- Allotments
- Children's play and youth facilities
- Cycle and footway links and improvements
- Informal local open space or amenity green space.



**8.10** Strategic Open Space in its entirety should be provided in accordance with the requirements of the site policies and Appendix A of the Local Plan. It may include:

- Country park
- Natural green space
- Outdoor sport and changing facilities
- Parks, Sport and Recreation grounds

**8.11** New facilities should seek to offer flexible uses and combine facilities and services which might have historically been provided on a separate basis.

**8.12** An open space study, 'Chelmsford Open Space Study 2016-2036', was undertaken by Ethos Environmental Planning in 2015-2016 in line with the NPPF and Sport England guidance. Access and quantity standards for the study for different types of open space are summarised in table 12 of Appendix A of the Local Plan and table 13 of Appendix A provides the quantity standard for accessible Local Open Space and Strategic Open Space.

**8.13** Paragraph A.24 of Appendix A of the Local Plan converts the quantity of standards in table 13 to a dwelling requirement of 40 sqm per dwelling for Strategic Open Space (excluding natural and semi-natural open space) and a Local Open Space requirement of 19 sqm per dwelling, producing a total requirement of 59 sqm per dwelling. The proportions of different types of open space within the overall quantum should reflect the proportions contained within the quantity standards unless a different approach is agreed with the Council.

**8.14** In addition to the above requirements, on-site natural and semi-natural open space will be required. The quantity and type of open space will be determined through the planning process for each site although the starting point based on the standard of 1ha per 1,000 population is 24 sqm per dwelling. This may form part of the provision of Sustainable urban Drainage Systems (SuDS).

**8.15** Table 14 of Appendix A of the Local Plan provides the thresholds for on or off-site provision of open space and is replicated below:

**Table 6 Thresholds for on or off-site provision of open space**

Size of Scheme	Provision
Less than 10 dwellings	No provision required on site
10-29 dwellings	Accessible Local Open Space required at 19 sqm per-dwellings
30 dwellings or more	Accessible Local Open Space required onsite at 19 sqm per-dwelling, plus Strategic Open Space required on-site at 40 sqm per-dwelling



**8.16** Where provision is not required on-site, or the Council considers a commuted sum in lieu of on-site provision is acceptable, the following calculations will apply:

**Table 7 Local Open Space Formula – commuted sum in lieu of on-site provision**

Type of Open Space	(A) Quantity standards (ha/1,000 population)	(B) Rate per Ha	(C) Contribution per 1,000 population (A x B)	(D) Rate per person (C/1,000)	(E) Rate per dwelling (D x 2.4)
Accessible Open Space					
Allotments and Community Gardens	0.30	1,168,250	350,475	350.48	841
Amenity Green Space	0.40	202,625	81,050	81.05	195
Play Space (children)	0.05	112,125	11,213	11.21	27
Play Space (youth)	0.05				
Total	0.80	£1,483,000	£442,738	£442.74	£1,063

**8.17** The Local Open Space formula is based on the 'Chelmsford Open Space Study 2016-2036', the Spons External Works, Landscape Price Book, Council Maintenance DATA, Valuation Office, Play Equipment Manufacturers. A maintenance contribution is set out in each of the rates per hectare based on the cost of maintaining all the categories of open space set out above where a commuted sum in lieu of on-site provision of local open space is acceptable.

**8.18** In all cases the calculations are based upon an occupancy rate of 2.4 people per dwelling (Census 2011).

**8.19** Where a proportion of on-site provision is made, a pro-rata reduction will be made in calculating the level of the off-site contribution.

**8.20** Financial contributions in lieu of on-site provision for Local Open Space may be spent on one or more of the infrastructure items listed in the above table as 'Accessible Open Space'.

**Table 8 Strategic Open Space Formula – commuted sum in lieu of on-site provision**

Type of Open Space	(A) Quantity standard (ha/1,000 population)	(B) Council Rate per Ha	(C) Rate per sqm (B/10,000)	Rate per dwelling (x 40)
Natural Green Space	1.0	£202,625	£20.26	£811
Parks, Sport and Recreation Grounds	Reflects a typical sports facility providing 12.2ha including 8 football and 1 rugby pitch, 1 cricket table and outfield, 8 netball courts, sport pavilion including sports club rooms, toilets and 12 dual changing rooms and 250 parking spaces with a capital cost of £3,208,500 excluding land.	£262,992	£26.30	£1052
Total				£1,863

**8.21** The Natural Green Space formula is based on the 'Chelmsford Open Space Study 2016-2036', the Spons External Works, Landscape Price Book and Council Maintenance Data.

**8.22** The contribution for 'Parks, Sports and Recreation' is based on the 'Chelmsford City Council Outdoor Sport Pitch and Facility Strategy and Action Plan - Future Growth Supplement January 2018' and Facilities Cost Sport England 2017, which assessed the need associated with the planned growth in the Local Plan.

**8.23** The dwelling rate is based on the calculation of how much strategic open space is required per dwelling, as set out in the Local Plan, using the quality standard for accessible local open space and strategic open space identified in the Chelmsford Open Space Study 2016-2036.

**8.24** The contribution for 'Parks, Sports and Recreation grounds' also includes 15% cost for external works, car park and warranties and fees.

## Waterways

**8.25** Where development has a direct impact upon, or a close connection with the main waterways in the City area, particularly the Chelmer and Blackwater Navigation System, contributions may be required to improve facilities and access to the rivers. Such contributions will be considered on a case by case basis and could include:





- the extension of riverside walks and cycle paths;
- the provision of boat portorage facilities, to enable canoes etc. to access the rivers;
- improvements to moorings, towpaths and other navigational infrastructure such as bridges and locks;
- ensuring better access to the waterways;
- increasing local connections to the footpath and cycle way network;
- removal of non-native invasive species;
- preservation and enhancement of the ecological value of the marginal aquatic habitat, banks and riparian zone;
- removal of hard bank reinforcement/revetment or replacement with soft engineering solution.

## **Maintenance Payments**

**8.26** Maintenance contributions will be required for all open space provided on-site. This will be calculated according to the landscape layout and quantified elements to be provided by the developer and will be required for 25 years after completion.

**8.27** The Council's preference is for all open spaces to be transferred to and adopted by the Council with a commuted maintenance sum. If a developer chooses to retain open space, it should be maintained by a recognised not-for-profit management trust. Where appropriate, and following negotiation between the relevant parties, open space can also be transferred to a Parish or Town Council.

**8.28** Adoption of local open space would take place after any construction and development maintenance liability periods have expired. The local open space needs to be safe and fit for public use, in accordance with prevailing safety and public use standards at the time of adoption.

**8.29** Adoption of strategic open space would take place after any construction and development maintenance liability period has expired. The strategic open space needs to be a safe and fit for general public use, in accordance with prevailing safety and public use standards at the time of adoption.

**8.30** In the event of hand over to the Council, sports turf areas and facilities require the sports turf to be appropriately established, but final sports use layout and preparations for public sports use will be undertaken by the Council.

**8.31** Should a developer wish to self-manage open space, the Council would require public access agreements and an agreed maintenance specification and inspection regime, secured through a legal agreement.

**8.32** The financial contribution per dwellings towards the maintenance of Local Open Space transferred to the Council or a Parish or Town Council is set out in Table 9.

**Table 9 Local Open Space Formula – commuted maintenance sum**

Type of Open Space	(A) Quantity standards (ha/1,000 population)	(B) Rate per Ha	(C) Contribution per 1,000 population (A x B)	(D) Rate per person (C/1,000)	(E) Rate per dwelling (D x 2.4)
Accessible Open Space					
Allotments and Community Gardens	0.30	£8,739.97	£2,621.99	£2.62	£6.29
Amenity Green Space	0.40	£131,099.60	£52,439.84	£52.44	£125.86
Play Space (children)	0.05	£131,099.60	£6,554.98	£6.55	£15.73
Play Space (youth)	0.05	£131,099.60	£6,554.98	£6.55	£15.73
Total	0.80	£402,038.77	£68,171.79	£68.16	£163.61

**8.33** The annual maintenance amount varies for each type of open space from £0.03 per sq.m for allotments and community gardens to £0.45 per sq.m for amenity green space and play space.

**8.34** The commuted sum calculation for all accessible open space is based on a 25 year maintenance period and assumes an inflation rate of 2% (Council standard rate) and an investment return rate of 0.01729 (25 year gilt/bond).

**8.35** The amount of financial contribution towards the maintenance of Strategic Open Space transferred to the Council or a Parish or Town Council is set out in Table 10.



**Table 10 Strategic Open Space Formula – commuted maintenance sum**

Type of Open Space	(A) Quantity standard (ha/1,000 population)	(B) Council Rate per Ha	(C) Rate per sqm (B/10,000)	Rate per dwelling (x 40)
Natural Green Space	1	£23,306.60	£2.33	£93.23
Parks, Sport and Recreation Grounds	12.20	£253,459.23	£25.35	£1,013.84
<b>Total</b>				<b>£1,107.07</b>

**8.36** The annual maintenance amount for natural green space is calculated to be £0.08 per sq.m for natural green space and £0.87 per sq.m for parks, sports and recreation grounds.

**8.37** The commuted sum calculation for all strategic open space is based on a 25 year maintenance period and assumes an inflation rate of 2% (Council standard rate) and an investment return rate of 0.01729 (25 year gilt/bond).

### **Timing/Trigger for payment or provision of works**

**8.38** In the case of a large-scale development, it may be that the payments or provision would be phased to meet the proportional impact of each phase. Trigger points for payments or provision will be included in the legal agreement, as will the period in which any contribution will have to be spent.



## **9- Green and Blue Infrastructure - Environmental Mitigation**

### **Policy Background**

**9.1** Paragraph 170 of the NPPF seeks to conserve and enhance the natural environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. It seeks for the planning system to minimise impacts on and provide net gains in biodiversity. The planning system should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable level of soil, air, water or noise pollution and land instability. Remediating and mitigating despoiled, degraded, contaminated and unstable land are other ways of enhancing the environment.

**9.2** Paragraph 175 of the NPPF states that where significant harm to biodiversity resulting from a development proposal cannot be avoided, adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.

**9.3** The NPPF seeks to conserve and enhance the historic environment. Paragraphs 185 of the NPPF states that local plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay and other threats.

**9.4** Paragraph 195 of the NPPF states that where proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits or outweigh that harm or loss.

**9.5** Strategic Policy S3 seeks to address climate change and flood risk and includes many measures that the Council will encourage to achieve these aims, including providing opportunities for green infrastructure and new habitat creation.

**9.6** Strategic Policy S5 seeks to conserve and where appropriate enhance the historic environment whilst Strategic Policy S6 commits the Council to conserving and enhancing the natural environment.

**9.7** Strategic Policies S11 and S12 require new development to provide, contribute and mitigate its impact on green and natural infrastructure by contributing towards a multi-functional network of green and natural infrastructure and net gain in biodiversity. It also requires development to contribute towards recreation disturbance avoidance and mitigation measures for European designated sites as identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (the RAMS).

**9.8** The sustainability requirements the Council expects of dwellings and non-residential buildings is set out in Policy MP3, whilst the requirement for development to avoid unacceptable levels of pollution emissions from noise, light, smell, fumes, vibrations and other issues unless appropriate mitigation measures can be put in place, is set out in Policy PA1.

**9.9** Policy PA2 addresses the requirements for developments on, or near to, hazardous substance sites or contaminated land; and developments in or adjacent to an Air Quality Management Area.

### **Possible SI06 Obligations**

**9.10** Any environmental mitigation measures will be considered on a site by site basis. Most issues will be localised and are likely to be small scale where it is appropriate to deal with them by way of planning conditions. There may be circumstances where schemes require environmental mitigation measures to be included within a Section 106 Agreement.

**9.11** The Council has declared a Climate and Ecological Emergency to focus attention on reducing carbon and greenhouse gas emissions in the area and to plan for a more sustainable future.

**9.12** The Council's Climate and Ecological Emergency Action Plan includes undertaking a greening programme to significantly increase the amount of woodland and the proportion of tree cover in Chelmsford.

**9.13** The Council has an ambition to plant at least one tree for every existing resident and at least three new trees planted for every new home in the Local Plan to assist in the Climate and Ecological Emergency. Green spaces provided in connection with new housing development should include the planting of three trees per net new dwelling.

**9.14** The RAMS provides a mechanism for local planning authorities to comply with their responsibilities to protect habitats and species in accordance with the UK Conservation of Habitats and Species Regulations 2017. Measures required to mitigate the impacts of recreational disturbance on European Protected Sites will be delivered as detailed in the RAMS and the Essex Coast RAMS SPD.<sup>3</sup>

**9.15** The Essex Coast RAMS SPD provides the scope of RAMS; the legal basis for RAMS; the level of developer contributions being sought for strategic mitigation and how and when applicants should make contributions.

**9.16** Environmental matters which may be included in a Section 106 Agreement include, but are not limited to:

- Major contamination issues
- Biodiversity offsetting
- Biodiversity net gain
- Ecological mitigation/remediation
- Climate change mitigation, including tree planting and new woodlands
- Environmental enhancements
- Archeological investigations, access and interpretation
- Repair and re-use of building or other heritage assets

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<sup>3</sup> Consultation on the Essex Coast RAMS SPD closed on the 21 February 2020.





**9.17** Some cases may require payments, other cases may require the details of mitigation measures to be included in an agreement so that a robust legal mechanism is in place to ensure appropriate mitigation is carried out. Each site will be considered on its own merits.

**9.18** At developments of over 100 homes, the Council will negotiate Section 106 agreements which secure show homes that incorporate optional sustainable design features to showcase the benefits of including such features in a new build and how to move towards a zero- carbon home.

### **Timing/Trigger for payment or provision of works**

**9.19** The cost of such mitigation measures will normally be covered in full by the developer. Any contamination matters will usually be required to be dealt with fully prior to commencement of any development.

**9.20** Environmental mitigation will largely be required to be carried out prior to the commencement of the development, with some further works being complete prior to first occupation of the development. Some further environmental issues may require ongoing mitigation to take place. Where the development cannot fully mitigate its impact on these environmental matters, compensatory measures may be sought. This will only be sought where all other avenues of mitigation have been exhausted. The appropriate level of contribution will be considered on a case by case basis.

### **Further Information**

**9.21** Further information on Biodiversity net gain can be found at:  
<https://www.environmentbank.com/habitat-banking/> and  
<https://www.iema.net/policy/natural-environment/principles-and-guidance>

**9.22** The Chelmsford Biodiversity Action Plan is committed to improving the local environment and encourages the protection and improvement of wildlife habitats and green spaces.

**9.23** The Chelmsford Green Infrastructure Strategic Plan 2018 – 2036 provides a framework for the planning and management of Chelmsford's Green Infrastructure resources both in terms of the protection of its integrity and enhancement to the benefit of residents, workers and visitors in light of the significant scale of growth to be accommodated over the duration of the Local Plan.



## **I0- Community Infrastructure - Early Years, Childcare and Education**

### **Policy Background**

**I0.1** As set out in paragraph 94 of the NPPF, the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.

**I0.2** Strategic Policy S7 recognises that an important element of sustainable development is the provision and protection of community uses such as schools.

**I0.3** Strategic Policies S11 and S12 set out the infrastructure required to support new development, including early years, primary, secondary and tertiary education provision and how to secure the infrastructure and mitigate impact.

**I0.4** Policy CFI focuses on the accessibility of new community facilities by sustainable modes of transport and to the multitude of users that will access them.

**I0.5** Section 106 obligations will include the provision of new schools and new early years and childcare facilities dependent on the nature and the scale of the development proposal.

### **Possible S106 Obligations**

**I0.6** Chelmsford will see significant growth over the next few years. New early years, co-located with primary education, and standalone childcare provision and primary education are required to be provided on-site ('site-related') in various strategic locations. In all cases, the developer will provide the land or provision within the built form at the development (standalone early years and childcare facilities only) and a proportion of the build cost generated from the need for places. The remainder of the cost will potentially be covered through pooled Section 106 contributions.

**I0.7** Where the need for new schools is identified against a site, other sites that benefit may be required to contribute towards both land and build costs as pooled Section 106 contributions.

**I0.8** Appendix I provides details of the contribution form for specific items of early years, childcare and education infrastructure for each site referenced in the Local Plan. It includes pooled Section 106 contributions towards the expansion of existing primary and secondary education in specific locations to address needs arising from sites identified in the Local Plan.

**I0.9** Essex County Council's (ECC) Developer's Guide to Infrastructure Contributions (2016)<sup>4</sup> provides information on how the need for additional school places is assessed; how to calculate demand from new housing development and additional site requirements.

**I0.10** A new secondary school will be required on-site to support the strategic growth in North East Chelmsford.

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<sup>4</sup> Essex County Council consulted on a revised Developers' Guide to Infrastructure Contributions Consultation in December 2019.



**10.11** New development in Great Leighs will be required to contribute to the expansion of Notley High School in Braintree District Council.

### **Provision of works**

**10.12** Details of the criteria that any new school or pre-school site must meet and requirements for the provision of land for new facilities are set out in the Essex County Council Developers' Guide to Infrastructure Contributions which is available to download from Essex County Council's website.

**10.13** Where appropriate Section 106 Agreements will seek to secure a community use agreement for the public use of school sports facilities, and a separate contribution will be levied for this purpose.

**10.14** It should be noted that the Sport England Strategy 2016-2021 includes goals relating to schools opening up, or keeping open, their sports facilities for local community use. Sport England also offers a range of Design Guidance and advice to maximise the public benefit of community use of sport facilities on education sites.



## **I I- Community Infrastructure - Health and Social Wellbeing**

### **Policy Background**

**11.1** Paragraph 91 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places by enabling and supporting healthy lifestyles and promoting social interaction.

**11.2** An important element of enabling and supporting healthy communities is the provision and protection of community uses, such as health and recreation and the access populations have to the environments and infrastructure that supports community health and well-being. Strategic Policy S7 requires the protection and enhancement of community assets.

**11.3** Strategic Policies S11 and S12 state that new development must provide a range of infrastructure including health and wellbeing facilities and measures that mitigate the impact of new development.

**11.4** Policy CFI provides the requirements for community facilities for planning permissions to be granted and Policy MP3 requires new development to provide opportunities to promote healthy living and improve health and wellbeing through the provision of walking and cycling and provision of open space.

### **Possible S106 Obligations**

**11.5** New healthcare infrastructure will be required through Section 106 agreements. This could include investment in existing premises or services if the proposed development generates the need for a new facility or service.

**11.6** Where a small number of large sites generate the need for a new primary healthcare facility or service, such as a new GP surgery and other new healthcare infrastructure and services, the cost of this provision will be secured through pooled section 106 agreements and the location of the facility identified through the master planning and planning application process.

**11.7** Section 106 resources may also be sought to fund health and wellbeing across the population and encouraging self-care, where there is an on-site need. This includes digital and technological approaches.

### **Timing/Trigger for payment or provision of works**

**11.8** The timing for the provision of such healthcare facilities or financial mitigation will be considered on a case by case basis, with the specific requirements being set out within any Section 106 Agreement. It is likely to be linked to phases of a development, with facilities being required either upon a certain level of units being completed, or when a certain threshold of occupation at a development is reached.



## **I2- Community Infrastructure - Social and Community Facilities**

### **Policy Background**

**12.1** Paragraph 92 of the NPPF seeks to deliver social, recreational and cultural facilities and services needed by the community. It requires planning authorities to plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

**12.2** Strategic Policies S7, S11 and S12 recognise the important role community assets have in communities, set out the infrastructure required to support new development, including community buildings and space, and require appropriate infrastructure capacity to support new development is secured through several measures including on-site provision.

**12.3** Policy CPFI sets out the justification for obligations relating to any community facilities that are required because of new development in the Chelmsford City area.

### **Possible S106 Obligations**

**12.4** For large scale strategic development of 500+ new residential units the Council will require the provision of indoor space which provides flexible use for the community. Such facilities should consider:

- The inclusion of a multi-use space for community groups and clubs to use e.g. Village Halls.
- Space for library use.
- The ability, or otherwise, of nearby existing facilities to serve the community.
- The individual needs and requirements of the locality.

**12.5** As part of the Section 106 Agreement a nominated partner or organisation will be required to be identified as the future operator/manager of the building or space. This can be a Parish Council, Charity, or other community group.

### **Timing/Trigger for payment or provision of works**

**12.6** Such facilities should be provided once a proportion of a proposed development is occupied, which is usually towards the latter end of the development's occupation. This will vary depending on the scale of development and will be agreed as part of a Section 106 Agreement.





## **I3- Community Infrastructure - Public Realm and Public Art**

### **Policy Background**

**I3.1** Section 12 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Planning policies and decisions should ensure that developments function well, are visually attractive, sympathetic to local character, establish a strong sense of place and sustain an appropriate amount and mix of development

**I3.2** Enhancements to public realm, landscaping measures and attention to architectural detail are all important features that the Council wish to see included in new development. Providing new public realm will continue to be an important catalyst for change as new schemes have been instrumental in the revitalisation of the City Centre.

**I3.3** Public art makes an important contribution to the character and visual quality of the area. The Council is committed to the provision of public art within development and in the public realm.

**I3.4** Strategic Policies S7, S11 and S12 recognise the important role community assets have in communities, set out the infrastructure required to support new development, including cultural facilities and public art, and require appropriate infrastructure capacity to support new development is secured through several measures including on-site provision.

**I3.5** Policies CFI and MP2 are key policies which set out the justification for obligations relating to Public Art and Public Realm improvements that are required because of new development within the Chelmsford City area. The Chelmsford City Centre Public Realm Strategy SPD sets out the Council's vision for proposed public realm improvements. The Council will be producing a revised Public Realm and Public Art Strategy SPD in 2020/2021.

### **Possible S106 Obligations**

**I3.6** For developments large enough to have public space within the site, most matters will be covered by planning conditions. Each case will be considered on its individual merits.

#### **Public Realm Provision**

**I3.7** Section 106 Agreements may require the following issues to be addressed in respect of on-site and off-site public realm improvements:

- Improvements to paving and planting on public highway and other space directly adjoining the site.
- Bespoke planting and any associated paths and boundary treatment directly relating to the site.



- Where a development site is adjacent to an open space and requires direct mitigation e.g. to link the open space into the development or replacement boundary treatment to open space.
- Where development proposals have a direct relationship with enhancements identified within the Chelmsford City Centre Public Realm SPD (except for the improvements which are covered by the CIL).
- Adoption of the improvements.
- Financial arrangement for their management. Access and use restrictions/assurances.

## **Public Art**

**13.8** On smaller schemes Public Art is likely to be dealt with by way of a planning condition. It may be required to be secured via a Section 106 Agreement in the following circumstances:

- All developments with a threshold of 10 or more dwellings
- On developments with a floorspace of 1,000sqm or more

**13.9** Where there is an obligation to deliver public art within a Section 106 agreement, the Council will expect the delivery of the public art in accordance with the agreement and for this responsibility not to be transferred to the City Council.

## **Timing/Trigger for payment or provision of works**

### **Public Realm**

**13.10** Public realm improvements will usually be required to be completed prior to the first occupation of a development. There is a requirement for a developer to design and construct the area of Public Realm to a design and specification agreed by the Council. It will then be transferred to the appropriate Council (Parks or Highways) once it is in an adoptable condition. Upon transfer, a commuted maintenance payment will be required to cover the initial costs of maintaining the Public Realm. Development will not commence until the developer has submitted to and received written approval for a Public Realm Scheme from the Council.

**13.11** Once the scheme has been implemented and the Council are satisfied the scheme is acceptable, a Certificate of Practical Completion will be issued, and a 12-month maintenance period will commence. At the end of this maintenance period a Certificate of Adoption will be issued. It will then be transferred to the relevant Council and a commuted maintenance payment will become payable. The amount will vary from site to site depending on the materials used and cost of maintaining the area of Public Realm. The maintenance period shall cover a period of 15 years with details of the appropriate payment of this being set out in any Section 106 Agreements.



## **Public Art**

**13.12** The commissioning of public art work should involve professional art organisations and include stakeholder and community engagement. A written public art statement, explaining the commissioning process, artist briefs and budget should be in place prior to commencement of the development. The completion date for public art will vary dependent on the nature of the development, the type and the location of the art work, but will usually be expected to be completed prior to the first occupation of a development.



## **I4- Implementation of this Planning Obligations SPD**

### **Negotiations/Viability**

**I4.1** The Council has tested the development viability of a range of site types that are most likely to come forward over the new plan-period.

**I4.2** The Local Plan Viability Study including CIL Review (Viability Study), uses a Residual Value Methodology to assess the impact of meeting all the Council's policy requirements, including CIL at the current rate, and different levels of developer contributions on a range of development typologies. The Residue Value is the combined value of the complete development less the cost of creating the asset, including a target profit margin. If the residual value exceeds the existing use value by a satisfactory margin, a scheme is judged to be viable.

**I4.3** The results of the Viability Study show that in most of cases, the residual value exceeds the existing use value by a satisfactory margin indicating that most development likely to come forward under the Local Plan is viable and will be able to bear the range of developer contributions and CIL at the adopted, and subsequently indexed, rate.

**I4.4** The use of further viability assessments at the decision-making stage should not be necessary. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage.

**I4.5** Where an applicant formally requests the Council to consider a reduced level of planning obligations for a scheme it will need to demonstrate that either:

- a) the development is proposed on an unallocated site of a wholly different type to those used in the Viability Study,
- b) further information on infrastructure or site costs is required,
- c) particular types of development are proposed which may significantly vary from standard models of development for sale,
- d) a recession or similar significant economic change has occurred since the Local Plan was adopted.

**I4.6** Where a viability assessment is submitted to accompany a new planning application this should be based upon, and refer to, the Viability Study that informed the Local Plan. The applicant should provide evidence of what has changed since the Viability Study supporting the Local Plan was conducted. A full viability report prepared by the applicant should be enclosed as part of the submission of the planning application.



**14.7** Once submitted, this report (including scheme viability statements, appraisals and relevant information) will be considered and assessed by the Council and an independent viability advisor appointed by the Council with reasonable agreed costs borne by the applicant.

**14.8** Any viability assessment should reflect the government's recommended approach to defining key inputs as set out in National Planning Guidance.

**14.9** Essex County Council have produced a Viability Protocol that sets out overarching principles for how Essex Local Planning Authorities will approach development viability. The protocol does not alter Local Plan policies or the guidance in this SPD but does provide additional advice and guidance on the information requirements and approach taken when assessing viability at the decision-making stage.

**14.10** The assessment will define land value for any viability assessment on the basis of the existing use value of the land, plus a premium for the landowner. Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the Local Plan.

**14.11** The weight to be given to a viability assessment is a matter for the Council, having regard to all circumstances, including any changes since the Local Plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.

**14.12** If the viability report submitted by the Applicant fails to satisfy the Council that a reduced level of contributions should be applied or that the level of planning contributions that the development can viably support cannot mitigate the impact of the proposed development, then the planning application will be refused.

**14.13** Where the level of planning contributions that the development can viably support cannot mitigate the impact of the proposed development, the development will need to wait until development values improve, land values can be re-negotiated, or alternative funding sources can be secured.

**14.14** If the Applicant can demonstrate, to the satisfaction of the Council, that the scheme cannot be fully compliant and remain financially viable, the Council may consider a reduced level of contributions in one or more areas.

## **Drafting of Section 106 Agreements**

**14.15** Section 106 Agreements will be drafted by the Council's Legal Services team, or by external solicitors acting on behalf of the Council. Applicants will be required to pay the Council's reasonable costs incurred in drafting and completing the agreement or the costs of external solicitors acting on behalf of the Council, where relevant.

**14.16** Straightforward obligations which normally require only a financial contribution and/or planning obligations on one party only will be the subject of a Unilateral Undertaking. A Unilateral Undertaking will be prepared or approved by the Planning Contributions Officer or, where appropriate, the Council's Legal Service team. Applicants will be expected to meet the Council's reasonable costs incurred in preparing or approving an Undertaking.





**14.17** In all circumstances where a legal agreement is required, the applicant will be expected to provide details of land ownership at the beginning of the application process. These should be copies of the Title document and plan obtained within the preceding three months from the Land Registry, or if the land is unregistered, copies of the most recent conveyance.

## **Financial Contributions**

**14.18** Where a financial obligation is necessary, payment would normally be required on commencement or on first occupation of a development. However, in the case of a large-scale development, it may be that the payments would be phased to meet the proportional impact of each phase. Trigger points for payments will be included in the legal agreement, as will the period in which any contribution will have to be spent.

**14.19** It is reasonable to expect that, when contributions are paid to the Council the monies will be held in an interest-bearing account. Those financial contributions (excluding commuted payment relating to maintenance) that remain unspent at the end of 10 years from the date when the money was paid will be returned to the payee in accordance with the terms of the individual agreements, unless they relate to infrastructure items that have are required beyond 2036.

## **Index Linking**

**14.20** All financial contributions will be subject to indexation from the date of adoption of this SPD. The indexation period will therefore start with the date of adoption and end with the date when each payment becomes due. The indices to be used are the BIS PUBSEC Tender Price Index of Public Sector Building Non-Housing Indices. However, if a commuted sum is required for maintenance purposes, indexation will not be applied.

## **Monitoring and Enforcement of Obligations**

**14.21** Monitoring of obligations will be undertaken by the Council's Planning Contributions Officer to ensure that all obligations entered into are complied with by both the developer and the Council.

**14.22** In cases where developers have difficulty making payments at the appropriate times as required by the legal agreement, the Council will work with the developer to find a solution. This may involve the payment of an obligation at a later stage in the development, or payment by installments. However, where it is imperative that the relevant measure is in place prior to a development being occupied, the obligation to fund it will always become payable on commencement.

**14.23** If enforcement of financial obligations fails then the Council will use the relevant legal channels to remedy this, and the party in breach will be liable for any legal costs incurred by the Council.



## **Monitoring Fees (excluding affordable housing obligations)**

**14.24** A monitoring fee will be charged where Section 106 agreements include covenants to the Council. A charge of £350 per obligation type will be levied, except on strategic growth sites where a charge of £840 per obligations type will be levied to reflect the increased complexity and number of years over which the agreement is monitored. These charges exclude affordable housing obligations, which are subject to a separate monitoring fee.

**14.25** The fee includes collection of information from the developer and other relevant internal and external sources, appropriate site visits, officer action associated with non-compliance, maintenance of the monitoring database and reporting on delivery of obligations.

## **Monitoring Fee (affordable housing obligations)**

**14.26** A monitoring fee of £100 per affordable housing unit will be charged. This fee will not be applied to commuted sums in lieu of on-site affordable housing.

**14.27** The fee includes monitoring, conducted on a plot by plot basis, of the completion and initial occupation of affordable dwellings. In respect of affordable housing for rent, monitoring this obligation includes the time and costs associated with entering into nomination agreements with Registered Providers (excluding the cost of the Council's Legal Services). Where relevant, it also includes monitoring housing costs and the viability of development.

## **Monitoring Fees (Essex County Council)**

**14.28** Essex County Council charge separate monitoring fees for Section 106 obligations types that they are responsible for, for example education and highways. Further information is available on [www.essex.gov.uk](http://www.essex.gov.uk)

**14.29** All monitoring fees will be subject to indexation and payable on commencement of the development.

## **Reporting on the use of Section 106 Obligations**

**14.30** Infrastructure Funding Statements are required to set out the infrastructure projects or types of infrastructure that the authority intends to fund, either wholly or partly, by CIL or planning obligations.

**14.31** Infrastructure Funding Statements will be required to be published annually from 31 December 2020 (for the preceding financial year 2019/20) reporting on CIL and planning obligations revenue received and allocated.



## I5- Appendix I: Funding of Infrastructure Required to Support Growth

**Table I I Housing**

Item	Infrastructure theme	Infrastructure type	Site related									Pooled S106 - Specific Items										Other developer contributions CIL	Items covered by secondary infrastructure	Other funding sources	No specific infrastructure requirement	Policy reference	
			1*	2	3	4	5	6	7	8	9	1	2	3	4	5	6	7	8	9	other sites						
Self and Custom Build Homes	Housing	Self and Custom Build Homes																					Yes <sup>1</sup>			S12; HO1	
Specialist Residential Accommodation	Housing	Specialist Residential Accommodation																					Yes <sup>1</sup>			S12; HO1	
Affordable Housing	Housing	Affordable Housing																					Yes <sup>1</sup>			S12; HO2	
<sup>1</sup> Items assumed to be funded as secondary infrastructure but possibly secured as a site related or pooled s106 obligation																											

**Table 12 Physical Infrastructure**

Item	Infrastructure theme	Infrastructure type	Site related									Pooled S106 - specific items										Other developer contributions CIL	Items covered by secondary infrastructure	Other funding sources	No specific infrastructure requirement	Policy reference
			1*	2	3	4	5	6	7	8	9	1	2	3	4	5	6	7	8	9	other sites					
A12 Chelmsford to A120 widening scheme	Physical	Highways, Access and Transport																						Yes		S11; S12
A131 Chelmsford to Braintree route-based improvements	Physical	Highways, Access and Transport																						Yes		S11; S12
Beaulieu Railway Station	Physical	Highways, Access and Transport				4																Yes		Yes		S11; S12
Broomfield Hospital Access Road	Physical	Highways, Access and Transport														6					SPA I					S11; S12; SPA I
Bus Priority/Chelmsford Rapid Bus Transit (ChART)	Physical	Highways, Access and Transport				4																				S11; S12
Bus Services and Infrastructure	Physical	Highways, Access and Transport		2	3	4	5	6	7										8				Yes			S7; S11; S12; CFI
A12 J19 Boreham Interchange Improvements	Physical	Highways, Access and Transport																						Yes		S11; S12
Cycle and Footway Links/ Improvements/ Crossing	Physical	Highways, Access and Transport		2	3	4	5	6	7			1	2	3	4	5	6									S11; S12
Cycle/footbridge over Essex Regiment Way	Physical	Highways, Access and Transport													4		6									S11; S12
Cycle/footbridge over B1012	Physical	Highways, Access and Transport							7																	S11; S12
Cycle/footbridge over Chelmer and Blackwater (Mallard Bridge)	Physical	Highways, Access and Transport	1e																							S11; S12
Cycle/footbridge to ARU site and Springfield Hall Park	Physical	Highways, Access and Transport	1v																							S11; S12
Estate/Link Roads and Internal Cycle and Footways	Physical	Highways, Access and Transport																					Yes			S11; S12
Chelmsford North East Bypass - single carriageway section	Physical	Highways, Access and Transport				4																				S11; S12
Chelmsford North East Bypass NE Chelmsford to Deres Bridge single carriageway section	Physical	Highways, Access and Transport													4	5	6				Dev't in south of Braintree District			Yes		S11; S12





**Table 13 Green and Blue Infrastructure**

Item	Infrastructure theme	Infrastructure type	Site related									Pooled S106 - Specific Items										Other developer contributions CIL	Items covered by secondary infrastructure	Other funding sources	No specific infrastructure requirement	Policy reference		
			1*	2	3	4	5	6	7	8	9	1	2	3	4	5	6	7	8	9	other sites							
Allotments and Community Gardens	Green and Blue	Recreation and Leisure Facilities		2		4			7			1		3		5	6					Yes					S11; S12; MP6	
Children's Play and Youth Facilities	Green and Blue	Recreation and Leisure Facilities	1	2	3	4	5	6	7			1															S7; S11; S12; CFI	
Indoor Sports Facilities	Green and Blue	Recreation and Leisure Facilities				4																Yes					S7; S11; S12; CFI	
Outdoor sports and changing facilities	Green and Blue	Recreation and Leisure Facilities		2		4			7			1		3		5	6										S7; S11; S12; CFI	
Local Open Space	Green and Blue	Recreation and Leisure Facilities																					Yes <sup>1</sup>				S7; S11; S12; CFI; MP2; MP6	
Country Park	Green and Blue	Recreation and Leisure Facilities			3	4																					S7; S11; S12; CFI; MP2	
Strategic Landscaping	Green and Blue	Recreation and Leisure Facilities																					Yes				S11; S12	
Environmental Mitigation	Green and Blue	Environmental Mitigation																					Yes <sup>1</sup>				S3; S5; S6; S11; S12; MP3; PA1; PA2	
RAMs	Green and Blue	Environmental Mitigation										1a to 1h, OS 1a, OS1B, EC1, EC2	2	3	4	5	6	7	8	9							S11; S12	
Archaeology	Green and Blue	Environmental Mitigation																					Yes				S5; S11; S12; HE3	
Waterways	Green and Blue	Environmental Mitigation																					Yes <sup>1</sup>				S11; S12	
<sup>1</sup> Items assumed to be funded as secondary infrastructure but possibly secured as a site related or pooled s106 obligations																												

<sup>1</sup> Items assumed to be funded as secondary infrastructure but possibly secured as a site related or pooled s106 obligations

**Table 14 Community Infrastructure**

Item	Infrastructure theme	Infrastructure type	Site related									Pooled S106 - Specific Items											Other developer contributions CIL	Items covered by secondary infrastructure	Other funding sources	No specific infrastructure requirement	Policy reference
			1*	2	3	4	5	6	7	8	9	1	2	3	4	5	6	7	8	9	other sites						
Early Years and Childcare - stand alone provision	Community	Early Years, Childcare and Education Facilities			3b	4		6	7			Cwlc	2									Yes					S7; S11; S12; CFI
Primary Education (incl. shared EY & C provision)	Community	Early Years, Childcare and Education Facilities		2		4	5a		7				2									Yes					S7; S11; S12; CFI
Primary Education - expansion of existing provision	Community	Early Years, Childcare and Education Facilities										1		3			6	7				Yes					S7; S11; S12; CFI
Secondary Education - new provision	Community	Early Years, Childcare and Education Facilities				4											6										S7; S11; S12; CFI
Secondary Education - expansion of existing provision	Community	Early Years, Childcare and Education Facilities														5						Yes					S7; S11; S12; CFI
Health and Social Wellbeing	Community	Health and Social Wellbeing										1	2	3	4	5	6	7	8			Yes					S7; S11; S12; CFI; MP2
Community Centres	Community	Social and Community Facilities							7				2	3	4	5	6					Yes					S7; S11; S12; CFI; MP6
Libraries	Community	Social and Community Facilities																				Yes					S7; S11; S12; CFI
Public Realm and Public Art	Community	Public Realm and Public Art																						Yes <sup>1</sup>			S7; S11; S12; CFI; MP2
Ambulance	Community	Other community infrastructure																								Yes	S11; S12
Fire	Community	Other community infrastructure																								Yes	S11; S12
Police	Community	Other community infrastructure																				Yes					S11; S12
Burial Space	Community	Other community infrastructure																				Yes					S7; S11; S12; CFI

Municipal Waste	Community	Other community infrastructure																			Yes					S11; S12	
Broadband	Community	Other community infrastructure																				Yes				S11; S12; MPI	
' Items assumed to be funded as secondary infrastructure but possibly secured as a site related or pooled s106 obligations																											



**Table 15 Site Reference Numbers**

Site/Location	Site/Location ref.
Central and Urban Chelmsford	1
West Chelmsford	2
Land E. of Chelmsford/N. of Great Baddow	3
NE Chelmsford	4
Moulsham Hall/N. of Great Leighs	5
N. of Broomfield	6
N. of S. Woodham Ferrers	7
South of Bicknacre	8
Danbury	9



## I6- Appendix 2: Land Registry Prices Paid and Values £/m2

**Table I6 Land Registry Prices Paid and Values £/m2**

<b>Land Registry Prices Paid &amp; Values £/m2                      01/04/2018 to 01/10/2019                      (Newbuild Properties Only)</b>			
	Houses	Flats	Total
Count	338	250	588
<b>Chelmsford - Price Paid</b>			
Minimum	£280,000	£100,625	£100,625
Average	£553,167	£271,689	£433,491
Maximum	£1,380,000	£500,000	£1,380,000
<b>Chelmsford - Value £/m2</b>			
Minimum	£2,236	£1,458	£1,458
Average	£4,046	£4,931	£4,418
Maximum	£11,121	£13,000	£13,000



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**CHELMSFORD CITY COUNCIL - PLANNING OBLIGATIONS DRAFT  
SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

**CONSULTATION STATEMENT**

**(Town and Country Planning (Local Planning) (England) Regulations 2012  
(Regulation 12))**

**Introduction**

Under Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 it is a requirement to prepare and make available a Consultation Statement setting out:

- The persons the local planning authority consulted when preparing the supplementary planning document;
- A summary of the main issues raised by those persons; and
- How those issues have been addressed in the supplementary planning document.

This statement is a record of consultation undertaken during the production stage of the SPD prior to formal public consultation.

**Background**

The SPD has been produced to assist in the implementation of the City Council's Local Plan policies to set out a clear position to developers, landowners and stakeholders, of the scope and scale of planning obligations applicable to different scales and types of development that are needed to make development proposals acceptable in planning term.

**Preparation of the draft SPD**

The review of this SPD commenced in April 2018 with an informal consultation with a range of internal City Council officers including those from:

- Development Management
- Inward Investment and Economic Growth
- Parks and Green Spaces
- Leisure Services
- Legal Services

Informal consultation was also carried out with a range of officers at Essex County Council.

Initially officers had input into the proposed content and format of the SPD. As sections were drafted officers were given the opportunity to comment on them and relevant changes were then incorporated into the draft SPD.

The City Council published the Chelmsford Local Plan Draft Planning Obligations Supplementary Planning Document (SPD) for consultation from 12 July to 6 September 2018 in accordance with Regulations 12, 13 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

A Consultation Feedback Report detailing representations to the formal consultation carried out from 12 July to 6 September 2018 and the City Council's responses to these representations, was reported to the Council's Development Policy Committee on the 8 November 2018.

The Draft Planning Obligations SPD that was published for consultation in July 2018 was submitted as an evidence base document (EB132) supporting the Independent Examination of the Local Plan.

In preparing this draft of the SPD, informal consultation has been carried out with the same range of City Council officers and representatives of the Housing Service, as well as officers from Essex County Council.

A workshop was also held for all City Council Members, where there were 26 attendees. This included a presentation on changes since the publication of the draft Planning Obligations SPD in July 2018. Members provided comments on proposed policy and practice changes arising since the draft SPD was published for consultation in July 2018. These comments have been incorporated into the final draft SPD.

All the above consultations and consultees assisted in the structure and content of the revised draft document. The formal and informal consultation stages to date have resulted in relevant changes to the document including:

- Text updates to reflect City Council priorities, strategies, plans and initiatives
- Text updates to reflect changes in national planning policy guidance
- Text and structure changes to reflect changes to the Community Infrastructure Levy Regulations
- Text updates to reflect modifications to the Local Plan following the Independent Examination
- Additional examples of ways to mitigate development proposals
- Additional links to Council strategies and good practice examples
- Minor editorial and presentational changes to help clarify the SPD.

### **Consultation**

The consultation will run from **Thursday 30 April until 5pm on Thursday 28 May 2020.**

The Council will issue consultation notifications in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This will include email/letter notifications to statutory bodies including Essex County Council, local Parish and Town Councils and Government bodies and all organisations/individuals on the Local Plan consultation mailing list.

In accordance with the Council's Statement of Community Involvement (SCI) a public notice will be placed in the Local Press, publishing a statement of representations advising where and when comments may be made and alerting people to the consultation through their council webpages.

From Thursday 30 April 2020, the draft SPD will be made available online at:

<http://consult.chelmsford.gov.uk/portal>

Paper copies of the Planning Obligations draft SPD will also be available for inspection during normal opening hours from the City Council main offices and from specific local libraries.

Once the consultation opens comments can be made in the following ways:

Online: <http://consult.chelmsford.gov.uk/portal>

By email: [planning.policy@chelmsford.gov.uk](mailto:planning.policy@chelmsford.gov.uk)

By post: Spatial Planning Services, Civic Centre, Duke Street, Chelmsford, Essex, CM1 1JE

By returning a specially designed response form available at

<https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/>

Further details on how to get involved can be found in the Statement of Representations available at <https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/>

### **Next steps**

Following consultation, the representations received will be considered, and used to inform the final SPD which will be reported to relevant Committees of the City Council for adoption.

March 2020



## CHELMSFORD POLICY BOARD

5 March 2020

### AGENDA ITEM 7

<b>Subject</b>	COMMUNITY INFRASTRUCTURE LEVY – OPTIONS FOR REVIEW OF THE APPROVED CHARGING SCHEDULE
<b>Report by</b>	DIRECTOR OF SUSTAINABLE COMMUNITIES

**Enquiries contact:** Jeremy Potter – Spatial Planning Services Manager  
[jeremy.potter@chelmsford.gov.uk](mailto:jeremy.potter@chelmsford.gov.uk) 01245 606821

#### Purpose

To recommend the approach for the review of the Council's approved Community Infrastructure Levy (CIL) Charging Schedule.

#### Recommendation

That the review of the Community Infrastructure Levy Charging Schedule is aligned with the future review of the Local Plan.

#### Corporate Implications

Legal:	There is no legal requirement to review a CIL charging schedule, however guidance states that they should be kept under review to ensure they remain appropriate over time. Charging schedules remain in force until they are either replaced or withdrawn.
Financial:	CIL provides a significant income stream for the Council to fund infrastructure needed to support new development. A 5% monitoring fee from CIL receipts is used by the Council to administer the process.
Potential impact on climate change and the environment	CIL can help fund sustainable infrastructure that can help mitigate impacts to climate change.
Contribution toward achieving a net zero carbon position by 2030	CIL can help fund sustainable infrastructure, such as walking and cycling proposals, green energy and tree planting that can contribute towards achieving net zero carbon by 2030.

Personnel:	A 5% monitoring fee from CIL receipts is used by the Council to administer the process.
Risk Management:	None
Equalities and Diversity: (For new or revised policies or procedures has an equalities impact assessment been carried out? Y/N)	An Equalities and Diversity Impact Assessment has already been undertaken for the Council's Local Plan. This has been reviewed to include CIL.
Health and Safety:	None
IT:	None
Other:	None

<b>Consultees</b>	CCC – Legal Services
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### **Policies and Strategies**

The report takes into account the following policies and strategies of the Council:

Adopted Local Development Framework (LDF) Documents  
 CIL Charging Schedule  
 Chelmsford Draft Local Plan and supporting documents  
 Our Chelmsford, Our Plan

### **Corporate Plan Priorities**

The report relates to the following priorities in the Corporate Plan

Promoting sustainable and environmentally responsible growth to stimulate a vibrant, balanced economy, a fairer society and provide more housing of all types	✓
Making Chelmsford a more attractive place, promoting Chelmsford's green credentials, ensuring communities are safe and creating a distinctive sense of place	✓
Encouraging people to live well, promoting healthy, active lifestyles and reducing social isolation, making Chelmsford a more enjoyable place in which to live, work and play.	✓
Bringing people together, empowering local people and working in partnership to build community capacity, stronger communities and secure investment in the city	✓

## 1 Introduction

- 1.1 This report recommends a way forward for the review of the Council's approved Community Infrastructure Levy (CIL) Charging Schedule.

## 2 Background

- 2.1 The CIL is a planning charge on new developments used by local authorities to fund and deliver infrastructure needed to support new development. CIL is charged on a £ per square metre basis on the gross internal area of new development. It is for individual local authorities to decide whether they wish to introduce CIL and produce a charging schedule.
- 2.2 The CIL Regulations state that some types of development are eligible for relief or exemption from CIL. This includes affordable housing and self-build homes. CIL is different from Section 106 Planning Obligations as the charge is not required to make individual developments acceptable in planning terms.
- 2.3 CIL can be spent on any infrastructure needed to support new development in the Council's area as a whole, not just that directly related to the development site. An infrastructure funding gap must be demonstrated for a CIL to be produced. The CIL charging rate relates solely to the financial viability of development in the local authority's area.
- 2.4 The CIL Regulations require that 15% of CIL receipts are passed to Parish/Town Councils or Neighbourhood Forums where constituted. Within areas with 'made' (adopted) Neighbourhood Plans, this rises to 25%.
- 2.5 There is no legal requirement to review CIL Charging Schedules. The Government's Planning Practice Guidance (PPG) states that charging schedules must be kept under review to ensure that they remain appropriate over time, e.g. take account of changes in market conditions and remain relevant to an infrastructure funding gap.

## 3 Chelmsford's CIL Charging Schedule

- 3.1 Chelmsford's CIL charging schedule came into force on 1 June 2014. This followed two rounds of public consultation and an independent examination that took place in October 2013. Set out below are the original CIL rates as of 2014 and the most up-to-date index linked rates currently being charged.

Type of Development	2014 CIL Charge (per sqm)	2020 CIL Charge (per sqm)
Residential	£125	£175.42
Retail (Food)	£150	£210.50
Retail (all other)	£87	£122.09
All other uses	£0	£0

- 3.2 Chelmsford was the first local authority in Essex to bring a CIL into force. To date £22.7m has been collected and a governance process has been agreed in order to prioritise CIL spend. Chelmsford City Council is the CIL Charging Authority and bodies such as Essex County Council bid for CIL funds from the City Council to deliver infrastructure proposals.

- 3.3 The approved Charging Schedule states that a review of the document will commence in 2016. This process culminated in the Local Plan Viability Study and CIL Viability Review produced in January 2018 and an Infrastructure Delivery Plan (IDP) produced in 2018 and updated in 2019.
- 3.4 The Local Plan Viability Study and CIL Viability report concluded that there may be some scope to make a modest increase to CIL rates. The IDP concluded that there was still a significant infrastructure funding gap needed to support new development to justify the continued use of CIL.
- 3.5 At the same time the Government also indicated that a national review of CIL would take place. New CIL Regulations have now been published which require the production of new Infrastructure Funding Statements. These set out in a more transparent way how new infrastructure is to be funded and are required to be published by 31 December 2020. These statements should also form part of the evidence to support the review of a charging schedule.
- 3.6 In order not to put at risk by opening potential viability challenges on the level of affordable housing and site infrastructure requirements contained in the Local Plan and uncertainty arising from the potential changes from the Government review, the rate of CIL was not changed.
- 3.7 Chelmsford's CIL rate is based on the viability of different development within the City Council's administrative area. For benchmarking purposes, the only other (Greater) Essex authority charging CIL is Southend on Sea Borough Council. Their 2020 residential CIL rates range from £26.69 to £89.92 per square metre, with food retail being £89.92 per square metre.
- 3.8 Another comparator is Sevenoaks District Council in Kent who also approved their CIL in 2014 but have slightly higher property values which improves their viability and ability to charge. Sevenoaks CIL was originally £125 per square metre, the same as Chelmsford.
- 3.9 CIL has been very successful in Chelmsford raising significant sums for infrastructure delivery which would not have been secured without the Council taking the decision to progress and approve a CIL Charging Schedule. The original fears from the development industry that the CIL would slow development in Chelmsford have not transpired, with healthy residential completions since CIL was introduced in 2014.

#### 4 Timetable for Review of Charging Schedule

- 4.1 As part of the consideration of the Local Plan Viability Study and CIL Review report, the former Development Policy Committee at its meeting on 18 January 2018 agreed that a formal review of the CIL Charging Schedule in 2020, unless new Regulations or evidence necessitates an earlier review. The Council's Local Development Scheme (LDS) approved in April 2018, which sets out the timetable for the production of the Local Plan and CIL Charging Schedule, was amended to reflect this timetable for review.

- 4.2 In the meantime, the Government confirmed that that all Local Plans would need to be reviewed every five years and CIL would continue in its current form with the addition of new Infrastructure Funding Statements. It is envisaged that the new Local Plan will be adopted in Spring 2020. The Local Plan includes a Monitoring and Review policy that states the review of the Local Plan will start in 2022. Officers will therefore be reviewing the LDS later in 2020 for consideration by the Board to set out the programme for reviewing the Local Plan.

## 5 Options for the Review of the CIL Charging Schedule

- 5.1 The options available are:

- Commence the review and consultation of the CIL Charging Schedule in 2020 ahead of the review of the Local Plan, or
- Defer the review and consultation on the CIL Charging Schedule to align with the review of the Local Plan

## 6 Conclusions

- 6.1 The Council's approved CIL has been recently viability tested as part of the preparation of the Local Plan. This broadly shows that the current CIL rate continues to be viable although there may be the potential for a modest increase in the rate. Chelmsford's current CIL rate when benchmarked against comparators demonstrates a competitive and viable rate.
- 6.2 There is a new requirement to produce Infrastructure Funding Statements to supplement IDPs. This provides evidence for the review of charging schedules. The Local Plan viability work undertaken in 2018 would need to be revisited if the CIL rate were changed which could open up viability challenges on other Local Plan policy requirements such as affordable housing or infrastructure contributions. The review of a charging schedule requires an independent examination similar to a Local Plan.
- 6.3 Therefore, it is the Officers' view that the review of the CIL Charging Schedule should now be aligned with the review of the Local Plan which can assess any new future policy and infrastructure requirements in a holistic manner alongside the review of CIL rates. This also allows for the formal independent examination process to be undertaken together.

## List of Appendices

None

## Background Papers

Chelmsford CIL Charging Schedule 2014  
Local Plan Viability Study and CIL Viability Review 2018  
Infrastructure Delivery Plan 2018 and 2019  
CIL Regulations 2010 (as amended)  
Planning Practice Guidance 2014 (as amended)  
Committee report to Development Policy Committee 18 January 2018  
Local Development Scheme April 2018

## **CHELMSFORD POLICY BOARD – 5 MARCH 2020**

### **Chelmsford Waterways Working Group Update**

The Chelmsford Waterways Working Group last provided an update on its work in October 2019. Since that time the following work stream progress has been made; -

#### **1. Replacement of the automatic flood gates and provision of lock to enable navigation between upper and lower Chelmer**

- a. The future of the automatic flood gates on the River Chelmer and navigation between the upper and lower Chelmer was considered by the Working Group at the meeting on 22 January 2020. As background, the automatic gates are currently operated by the Environment Agency (EA), but the EA have indicated that it can no longer justify the continued maintenance of the gates. The gates when closed [most of the time] retain water in the rivers in the City Centre. If the gates are not in place the water levels in the rivers through the City Centre would be very low and at times absent from the river channels.
- b. The Working Group resolved that retaining water levels in the City Centre rivers was clearly identified as an urgent [the main] priority, whilst improvements to navigation were also identified as a priority [linking the upper and lower Chelmer, thus providing navigation opportunity into the City Centre]. A feasibility study was commissioned to consider practical, realistic and affordable options.
- c. The feasibility study “Chelmer Automatic Weir Replacement - 17 January 2020” recommends the most feasible and cost-effective option to be:
  - (i) To replace the existing automatic weir gates with the new automatic weir gates (new gate design i.e. either all radial or all tilting)
  - (ii) To include lock and lock gates located on the north bank of the river Chelmer alongside the automatic gates.
  - (iii) A high-level cost and programme estimation for the replacement of the weir gates, including the provision of the new lock gates and associated civil work was undertaken. This estimated the cost to be approximately £6 million with a programme duration of approximately two years. [It should be noted that some elements of a potential scheme were not costed at this stage]
  - (iv) Options to provide a new feeder channel to Springfield Basin were also considered.
  - (v) The study also considered to incorporate hydro and solar micro electricity generations as part of the scheme [not costed]
- d. The study was considered by the Waterways Working Group and discussed at the meeting on 22 January 2020 and based on the presentation/discussion at



the 14<sup>th</sup> February 2020 workshop, a broad consensus that the replacement of the automatic flood gates and provision of a lock to enable navigation between upper and lower Chelmer has emerged as the proposed way forward to replace the automatic gates and to enable navigation upstream.

- e. The Waterways Working group recommends this outcome as is set out in the recommendations below.

## 2. **Waterways Working Group Workshop – 14 February 2020**

- a. The working group held a workshop which was attended by some 42 working group members, City Councillors, river users and community group representatives.
- b. The morning started with presentations as follows:
  - (i) Use of the rivers and navigation; by Essex Waterways and the Chelmsford Sea Cadets.
  - (ii) Water quality (water quality and ecological quality); by Environment Agency and Essex Wildlife Trust.
  - (iii) Chelmer Weir Replacement and Lock proposals; by Mark Sherlock-Smith.
  - (iv) Sandford Mill and wider country park; introduction by Hana Loftus.
- c. Delegates then broke out into discussion groups to consider and feedback on their deliberations and ideas around the following topics:
  - (i) **River use and navigation;** The group considered that
    - navigation encompasses Heybridge to the Chelmsford City Centre as the geographical area,
    - river users are varied from leisure craft, moorings, anglers, paddle boarders, clubs to walkers/cyclists,
    - there are many stakeholders such as the organisations present at the workshop but also other landowners, Parish Councils, businesses and the County Council,
    - the benefits of the waterways are many and varied from being a community asset, contributing to wider recreation, health and wellbeing, landscape and ecology (and its sensitivity to other use), provides flood mitigation, etc.
    - opportunities for future use and barriers to use of waterways were also discussed.

In summary, the use and benefits of the waterways are many with varied users and stakeholders and it is important that their views and interest help make the most of future opportunities whilst seeking to overcome barriers to future opportunities for expanding and diversifying waterways use.

- (ii) **Sandford Mill and wider country park;** the outcome of the discussion was that participants:

- had a strong shared vision for the riverside “park”,
- viewed it as serving Chelmsford’s communities,
- valued the natural landscape and habitats with free public access,
- considered water-based heritage and landscape as a story that should be told,
- did not consider that the industrial heritage needed to be presented as a museum onsite at Sandford Mill,
- considered Mill buildings as serving the Park through providing facilities and other functions, e.g. workspace, which creates a sense of “round the clock” activity and safety on the site,
- Considered the potential use of the site for water-based activities,
- considered that the wider opportunity of the location and the step change from new road connections, was perhaps not fully grasped.
- in summary; the site has huge potential on many levels.

It is recommended that a high-level strategic master plan for the Park and Mill is developed building on the master planning associated with the nearby devolvment sites. The plan needs to be based on testing user demand and requires some initial survey work.

(iii) **River environment and ecology;** the key issues affecting water quality and ecology were considered to be:

- fragmentation of habitats / lack of connectivity
- the impact of pollution and contamination – in particular plastic pollution, litter and phosphate run-off
- invasive non-native species – for example hogweed, pennywort, mink
- adverse impact of modification of the river environs - for example adjacent development, engineered riverbanks, canalised river sections
- water abstraction pressures

The group considered the solutions to be:

- a more proactive, planned approach, less ad-hoc initiatives, more joined up, more effective use of combined resources,
- always seeking to improve connectivity
- better understanding of how best to control invasive species and ensuring the approach is unified – whole-scale plans, complementary rather than competing initiatives
- interventions to slow flow of water upstream of the City Centre

## **Recommendations; -**

It is recommended that the Chelmsford Policy Board:

- notes the progress on the work of the Chelmsford Waterways Working Group.
- adopts the replacement of the automatic flood gates and provision of a lock to enable navigation between upper and lower Chelmer as the City Council's agreed way forward [as recommended by the Waterways Working Group] and that further detail feasibility is undertaken to proceed to develop the scheme into a project for implementation.
- adopts the Waterways Working Group recommendation that a high-level strategic master plan for the Park and Sandford Mill is developed building on the master planning associated with the nearby devolvement sites; and that the Waterways Working Group is used as the vehicle to review and evaluate the emerging strategic plan.