

Planning Committee Agenda

15 January 2019 at 7pm

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

Membership

Councillor I. Wright (Chairman)
Councillor R.J. Poulter (Vice-Chairman)

and Councillors

E.A. Ahmed, L. Ashley, R.F. Denston, M.W. Holoway,
P.V. Hughes, L.A. Millane, F.B. Mountain, S.W. Pontin,
T.E. Roper, G.C. Seeley, R.A. Villa, M.D. Watson
and P.R.A. Wilson

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email brian.mayfield@chelmsford.gov.uk, call in at the Civic Centre
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Council staff will also be available to offer advice in
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PLANNING COMMITTEE

15 January 2019

AGENDA

PART I

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

1. **APOLOGIES FOR ABSENCE**

2. **MINUTES**

To consider the minutes of the meeting held on 4 December 2018.

3. **PUBLIC QUESTION TIME**

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 Cabinet/Committee is responsible.

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 Chairman 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.

Where an application is returning to the Committee that has been deferred for a site visit, for further information or to consider detailed reasons for refusal, those who spoke under public questions at the previous meeting may not repeat their questions or statements.

4. **DECLARATION OF INTERESTS**

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.

5. **ANNOUNCEMENTS**

6. **SITE AT 140 MILL ROAD, STOCK, INGATESTONE – 18/01631/FUL**

7. **BEAULIEU PARK, WHITE HART LANE, SPRINGFIELD, CHELMSFORD - 18/01514/REM**

8. **LAND AT THE BELL, 126 MAIN ROAD, DANBURY - 18/01171/FUL**

9. **PLANNING APPEALS**

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

PART II (EXEMPT ITEMS)

NIL

MINUTES

of the

PLANNING COMMITTEE

held on 4 December 2018 at 7:00 pm

Present:

Councillor I Wright (Chairman)

Councillors E A Ahmed, R A Alcock, L Ashley, R F Denston, L A Millane,
F B Mountain, R J Poulter, T E Roper, G C Seeley and D W Stevenson

1. **Apologies for Absence**

Apologies for absence were received from Councillors M W Holoway, P V Hughes, S W Pontin, R A Villa, M D Watson and R A Villa. Councillors R A Alcock and D W Stevenson as substitutes.

2. **Minutes**

The minutes of the meeting held on 9 October 2018 were confirmed as a correct record and signed by the Chairman.

3. **Public Question Time**

Members of the public attended to ask questions and make statements on item 7 on the agenda. Details are recorded under the relevant minute number below.

4. **Declarations of Interests**

All Members were reminded to declare any Disclosable Pecuniary Interests (DPI) or other registerable interests where appropriate in any of the items of business on the meeting's agenda.

5. **Announcements**

No announcements were made.

6. **Site at 22 Common Road, Stock, Ingatestone, Essex – 18/00719/FUL**

(M8, PL21, 2018) At its last meeting the Committee had deferred consideration of an application for permission to demolish Lushill (a pair of semi-detached dwellings at 22 Common Road, Stock) and erect four detached properties with associated garaging and landscaping. The Committee had asked that the Council's Conservation Officer attend this meeting to answer questions on the impact of the development on the Conservation Area.

A local ward councillor reiterated the representations made at the last meeting, the focus of which was that the proposal represented intensification of development on common land opposite a designated village green and was therefore inappropriate. It would have an adverse impact on the Conservation Area, urbanise and encroach on the common land and would harm a sensitive and significant site. He also questioned the nature and purpose of the access to the existing property on the site, Lushill, which local people asserted had been used only as a footpath in the past.

In response to those points, officers said that historic records showed that the access across the Common to Lushill was a driveway and that the presence of gates and a removable bollard supported that conclusion. Depending on the extent of any proposed improvements to it, the access road may not ordinarily require planning permission, but the inclusion of it in the application brought it within the remit of the Committee's consideration as to whether it would cause harm to the area. They were of the view that it would not. Further, the proposed provision of a pavement along Birch Lane would be a beneficial addition and would outweigh any harm to the appearance of the area, and any vehicular direction signs for the access road would be kept to a minimum and be as unobtrusive as possible. Whilst it was a matter of judgement, the Conservation Officer was of the view that the proposed development would not harm the Conservation Area.

Although it did not regard the arrangements for vehicular access and egress as entirely satisfactory, the Committee accepted that the Highway Authority had no objections to them. In all other respects members were of the opinion that the development would not harm the Conservation Area and was acceptable.

RESOLVED that application 18/00719/FUL in respect of the site at 22 Common Road, Stock, Ingatestone, Essex be approved, subject to the conditions detailed in the report to the meeting.

(7.05pm to 7.32pm)

7. **Site at 140 Mill Road, Stock, Ingatestone - 18/01631/FUL**

This application had been withdrawn from the agenda and would be considered at the next meeting.

8. **Land East of Drakes Lane Industrial Estate, Drakes Lane, Little Waltham, Chelmsford - 18/01476/FUL**

The Committee had before it an application for the change of use of land to the east of the Drakes Lane Industrial Estate, Little Waltham, to a Gypsy and Traveller site with nine pitches, a site office and associated infrastructure. A Green Sheet of additions and alterations was distributed at the meeting.

Twelve members of the public, the Chairman of Little Waltham Parish Council and one ward councillor attended to speak against the application. A representative of the applicant spoke in support of it, as did the Cabinet Member for Planning and Economic Development.

Those who opposed the application did so on the following grounds:

- The application needed to be considered in the context of the present Development Plan and national planning policy and the location of the proposed site was clearly incompatible with and contrary to both.
- Caution should be exercised in giving weight to an as yet unapproved emerging Local Plan policy or overall strategy; in this respect the application was premature.
- The timeline associated with this site being brought forward, its superseding the site in the North Chelmsford Area Action Plan and the signing of the Section 106 Agreements for Beaulieu and Channels and being considered a 'commitment' suggested an element of predetermination that the proposed location would receive planning permission.
- The businesses on the industrial estate questioned the suitability of the site's location in close proximity to the estate on grounds of the safety and security both of residents of the site and the users of the industrial estate. The location of the Gypsy and Traveller site and the prospect that its residents may encroach on the industrial estate where hazardous material were stored and dangerous and noisy activities was carried out could have an impact of the businesses' licences, operations and, ultimately, their viability. Some of the units, it was claimed, were closer to the Gypsy and Traveller site than the 90 metres stated in the report.
- Similarly, the narrowness of the roads in the area, their use by HGVs associated with the industrial estate, and the lack of pavements and lighting presented a hazard to the occupants of the Gypsy and Travellers site if they were walking and cycling to and from it. Safety concerns were also associated with the presence of lakes and reservoirs on the farm land around the site, which would be attractive to and hazardous for children on the Gypsy and Traveller site.
- The site was unsustainable on planning grounds because it was isolated and not within reasonable walking or cycling distance of community facilities and services. Existing health and education provision in the area was already stretched and whilst such facilities were envisaged as part of the future Strategic Growth Site 4, they were unlikely to be provided in the early part of the next Local Plan period.
- The presence of another Gypsy and Traveller site within a mile of the existing site at Cranham Road would place further pressure on the locality and intensify the use of land in the area for that purpose.

- The proposal would lead to an overconcentration of Gypsy and Traveller pitches in the immediate area which would dominate the nearest settled community
- The possible route of the north-east bypass would separate the site from part of the Strategic Growth Site 4 development, further adding to its isolation and unsustainability.
- The report on the application did not show that the Drakes Lane site was more suitable than the Site Allocation 12 in the NCAAP or any other potential alternative sites.
- Although the plans for the allocation of the site dated back to 2014, local residents and businesses had not been made aware of them until 2018.

Those who spoke in support of the application referred to:

- The experience of the applicant in running successfully similar sites elsewhere and the on-site management and support that would be provided.
- The fact that the Council was required to provide eight pitches for gypsies and travellers in the period up to 2033; that it had properly assessed various sites and had identified Drakes Lane as the most suitable; and that a failure to make sufficient provision would make it difficult to resist unauthorised encampments and occupations.

In response to the points raised by the speakers, the officers said that:

- The report to the meeting set out in detail the reasoning behind the justification and selection of the site and the conformity with local and national planning policy. National planning policy required the Council to meet the accommodation needs of Gypsies and Travellers. This had been assessed through the Essex-wide Gypsy and Traveller Accommodation Assessment (GTAA). The national Planning Policy for Traveller Sites (PPTS) stated that a five-year supply of Gypsy and Traveller pitches must be maintained against targets. The Council was unable to comply with this requirement, currently having zero years of supply of sites. Therefore, when considering planning applications, the 'titled' balance would need to be engaged in accordance with paragraph 11 (d) of the NPPF.
- Contrary to the arguments put forward by some objectors, the report showed that the current policies in relation to Gypsy and Travellers sites, which included Policy DC34, were out of date. This was because a five-year supply of sites could not be demonstrated; the new GTAA provided an updated overall pitch requirement, resulting in the number of sites having changed; the PPTS (2015) had changed the definition of Gypsy and Travellers; and the new NPPF had been published in 2018. The Council, properly in the officers' view, was therefore applying policies in national planning policy and the emerging Local Plan for decision making in this regard.

- The use of the policies in the emerging Local Plan was not premature in the context of paragraphs 48 and 49 of the National Planning Policy Framework (NPPF). The proposal was not so substantial, nor its cumulative effect so significant, to undermine the plan-making process. Through the new Local Plan process the site at Drakes Lane had been assessed through the Sustainability Appraisal against other potential reasonable alternative sites and, based on the criteria used, has been chosen as the most suitable and achievable.
- In terms of its location, there were three GP surgeries within 2.5 miles of the site, and it was within the priority catchment area for the Little Waltham Primary and Chelmer Valley Secondary schools, with existing school transport serving Drakes Lane. The site was located in an area of change with planned significant development in close proximity as part of the proposals for a large new flour mill and the planned North East Chelmsford Garden Village.
- The claim that the proposal for the Drakes Lane site had not been made public until 2018 was incorrect and there was evidence showing that local people had been aware of, and commented on it, since 2014 and there had been two rounds of consultation on the Local Plan in 2017 and 2018. Site notices were also posted as part of these two consultations with public exhibitions also being held.
- The Highway Authority had not objected to the site on road safety grounds. The Environment Agency had confirmed that it was satisfied with the proposals, which would not have implications for the licences of businesses on the industrial estate.
- The minimum distance between the Gypsy and Travellers site and the industrial estate had been confirmed as 90 metres.
- It was incumbent on the parents or guardians of children from the site to keep them away from the industrial estate and for the businesses to take precautions to secure any hazardous materials. The national Planning Policy for Travellers Sites envisaged sites being close to existing businesses. Reference in that policy to the dominance of sites over local communities referred to very large sites and not those of the size envisaged at Drakes Lane.
- The plans for the north-east bypass included a junction at Cranham Road and four pedestrian crossings were being proposed as part of the master planning of the NE Chelmsford Garden Village, so the argument about severance of the site from the Garden Village site was unfounded.
- It was clear from surveys that Gypsies and Travellers did not want to live on housing estates and preferred locations on the rural edge.

During the Committee's ensuing discussion, it was emphasised that the current Development Plan policies in relation to Gypsy and Traveller sites were out of date. The emerging Local Plan was at an advanced stage, took into account the GTAA and the conclusion of the focused review in 2013 that national planning policy should be a material consideration in determining sites for gypsies and travellers. Paragraph 48 of the NPPF allowed local authorities to give weight to emerging Local Plans, and accordingly the Committee should have particular regard to policy HO3 within it.

In regard to that policy, the application before the Committee was compliant in all respects apart from the requirement that adequate facilities and services for those living on the site be within reasonable walking and cycling distance. Realistically, however, the Committee recognised that this site was no different to villages and other areas in a rural location, even allowing for a lack of public transport. In the case of Drakes Lane, there were adequate facilities and services within a reasonable travelling distance by car.

As regards potential hazards associated with the site's location, there were no footpaths and lighting on the roads around it, which were also used by HGVs. The Highway Authority, however, took the view that most of the journeys by those living on the site were likely to be by car. In that respect they were similar to other communities in rural areas and the Authority had no objection to the application on highway safety grounds. There was no evidence presented to support the fear of crime expressed by some objectors. As regards the presence of nearby hazards, there were concerns about the safety of any residents of the Gypsy and Traveller site who ventured onto the industrial estate. However, the businesses had a legal duty to protect the industrial estate from potential trespassers and the public bodies responsible for safety had no objections to the application. The risks associated with the presence of lakes and reservoirs nearby were those that existed in other areas and residents and landowners needed to be aware of the need to manage and limit those risks.

On balance, the Committee regarded the application as acceptable.

RESOLVED that:

1. the Channels S106 Agreement and the Beaulieu S106 Agreement be varied along the lines detailed in Section 9 of the report to the meeting and the Director of Sustainable Communities after consultation with the Legal and Democratic Services Manager be authorised to complete the deeds of variation to those two Agreements; and
2. subject to a unilateral undertaking being entered into to secure the provision of a commuted sum of £900 to provide appropriate habitat mitigation in accordance with the Conservation of Habitats and Species Regulations 2017, the Director of Sustainable Communities be authorised to grant the application subject to the conditions detailed in the report to the meeting.

(7.32pm to 9.43pm)

9. **Planning Appeals**

RESOLVED that the information on appeal decisions between 22 August and 21 November 2018 be noted.

(9.43pm to 9.45pm)

10. **Urgent Business**

There were no matters of urgent business brought before the Committee.

The meeting closed at 9.45pm.

Chairman

PLANNING POLICY BACKGROUND INFORMATION

DEVELOPMENT PLAN

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

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

DEVELOPMENT PLAN DOCUMENTS

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

SUMMARY OF POLICIES REFERRED TO IN THIS AGENDA

DEVELOPMENT PLAN DOCUMENT 2001 - 2021

- CP07** Core Policy CP7 Area Action Plans - The City Council will prepare and implement Area Action Plans for Chelmsford Town Centre and North Chelmsford, which will set out an integrated land use and urban design framework to direct development proposals and public realm investment.
- CP08** Core Policy CP8 Promoting Accessibility - All development proposals will be required to be accessible to people of all abilities, whether for themselves or for the delivery of goods and services, and by all forms of sustainable modes of transport, in a socially inclusive and safe manner in accordance with a modal hierarchy.
- CP09** Core Policy CP9 Protecting Areas of Natural and Built Heritage Importance - The City Council is committed to protecting and enhancing the City's important natural and historic environment and will therefore seek to sustain biodiversity, archaeological and geological conservation.
- CP10** Core Policy CP10 Protection from Flooding - The City Council will require that development is protected from flooding and that appropriate measures are implemented to mitigate flood risk and will work with the Environment Agency to put in place strategic flood defence measures.
- CP11** Core Policy CP11 Energy Efficiency, Renewable Energy and Recycling - The City Council will expect development to have a net beneficial effect on the local and global environment by promoting more energy efficient development, minimising energy consumption, pollution and waste, and incorporating recycling facilities.
- CP12** Core Policy CP12 Protecting and Enhancing Recreational Provision - The City Council will seek to maintain and enhance the provision of formal and informal recreation facilities, at appropriate locations within the City, including the designation of new local parks and gardens, country parks and other public open spaces.
- CP14** Core Policy CP14 Environmental Quality and Landscape Character - The City Council will promote and support the enhancement of the environmental quality of the City's countryside and settlements through the preparation of a Landscape Character Assessment and Village Design Statements.
- CP16** Core Policy CP16 Promoting Social Inclusion - In considering proposals for new development, the City Council will promote social inclusion through equality of opportunity and equality of access for all to social, educational, health, employment, recreational, green space, community buildings and cultural facilities.

- CP18** Core Policy CP18 Providing New Community and Social Facilities in Major New Developments - The City Council will ensure that new community facilities are developed as an integral part of any proposals for major new residential development and will be accessible to all sections of the community.
- CP19** Core Policy CP19 Improving Links Between Developments - The City Council will ensure that local route networks will be reinforced by new development with improved linkages and road safety.
- CP20** Core Policy CP20 Achieving Well Designed High Quality Places - The City Council will require the layout and design of all development to create well designed high quality successful places for living and working.
- DC04** Development Control Policy DC4 Protecting Existing Amenity - All development proposals should safeguard the amenities of the occupiers of any nearby properties by ensuring that development would not result in excessive noise, activity or vehicle movements, overlooking or visual intrusion and that the built form would not adversely prejudice outlook, privacy, or light enjoyed by the occupiers of nearby properties.
- DC07** Development Control Policy DC7 Vehicle Parking Standards at Developments - All development will be required to comply with the vehicle standards as set out at Appendix C of the Core Strategy and Development Control Policies Development Plan Document.
- DC13** Development Control Policy DC13 Site of Biodiversity and Geological Value - The City Council will seek to restore, maintain, and enhance biodiversity and geological conservation interests. Appropriate weight will be attached in respect of designated sites when determining planning applications.
- DC14** Development Control Policy DC14 Protected Trees and Hedges - Planning permission will be refused for any development that would be liable to cause demonstrable harm to protected woodland, trees and hedgerows, unless conditions can be imposed requiring the developer to take steps to secure their protection.
- DC17** Development Control Policy DC17 Conservation Areas - All development proposals within Conservation Areas must preserve or enhance the character or appearance of the area. Planning permission will be refused where the siting, form, massing, height, proportions, elevation design, or materials would harm the character and appearance of the Conservation Area. Additionally, the development must not prejudice the appearance, significant spaces, inward or outward views and must be compatible with the function of the Conservation Area.
- DC18** Development Control Policy DC18 Listed Buildings - Planning permission and/or listed building consent will be refused where development proposals or works affect both the exterior and interior of buildings on the statutory List of Buildings of Special Architectural or Historic Interest unless they preserve or enhance the special character and/or setting of those buildings. The City Council will only permit the change of use of a listed building where it is in the interests of the long-term preservation of the building and its setting.
- DC20** Development Control Policy DC20 Registered Parks and Gardens - Planning permission will be refused where development would have an adverse effect on the special character of parks or gardens included in the Register of Parks and Gardens of Special Historic Interest in England.
- DC21** Development Control Policy DC21 Archaeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances and preserves sites of archaeological interest and their settings.

- DC24** Development Control Policy DC24 Energy Efficient Design and Use of Materials - The City Council will require new dwellings and non-residential buildings to incorporate sustainable design features to reduce carbon emissions and the consumption of natural resources. Five or more dwellings, non-residential developments greater than 1000 sqm are required to achieve 10% reduction or more in carbon dioxide emissions above current building regulation requirements. A statement must be submitted specifying how this will be achieved. All new dwellings are required to achieve a minimum rating of level 3 of the Code for Sustainable Homes (or its successor). Non-residential buildings shall have a minimum BREEAM rating (or its successor) of Very Good. Where possible new buildings to utilise a minimum of 20% of sustainable building materials and/or reuse of recycled materials.
- DC25** Development Control Policy DC25 Water Efficiency and Sustainable Drainage Systems - The City Council requires developments to incorporate measures that reduce the demand for water, and the provision of sustainable drainage systems for the disposal of surface water within and leading from development sites.
- DC36** Development Control Policy DC36 Accessible and Adaptable Developments - All new developments, and particularly housing, shall be designed from the outset so as to promote inclusive design, and ensure that all measures needed to promote accessibility and adaptability are achieved in a visually acceptable manner.
- DC40** Development Control Policy DC40 Public Open Space for New Residential Developments - Outlines requirements for provision and, where appropriate, commuted sum payments.
- DC42** Development Control Policy DC42 Site Planning - Planning permission will be granted for development proposals where the site planning and design of building spaces arranges access points, routes within the site, public and private spaces, building forms and ancillary functions in an efficient, safe, workable, spatially coherent and attractive manner, incorporates existing site features of value and does not cause unacceptable effects on adjoining sites, property or their occupiers.
- DC44** Development Control Policy DC44 Private Amenity Space - All new dwellings will be required to have a high degree of privacy and the use of private amenity space appropriate for the type of dwelling and its location.
- DC45** Development Control Policy DC45 Achieving High Quality Development - Planning permission will only be granted for new buildings and extensions to existing buildings provided that they are well designed in themselves and amongst other matters, the siting, scale form and detail of the proposed buildings has an appropriate visual relationship with the character and appearance of the surrounding area.

VILLAGE DESIGN STATEMENTS

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

NATIONAL PLANNING POLICY FRAMEWORK

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

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

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

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

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



Planning Committee

15th January 2019

Application No	:	18/01631/FUL Full Application
Location	:	Site At 140 Mill Road Stock Ingatestone
Proposal	:	Construction of 9 no. apartments with associated access, parking and landscaping.
Applicant	:	Mr Andrew Turk
Agent	:	The JTS Partnership (Brentwood)
Date Valid	:	21st September 2018

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Appendices:

Appendix 1	Consultations
Appendix 2	Decision notice reference 18/00586/FUL
Appendix 3	Drawings

1. Executive summary

- 1.1. The application was withdrawn from the planning committee agenda of the 4th December. This application is referred to planning committee at the request of a local ward member. The reasons for the councillor's referral relate to intensification of the site impacting on the rural surroundings, impacts on neighbouring properties, poor design, lack of parking and conflict with ecology and protected trees.
- 1.2. The site is located within both the green belt and the defined settlement. The proposed building is located within the Stock defined settlement boundary where the principle of development is acceptable subject to compliance with all other relevant national and local planning policies.
- 1.3. The proposed development would relate to the construction of nine new apartments with associated access, parking and landscaping. The proposal would have an acceptable impact on the character and appearance of the area and would have an acceptable form, scale, design and appearance.
- 1.4. Access to and from the site would be taken from the existing access on Mill Road. The other access adjacent to the junction with Whites Hill would be closed. The access and parking and turning arrangements would be acceptable and would not be detrimental to highway safety.
- 1.5. The relationship with existing neighbouring properties would be acceptable and the proposal would not give rise to adversely prejudicial impacts to the amenity of neighbours in respect of overlooking, overshadowing, loss of privacy, loss of light, noise or disturbance.
- 1.6. The application is recommended for approval

2. Description of site

- 2.1. This is a large site of approximately 0.46ha. The northern half of the site is located within the Stock defined settlement boundary (DSB). The southern, rear half is within the Metropolitan green belt. It is positioned on the junction of Mill Road with Whites Hill.
- 2.2. The site is broadly rectangular in shape and is currently vacant. It was formerly occupied by a two-storey detached dwelling, detached garage with room over and outbuildings. All of which were demolished circa 2015 following the grant of planning permission for a replacement house.
- 2.3. There are two existing access points onto the site, one onto Mill Road, opposite the junction with Valentines, the other one is also on Mill Road, and leads onto the junction with Whites Hill.
- 2.4. Both the site and the surrounding area have significant mature landscaping. There are protected trees along and adjacent to all boundaries of the site, with the majority of the protected trees along the road frontages onto Mill Road and Whites Hill (TPO/2007/085, TPO/2007/070 and TPO/1976/009 refer). The existing landscaping provides significant screening to the site.
- 2.5. To the west of the site is The Lindons, a modern estate of detached family houses. Opposite is Valentines, a cul-de-sac of detached family houses. There are a mix of property types, sizes and designs along Mill Road. There are other large and prominent houses along the road including 95 and 99 Mill Road, which are large buildings set in large plots and positioned in the green belt, to the east of the application site.

- 2.6. The part of the site where the building would sit is mostly level, dropping down a little towards the west boundary. The site then slopes gently southwards down Whites Hill.

3. Details of the proposal

- 3.1. The proposal is for the construction of a two and a half storey building with a lower one and a half storey wing to the west side. Over three floors, plus a basement, there would be nine residential units. There would be seven, three-bedroom and two, two bedroom apartments. Within the basement there would be 18 parking spaces, part of the living space for units two and three, a bike storage area, laundry room, stores for each unit and a communal bin store. There would be an internal lift for residents serving all floors.
- 3.2. The main part of the building would be set back between 20 and 29m from the carriageway, the front of the site separated from Mill Road by a soft verge and mature, protected trees.
- 3.3. The site would be served using the existing access in the northwest corner of the site from Mill Road. The current access adjacent to Whites Hill would be closed as part of this proposal.
- 3.4. There would be a driveway taken from the northwest access point that would curve across the front of the building. It would include four visitor parking spaces, a turning area, a vehicle drop off point and a refuse collection area.
- 3.5. The proposed development would have main building with a crown top roof of 10m in height. The lower side wing would have a height of 7m as seen from the front. The main building would have a road frontage measuring 24.8m. The side wing would be set back and would have with a width of 14m.
- 3.6. All of the built form would lie within the DSB. The southern half of the site located within the green belt would be used as a communal garden.

4. Other relevant applications

- 4.1. 14/01207/FUL- Approved 3rd October 2014
Demolition of existing house & outbuilding and construction of replacement dwelling with garage & indoor swimming pool. New 1.8m High Boundary Fence.

This scheme was for a large detached building. Its height was 10m and its overall width was approximately 39m. Whilst the elaborate mock-Georgian design and scale of the property was different from anything else in the street it was considered that the building would not be out of keeping with the varied mix of property types along Mill Road and would be partially obscured by the screening along the boundaries.

The house was considered to have an acceptable relationship with neighbouring properties.

It is noted that this application has been implemented and could therefore be constructed as approved. It is also noted that the proposed scheme is for a reduced sized building than the 2014 scheme.

- 4.2. 18/00586/FUL - Refused 5th June 2018
Construction of 9 no. apartments with associated access, parking and landscaping.

This application proposed the construction of a large building for 9 flats. It would have a height of 11.5m and a road frontage measuring approximately 40m. This application was refused on several grounds which included design, neighbour amenity and highway safety.

In design terms it was considered that the building was not broken down well enough and that it would be a large building which would be overstretched and would have a size, scale and massing which would be out of keeping with the development in the area.

It was considered that the windows facing towards the neighbours would result in an unacceptable level of overlooking.

In terms of highway safety it was considered that using the access on the junction with Whites Hill would result in the intensification of the use to the detriment of highway safety. It was also considered that the development did not adequately make provision for turning, loading and unloading.

5. Summary of consultations

- ECC Minerals & Waste Planning
- Essex County Council Highways
- Public Health & Protection Services
- Stock Parish Council
- Recycling & Waste Collection Services

- 5.1. The main planning comments can be summarised as follows with a further details summary contained within the appendix:

Neighbours

The comments below and within the appendix have summarised the main issues. The full copies of the comments have been sent to members prior to the committee meeting.

- Building is too large in size and scale
- Out of keeping with the character of the area.
- Highway safety issues
- Harm to protected trees
- Harmful to the neighbours by being overbearing and overlooking
- Issues to ecology in the area.
- Noise disturbance
- Lack of parking spaces
- Flooding issues
- Conflicts with the VDS

Stock Parish Council

- 5.2. The Parish Council do not support this application which still results in a high level of unacceptable harm by way of the poor design and level of intensification of the verdant site.

- 5.3. This will impact negatively not only on the local character of the settlement, but it will also result in negative impact upon the existing neighbouring dwellings particularly Nos 4 and 5 The Lindens, in particular their residential amenity.
- 5.4. The proposal is deficient of parking spaces and will impact on highway safety.
- 5.5. We also draw your attention to the VDS and should still be afforded weight in the planning balance. The context in Mill Road is for large detached dwellings in spacious plots.
- 5.6. In summary the scheme is not in the spirit or compliant with Planning Policy, its proposed design and the resultant over intensification is unnecessarily harmful, it should therefore be refused without delay.
- 5.7. Further to the recent revisions submitted for this application, the Parish Council do not agree that these marginal revisions have in any way addressed the fundamental concerns and justified objections of residents in respect of the application. Such revisions are still not resulting in good design which National Planning Policy states weight should be afforded to in the decision making process.

Public Health and Protection

- 5.8. No PH&PS comments with regard to this application.

Essex County Council Highways

- 5.9. This application utilises an existing vehicular access to the development site which will be improved to make it suitable. It has satisfactory and existing visibility splays in both directions.
- 5.10. There are 22 parking spaces included which meets the Parking Standards and a turning space is included. A refuse collection point is provided close to the vehicular access to Mill Road.
- 5.11. From a highway and transportation perspective the impact of the proposal is acceptable subject to conditions.

Recycling and waste collection services

- 5.12. Their latest comments state that they are happy with collecting bins from the proposed kerbside collection point after they have been presented by the concierge and do not require tracking drawings as it has been confirmed that the refuse vehicles will not be entering the site.

6. Planning considerations

Main Issues

- 6.1. The following matters will be considered as part of this report:
- a) The Principle of development
 - b) Character of the area and design
 - c) Neighbour amenity
 - d) Access
 - e) Parking
 - f) Trees

- g) Ecology
- h) Habitat Regulations 2010

The principle of development

- 6.1. The site is located within the Stock DSB and the green belt. The proposed building would sit within the DSB. Within the DSB, subject to compliance with all relevant national and local planning policies, the principle of residential development is acceptable.

The proposal and context.

- 6.2. Directly to the east, west and opposite the site, the surrounding area is characterised mostly by large detached properties on spacious plots. There is significant variety in terms of architectural design, spacing between buildings and set back from the highways.
- 6.3. The spaces between properties, where they exist, allow for views towards the countryside beyond. The mature landscaping which lines the road frontage, along with the spaces between properties contributes towards the green and semi-rural character of Mill Road.
- 6.4. Along Whites Hill to the west and south of the site, the character of development immediately becomes more sporadic and rural, with more spacing between properties, along with mature trees and hedgerows. The change marks the transition between the DSB and the green belt beyond.
- 6.5. The proposed development would front Mill Road and would have its main visual relationship with the properties along this street. However, it would have a visual relationship with Whites Hill because the development would be visible from here.
- 6.6. The building would be set away from the site boundaries with a distance of approximately 6.8m retained to the eastern boundary with Whites Hill and distances of between 0.4m and 4.4m away from the western boundary with The Lindens. It is noted that the element of the building adjacent to The Lindens is broken down and lower in height than the main building.
- 6.7. The main part of the building would have an eaves height (top of parapet) of 7.8m. The crown top roof would have an overall height of approximately 10.m. The main building a width of approximately 24m. The lower wing element to the west elevation would be articulated from the front of the main building. The roof would be mostly hipped and would have a height of 7m.
- 6.8. The design of the building is classically inspired with a central main block and lower wing. The building encompasses various design elements with articulated rear projections, bay windows, porches and chimneys all used to help to break up the massing of the building and add visual interest. The hipped roof of the main part of the building would include small flat roofed dormers, and a crown top. This would sit behind a parapet detail. The west side wing would be articulated so that it seen as an outbuilding linked to the main house. It would be expressed with different a material palette to reflect its subservient design approach.
- 6.9. The proposed use of red brick, sash windows and traditional detailing on the main part ensures that the building picks up on the materials and design styles used on houses in the street and in the wider Stock village and enables the building to fit well within its context.

- 6.10. This scheme has been revised from the previously refused planning application and as a result, the height and scale of the proposed building has been reduced. The height and scale of the building would be similar to that of the previously approved replacement dwelling (14/01207/FUL refers).
- 6.11. This proposal is for a large building. It would however sit comfortably within its large landscaped plot. Detailing is used to lessen the bulk as the building is broken down with the subservient element contributing to this overall design approach. The presence of mature, protected landscaping would filter views of the development from the surrounding area.
- 6.12. It is considered that it would be an acceptable development and not harmful to the character of the area.

Neighbour Amenity

Nos 4 and 5 Lindens

- 6.13. The closest properties are Nos 4 and 5 which share the western site boundary. The proposed development has been revised throughout the lifetime of this application, partly in order to address concerns in respect of neighbour amenity. The western elevation of the main building would be 17.5m from the boundary shared with No 4. There would be a dormer window in the main roof facing towards No.4 serving a study. There would be 34m between the dormer and the rear elevation of No 4. This degree of separation would be sufficient to prevent adverse or prejudicial overlooking of the neighbouring property.
- 6.14. The side elevation of the wing element extends alongside the southern half of the garden of No 4 The Lindens. It is located at its nearest point approximately 1.5m away from the neighbour's boundary which increases to 3.8m. At its closest point, the proposed wing would be located approximately 12.4m away from the closest part of the neighbour which is a rear conservatory.
- 6.15. This part of the building includes dormers serving units bedroom units 5 and 6. The dormers serving unit 6, located towards the rear part of the building, have specifically positioned windows which face sideways (north and south) with no windows facing towards No 4. The Lindens. There is a dormer serving unit 5 positioned towards the front of the wing. This dormer also has been specifically designed with a recess which allows a bedroom window to face sideways into the recess thus prohibiting views across to No. 4. Only an en- suite bathroom window would face towards The Lindens and this would be obscure glazed and restricted opening (controlled by planning condition).
- 6.16. The roof of the wing hips away from the neighbour. The 3m eaves line would be screened for the most part by an existing conifer hedge and other mature planting. The break down and staggered form of the western wing would prevent the neighbour from having a long and unbroken flank wall adjacent to their boundary and would limit its prominence and visual impact. The development would not be unduly overbearing or overshadowing such to be harmful to the neighbouring property.
- 6.17. The rear part of the wing element would be at least 29m away from the rear elevation of No 5 The Lindens. This part of the building responds to the lowering site levels such that the rearmost gable end would have a height of 8.3m. Because of the separation distances, presence of landscaping and projection along only part of the neighbouring boundary the relationship between the development and No 5 would be acceptable.

No. 142 Mill Road

- 6.18. The neighbour is positioned to the east of the application site and is on the opposite side of Whites Hill. No 142 is located approximately 30m from the eastern side wall of the proposed building. There are first floor windows and dormers in the east elevation facing across Whites Hill. This degree of separation would prevent unacceptable mutual overlooking between properties. The separation would not give rise to overshadowing or overbearing impacts to No 142.

Landry, Whites Hill

- 6.19. Landry is located to the south of the application site and is more than 50m away from the rear wall of the development. The road slopes away to the south so Landry sits lower than the application site.
- 6.20. There are some first and second floor balconies facing towards the neighbour. However, given the large distance between the properties (at least 40m to boundary) it is considered that no overlooking or adverse impacts would be caused to their amenities.
- 6.21. The proposed development would have an acceptable relationship with neighbouring properties and would comply with the requirements of Policy DC4 and Emerging Policy PA1.

Access and highway matters

- 6.22. The access to the site would be taken from the existing on the north west corner of the site. The existing access on the north east corner of the site from Whites Hill would be closed off.
- 6.23. The previously refused application proposed to enter and leave the site using the access in the Whites Hill access. The Local Highway Authority Raised an objection to the use of this access as it would have had a detrimental impact on highway safety.
- 6.24. The proposed access arrangements have been considered by Essex County Council as the Local Highway Authority. They are content that the revisions in this scheme, to use the north west access to create a 'one-way' access arrangement, and the closing off the other access, overcomes their previous concerns. Subject to the imposition of appropriate conditions the proposal is acceptable in respect of highway safety matters.

Parking

- 6.25. The parking provision for the flats is provided within the basement of the building. Each flat would have 2 allocated parking spaces. The amount of parking spaces and the dimensions shown comply with the requirements of the adopted parking standards and are acceptable for the development as proposed. The proposals comply with the requirements of Policy DC7 and Emerging Policy MP5. There would also be four visitor parking spaces at the front of the property plus a drop off zone large enough for food delivery vans and a turning space. This would also be acceptable.

Trees

- 6.26. An arboricultural report and tree protection plan was submitted with the application and this has been considered by the Council's Tree Officer. Amended reports have been submitted throughout the lifetime of the application to respond to the comments of the Tree Officer.

- 6.27. It is noted that the tree protection plan and tree report state that the oak tree (T9) along the western boundary towards the front of the site is proposed to be removed. This tree is set back from the frontage and does not significantly contribute to the locality. It does not warrant individual protection. As the tree grows it will interfere with the proposed building and would require continuous pruning. For this reason it is considered proactive to remove it and secure more adaptable and additional planting that would contribute to the wooded aesthetic of the wider area.
- 6.28. The amended tree report from November 2018 has addressed the tree officers previous comments and is now considered to be acceptable in ensuring that the important trees required to be retained will be protected during and after construction.
- 6.29. Conditions will be attached to the decision to protect the trees.

Ecology

- 6.30. Ecology comments were provided by the Council's Ecology Officer as part of refused application 18/00586/FUL. As the situation on the ground has not changed these comments are still relevant for this application.
- 6.31. The ecology report, dated March 2018, and site appraisal was carried out by a qualified and licenced ecologist.
- 6.32. The former dwelling has been demolished and the proposed development is to be located to the north of the site. It is not considered to have an adverse impact upon protected or notable species. A precautionary approach for reptiles is proposed due to the presence of rubble and unkempt land following the demolition, this is acceptable.
- 6.33. Badgers are known to have used the site and routes are clearly defined aligning west and east, to the south of the site. However, no setts have been recorded. It is considered that this behaviour is likely to continue post development. Precautionary methods should however be used to ensure they do not become trapped during construction.
- 6.34. To protect and enhance the ecology on the site it is considered that landscaping on the site should include native planting and fruit trees that would provide additional foraging opportunities. Any lighting should be sympathetic and should not directly light the vegetation. Integrated bird boxes should also be provided.
- 6.35. Conditions will be attached requiring compliance with ecology appraisal and submission of landscaping details.

Sustainable development

- 6.36. The delivery of sustainable development lies at the heart of the Local Plan and developments are expected to minimise the use of resources and consumption of energy. Planning conditions are proposed to ensure that the development is carried out in a manner where renewable energy or low carbon technology is successfully integrated with the building design and secures the provision of Electric vehicle charging point infrastructure, in order to comply with policy DC24 and emerging policy MP3.

Habitat Regulations

- 6.37. The Conservation of Habitats and Species Regulations 2017, as amended, (commonly known as the Habitat Regulations) require all new residential developments that have the potential to cause disturbance to European designated sites to provide appropriate mitigation. An emerging Essex County wide strategic approach is being prepared; the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Natural England issued interim advice in August 2018 to all Essex local planning authorities. The advice is intended to ensure that any residential planning applications, which come forward ahead of a County wide mitigation strategy, which have the potential to impact on coastal European designated wildlife sites are compliant with the Habitat Regulations.
- 6.38. The advice and evidence to date, shows that most of Chelmsford, including the application site, falls within a Zone of Influence under the Habitat Regulations. The RAMS project will provide appropriate mitigation for all new residential developments funded from commuted sums paid by developers; this will be achieved through the adoption of supplementary planning advice and collected through s106 Agreements. The work however, will not be completed until sometime in 2019.
- 6.39. The responsibility, in the interim, lies with individual local planning authorities to ensure that adequate mitigation is provided when planning permissions for net additional dwelling units are issued. Chelmsford City Council is presently working towards introducing an interim arrangement to potentially fund mitigation and allow new residential development to proceed in advance of RAMS. The current planning application would be determined in advance of RAMS and to comply with the Habitat Regulations, and for the local planning authority to support the scheme, it must deliver appropriate mitigation.
- 6.40. The Council is proposing to introduce an interim policy in advance of RAMS. This interim policy was agreed by Cabinet on 20th November and seeks approval for the necessary habitat mitigation to be delivered by a financial contribution per dwelling. The applicant will be required to enter a unilateral undertaking and they have agreed to this. Should this be completed before the Planning Committee meeting the Committee will be updated.

7. Community Infrastructure Levy (CIL)

- 7.1. This application is CIL liable and a CIL charge is payable.

8. Conclusion

- 8.1. The site is located within Stock defined settlement and the green belt. The proposed building would be within the defined settlement where the principle of development is acceptable.
- 8.2. The proposal would not have a detrimental impact on the character and appearance of the area. It would have an acceptable size, scale, design, appearance and would be appropriate in the context of the surrounding built form.
- 8.3. It would not give rise to adversely prejudicial effects on the residential amenity of the neighbouring properties.
- 8.4. It would be acceptable in parking and highway safety terms.
- 8.5. No harm would be caused to the protected trees or ecology on the site.

8.6. The proposal would be acceptable subject to the conditions outlined below.

RECOMMENDATION

Subject to a unilateral undertaking being entered into to secure the provision of a commuted sum of £900.00 to provide appropriate habitat mitigation in accordance with the Conservation of Habitats and Species Regulations 2017, the Director of Sustainable Communities be authorised to grant the application subject to the following conditions:

Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and conditions listed on the decision notice.

Reason:

In order to achieve satisfactory development of the site

Condition 3

With respect to any condition that requires the prior written approval of the local planning authority, the works thereby approved shall be carried out in accordance with that approval unless subsequently otherwise agreed in writing by the local planning authority.

Reason:

In order to achieve satisfactory development of the site

Condition 4

Prior to their use samples of the materials to be used in the construction of the development hereby permitted shall be submitted to and approved by the local planning authority.

Reason:

In order to achieve satisfactory development of the site in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 5

Prior to their installation large scale drawings shall be submitted to and approved by the local planning authority showing typical details of the following :-

- (i) Windows
- (ii) Eaves and ridges;
- (iii) Ridge detail of crown top roofs
- (iv) Parapet detail
- (v) Doors, door casings and surrounds;
- (vi) Brick detailing;

- (vii) Rainwater goods;
- (viii) Balconies;
- (viii) Chimneys and flues;

Reason:

To ensure that the development integrates successfully into the area in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 6

Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) surfacing of the front driveway including the visitor parking areas, turning area and drop off point, refuse collection area.
- b) surfacing of any patios or footpaths within the site.
- c) other hard landscape features and materials
- d) landscaping of closed access to Mill Road
- e) existing trees, hedges or other soft features to be retained
- f) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- g) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- h) location of service runs
- i) management and maintenance details
- j) bat and bird boxes

Reason:

In order to add character to the development and to integrate the development into the area in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 7

All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the development, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

Reason:

In order to add character to the development and to integrate the development into the area in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 8

The development hereby permitted shall only be carried out in accordance with the details contained in section 5.2 within the submitted Preliminary ecological appraisal dated March 2018.

Reason:

To ensure that no harm is caused to protected species in accordance with Policy DC13 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 9

No external lighting shall be installed at the site until such time as a lighting strategy for biodiversity for badgers has been submitted to and approved in writing by the local planning authority. The strategy shall;

- i. identify areas/features on the site that are sensitive to badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important territory routes used to access key areas of their territory, for example, foraging; and
- ii. show how and where the external lighting will be installed so that it can be clearly demonstrated that areas lit will not disturb or prevent the above species using their territory or having access to their breeding sites or resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No additional external lighting shall be installed without prior written consent from the local planning authority.

Reason:

To ensure there is no disturbance or harm caused to protected species in accordance with Policy DC13 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 10

The parking areas and refuse store shown on the approved basement drawings 2762/30B shall be available for use before the development which they specifically serve is occupied and shall not thereafter be used for any purpose other than the parking of motor vehicles ancillary to the use of the development.

Reason:

To ensure that suitable parking facilities are available to serve the development in a manner which accords with the requirements of Policy DC7 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 11

Prior to first occupation of any of the units in the development the vehicular turning facility, visitor parking spaces and drop off area shown on the approved drawing no. 2762/31B shall be constructed, surfaced and available for use. They shall thereafter be maintained free from obstruction and remain available for these sole purposes at all times.

Reason:

To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

Condition 12

Prior to first occupation of any of the units in the development the existing vehicular access in the north east corner of the site and adjacent to Whites Hill shall be closed as shown in principle on approved drawing 2762/31B. The access shall thereafter remain permanently closed.

Reason:

In the interests of highway safety

Condition 13

There shall be no discharge of surface water from the development site onto the Highway.

Reason:

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

Condition 14

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason:

To avoid displacement of loose material onto the highway in the interests of highway safety.

Condition 15

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason:

In the interests of reducing the need to travel by car and promoting sustainable development and transport.

Condition 16

The first and second floor windows in the western side elevation and shown on approved Drawing No 2762/32B shall be

- i) obscure-glazed (minimum Level 3 obscurity level) and
- ii) of a design not capable of being opened below a height of 1.7m above finished floor level and shall remain so glazed and non-openable.

Reason:

To safeguard the privacy of the occupiers of the adjacent property in accordance with Policy DC4 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 17

No development shall take place, including any ground works or demolition until a Construction Method Statement has been submitted to and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason:

This information is required prior to the commencement of development to ensure that parking of these vehicles does not occur on nearby streets or on the Common and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

Condition 18

In relation to tree protection, tree surgery and construction methods, where relevant, the development shall only be carried out in accordance with the Arboricultural report REV 3 dated 20th November 2018 unless the local planning authority gives its written consent to any variation.

Reason:

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

Condition 19

Drainage and service runs shall not be laid beneath the root protection area of any tree identified for retention on the approved drawing 2762/29C unless otherwise agreed in writing by the local planning authority.

Reason:

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

Condition 20

Unless otherwise agreed in writing with the Local Planning Authority:

- a) details of how the development will achieve a minimum of 10% reduction in carbon dioxide emissions above the requirements of Building Regulations to include, where appropriate, drawings and specifications of any renewable energy or low-carbon technology proposed to meet this requirement, shall be submitted to and approved in writing by the local planning authority;
- b) the detailed methodology for achieving these standards of construction shall be implemented as agreed.

Reason

To assist in reducing carbon dioxide emissions from developments and to ensure any renewable energy or low carbon technology is successfully integrated with building design in accordance with Policies CP11, DC4, DC24 and DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 21

No unit shall be occupied until details to include location and specification of at least one (1) electric vehicle charging point for the use of residents of the approved development have been submitted to and approved in writing by the local planning authority. The electric vehicle charging point(s) shall be installed prior to occupation in accordance with the approved details, connected to a sufficient power supply and made available for use. The electric vehicle charging point(s) shall thereafter be retained and maintained in functional condition and be available for use to residents.

Reason:

To ensure adequate electric vehicle charging provision is made in line with the National Planning Policy Framework.

Notes to Applicant

- 1 In order to cause minimum nuisance to neighbours, the applicant is strongly advised to follow guidelines for acceptable working hours set out by the Council's Public Health and Protection team.

Noisy work

- Can be carried out between 0800 and 1800 Monday to Friday
- Limited to 0800-1300 on Saturdays
- At all other times including Sundays and Bank Holidays, no work should be carried out that is audible beyond the boundary of the site

Light work

- Acceptable outside the hours shown above
- Can be carried out between 0700 and 0800; and 1800-1900 Monday to Friday

In some circumstance further restrictions may be necessary.

For more information, please contact Chelmsford City Council Public Health and Protection Services, or view the Council's website at www.chelmsford.gov.uk/construction-site-noise

- 2 The Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are:
Development Management Team,
Essex Highways,
Springfield Highways Depot,
Colchester Road,
Chelmsford
CM2 5PU.
Telephone: 0845 603 7631. Email: development.management@essexhighways.org.
- 3 You are reminded that this application is subject to a Unilateral Undertaking, which requires that a payment should be made to the local authority upon commencement of the development (or at any other time as varied by the Undertaking).
- 4 The proposed development may be liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended). If applicable, a Liability Notice will be sent as soon as possible to the applicant and any other person who has an interest in the land. This will contain details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.chelmsford.gov.uk/cil, and further information can be requested by emailing cilenquiries@chelmsford.gov.uk. If the scheme involves demolition, for the purposes of the Regulations the development will be considered to have begun on commencement of the demolition works.
- 5 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.
- 6 This permission is subject to conditions, which require details to be submitted and approved by the local planning authority. Please note that applications to discharge planning conditions can take up to eight weeks to determine.
- 7 This development will result in the need for a new postal address. Applicants should apply in writing, email or by completing the online application form which can be found at www.chelmsford.gov.uk/streetnaming. Enquires can also be made to the Address Management Officer by emailing streetnaming@chelmsford.gov.uk.

- 8 The applicant is reminded that measures should be used to protect badgers from becoming trapped in open excavations. These should include;
- i. Creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavation or by using planks placed into them at the end of each working day; and
 - ii. Open pipework greater than 150mm outside diameter being blanked off at the end of each working day

Positive and Proactive Statement

During the life of the application the Local Planning Authority suggested amendments to the proposal in order to improve the development. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework to promote the delivery of sustainable development and to approach decision taking in a positive

Background Papers

Case File

Appendix 1 – Consultations

Consultations

ECC Minerals & Waste Planning

Comments
No response received

Essex County Council Highways

Comments
<p>09.11.2018 - Your Ref: 18/01631/FUL Our Ref: CO/EGD /SD/RM/CHL/18/1631/23709 Date:- 9th November 2018</p> <p>The previous application 18/00586/FUL was recommended for refusal by the Highway Authority as the vehicular access proposed for access to the apartments was not suitable for intensification of use. This application utilises an existing vehicular access to the development site which will be improved to make it suitable. It has satisfactory and existing visibility splays in both directions which pass over highway land.</p> <p>The proposal includes permanent closure of the existing vehicular access to the east of the site adjacent to the Mill Road/Whites Hill junction.</p> <p>There are 22 parking spaces included; 18 spaces for to 9 apartments plus 4 visitor spaces which fully meets the EPOA Parking Standard provision level and a turning space is included.</p> <p>A refuse collection point is provided close to the vehicular access to Mill Road.</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <ol style="list-style-type: none"> 1. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: <ol style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. wheel and underbody washing facilities Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1. Note - MUD / DEBRIS ON HIGHWAY Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway. 2. Prior to first occupation, the vehicular access and private drive shall be reconstructed to a width of 5 metres for at least the first 10 metres from the back of carriageway as shown in principle in the Proposed Block Plan, drawing no. 2762/29B and provided with an appropriate vehicular crossing of the verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass simultaneously clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

3. There shall be no discharge of surface water from the development onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1

5. Prior to first occupation of the development the vehicular turning facility shown in the Proposed Block Plan, drawing no. 2762/29B shall be constructed ready for use, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

6. The existing access to the east of the site adjacent to Whites Hill as shown on the Proposed Block Plan, drawing no. 2762/29B shall be suitably and permanently closed incorporating the reinstatement of the highway verge immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

7. Prior to first occupation of the development the 22 vehicle parking spaces shown in the Proposed Block Plan, drawing no. 2762/29B and the proposed Basement Floor Plan, drawing no. 2762/30B shall be constructed ready for use. The vehicle parking area and associated turning area shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

8. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

9. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informatives:

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

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU

pp Head of Highways and Transportation

Enquiries to Richard Mackrodt

Telephone: 03330130582

Internet: www.essex.gov.uk

Email: richard.mackrodt@essex.gov.uk

Public Health & Protection Services

Comments

05.10.2018 - No PH&PS comments with regard to this application.

29.10.2018 - No PH&PS comments with regard to this amended application.

Stock Parish Council

Comments

24.10.2018 - This submission follows the recently refused application for the same quantum of flatted development in an area characterised by large detached dwellings in spacious plots. The Parish Council do not support this application which whilst may have been attempting to address the reasons for refusal, still results in a high level of unacceptable harm by way of the poor design and level of intensification of the verdant site.

Such intensification will impact negatively not only on the local character and rural nature of this component of the settlement, but it will also result in negative impact upon the existing neighbouring dwellings, in particular their residential amenity; this together with the displacement of parking given the quantum of units (the current proposal is deficient in spaces) and safety issues which the provision of a concierge could not address as it is not enforceable, leads to the proposals being in breach of Planning Policy.

A high number of local residents attended the Parish Council meeting and whilst not in objection to the principle of development, residents conveyed clearly and justifiably the real harm which would result by way of the proposals; a summary of comments include:

- Impact upon the Lindens, in particular 4 and 5.
- Impact upon the adjacent properties on Mill Road.
- Balconies to the rear overlook , dormers overlook.
- Loss of trees and the inconsistencies in the tree report and layout proposals; e.g. loss of screening would result in direct overlooking. Some trees in this site are deciduous so the agent should not rely on these to provide privacy.
- SUDs and lack of any technical information - given this site sits at a higher level within the settlement and has a watercourse within its context no SUDs has been evidenced or examined.
- The impact of associated lighting, highway markings, splays and signage would urbanise the rural character.
- Road safety and the displacement of parking onto Mill Road and Whites Hill. Also insufficient parking given the typologies' proposed.

The Parish Council have examined these concerns and others raised, and wholly concur with residents, that whilst there are marginal changes, these have in turn caused further issues, as a result this application is not in any way acceptable, all matters lead back to the fact this is not the right scheme for this site.

We also draw your attention to the VDS, which is adopted, and should still be afforded weight in the planning balance given the current status of the emerging LDP; the context here in Mill Road is for large detached dwellings in spacious plots, it is not an Urban Area or an area where an urban infill of flatted development is appropriate.

In summary the scheme is not in the spirit or compliant with Planning Policy, its proposed design and the resultant over intensification is unnecessarily harmful, it should therefore be refused without delay.

Recycling & Waste Collection Services

Comments

09.11.2018 - Please confirm the entrance/access width from the highway into the proposed development is a minimum 5 metres.

Please show vehicle tracking within the proposed development for a standard 26000kgs GVW collection vehicle [vehicle dimensions shown within the Planning Guidance for Recycling and Waste]. Tracking to show forward movement entering the development from the highway and vehicle movement within the development utilising the proposed new turning area allowing for the vehicle to leave the development in a forward movement.

Local Residents

Comments

52 comments were made which raised the following matters;

Character of the area

This part of Mill Road is predominantly large character properties on spacious landscaped plots of single dwellings.

The proposed development is completely at odds with the rural aspect of Stock and Mill Road proposed and are not in-keeping with the character of Stock. The precedent that would be set by allowing such a development in Mill Road would have enormous, irretrievable adverse consequences for the area

Such a development would 'urbanise' the village

The potential impact of light coming from 9 flats, irrespective of any security lighting, will dramatically change the street scene at night. It will turn the area into a suburban night-time scene.

Size and design

The size of the building is disproportionate to the plot. The scale, massing and orientation of the

proposal is overbearing and oppressive and the design is bland , cramming and certainly out of character with a semi-rural wooded location.

The proposed new dwelling is incongruous in the street scene, over powering in bulk and scale, larger in scale than the previous approved application. The two and a half story element is uncharacteristic of the street scene, the dormer windows to the front elevation loft space are not seen elsewhere in Mill Road.

The maximum ridge height is way in excess of any buildings in this part of Mill Road where average heights do not exceed 9m

The architecture is a miss-mash. A large, deep parapet to the front and east elevations above Georgian style windows, modernist patio doors, Juliet balconies and a 'box' window. A lack of windows to the eastern ground floor elevation. The proportions appear wrong. The front porch appears insignificant.

Parking issues

The amount of people who would live and work here is too large to be accommodated by the oversized underground car park. Cars will be left on the road or grass verges being dangerous and unattractive.

Despite underground parking proposed, there would inevitably be a significant increase in parking on Mill Road causing further obstruction. Such an apartment block will have a constant stream of visitors who will have nowhere to park.

The number of parking spaces allocated are nowhere near enough for the potential and probable number of people living there or visiting. This will certainly encourage parking on the lane (Whites Hill or Mill Road) which are both unlit and would make it very dangerous for pedestrians, cyclists and other cars, especially at night.

Underground parking, bike racks and communal refuse is not semi-rural it is urban.

The parking is a huge issue, 20 spaces is not enough and this would result in visiting cars parking all the way along Mill Road grass verge, eating into it over time and spoiling natural country side.

There should be in the region of 40 off-street parking spaces to serve a couple and one other adult occupier per additional bedroom

Neighbour relationship

It will have a detrimental effect to neighbours at the Landry, Mill Road and most significantly the Lindens.

Balconies to the rear are open sided in some cases and cause overlooking and privacy issues to adjoining properties in particular 142 mill road and 'Landry'

The eastern elevation has third floor dormer windows , a projecting bay window and other windows all of which are habitable rooms these cause overlooking and privacy issues into the adjoining property at no.142 mill road, looking directly into the side and rear garden and principle rooms of no. 142 mill road.

Those windows facing Landry are also almost 20metres closer to Landry - an enormous intrusion and destruction of privacy.

Disastrous and unacceptable impact to our privacy, happiness and well-being at The Lindens. 4/5 The Lindens are still over looked as is the Landry.

The design of the balconies, and the overall plan, changes with each submission, the impression being that no real thought is being given to this development and the impact on the street scene and neighbours. Balconies encourage overlooking, light pollution, and noise, curved balconies even more so.

The side elevation to The Lindens shows larger and even more windows. This is totally unacceptable as the closeness to the boundary will mean an invasion of privacy let alone light pollution at night on what is a rural setting.

Harm to protected Trees

There are 10 trees to the boundary of the site with whites hill, most of which are large diameter protected oak trees. These do not appear on the tree protection plan or agricultural report. The RPA size of these trees is not listed and is not plotted on the tree protection plan. It is therefore not possible to see the impact or intrusion of the building into the RPA of these trees, please make sure that your tree officer is aware. The trees shown on the eastern elevation are deciduous oak trees and provide no screening during winter months there are also large gaps in the canopy between trees which allow visibility into no. 142 mill road. The trees shown on the applications as screening are misleading.

The existing trees will not be able to shield it as a large, over bearing looking property.

There seems to be some confusion as to whether the cypress hedge at the bottom of my garden is being retained or not? This was being removed in earlier plans which would result in us having no protection from the sight of this appalling proposition. The Developers should plant new trees behind this row of conifers to protect the current view and environment. It is noted that there is an Established Mature Oak Tree, not mentioned by the Developers, right where they intend to provide visitors parking. I would hope there is no intention of removing this, it is the same size as other protected Oaks, probably 100 years old, and must be protected.

We fail to understand how a massive basement which is big enough to accommodate 18 vehicles and basement accommodation will not materially damage protected trees or trees within our property as the proposal is so close to the boundary.

plan fails clearly to label TPO trees, meaning the building's intrusion into the RPAs of those protected trees cannot be evaluated. The proximity of the building to protected trees on Whites Hill is particularly disturbing, as is the absence of access for large construction vehicles, which are certain to damage trees with TPOs

Access and highway safety

The increase vehicular activity from residence parking, visitor parking, deliveries, refuse and service vehicles will be considerable and raises serious safety concerns for vehicles entering and leaving the site onto the highway. The junction of Mill Road with Whites Hill is an increasingly busy junction with poor visibility due to protected tress and its general layout, the danger to vehicles and cyclist will be increased by the new access.

The new proposed access is adjacent to the junction of the Valentines with Mill Road and close to the

junction of Mill Road to Whites Hill. The above application provides 18 parking spaces, The proposed Vehicular access does not meet with the visibility splay requirements, although this is an existing access it previously served only one dwelling and is not suitable for 9 dwellings.

There is no foot path to Mill Road in the area of the site, the increase vehicular activity will increase the danger to pedestrians in this area.

The car park entrance will make a junction at Valentines and will be dangerous and destroy the feel of the area.

Extra traffic from residents, deliveries and visitors from such a development would cause severe problems for the area and the road in terms of increased congestion and noise.

Access is via the main road and access plans are not sufficient in supporting the number of properties proposed.

The application fails to demonstrate adequate visitor parking , access and turning for large vehicles including refuse trucks would not be possible on the site resulting in waiting , loading and unloading on the highway.

Ecology

Badger runs are Clearly visible across the site; the ecology report does not demonstrate how this protected species will not be harmed during construction.

The ecology report does not adequately demonstrate how this protected species and others such as Bats etc., will not be harmed during construction.

Landry has many bats and badgers within its perimeters at night. Therefore, how can the report state bats are absent from 140 Mill Roads land together with badgers and obvious badger runs.

Question is raised regarding the Ecological report.

Drainage and flooding

This area of Mill Road has a very high water table resulting in occasional flooding across the road, it is important that any proposed basement structure together with the runoff from any authorised new development does not exacerbate the current problems which are suffered in this respect.

This area has flooded before as a result of the ditches being full and the garage would be in danger of this.

There is a record of flooding in the area. A massive building can only add to the flood risk. We see no mitigation for this.

Environmental damage to the surrounding area of the plot is inevitable.

Noise issues

The noise and inconvenience from construction work, particularly the basement will be considerable and affect the Residents enjoyment of their properties

Turning the vehicles of one family house with substantial off-street visitor parking into 9 must have a negative effect. So too does the elimination of the garden, which sees the 1.5 acre plot for 1 family replaced by a postage stamp for 9 families. It's urban sprawl, not the 'meeting of community needs' as claimed. An independent noise and traffic survey should be a requisite of the application

The access to the basement parking is open to the front and the rear forming a tunnel effect which could amplify vehicle noise, thus affecting adjoining properties.

Its construction would cause immense noise, inconvenience and disruption to its surrounding neighbours.

Village design Statement

It manifestly conflicts with the Village Design Statement. I therefore believe that this set of plans should be refused planning permission.

Proposal is contrary to the Councils Policy DC4 and the Stock Village Design Statement.

Other matters

The Concierge service is also not enforceable and can be cancelled at any time by the existing/future Management company, so this cannot be relied upon to manage Refuse Collection or to regulate Parking.

TOWN AND COUNTRY PLANNING ACT 1990

Agent:

The JTS Partnership (Brentwood)
Number One
The Drive
Great Warley
Brentwood
Essex
CM13 3DJ

Applicant:

Mr Andrew Turk
The Plantation
Mill Road
Stock
CM4 9RG

REFUSAL OF PLANNING PERMISSION

LOCATION: Site At 140 Mill Road Stock Ingatestone
PROPOSAL: Construction of 9 no. apartments with associated access, parking and landscaping.
APPLICATION NO: 18/00586/FUL
DATE RECEIVED: 17 April 2018
DRAWING NO(s): 8611/02/B; 8611/03/A; 8611/04; 8611/05; 8611/06; 8611/07; 8611/08/A; 8611/09; 8611/10; ARBORICULTURAL; PRELIM. ECOLOGICAL APPRAISAL/March 2018

The Council has given consideration to the application and plans as specified above, and hereby gives notice of its decision to **REFUSE PLANNING PERMISSION** for the following reasons: -

Reason 1

The proposed development, as a result of its scale, massing, expansive flat roof, and poorly proportioned design features, including the front gable and car park entrance, would represent poor design. It would fail to reflect the character and appearance of development along Mill Road and Whites Hill and would adversely affect the visual amenities of the area. It would represent poor design and would fail to comply with DC45 of the Core Strategy and Development Control Policies Development Plan Document and the aims of chapter 7 of the National Planning Policy Framework.

Reason 2

The first floor rooflights along the western elevation would face directly towards the rear gardens and windows of 4 and 5 The Lindens. Given the proximity of these windows to the rear boundary with these neighbours, these rooflights would result in an unacceptable level of overlooking, which would significantly harm the existing privacy enjoyed by these neighbours.

The proposal would adversely affect the privacy enjoyed by 4 and 5 The Lindens, contrary to policy DC4 of the Core Strategy and Development Control Policies Development Plan Document.

Reason 3

The proposal would use the existing access onto Mill Road, which is on the junction with Whites Hill. This existing access does not have the required visibility splays of 2.4m by 43m.

The proposal for the construction of nine new residential units would result in the intensification in the use of this access. Given the lack of suitable visibility from the access for both emerging and approaching vehicles, the proposal would increase the conflict, risk and likelihood of rear end and side impact collisions, resulting in an unacceptable degree of hazard to all highway users. The proposal would have an unacceptable impact on highway safety.

Reason 4

The proposed development does not make any provision for turning, loading and unloading areas for larger vehicles, such as delivery or refuse lorries. The refuse area is located within the basement, and it is not clear how refuse operatives would be able to access this. In the absence of any turning areas for larger vehicles, it is likely that these would end up waiting on Mill Road. The lack of provision for larger vehicles means that the site has not been planned in an efficient, workable and spatially coherent manner and would fail to comply with policy DC42 of the Core Strategy and Development Control Policies Development Plan Document.

Notes to Applicant

- 1 This application would be liable for a payment under the Community Infrastructure Levy Regulations (as Amended) 2010 if planning permission had been granted. If an appeal is lodged and subsequently allowed, the CIL liability will be applied.

Positive and Proactive Statement

The Local Planning Authority provided advice to the applicant before the application was submitted but the applicant did not take on board all or some of that advice. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework to deliver sustainable development.

Date: 5 June 2018

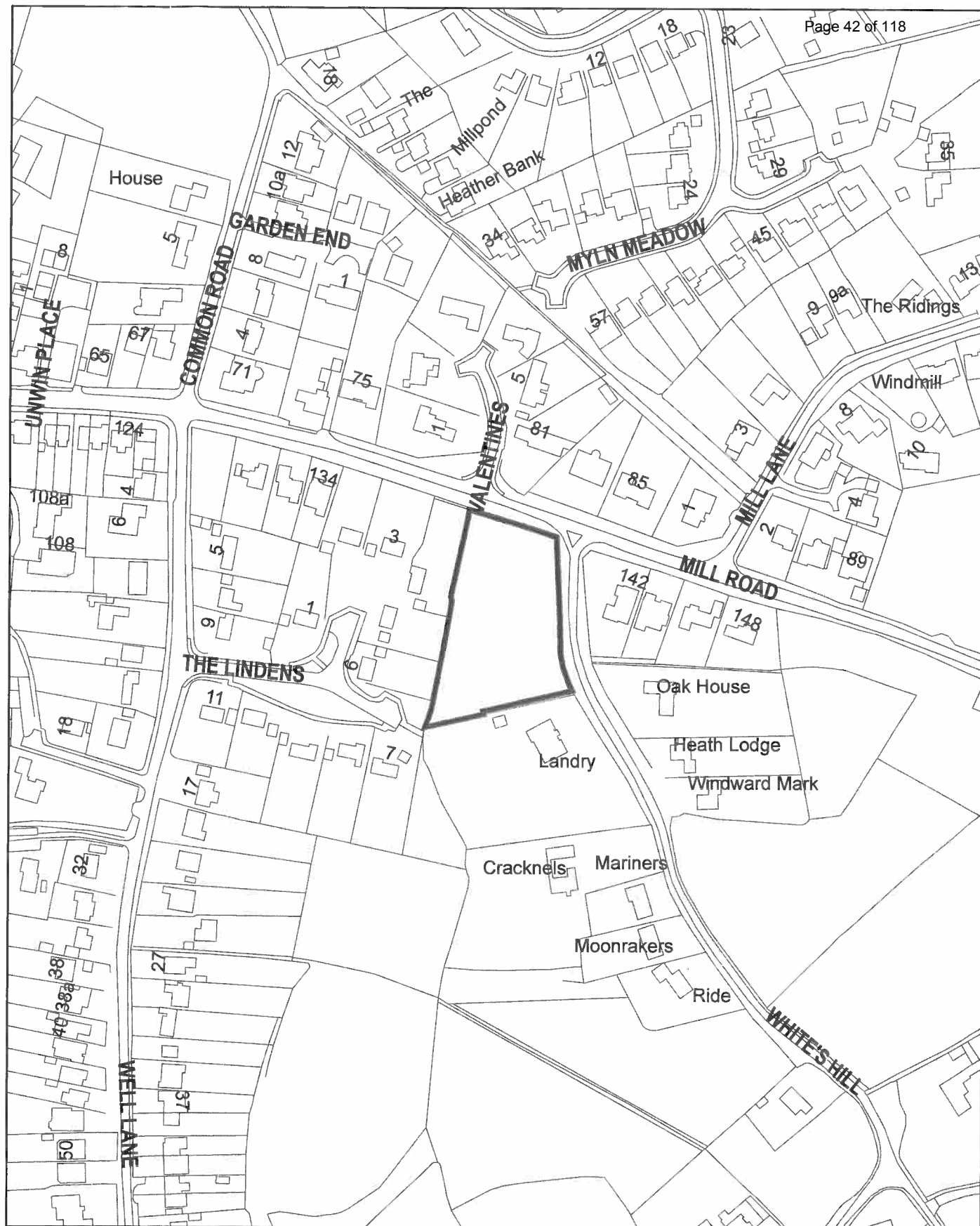
Signed:

David Green

DAVID GREEN

Director of Sustainable Communities

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE NOTES ATTACHED



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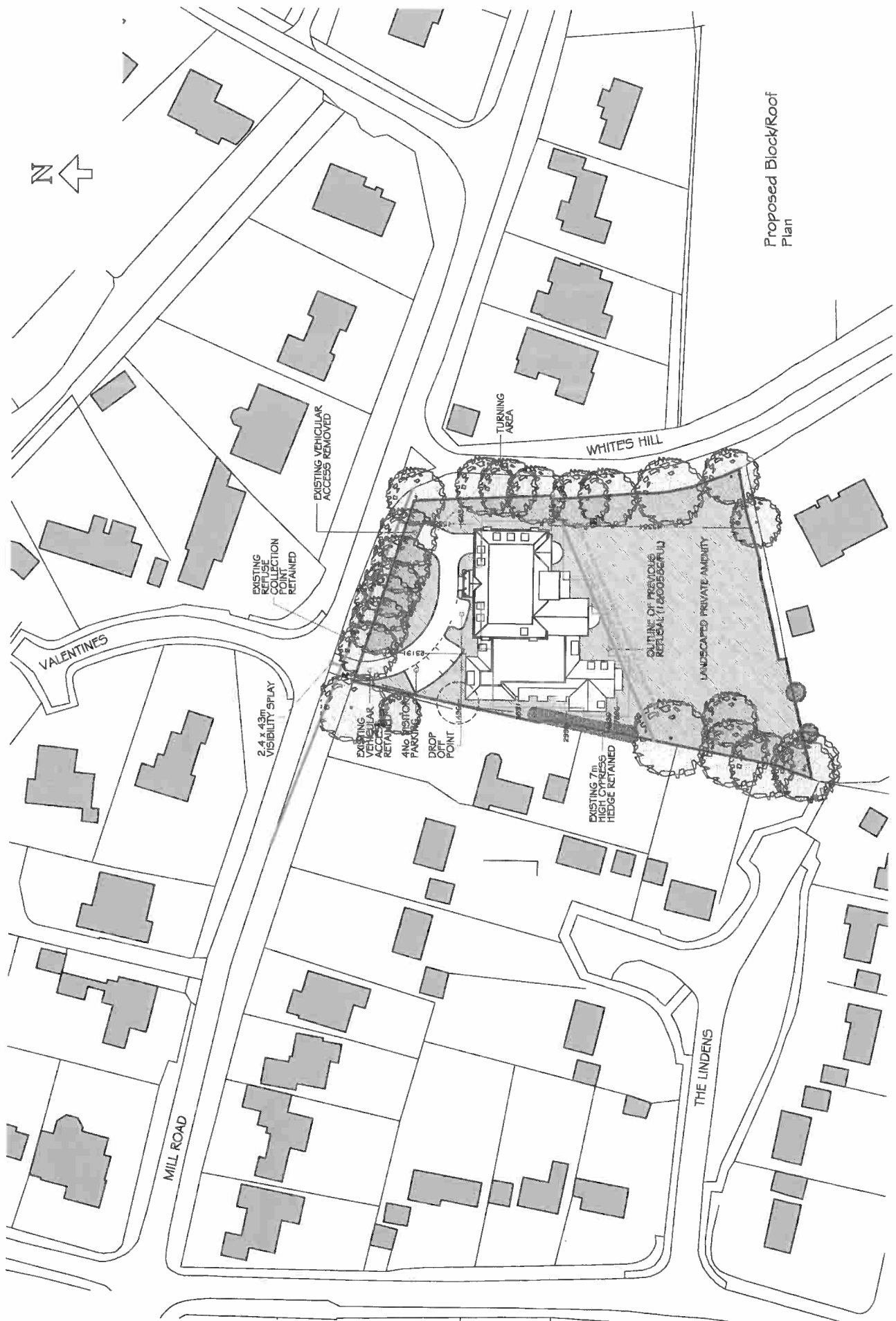


Planning Committee
18/01631/FUL

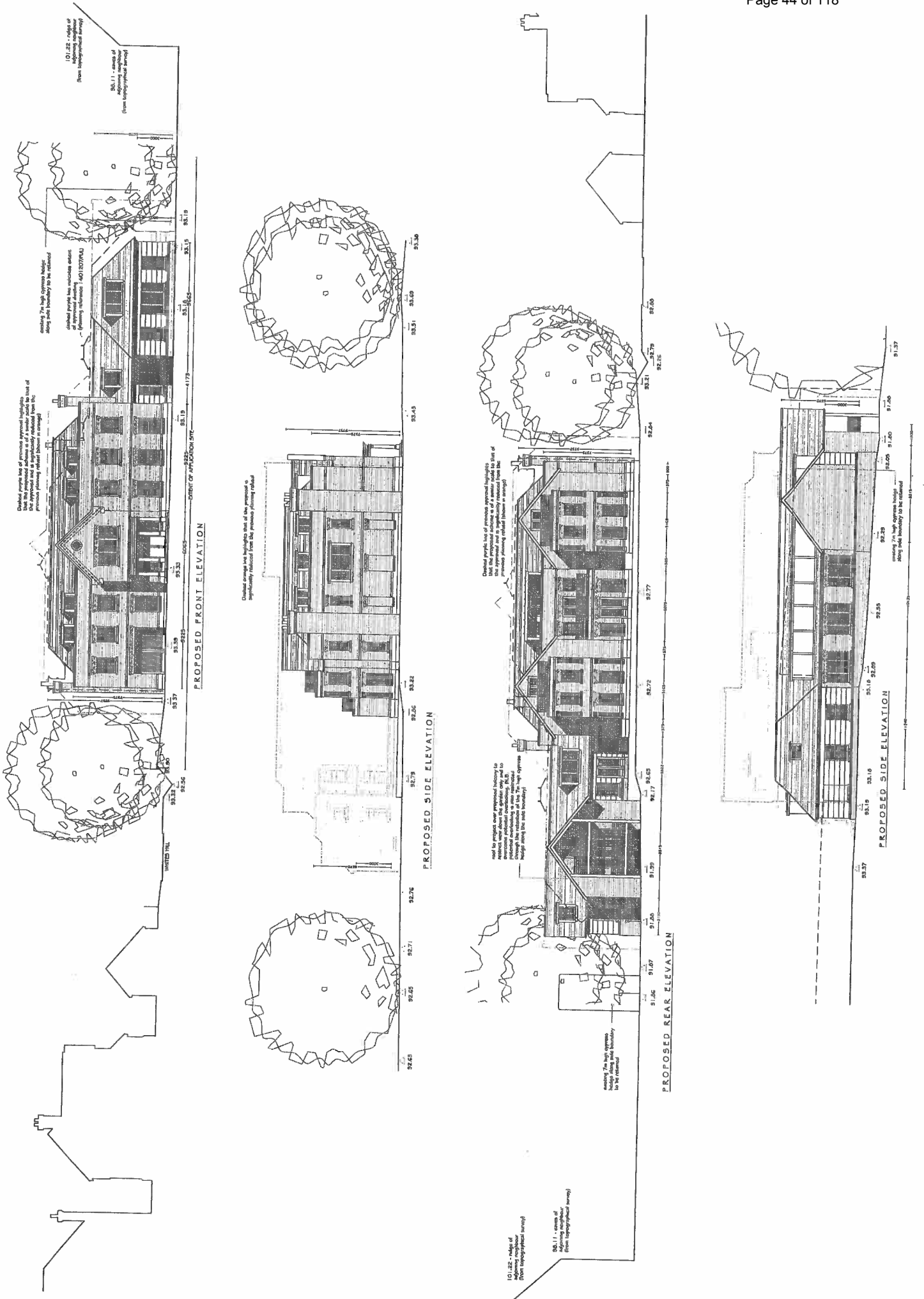
Planning & Development Management
Directorate for Sustainable Communities

PO Box 7544 Civic Centre
Duke Street, Chelmsford, CM1 1XP

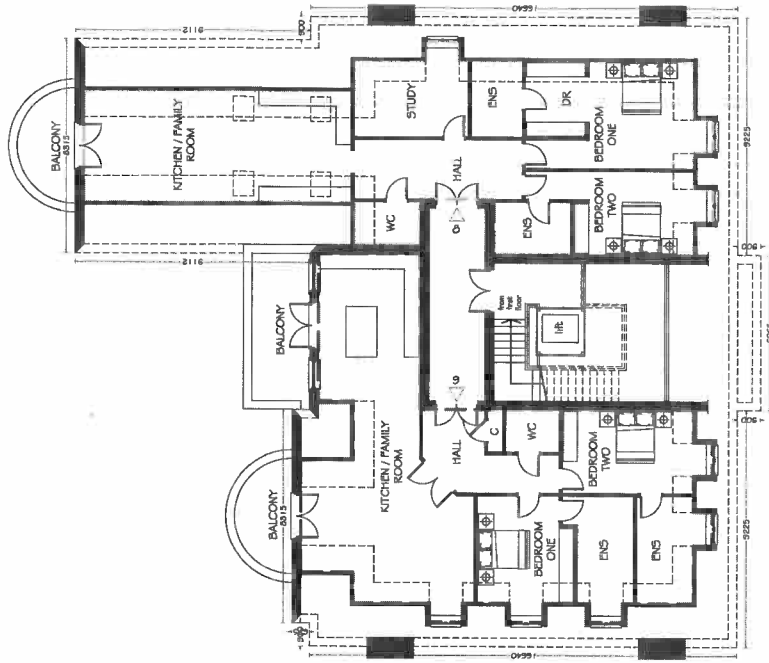
Telephone: 01245 606826



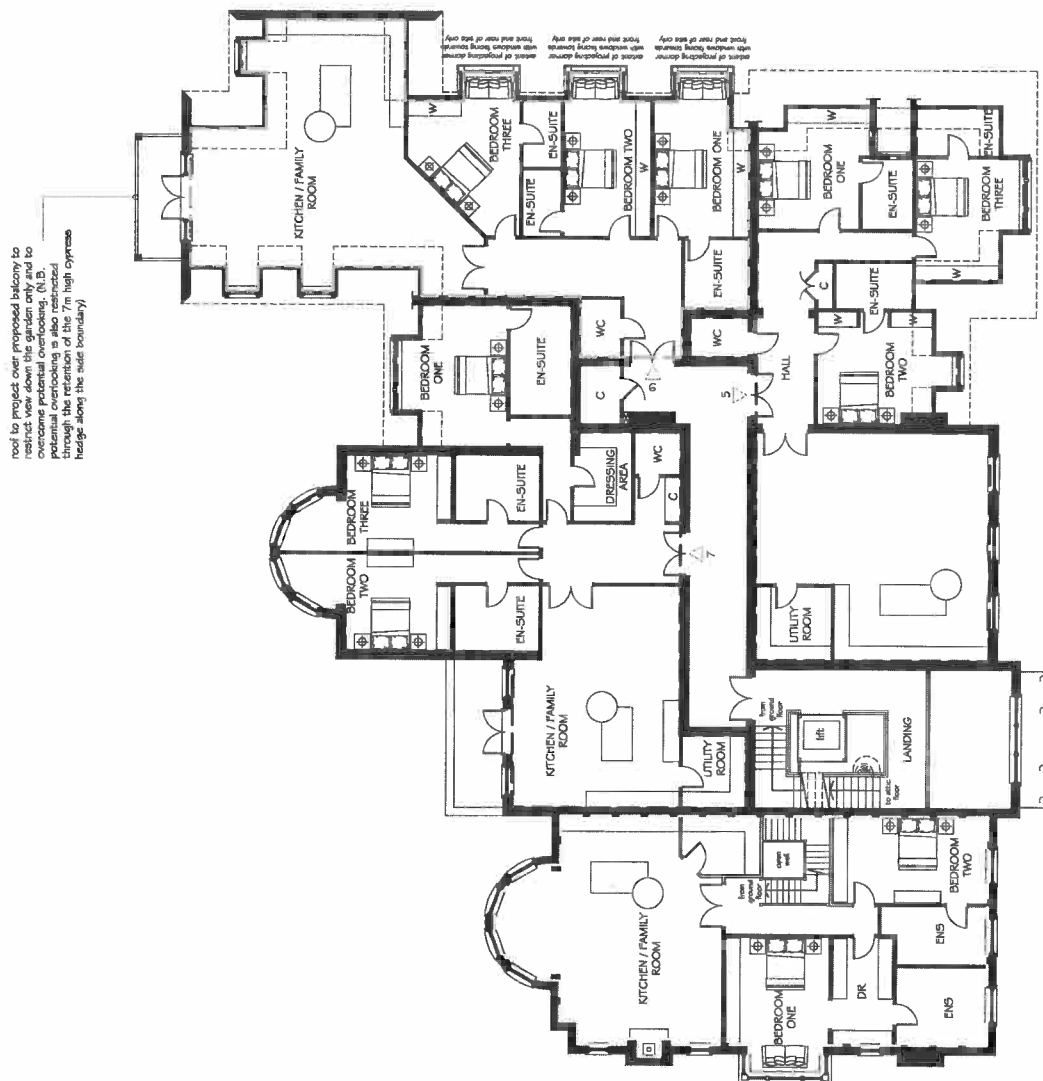
Proposed Block/Roof
Plan







Proposed First Floor #
Attic Floor Plans



roof to project over proposed balcony to
avoid overhanging the side boundary and
overcome potential overhanging (N.B.
potential overhanging is also restricted
through the retention of the 7m high eaves
ledge along the side boundary)





Planning Committee

15th January 2019

Application No	:	18/01514/REM Approval of Reserved Matters
Location	:	Beaulieu Park White Hart Lane Springfield Chelmsford
Proposal	:	Community Gardens and Associated Strategic Landscaping. Creation of landscaped open space including, provision of secondary cycleway, footpaths, a community garden building, a formal garden and orchard area, an informal kickabout area for ball games and associated ancillary development.
Applicant	:	Countryside Zest (Beaulieu Park) LLP
Agent	:	DWD Property & Planning
Date Valid	:	31st August 2018

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Appendices:

Appendix 1 Drawings

1. Executive Summary

- 1.1. The application is referred to Planning Committee at the request of the local ward member due to its complexity in relation to NCAAP and access.
- 1.2. The provision of community gardens, strategic landscaping and public open space, within this part of the Beaulieu development fully accords with the outline planning permission and the approved Parameter Plans; it is therefore acceptable as a matter of principle. The reserved matters form the next stage of the compensatory measures and are designed to protect the setting of New Hall and its associated Registered Park and Garden.
- 1.3. Historic England has advised that the scheme, is in line with the Parameter Plans agreed as part of the outline planning permission and has raised no objections to the application on heritage grounds as it meets the requirements of the NPPF, particularly paragraphs 184 and 193.
- 1.4. The spaces are arranged logically around access points and routes within the site. The scheme connects existing Public Rights of Way, residential areas, open spaces and local amenities and delivers a further element of the strategic footpath/cyclepath network, as contained in the Beaulieu Movement Network Strategy.
- 1.5. The letters of representation, including from New Hall School itself, refer to the absence of a pedestrian/cycle access from the strategic footpath/cyclepath proposed through the community gardens, to the school's western gate. The use of the Western Gate does not form a specific part of the reserved matters submission, nor can it because it would encompass land outside the area covered by the outline planning permission; consideration of this specific issue therefore falls beyond the scope of the application. Further, it was not incumbent upon the applicant to provide for a pedestrian/cycle access to the school at this point, in accordance with the already approved Parameter Plan 4 – Footpaths, Cycleways and Bridleways, nor is there a legal obligation upon the developer within the s106 Agreement to provide a connection.
- 1.6. The Community Gardens and associated strategic landscaping deliver a series of high quality, well designed public spaces which work collectively, incorporate existing landscape features, provide a valuable social and community asset and deliver a key part of the Beaulieu site wide green infrastructure. Approval is recommended.

2. Description of Site

- 2.1. The application relates to a parcel of predominantly open arable farmland. The land wraps around the western boundary of New Hall School and its playing pitches and extends to the east of Old Lodge Farm and Old Lodge Court. A nun's cemetery is situated between the eastern boundary of the site and an area to the south of the school, known as the 'Wilderness'.
- 2.2. The archaeological remains of a lime kiln, presumed to date from the early 16th Century are situated within the south-eastern corner of the site. The kiln lies buried beneath a low mound.
- 2.3. Public Footpath 4 Springfield runs along the northern boundary of New Hall School, and part of the application site. Public Footpath 5 Springfield runs along part of the southern site boundary, and eastwards, connecting with Public Footpath 22 Boreham, the entrance to New Hall School and Generals Lane.

3. Details of the Proposal

- 3.1. The submission seeks reserved matters approval for the creation of community gardens and strategic landscaping, comprising approximately 4.62ha of open green space, primary and secondary strategic footpaths and cyclepaths, landscaping and drainage.
- 3.2. The scheme comprises a series of open spaces, including community gardens, formal gardens, an orchard and an informal kickabout area. The spaces connect residential development to the west with the Estate Parkland to the south, public rights of way to the north and south, and New Hall School and the Nun's Cemetery to the east. The scheme delivers parts of the compensatory measures contained within the LDMP.

4. Other Relevant Applications

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

5. Summary of Consultations

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

6. Policy Position

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

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

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

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

Site Allocation 7: Land East of the Green Way

- 6.4 Land for development, located to the east of the North-South Greenway, and extending to New Hall School, is shaped by heritage setting and the school grounds. A substantial woodland buffer is proposed around the western side of the New Hall School grounds to resolve the relationship

between new development and the existing open, rural context, valued by the school. Community gardens are to be placed adjacent the Wilderness and the Nun's Cemetery. East of Old Lodge Farm, open land is to contain a public open space with a village green character.

Site Allocation 22: New Hall School

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

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

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

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

- 6.8 The LDMP, adopted in August 2012, supports the implementation of NCAAP and provides the detailed practical measures to secure the setting of associated listed building groups. The LDMP was prepared by the local planning authority in collaboration with Historic England, New Hall School and other partners to secure the objectives for this area. The document draws its formal status from the adopted NCAAP, approval by the Council's Development Policy Committee on 13th June 2012 and the 2010 Statement of Common Ground between Chelmsford City Council and Historic England (then English Heritage).
- 6.9 The Community Gardens and Strategic Landscaping falls within Area 6 - West of the Wilderness and Nun's Cemetery and 7 - West of the School Sports Facilities, where the following land uses are confirmed as acceptable:
- Community Gardens
 - Community Orchards
 - Woodland
 - Education (excluding playing fields or playground use)

The required landscape compensatory measures comprise:

- C4 – Landscape Works West of the Nun's Burial Ground and the Wilderness
 - Increase tree planting west of the nun's burial ground.
 - Maintain a view of the cemetery gate pinnacle.
 - Enhancement of the boundary.

- E1 – West of New Hall School

- Provision of a tree lined avenue reaching into the development area from open land to the south.
- Provision of a margin of land free of buildings next to the school boundary with buffer woodland planting according to the NCAAP Landscape Strategy.
- Provision of community gardens adjacent the Wilderness and Nun's Cemetery.
- Provision of a generous linear green space for the existing footpath to run through.

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

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

Outline Planning Permission – Granted March 2014

- 6.10 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that planning applications should be determined in accordance with the development plan, unless material planning considerations indicate otherwise. Outline planning permission for the mixed-use, residential-led development at Beaulieu was granted on 7th March 2014.
- 6.11 The current lawful planning land use allocations are confirmed by the approved Parameter Plans, which take precedence. The NCAAP contains the development principles to be referred to for each site allocation, when considering the detail of the reserved matters. Specifically, land is allocated to the west of New Hall School's Historic wall for use as a 'Community Garden and Orchard', as shown on Parameter Plan 5 – Landscape Character, as public open space for use as 'Community Gardens' on Parameter Plan 6 – Public Open Space and within the south-eastern part of the site as 'Estate Parkland' (Pastoral/Meadow character) on Parameter Plan 5 – Landscape Character; this latter area is not proposed as public open space and hence, it is not included as such on Parameter Plan 6 – Public Open Space.

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

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

Allotments & Community Gardens Strategy – Approved May 2016

- 6.13 The Allotments & Community Gardens Strategy was approved in May 2016 pursuant to Condition 18 of the outline planning permission. The Strategy contained an indicative plan of the community gardens, access and parking arrangements, a provisional location for the communal buildings, options for boundary treatment and confirmation of the water supply.

Beaulieu Movement Networks Strategy – Approved June 2016

- 6.14 The Beaulieu Movement Network Strategy was approved in June 2016 pursuant to Condition 26 of the outline planning permission. The Strategy was prepared in collaboration with the local planning authority, Essex County Council including the Public Rights of Way Team, Essex Highways and the Essex Bridleways Association to establish agreed non-vehicular movement principles across the site.

7. Conformity with the Approved Plans and Other Guidance

- 7.1 Two small triangles of land between the site boundary and the Nun's Cemetery/Wilderness are outlined in blue on the application drawings; as they are now within the applicant's ownership but were not included within the outline planning permission. The current application shows how these small areas would be planted and landscaped as part of the scheme; given the size of the areas, the alterations are considered de minimus.
- 7.2 The reserved matters demonstrate compliance with Parameter Plans 5 and 6 and the landscape masterplanning principles within the Environmental Statement.
- 7.3 The proposed scheme is consistent with the approved Beaulieu Movement Networks Strategy.

8. Environmental Information – Screening

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

9. Pre-Application Engagement

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

10. Planning Considerations

Main Issues

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

therefore whether the detail contained within the scheme, is acceptable and delivers the required compensatory measures.

Principle of Development

Core Strategy and Development Control Policies Development Plan Document: CP2, CP7

Chelmsford Draft Local Plan: SP9

National Planning Policy Framework: 91, 92, 96

- 10.2. The outline planning permission approved a series of Parameter Plans, which detailed the governing principles to be followed. Parameter Plan 5 – Landscape Character confirms that the site is approved as ‘Community Gardens and Orchards’ and ‘Parks and Gardens’. Parameter Plan 6 – Public Open Space confirms that the site will comprise ‘Green Corridors and Planning Amenity Space’, ‘Community Gardens’ and ‘Local Parks’ with an area suitable for informal ball games. The application is consistent with the Parameter Plans. The principal consideration is whether the detail contained within the scheme, the reserved matters, is acceptable and delivers the required compensatory measures.
- 10.3. The Community Gardens, areas of strategic landscaping and green spaces form an integral part of the Beaulieu development and accord with both the outline planning permission, and the requirements of the LDMP. The applicant also has an obligation within their s106 Agreement to deliver the areas of public open space – see below.
- 10.4. The NCAAP confirms that the provision of multifunctional green space for recreation should be encouraged within the North Chelmsford area (Objective QL1 – Providing Community Facilities). The NCAAP confirms through Figures 28 and 30 that land to the west of the Wilderness and adjacent Old Lodge Farm respectively, are designated as public open space. The provision of open space, which enhances existing landscape character, and utilises existing trees and hedgerows, is also supported by Policies CP12 and CP14 of the development plan.
- 10.5. The provision of community gardens, strategic landscaping and public open space, within this part of the Beaulieu development fully accords with the outline planning permission and the approved Parameter Plans; it is therefore acceptable as a matter of principle.

Layout & Design

Core Strategy and Development Control Policies Development Plan Document: CP16, CP20, DC4, DC36, DC40, DC42

Chelmsford Draft Local Plan: MP1, MP2, PA1

National Planning Policy Framework: 91, 92, 124, 127

- 10.6. The proposed layout incorporates a series of different landscape approaches, appropriate to the character of the areas of open space; these are:
 - Green Link North
 - Community Gardens
 - The Orchard and Formal Gardens
 - The Avenue and Formal Square
 - Informal Kickabout Area

- *Green Link North*

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

- *Community Gardens*

- 10.8. The Community Gardens extend from the Green Link North to the Orchards and Formal Gardens in the south. The Land Trust, Countryside Zest's site wide management company, have confirmed their support for the scheme and a detailed design will be brought forward, in consultation with the local community and submitted for approval under Conditions 38 and 39 of the outline planning permission. The principle of a community led approach accords with the Allotments and Community Gardens Strategy Rev C, approved under Condition 18 of the outline planning permission.
- 10.9. The Gardens are intended to be accessed by all. Level access paths are provided throughout the gardens, with two disabled parking spaces accommodated within the car park. The communal buildings and outdoor space are proposed within the north-eastern corner of the Community Gardens. The main building is of a modest size and scale, measuring 11.9m in length and 2.9m in depth, single storey, with a mono-pitch roof and of timber construction. The building would provide kitchen and toilet facilities, an indoor space, secure storage and include an area of hardstanding, which would provide an outdoor gathering and teaching space; it has been designed to be accessible by all user groups. The area would be the subject of future consultation with The Land Trust. A tool shed of a similar design is proposed adjacent to the communal building; this would measure 3.25m in width and 2.65m in depth.
- 10.10. A timber post and rail fence and hedge would mark the eastern boundary of the Community Gardens creating a defined edge. Hedge and tree planting would provide a distinct barrier between the gardens and adjacent residential development to the west (Zone E Residential). A landscaped buffer is intended to provide screening between the Community Gardens and the New Hall School playing fields.
- 10.11. The Land Trust are an established national land management charity; they work with a variety of commercial and residential developers across the country managing their green infrastructure and large country parks around, and adjacent to, housing developments or business parks.
- 10.12. Beaulieu Estate Management, which form part of The Land Trust (the site wide management company), will take responsibility for the management, and detailed design of the community garden. The company will guide residents' proposals to ensure that the layout is suitable for all users. The accompanying statement recognises the importance of the space to the surrounding schools, and the benefits to be realised in allowing them easy access to the garden, to support the national curriculum. Beaulieu Estate Management hope that the schools will input into the layout of the space, incorporating its use as an outdoor classroom space.

- *The Orchard and Formal Gardens*

- 10.13. The Orchards are proposed adjacent to the Nun's Cemetery, and the Wilderness, providing multi-functional green space for recreation and growing purposes. The Land Trust will manage the orchard area with the community, involving residents in decision making and a programme of events.
- 10.14. Formal Gardens are located south of the Community Gardens, within an area between the existing hedge in the southern part of the site and the Nun's Cemetery. The area will provide a series of pocket gardens, offering seating and sensory planting, whilst preserving the archaeological remains of the Tudor Lime Kiln.

- *The Avenue and Formal Square*

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

- *Informal Kickabout Area*

- 10.16. The Informal Kickabout Area forms part of the approved Beaulieu Site-Wide Play Strategy, providing an area of open grassland for informal play and ball games. Tree planting is proposed to the boundaries, as outlined above, to screen Old Lodge Farm and Old Lodge Court, from residential development within Zone E Residential.
- 10.17. The proposed layout of the Community Gardens and associated strategic landscaping is well designed. The spaces work collectively, are of high quality, incorporating existing site features of merit, and are arranged logically around access points and routes within the site.

Relationship with Neighbouring Properties

Core Strategy and Development Control Policies Development Plan Document: DC4

Chelmsford Draft Local Plan: PA1

National Planning Policy Framework: 127

- 10.18. The site lies adjacent the western boundary of New Hall School and its playing fields. The scheme includes a series of landscape compensatory measures, including buffer planting along the eastern boundary of the Green Link North, and within the southern part of the Community Gardens, adjacent to the Nun's Cemetery, to screen the school from development.
- 10.19. The Zone E Residential Parcel forms the western boundary of the Community Gardens and associated strategic landscaping. Tree planting is proposed to encourage views from the residential area into the landscaping, but in a manner, which also screens the housing from the Avenue, Formal Square and Estate Parkland.
- 10.20. The informal kickabout area, east of Old Lodge Farm and Old Lodge Court, is intended to contribute to the public open space requirements for Beaulieu, and forms part of the Play Strategy for the development. New hedgerow planting is proposed along the southern boundary of the space with properties in Braganza Way, Beaulieu Park. An area of tree planting is

proposed to the north of the kickabout area, and to the west of this space; this is inset from the rear garden boundaries of properties in Old Lodge Court. The provision of tree planting along these boundaries is a requirement of the LDMP, which in turn, supports the NCAAP. Tree planting would comprise small leaved lime, hornbeam, field maple, English Oak, rowan and pine; these trees would be planted as heavy standard trees. A path extends through the informal kickabout area, offset from the garden boundary of the nearest property in Old Lodge Court by 10m at its closest point, but increasing to 17m further to the north; in this respect, users of the path would not have a direct view across the adjacent private garden areas. The space would be grassed, and comparable in its appearance to Home Field, the area of open space to the east of Zone D; there is no intention to erect any football posts or play equipment within this space.

Landscape Approach & Trees

Core Strategy and Development Control Policies Development Plan Document: CP9, DC14, DC40, DC42

Chelmsford Draft Local Plan: S6, NE2

National Planning Policy Framework: 127, 170

- 10.21. The site comprises existing boundary hedges and oak, elm and ash of varying quality along the southern edge of the future informal kickabout area. A field hedge runs through the southern part of the site with a mature oak tree part way along. The layout seeks to incorporate, and enhance, the existing site features, including mature trees and hedgerows.
- 10.22. The Arboricultural Impact Assessment confirms that minimal works would be required to existing trees to enable the development. A mixed group, and part of a recently laid hedge would be removed, and crown lifting works undertaken to two Category A, and three Category B oak trees, to allow the construction of the new strategic footpath/cyclepath, access creation and ecological mitigation works. The works would be mitigated by significant new tree planting, as referred to above (Relationship with Neighbouring Properties).
- 10.23. Flowering and fruit bearing trees, interspersed with grassland, would be introduced within the area proposed as an orchard. Herbaceous species are proposed around the vehicular entrance and car park, the southern entrance to the community gardens and within the formal square and gardens. An avenue of hornbeam trees would extend from Zone E Residential through the formal square, spreading into the Estate Parkland to the south.
- 10.24. Feature trees are positioned in strategic locations throughout the scheme, to create a sense of place. Hedge planting is proposed along the western boundary of the site to reinforce the screening effect of the residential development to the west.
- 10.25. Timber street furniture is proposed to match that provided elsewhere at Beaulieu and to reflect the Parkland aspect of the site.
- 10.26. The land adjacent the communal buildings serving the Community Gardens would be developed in consultation with The Land Trust and could accommodate raised planting beds or accessible gardens. Details will be submitted pursuant to Conditions 38 and 39 of the outline planning permission (Hard and Soft Landscaping Works).
- 10.27. Conditions are recommended to require compliance with the submitted Tree Report.

Effect on the Setting of the Listed Building

Core Strategy and Development Control Policies Development Plan Document: CP9, DC18

Chelmsford Draft Local Plan: S5, HE1

National Planning Policy Framework: 184, 189, 193, 196

- 10.28. The NPPF requires local planning authorities to consider the significance of heritage assets. Heritage assets are to be conserved in a manner appropriate to their significance (paragraph 184) and when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the assets conservation (paragraph 193). Harm is to be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use (paragraph 196).
- 10.29. Beaulieu forms the setting of New Hall, a Grade 1 listed building, formerly a royal palace and country house of outstanding significance and its gardens. Historic England largely accepted the proposed development at Beaulieu and the compensatory measures, contained within the approved Landscape Design and Management Plan.
- 10.30. The reserved matters form the next stage of the compensatory measures, a Community Garden and associated landscaping. The compensatory measures are designed to protect the setting of New Hall and its associated Registered Park and Garden.
- 10.31. Historic England has advised that the proposed Community Garden, including the provision of a cycleway, footpaths, a community garden building, formal garden and orchard area and an informal area for kickabout ball games, is in line with the Parameter Plans agreed as part of the outline planning permission.
- 10.32. Open space, landscaping and planting belts are proposed to mitigate the impact of residential development on the setting of New Hall School. The Community Gardens would include a building and tool shed to enable their management; whilst these structures are proposed within the area intended to be kept free of development, they are modest in size and scale and do not undermine the landscape-led approach. The Council's Heritage Officer has raised no objections on this basis.
- 10.33. The Green Link provides a planted buffer to the edge of the school playing fields; to the centre, the Community Gardens would flank the historic walled garden, (now tennis courts and sports facilities), with a planting belt to screen residential development within Zone E.
- 10.34. An orchard, formal landscaping and an avenue of tree planting is proposed to the south. The orchard reflects the grid layout of the brick pads found during the archaeological investigations but on a different alignment on drainage grounds. A link would be provided from the path to the Nun's Cemetery to the strategic footpath/cyclepath to the south as a mown grass path, creating a more informal landscape character, rather than the formality of a hard landscaped path. The avenue links Zone E with the Estate Parkland to the south-east with the formal landscape intended to reflect the Tudor origins of the site.
- 10.35. A planning application is currently pending consideration for the erection of a gate, to provide a private access to the Nun's Cemetery from the Community Gardens; 18/01588/FUL refers. The current scheme has been amended to align the path within the Community Gardens with the path to the Nun's Cemetery; this accords with the Heritage Officer's advice.

- 10.36. The kickabout area to the south-west retains the open setting between Old Lodge Farm and New Hall School. The planting belt to the west, adjacent Old Lodge Farm and Old Lodge Court has been devised to retain glimpsed views of the historic barns.
- 10.37. The scheme proposals introduce a series of landscape character areas, which provide a varied landscape. The detailed design accords with the approved Parameter Plans and the LDMP. The scheme would form part of the compensatory measures to limit, and mitigate, the impact on New Hall School, protect the setting of the Wilderness and preserve the open setting of Old Lodge Farm and Old Lodge Court.
- 10.38. Historic England has raised no objections to the application on heritage grounds and considers that it meets the requirements of the NPPF, particularly paragraphs 184 and 193.

Ecology and Biodiversity

Core Strategy and Development Control Policies Development Plan Document: CP9, DC13

Chelmsford Draft Local Plan: S6, NE1

National Planning Policy Framework: 170, 175

- 10.39. The principal ecological features of the site are a species rich, and important hedgerow, located within the southern part of the site and a pond, which will be retained within the southern part of the Green Link. A population of Great Crested Newts has been recorded intermittently within the pond.
- 10.40. The scheme retains and enhances existing landscape features enabling the Community Gardens and strategic landscaping to act as a wildlife corridor.
- 10.41. An undeveloped 3m strip of grassland and scrub, adjacent the western boundary of New Hall School, and at the eastern edge of the Community Gardens, will be left to grow naturally; bug hotels and hibernacula mounds are also proposed along the eastern boundary to provide wildlife habitat. The existing pond would be managed, monitored and maintained in accordance with the Beaulieu Great Crested Newt Masterplan, Mitigation and Management Plan and associated licences. Landscaping within the Community Gardens will be supervised to minimise any short-term impacts on reptiles. The loss of hedgerows and other vegetation to development will reduce available nesting habitat, however this is to be balanced by the introduction of new landscaping and favourable management of retained features, leading to a neutral impact overall. Vegetation clearance will be timed to occur outside the recognised bird nesting season. Lighting near key habitats will be lower level.
- 10.42. The impact of the scheme on biodiversity is considered neutral with a potential net gain in the future.
- 10.43. The scheme accords with Policies CP9 and DC13 of the development plan.

Archaeology

Core Strategy and Development Control Policies Development Plan Document: CP9, DC21

Chelmsford Draft Local Plan: S5, HE3

National Planning Policy Framework: 189

- 10.44. A 16th Century lime kiln was discovered in the south-eastern corner of the site, between the Formal Gardens, the Orchards and the existing hedgerow. Historic England advised that the kiln should be re-buried to preserve the archaeological remains and prevent future deterioration. A modern interpretation of the kiln is proposed above ground, in the form of a wood carved

representation set within an area of bespoke seating. The seating would be laid out using timber blocks, following the pattern taken from the kiln's brick arched opening. Hardstanding and an opening within the adjacent Orchards would create amenity space for residents and visitors with a feature tree proposed to frame the space.

- 10.45. The Council's Heritage Officer noted that the lime kiln would be covered with a slight mound and had requested that consideration be given to a higher mound in a snail form, which would be a feature associated with Tudor landscapes and add recreational value.
- 10.46. An information panel would be provided to inform and educate visitors of the 16th Century lime kiln. The lime kiln itself would be denoted by a grassed mound, which would create a physical marker without affecting the remains below ground. Having discussed the feasibility of providing a snail mound above the lime kiln with the landscape consultants, the applicant has advised that there is insufficient space between the swale and the hardstanding area to provide a higher mound that that proposed which is only 0.5m. Further, the location of the hardstanding is restricted by the root protection areas of existing trees. The applicant has also expressed concerns about the ability to protect the archaeological remains during the construction of a higher mound; to ensure the preservation of the remains, the provision of an area for the public to interpret the archaeological find and to meet the requirements for sustainable drainage, it is not considered appropriate to provide a snail mound.
- 10.47. The County Historic Environment team has confirmed that archaeological work has been completed for Zone E Residential, which includes the application site and a Post-Excavation Assessment produced. Conditions 21 and 25 are therefore deemed to be discharged through the reserved matters.

Access

Core Strategy and Development Control Policies Development Plan Document: CP8

Chelmsford Draft Local Plan: MP2, S1

National Planning Policy Framework: 108, 110

- *Scheme*

- 10.48. A primary strategic footpath / cyclepath provides a route from Zone E Residential leading to the informal kickabout area, and through the Formal Square, to the western edge of the Estate Parkland. A secondary strategic footpath / cyclepath extending through the Community Gardens and Green Link creates an important connection between Public Footpaths 4 Springfield, 5 Springfield and 22 Boreham, to the north and south of New Hall School. The scheme in this respect, accords with the approved Beaulieu Movement Network Strategy.
- 10.49. A series of pedestrian routes, provided as paved footpaths and grass tracks feed through the southern part of the site, leading to the Lime Kiln, the Orchard and Informal Kickabout Area. A private access is proposed to the Nun's Cemetery; 18/01588/FUL refers. The entrance is not intended to provide a thoroughfare to the Wilderness and onto New Hall School but would form a private access for nuns wishing to visit the graves. The nuns would park at Beaulieu Square and walk the relatively short distance to the gate. Funerals at the cemetery are to be arranged as currently, via the New Hall School access.
- 10.50. A small parking area is provided close to the communal buildings. Vehicular access to this area would be occasional, restricted to official use, as well as meeting the needs for those with disabilities; access would be controlled through lockable bollards.

- *Western Gate*

- 10.51. The western gate lies outside the red line outline application site boundary and consequently outside the current reserved matters application red line.
- 10.52. Listed building consent was granted in 2017 for the installation of a fixed gate within the historic wall forming part of the school's western boundary; 16/02250/LBC. The historic wall lies to the east of the Community Gardens. The supporting Design and Access Statement advised that the gate would *'allow the school to plant trees to the west of the wall, to provide canopy screening of the upper floor to the proposed development.'* The statement noted, that the gateway would remain, as it was needed for the school to access their land beyond the western wall. Listed building consent was granted on the basis that the gate would be fixed, and access would only be to a 5.5m wide strip of land, essentially for maintenance purposes. The local planning authority could only consider the application on listed building grounds.
- 10.53. The letters of representation, including from New Hall School itself, refer to the absence of a pedestrian/cycle access from the strategic footpath/cyclepath proposed through the community gardens, to the school's western gate. Specifically, the school wish to see a connection provided to enable students to walk/cycle from the Beaulieu development to the school and particularly, the pre-reception and reception school building to avoid the need to walk/cycle along the upgraded secondary strategic footpath/cyclepath extending in front of the school and then via the school grounds, to access these buildings. Further, the school maintain that to allow use of the Community Gardens by students for educational purposes, in common with the other Beaulieu schools, access via this gate is required.
- 10.54. Officers note the school's rationale for delivering pedestrian/cycle access to the Community Gardens however it is important to note what can legally be considered as part of this application. The applicant has submitted details of the layout, landscaping and access to the community gardens together with details of the scale and appearance of the Community Gardens building and tool shed; these are the reserved matters, the details. The red line for the reserved matters application accords with the red line for the outline planning permission as it must do. The use of the Western Gate does not form a specific part of the reserved matters submission, nor can it because it would encompass land beyond the scope of the outline planning permission; consideration of this specific issue therefore falls beyond the scope of the application. Further it was not incumbent upon the applicant to provide for a pedestrian/cycle access to the school at this point. Parameter Plan 4 – Footpaths, Cycleways and Bridleways, which formed part of the outline planning permission does not show a strategic footpath/cyclepath connection at this point, nor is there a legal obligation upon the developer to provide a connection.
- 10.55. The Western Gate, whilst a feature within the historic western wall, has not been used as an access for many years. Reference has been made within the letters of representation from New Hall School to a footpath, which it is stated previously extend along the length of the western boundary. The applicant has advised that the farmer who previously owned the land, allowed the public to walk the route however it is not a public right of way. Independent examination of the definitive public rights of way maps and correspondence with the Public Rights of Way team at Essex Highway, has confirmed that the route has no status as a definitive Public Footpath.
- 10.56. Access by all modes of travel to New Hall School was considered during the master planning for Beaulieu; in this respect a new purpose-built access to the school from the north is included as an obligation within the s106 legal agreement for the Beaulieu development. The applicant has recently obtained reserved matters approval for this northern access road, 18/01378/REM

refers, this will connect with the Radial Distributor Road beyond, and it is envisaged that it would most likely be used by parents / visitors to the school travelling from Braintree, Great Leighs and villages to the north avoiding the need to travel along Essex Regiment Way and White Hart Lane; this will clearly have a benefit to the traffic flows along the primary network. The northern access road is also provided with an off-carriageway strategic footpath/cyclepath; this will connect with a network of primary and secondary routes planned across Beaulieu, as set out in the approved Beaulieu Movement Network Strategy. The provision of the northern access road and associated pedestrian and cycle access was considered the optimum solution when considering travel to the school, providing good permeability from all directions and all modes of travel.

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

- 10.57. The road which extends around the eastern edge of Beaulieu Zone E Residential and which abuts the community gardens, is proposed as a shared surface with a width of 4.8m. The road type was accepted by the Highway Authority as it conformed with the guidelines at that time. Concerns were however raised by both officers and the Highway Authority during consideration of the reserved matters, at the possibility of the school seeking to create a connection over third party land to enable pedestrian / cycle access. Specifically, it was considered that this would inevitably result in additional traffic generation as parents sought to use the road as a 'drop-off' point for children. The estate road at its width, could not safely accommodate this additional traffic generation. A condition was imposed on the reserved matters approval for Zone E Residential, 16/01015/REM refers, which prevents the provision of a vehicular or pedestrian connection from the estate roads within this zone to New Hall School.
- 10.58. The Highway Authority has considered the current reserved matters submission having regard to the position adopted on Zone E Residential and mindful of the school's desire to reopen access through the historic western wall adjoining the proposed Community Garden. The Highway Authority has recommended imposition of a condition to prevent vehicle, or pedestrian access to/from the Western Gate from being provided over the Community Garden land.
- 10.59. New Hall School has engaged in correspondence with the Highway Authority and has seen sight of its consultation response; specifically, it has sought to justify how it might allay the authority's concerns by incorporating biometric security at the Western Gate. The system controls access through a fingerprint recognition system or tag system. The school advise that use of the access would be restricted to parents / students residing locally and not travelling at any point by car for the school journey. A self-closer would ensure the gate would not be left open for others. Staff members would monitor the gate to ensure that non-authorised persons would not be permitted access.
- 10.60. The Highway Authority's concern is to prevent the encouragement of any additional traffic on inappropriate routes. A biometric security system could only be controlled by New Hall School and there is nothing to guarantee how long it would operate for.
- 10.61. Notwithstanding, use of the Western Gate does not form a specific part of the reserved matters submission, nor can it as it falls outside the area covered by the outline planning permission. The provision of a pedestrian / cycle access would incorporate land outside the scope of the outline planning permission and should the school wish to pursue pedestrian/cycle access it would need to submit a planning application; there would then need to be a separate discussion between the school and the applicant in relation to facilitating any link from the strategic footpath/cyclepath; this is the only mechanism for delivering such a link.

- *Access to New Hall School*

- 10.62. New Hall School is served by an access from White Hart Lane and Generals Lane. Future access to the school will be secured from the north, this includes pedestrian / cycle access via a new estate road within the development (Phase 2c Road – 18/01378/REM refers). Further, existing footpaths which wrap around the school perimeter have been / or will be upgraded to provide properly surfaced and lit routes of a uniform width. The extent to which the school can be accessed by sustainable methods of travel will be / has already been notably improved since the advent of the Beaulieu development. Prior to the development vehicular access was only achievable from the Avenue and pedestrian access via an unmade public footpath running east-west from Generals Lane to Beaulieu Park. The public footpath was not readily useable during periods of inclement weather. The upgraded public footpaths to the south of New Hall School now deliver a properly surfaced and lit route from Beaulieu Park, (with onward connections to bus stops within the Beaulieu scheme itself, including at the Neighbourhood Centre) to the Avenue leading to the school and to Generals Lane.
- 10.63. Officers acknowledge that a few residents would have to take a longer journey than would be the case using the Western Gate but for many others, the journey would be more direct using the northern and southern accesses. The access arrangement as planned, and included within the Beaulieu Movement Network Strategy, is therefore appropriate.
- 10.64. The eastern access to the school, via New Hall lane, is viewed as successful; combined with the Northern Access Road, the school would have good accessibility going forward.
- 10.65. The routes accord with Policies CP19 and CP20 of the development plan and objective QL2 of the NCAAP.

- *Access to the Community Gardens*

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

- *Other Matters*

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

- 10.68. The likely use of the private access is expected to be low and infrequent and cannot be compared to the potential demand for the Western Gate.

Drainage

Core Strategy and Development Control Policies Development Plan Document: CP10, DC25

Chelmsford Draft Local Plan: S3, NE3

National Planning Policy Framework: Paragraph 165

- *Flood Risk*

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

- *Surface Water Drainage*

- 10.70. The Strategic Site Wide Surface Water & SuD's Report provides the overarching drainage scheme for the development and was developed following discussions with the Environment Agency, the ECC SuD's team and Anglian Water.
- 10.71. Sustainable drainage features are incorporated within the landscaped spaces in the form of a swale, which extends through the Green Link North and the Community Gardens to the Estate Parkland to the south, enhanced with mixed flowering marginal planting. An existing ditch extends from the pond at the southern end of Green Link North. The drainage features are integrated within the green spaces and provide habitats for local wildlife.
- 10.72. The principles of the drainage scheme accord with the overarching strategy. Full details will be submitted to satisfy the requirements of Condition 45 of the outline planning permission.

11. Planning Obligation

Core Strategy and Development Control Policies Development Plan Document: CP4

Chelmsford Draft Local Plan: S11, S12

National Planning Policy Framework: 54

- 11.1. The outline planning permission is subject to a s106 Agreement and an informative reminding the applicant of the need to comply with its requirements is recommended. The application is not CIL liable.
- *Schedule 13: Open Space*
- 11.2. The s106 Agreement requires the submission of a management plan detailing how the open space is to be laid out, paved, planted, equipped and maintained, together with a programme for its completion. An Ecology and Landscape Management Plan has previously been approved under a separate discharge of conditions application.
- 11.3. The scheme would secure delivery of the community gardens and an informal area of kickabout space.
- 11.4. The application is not CIL liable.

12. Conclusion

- 12.1. The Community Gardens and associated strategic landscaping deliver a series of high quality, well designed public spaces which work collectively, incorporate existing landscape features, provide a valuable social and community asset and deliver a key part of the Beaulieu site wide green infrastructure.
- 12.2. The provision of community gardens, strategic landscaping and public open space, within this part of the Beaulieu development fully accords with the outline planning permission and the approved Parameter Plans; it is therefore acceptable as a matter of principle.
- 12.3. The scheme forms part of the compensatory measures to protect the setting of New Hall and its associated Registered Park and Garden, as set out within the LDMP, securing a planted screen between the school and the Nun's Cemetery to the east, and residential development to the west. The spaces are arranged logically around access points and routes within the site. The scheme connects existing Public Rights of Way, residential areas, open spaces and local amenities through the provision of further elements of the strategic footpath/cyclepath network, as contained in the Beaulieu Movement Network Strategy.
- 12.4. Notwithstanding, that use of the Western Gate does not form a specific part of the reserved matters submission, it was not incumbent upon the applicant to provide for a pedestrian/cycle access to the school at this point. Parameter Plan 4 – Footpaths, Cycleways and Bridleways does not show a strategic footpath / cyclepath connection and there is no legal obligation upon the developer to provide a connection. The provision of a pedestrian / cycle access would incorporate land outside the scope of the outline planning permission and should the school wish to pursue pedestrian/cycle access it would need to submit a planning application.
- 12.5. The application is subject to a Planning Performance Agreement (PPA) between the Council and the applicant/developer. The collaborative process has been significant in bringing forward an acceptable scheme.
- 12.6. Having regard to the reasons given above and all other matters raised, it is concluded that the proposed development is acceptable and in accordance with the adopted Development Plan policies.

Consultations

Springfield Parish Council

Comments	Council Response
25.09.18 No objections.	Noted.

Broomfield Parish Council

Comments	Council Response
03.10.18 No comments.	Noted.

Boreham Parish Council

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

<p>allocations A and A1.</p> <p>Under 'Land Allocated for Protection of Landscape and Heritage', the NCAAP clearly states that the land marked as A and A1 is listed as land allocated for school use on the western side of the tennis courts and sports buildings, to enable a built or planted interface between the school and new developments whilst also maintaining privacy and security.</p> <p>Land to the west of the nun's cemetery is also included to enable the school to extend the Wilderness as part of the compensatory measures; this included a historic footpath which dates to the 1800's. The public footpath has been erased in the latest proposals and replaced with a wooden fence bordering the proposed Community Garden site, which now excludes any previous access from the Western Gate onto this footpath.</p> <p>Pathways have already been built to create an access to the nun's cemetery; this will create not only public access to the cemetery but also to an access gate to the school premises, thereby creating a serious security problem for the school. The Parish Council understands that both the cemetery and the access gates are not under school ownership and therefore security as it stands would not be determined by the school. Any access to the school should have remained as originally set out to be by the Western Gate and not through a historic cemetery as this potentially opens the door to crime, namely vandalism, graffiti and ultimately drug abuse in what will be well hidden areas easily accessible by the public.</p> <p>The original proposed Wilderness in the NCAAP agreement (para. 3.112) has been totally ignored and erased and replaced by a proposed so called educational Community Garden which incorporates some buildings, car parks and footpaths and minimal screening at various points. The Parish Council believe the current plans:</p> <ul style="list-style-type: none"> • are totally out of keeping with the historic setting of the school; • are currently designed to only be used by the public with the total exclusion of the school, which contravenes the original scheme to allocate this area for school use as a compensatory measure; and • do not deliver what is agreed in the NCAAP to provide the school, or indeed the new development, with adequate screening or privacy. 	
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<p>The application effectively reduces substantially the space between the edge of the future building development and the existing school perimeter. Studying both plans, if the proposed community garden area is overlaid over the same scaled area shown in the NCAAP, the land allocations A and A1 appear to have shrunk in size significantly.</p> <p>The developers have effectively gained land at the expense of the school compensatory measures which negates the protected area for the school grounds; this totally detracts from the New Hall Estate as being a protected Grade I listed historic site, one of only two in the area.</p> <p>All the alterations will completely change the outlook of the western side of the school to the significant detriment of its historic value and use. The Parish Council therefore propose that the details as set out in the agreed NCAAP should be adhered to; this would give the New Hall estate the protection warranted for a historic Grade I listed site and provide the Beaulieu development with the necessary screening from the school, to the benefit of both.</p>	
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Public Health & Protection Services

Comments	Council Response
<p>12.09.18</p> <p>No comments.</p>	Noted.

Parks & Open Spaces

Comments	Council Response
<p>06.11.18</p> <p>Parks & Open Spaces consider the plans acceptable and have discussed the scheme with the Council's Heritage Officer.</p>	Noted.

Essex County Council Highways

Comments	Council Response
<p>28.11.18</p> <p>The Highway Authority is aware of a desire from New Hall School to reopen access through the wall adjoining the proposed Community Garden (known as the Western Gate). The estate road in the adjoining Zone E (nearest road to the</p>	

<p>Community Gardens) is approved and being built as a shared surface with a width of 4.8m. The width of this road is not appropriate to accommodate traffic other than that related to the houses along the route and is of insufficient width to safely and efficiently accommodate any additional traffic related to school drop off and pick up. A condition is therefore necessary to prevent vehicle or pedestrian access to/from the Western Gate from being provided over the Community Garden land.</p> <p>New Hall School is being provided with an additional access point to the north of their site via the Beaulieu development as well as utilising their existing southern access; there is a network of paths within the Beaulieu development, which enable good, direct access to the school from the north and south for those wishing to walk or cycle to/from the school.</p> <p>The submitted Planning Statement states (para 4.10) that <i>'solar lightsare proposed to light the primary footpath'</i> for clarity, due to the strategic importance of the primary cycleway through the Community Garden, solar lighting is not acceptable as these do not provide adequate illumination and are not an adoptable specification. The route will be adopted and will be a key route between the station and the wider residential area (when the station is operational); it is essential the route is sufficiently lit to provide a safe and secure route for pedestrians and cyclists. Lighting needs to be to an adoptable standard. The Highway Authority understands that lighting can impact upon the character of the open space, however it is imperative that the development offers alternative modes of travel to the car and a well-lit walking/cycling route through this space is essential to enable sustainable modes of travel.</p> <p>The impact of the proposal is acceptable from a highway and transportation perspective subject to the following measures:</p> <ol style="list-style-type: none"> 1. Access to New Hall School - No vehicle or pedestrian access connection is to be provided from the estate roads to New Hall School. Reason: Having regard to potential additional traffic generated by any new access in this location in connection with the school and its impact on an estate road considered to be inadequate to cater for the proposal while providing safety and efficiency for all road users owing to its unsatisfactory width. 2. Street Lighting – A system of street lighting columns is provided along the primary cycleway through the application site between the Avenue and Footpath 5 	<ol style="list-style-type: none"> 1. Noted. Condition attached. 2. Noted. The matter is addressed by Condition 58 – Lighting Scheme of the outline planning permission. The
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<p>Springfield (in the process of being upgraded to Bridleway 5 Springfield). Reason: To provide a safe and secure route for pedestrians and cyclists to enable sustainable travel.</p> <p><u>Informatives</u></p> <p>3. Highway Works – All work within, or affecting the highway, is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of the Highway Authority; details to be agreed before the commencement of works.</p> <p>4. Essex Highways – The applicant to be advised to contact the Development Management Team, Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU. Email: development.management@essexhighways.org</p> <p>5. Liability – The Highway Authority cannot accept any liability for costs associated with a developer's improvement; this includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973 to protect the Highway Authority against such compensation claims a cash deposit, or bond may be required.</p>	<p>matter of providing street lighting columns will be given careful consideration having regard to heritage matters and the setting of New Hall School.</p> <p>3. Noted. Informative attached.</p> <p>4. Noted. Informative attached.</p> <p>5. Noted. Informative attached.</p>
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Essex County Council Historic Environment Branch

Comments	Council Response
<p>01.10.18</p> <p>The archaeological work has been completed for Zone E Residential and archaeological condition 21 can now be discharged. The Post-Excavation Assessment for Condition 25 has also been reviewed and the condition can also be discharged.</p>	<p>Noted.</p>

Essex County Council Minerals & Waste Planning

Comments	Council Response
<p>No response.</p>	<p>Noted.</p>

Essex Police: Architectural Liaison Service

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

Historic England

Comments	Council Response
<p>19.12.18</p> <p>Historic England has advised as follows:</p> <p>Beaulieu Park forms the setting of New Hall, a former royal palace and country house of outstanding significance, and its gardens. The building is listed at Grade I, and its garden is included on the Register of Gardens and Designated Landscapes at Grade II; as a fragment of a Tudor royal palace the remaining part of the once much larger building is a rare survival, the immediate landscape represents elements, such as the wilderness and main avenue of an ambitious seventeenth century designed landscape.</p> <p>Beaulieu Park is identified as an area for extensive housing development in the adopted North Chelmsford Area Action Plan. Extensive engagement by English Heritage (now Historic England), both at the time of the initial application for this development, in 2009, and subsequently, have been focused on restricting harm on New Hall and its setting by the provision of the appropriate landscape buffers. English Heritage largely accepted the proposed development and compensatory measures in its response to the authority of 25th April 2012, as part of the outline planning application (09/01314/EIA). The current application is for the next stage of those compensatory measures, a Community Garden and associated landscaping, to the west of New Hall. Historic England noted from a site visit that much of the ground works for the proposed garden had already been carried out.</p>	<p>The provision of community gardens, strategic landscaping and public open space, within this part of the Beaulieu development fully accords with the outline planning permission and the approved Parameter Plans; it is therefore acceptable as a matter of principle.</p> <p>The scheme introduces a series of landscape character areas, which provide a varied landscape. The detailed design accords with the approved Parameter Plans and the LDMP. The scheme would form part of the compensatory measures to limit, and mitigate, the impact on New Hall School, protect the setting of the Wilderness and preserve the open setting of Old Lodge Farm and Old Lodge Court.</p>

<p>The proposed Community Garden, including the provision of a cycleway, footpaths, a community garden building, a formal garden and orchard area, and an informal area for kickabout ball games, is in line with the Parameter Plans agreed as part of the outline planning permission. During our recent meeting with the local planning authority and the developers, Countryside Zest, it was useful to hear how the current application forms part of the wider implementation of the overall landscape compensatory measures. The discussions highlighted the need for on-going dialogue as the wider scheme is built out and Historic England welcome the developer's proposal that a yearly liaison meeting might be an appropriate forum.</p> <p>National policy as set out in the NPPF makes clear the government's commitment to sustainable development (paragraphs 7 and 8). Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (paragraph 184), when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the assets conservation (paragraph 193). Harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use (paragraph 196).</p> <p>Historic England has no objection to the application on heritage grounds.</p> <p>Historic England consider that the application meets the requirements of the NPPF, particularly paragraphs 184 and 193; in determining the application, the local planning authority, should bear in mind, the statutory duty of section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, or their setting, or any features of special architectural or historic interest which they possess.</p> <p>The local planning authority should take Historic England's representation into account in determining the application.</p>	
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The Garden Trust

Comments	Council Response
No response.	Noted.

Ramblers Association

Comments	Council Response
No response.	Noted.

Local Residents

Comments	Council Response
<p>246 letters of representation have been received; 2 neither in support or raising an objection and 2 which support the application. The remaining letters of representation raised objections to the scheme. Copies of correspondence sent to various parties by New Hall School have also been received. The points raised, in so far as they relate to planning matters have been fully considered, and the issues raised are summarised, and addressed below, and within the report above.</p> <p><u>Objections</u></p> <p>1. Land Allocation – Allocated land which was designated for the Wilderness as part of the compensatory measures is no longer being used for this purpose. Land previously allocated ‘for school use’ within the NCAAP. The boundary of Site Allocation 22 has been reduced. Land previously allocated to New Hall School is essential given the recent influx of new students from the Beaulieu development. Renege made on the promises to New Hall School in the original plans. Reduction of the available space which could be used for sports facilities. Encroachment of New Hall land is a product of overdevelopment at Beaulieu. LDMP requires the Community Gardens to be located within Site Allocation 7; ie: outside Site Allocation 22. School’s proposal for the land consistent with the definition of a Community Garden. Retention of a path at the western edge of the Land Allocation would ensure a secure and safe area could be achieved for school children. Provision of the path at the centre poses a safeguarding issue in terms of supervising children, protecting them from the public and dogs. New Hall undertaken considerable work on the design and use of Land Allocation A; proposal to extend its ‘Forest School’ provision to nursery and pre-prep children for some timetabled sessions. Land would form a dense planted buffer and estate woodland / gardens; did not form part of the public open space requirements agreed under NCAAP. Community Gardens are intended to be provided in an area west of the playing fields not the area of Site Allocation 22.</p>	<p>1. The proposed use of land to the west of New Hall School as Community Gardens is acceptable as it provides a suitable use in relation to the planned development, enhances the setting of the heritage assets, allows for an improved appearance at that part of the school boundary whilst also protecting the outlook, privacy and quiet of the school environment. The current lawful planning land use allocations are confirmed by the approved Parameter Plans, which take precedence. The NCAAP contains the development principles to be referred to for each site allocation, when considering the detail of the reserved matters.</p>

<p>Community Garden does not honour the agreed site allocated for school use.</p> <ol style="list-style-type: none"> 2. New Hall School: Historic England – The proposal is not in keeping with the protection offered by Historic England’s ‘Buildings at Risk Register’. 3. Setting – The proposal fails to protect the historical setting of the Grade I Listed Building. 4. Buffer – A land buffer should be implemented to preserve the school estate. Deep rounded planted buffer zone shown to the west of the school playing fields; drastically and inappropriately reduced in the Community Gardens application. Wide curved zone is required, particularly for screening, privacy and security at this point as well as to assist in blocking any overlooking from housing and light and noise pollution. 5. Nun’s Cemetery – Scheme disrespectful to the surroundings of the nun’s cemetery. <ol style="list-style-type: none"> 6. Informal Kickabout Area – The Estate Parkland will be compromised by the proposed informal kickabout area. <ol style="list-style-type: none"> 7. Parkland – Scheme would create a contrasting design with the open Parkland nature of New Hall School. 	<ol style="list-style-type: none"> 2. Historic England has raised no objections; see consultation response. 3. See 2 above. 4. The Green Link provides a planted buffer to the edge of the school playing fields; to the centre, the Community Gardens would flank the historic walled garden, (now tennis courts and sports facilities), with a planting belt to screen residential development within Zone E. 5. The Orchards are proposed adjacent to the Nun’s Cemetery, and the Wilderness, and intended to provide multi-functional green space for recreation and growing purposes. Formal Gardens are located south of the Community Gardens, within an area between the existing hedge in the southern part of the site and the Nun’s Cemetery. The area will provide a series of pocket gardens, offering seating and sensory planting, whilst preserving the archaeological remains of the Tudor Lime Kiln. The nuns have submitted a letter of representation in support of the scheme. 6. Figure 30 of the NCAAP confirms that land to the west of the Wilderness and adjacent Old Lodge Farm is designated as public open space. The Informal Kickabout Area forms part of the approved Beaulieu Site-Wide Play Strategy, delivering an area of open grassland for informal play and ball games. The area of land to the east of Old Lodge Farm is not shown as Estate Parkland. 7. The scheme proposals introduce a series of landscape character areas, which provide a varied landscape. The detailed design accords with the approved Parameter Plans and the LDMP.
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<p>8. Privacy & Security – Poor access / security for the current facilities and the future nursery site.</p> <p>9. Archaeology – The original Lime Kiln is not being preserved.</p> <p>10. Sustainable Travel – The scheme compromises New Hall School's Green Travel Plan. Failure to incorporate access and pedestrian/cycle routes to and from the Western Gate within the western school boundary via the Community Gardens. Health and wellbeing of students has not been taken into consideration. Unacceptable further traffic congestion would be caused by the blocking of the Western Gate. Beaulieu scheme was approved with a requirement to improve sustainable 'green' access routes for the area; current proposal contravenes the approach. Prevents pedestrian and cycle access which would relieve local traffic congestion. Proposed use of the Paxton Biometric Security System, already in use at New Hall School, would allow controlled access – operates on a fingerprint recognition system enabling the school to restrict users to designated people and restrict to local residents not travelling at any point by car for the school journey. Self-closer would ensure the Gate would not be left open for others. Staff member would monitor the Gate to ensure that non-authorized persons would not be able to access. Pedestrian and cyclist access only points have health and safety benefits. Comparison with state-maintained schools inappropriate.</p> <p>11. Zone E Residential – Queries raised regarding (i) the basis for Condition 7 on the reserved matters approval for Zone E Residential, (ii) weight attached to claims made by the applicant regarding the placing of bollards on Footpath 22 queried; reference made to complaints received by local residents regarding vehicles stopping to drop off students to New Hall School to allow students to walk along the pathway south of the Wilderness to the school entrance and driving along the footpath, (iii) lack of consultation with New Hall School</p>	<p>8. A 5.5m area of land exists between the historic wall and the eastern site boundary. A generous linear green link and landscaping belt is proposed adjacent to the school playing fields (Green Link North). The provision of Community Gardens is consistent with the Parameter Plans and the LDMP.</p> <p>9. Historic England advised that the kiln should be re-buried to preserve the archaeological remains and prevent future deterioration. A modern interpretation of the kiln is proposed above ground, in the form of a wood carved representation set within an area of bespoke seating.</p> <p>10-15. The matters raised are considered in detail in the section of the report entitled 'Access'.</p>
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regarding the use of the western gate, (iv) efforts made by the Highway Authority to analyse the impact of housing around New Hall School and the best means of traffic distribution questioned, (v) whether proper consideration given to the likelihood of reduced overall local traffic through pedestrian and cycle use of the Western Gate, (vi) why estate roads within Zone E were designed to be of insufficient width around a busy school which educates 1,250 students and employs 420 staff, (vii) the absence of proper account having been taken of the ways in which risks identified within Condition 7 could be mitigated in simple and cost-effective ways, (viii) how it is proposed to allow students to access the community gardens for educational purposes, (ix) how the Highway Authority propose to ensure that all users of the proposed new cemetery gate only access the cemetery by foot, cycle or public transport and why such measures should not also work for the school's western gate, (x) how the Highway Authority propose to address the issues which resulted in the imposition of Condition 7 in the context of northern and eastern accesses to the school and (xi) a request for reconsideration of Condition 7.

12. Footpath 22 – CCTV is present at the school's entrance; school has a match between those entering the site by foot/cycle and their local residency – details show no students living further afield from Beaulieu and Springfield (for pedestrians) and from Boreham and Chelmer Village (for cyclists) have been dropped off by car. Bollards were installed after requests to CZ from New Hall School. Recorded incidents of vehicles seeking to use the footpaths were private motorists unrelated to the school and a delivery vehicle. School have a record of all staff and parent's car registration numbers and a number plate recognition system.
13. Access to the Community Garden – Gardens clearly designed with additional traffic in mind; significant number of car parking spaces shown and undesignated areas which may become car parking spaces. Maintenance and service vehicles would use the roads. ECC Highways should oppose the application on the basis that the inadequate 4.8m width road cannot accommodate traffic and additional parking.
14. Northern Access Road – Road would not be in place until 2020 at the earliest; use of the Western Gate is especially important prior to the creation of the route.
15. Educational Use of the Community Gardens – Intention to block the western gate renders use of the community garden by New Hall School students impossible during the school day; the time and distance travelled would

<p>be unreasonable and prohibitive; round trip of 1.3km. Excessive distance for young children. Series of questions raised with The Land Trust regarding the scheme detail; features to attract teachers and students, hours of opening, impact of use on the local bat population, evidence that local schools would use the Gardens, scope of accessible features, assessment of volume, type and times of school use, toilet facilities, scope for planned events to fit with the requirement to keep the area secure, tranquil and appropriately planned, scope to keep the area free from noise nuisance and scope for accessible and adequate minibus parking.</p> <p>16. Conflict with Condition 62 (09/01314/EIA) – Applicant obliged to maintain a margin free of building, next to the school boundary with buffer woodland planting according to the NCAAP Landscape Strategy. Half of the land is taken up with parking, hard surfaces and community / teaching building and shed.</p> <p>17. Compensatory Measures – The developer has expressed a view that the Beaulieu Community Gardens are not compensatory measure led.</p> <p>18. Ecology – Bug hotels are a good environmental consideration but pose an arson risk.</p> <p>19. Residential Amenity – Proximity to local resident's gardens will result in a loss of privacy.</p> <p>20. Safety - Changes to the access via pathways will put pupils at risk. Anti-social behaviour is already prominent at Beaulieu. Encroachment of the boundary comprises the safety and security of the children. Cycle and public footpaths should be positioned outside of the land</p>	<p>16. The Community Gardens would include a building and tool shed to enable their management; whilst these structures are proposed within the area intended to be kept free of development, they are modest in size and scale and do not undermine the landscape-led approach.</p> <p>17. The reserved matters submission refer in detail to the compensatory measures contained within the LDMP.</p> <p>18. The community gardens will be the subject of routine management and maintenance by The Land Trust.</p> <p>19. New hedgerow planting is proposed along the southern boundary of the informal kickabout area with properties in Braganza Way, Beaulieu Park. An area of tree planting is proposed to the north of the kickabout area, and to the west of this space; this is inset from the rear garden boundaries of properties in Old Lodge Court. The provision of planting is a requirement of the LDMP. A path extends through the informal kickabout area, offset from the garden boundary of the nearest property in Old Lodge Court by 10m at its closest point, but increasing to 17m further to the north; in this respect, users of the path would not have a direct view across the adjacent private garden areas.</p> <p>20. The provision of a strategic footpath/cyclepath through the Community Gardens is a requirement of Parameter Plan 4. The route is offset from the school boundary, which is</p>
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<p>allocations to ensure the welfare and safety of students. Serious safeguarding and security concerns.</p> <p>21. Cemetery Gate – CMC4 is not delivered by the scheme and therefore the cemetery gate (18/01588/FUL) cannot be established within an appropriate setting. No right of way, to the school's knowledge over New Hall land to the existing cemetery gate. No comprehensive assessment has been provided for the frequency, volume and type of access required. Access described as a vital link to Beaulieu Park; query how ECC Highways propose to ensure all users of the proposed new gate only access the cemetery by foot, cycle or public transport. Four events in November involved hundreds of attendees; school permitted the use of its car parks but there is no right of way and parking for the public on the campus. All visitors sign in at school reception for safeguarding reasons; neither desirable for visitors nor straightforward to manage for the school. Majority of visitors travel by car. Query measures to (i) enable cycle access; storage racks, security and anticipated numbers, (ii) to provide accessible parking, its position and how many places will be made available and (iii) to ensure safety is not compromised and that the gate does not present a safety and a safeguarding risk. Significant increases in security breaches and acts of vandalism including the destruction of a gravestone in the cemetery and graffiti. School has increased security significantly with additional security personnel and dogs at a cost of £148,000 per annum. 15 separate serious incidents recorded over a 3-month period with no significant incidents in the previous 15 years until 2 years ago. Proposed gate breaches the secure boundary and creates a significant safeguarding concern. Any agreement for a new gate must contain a requirement for the treatment of the internal gate between the cemetery and New Hall School. School will need to spend £640,000 in the next year on fencing and security gates around the entire school campus due to the proximity of the housing development. Cemetery maintained voluntarily by the New Hall School Trust on behalf of the religious community without charge nor legal obligation; specialist equipment has been obtained to undertake the work – query whether an assessment has been made of the type and size of maintenance equipment requiring transportation through the gate. No provision made for cycle racks and accessible parking.</p> <p>22. Consultation – Lack of consultation with the School.</p>	<p>partly formed by a tall historic wall.</p> <p>21. The matter is considered in detail in the section of the report entitled 'Access'.</p> <p>22. New Hall School has been formally consulted on the outline planning application and all reserved matters/full</p>
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<p>23. Land Acquisition – CZ and CCC not considered New Hall being the landowner and New Hall School Trust being responsible for delivering the compensatory measures on the land.</p> <p>24. Estate Parkland – School has displayed a willingness to take on the management and ownership of land to the east and west of the Avenue to develop the rural setting for appropriate equestrian use, originally used for grazing. School ran an equestrian centre for most of the 20th Century.</p> <p>25. Other Matters – Increase in environmental pollution. Significant works completed prior to a grant of planning permission. Paths completed during the public consultation process.</p> <p><u>Comments in Support</u></p> <p>26. Design & Layout – Ambitious scheme which attempts to incorporate a great number of elements within a small space.</p> <p>27. Community Benefit – Apparent that New Hall School wish to obtain the area of land for their own purposes and do not wish the local community to benefit from the new space. Objectors mainly live outside the local area and would not benefit from the new open space, neither do they care about the local community losing it. Open space with paths and gardens is required; it does not affect the school but impacts upon thousands of residents.</p> <p>28. Western Gate – Gate has never been open in 16 years and no one has ever sought to access the school via the gate; ugly feature with a huge chain and the new gate is not much better. Opening of the gate would result in the roads within the new Beaulieu development being used as drop off points; the roads were not designed for this purpose and there will be an impact on residents – this already occurs at Beaulieu Park. Children are dropped in the access roads on Beaulieu Park by the sand track to avoid parents using the drive and Generals Lane and within the mouth of Oak Lodge Tye which is very dangerous to road users, pedestrians and children. Path constructed by New Hall blocks a ditch and restricts the flow of water. Use of gate recently; arranged photo call with the Essex Chronicle, propaganda and inappropriate use of students at the school.</p>	<p>planning applications for development which would affect its setting.</p> <p>23. The matter of land acquisition falls beyond the scope of consideration of the reserved matters submission.</p> <p>24. The areas of the Estate Parkland which the school refer to in their representation, either side of The Avenue to New Hall School fall beyond the scope of consideration of the reserved matters submission.</p> <p>25. The level of vehicular movement to and from the Community Gardens would be extremely limited and controlled by the site wide management company.</p> <p>26. Noted.</p> <p>27. The representations have been carefully considered and all comments reported and addressed within the report.</p> <p>28-31. The matter is considered in detail in the section of the report entitled 'Access'.</p>
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<p>29. Use of Footpaths – Small numbers of people walk the existing paths; evidence of a cyclist and a couple of staff walking to the school but no evidence of 70+ people that are alleged to walk to the school. CCTV could be viewed. School can be accessed by foot, cycle and from all over Beaulieu but reality is that most parents drive their children to school, even those close by. No number of paths or accesses would change this pattern.</p> <p>30. Proposed Strategic Footpath/Cyclepath – Community Garden will deliver a footpath / cyclepath connecting the existing path to the south of the school with the pathway north of the school providing a lovely walk around the lake.</p> <p>31. Historic Footpath – Mud track used only by dog walkers, walkers and runners. Path along The Avenue is a permissive path but had been in use for over 20 years.</p> <p>32. New Hall School & Letters of Representation – Comments receive are a consequence of the School Principal sending emails to staff and parents asking them to write to the City Council. All comments appear to have been received on 5th October; none of those submitting these representations would have walked the path and seen the planning notice, they have been cajoled. Methods used to stop development are underhand and with no concern for a lovely piece of planning for the local community. Misleading untruths. Coercion of people with no connection to the local community and Boreham Parish Council. Boreham Parish Council represent the wider community and not just the interests of New Hall School. Overlaying of the school's letter with that of the Parish Council's suggests it might have been written for them. Historic footpath is within the parish of Springfield not Boreham. Request for two weeks' notice of meetings but meetings arranged by the school are convened with no other interested parties present and no notice given.</p> <p>33. Planning History – Outline planning permission supersedes NCAAP. School should comment on the detail only.</p> <p>34. Nuns' Cemetery – Objections raised by the school to the cemetery gate unbelievable. No public access is proposed to the cemetery; solely for use by nuns and those tending graves. Fear of crime cited; possible to gain access to the school at many points along Public Footpath 4, to the east side of the school, along the sand track, no less secure due to the presence of a fixed gate.</p> <p>35. Historic Setting – All buildings works within the school are out of keeping; huge metal floodlights, a vivid blue hockey pitch, 1960's style buildings and a large security</p>	<p>32. See 27 above.</p> <p>33. Noted.</p> <p>34. The matter is considered in detail in the section of the report entitled 'Access'.</p> <p>35. The scheme will deliver an area of open space. The acceptability of works undertaken / buildings within the school</p>
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<p>hut at the front gate. Land in question will provide a needed area of open space.</p> <p>36. Screening & Privacy – Contradicts the school's wish to use the Western Gate. Ample planting currently. Use of the gate poses a contradiction in relation to security providing yet another point of entry.</p>	<p>grounds is not a matter for consideration under the reserved matters submission.</p> <p>36. The matter is considered in detail in the section of the report entitled 'Access'.</p>
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RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

Condition 1 Accordance with Submitted Plans & Conditions

The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and conditions listed on the decision notice.

Reason:

In order to achieve satisfactory development of the site

Condition 2 Compliance with Tree Report

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

Reason:

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

Condition 3 Compliance with Ecological Management Plan

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

Reason:

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

Condition 4 Compliance with Biodiversity Statement

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

Reason:

In the interests of achieving enhanced biodiversity through a range of measures in accordance with Policies CP9 and DC13 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 5 Access to New Hall School

No vehicular, pedestrian or cycle access connection shall be provided from the Community Gardens and adjacent estate roads within Zone E Residential to New Hall School.

Reason:

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

Notes to Applicant**1 Outline Planning Permission**

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

13 - Reserved Matters, 19 - Tree Report, 20 - Ecological Management Plan, 21 - Archaeological Evaluation, 23 - Phasing Plan, 25 - Post-Excavation Assessment and 50 - Landscape Management Plan.

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

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

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

41 - Drainage & Service Runs, 45 - Sustainable Drainage Management, 56 - Contamination, 65 - Construction Environmental Management Plan and 66 - Construction Method Statement.

2 s106 Agreement

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

3 Protection of Public Rights of Way

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

4 Highway Works

All works within, or affecting the highway shall be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of the Highway Authority, details to be agreed before the commencement of works. The applicant shall be advised to contact the Development Management Team, Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex CM2 5PU Email development.management@essexhighways.org

5 Liability

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

6 Secured by Design

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

Positive and Proactive Statement

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

SUMMARY OF RELEVANT ADOPTED AND EMERGING PLANNING POLICIES:**CP7**

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

CP8

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

CP9

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

CP10

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

CP12

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

CP14

Core Policy CP14 Environmental Quality and Landscape Character - The City Council will promote and support the enhancement of the environmental quality of the City's countryside and settlements through the preparation of a Landscape Character Assessment and Village Design Statements.

CP16

Core Policy CP16 Promoting Social Inclusion - In considering proposals for new development, the City Council will promote social inclusion through equality of opportunity and equality of access for all to social, educational, health, employment, recreational, green space, community buildings and cultural facilities.

CP18

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

CP19

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

CP20

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

DC4

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

DC13

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

DC14

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

DC18

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

DC20

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

DC21

Development Control Policy DC21 Archaeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances and preserves sites of archaeological interest and their settings.

DC25

Development Control Policy DC25 Water Efficiency and Sustainable Drainage Systems - The City Council requires developments to incorporate measures that reduce the demand for water, and the provision of sustainable drainage systems for the disposal of surface water within and leading from development sites.

DC36

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

DC40

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

DC42

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

SPS1

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

SPS3

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

SPS5

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

SPS6

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

SPS7

Strategic Policy S7 Protecting and Enhancing Community Assets - The Council recognises the important role that community facilities have in existing communities and that they are also an integral part of any proposals for new residential and employment development. Existing community assets will be protected from inappropriate changes of use or redevelopment.

SPS11

Strategic Policy S11 Infrastructure requirements - New development must be supported by the provision of infrastructure, services and facilities that are identified as necessary to serve its needs. New development must be supported by sustainable means of transport, safe from flooding, provide a range of community facilities, provide green infrastructure and utilities.

SPS12

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

LPMP1

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

LPMP2

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

LPNE1

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

LPNE2

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

LPNE3

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

LPHE1

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

LPHE3

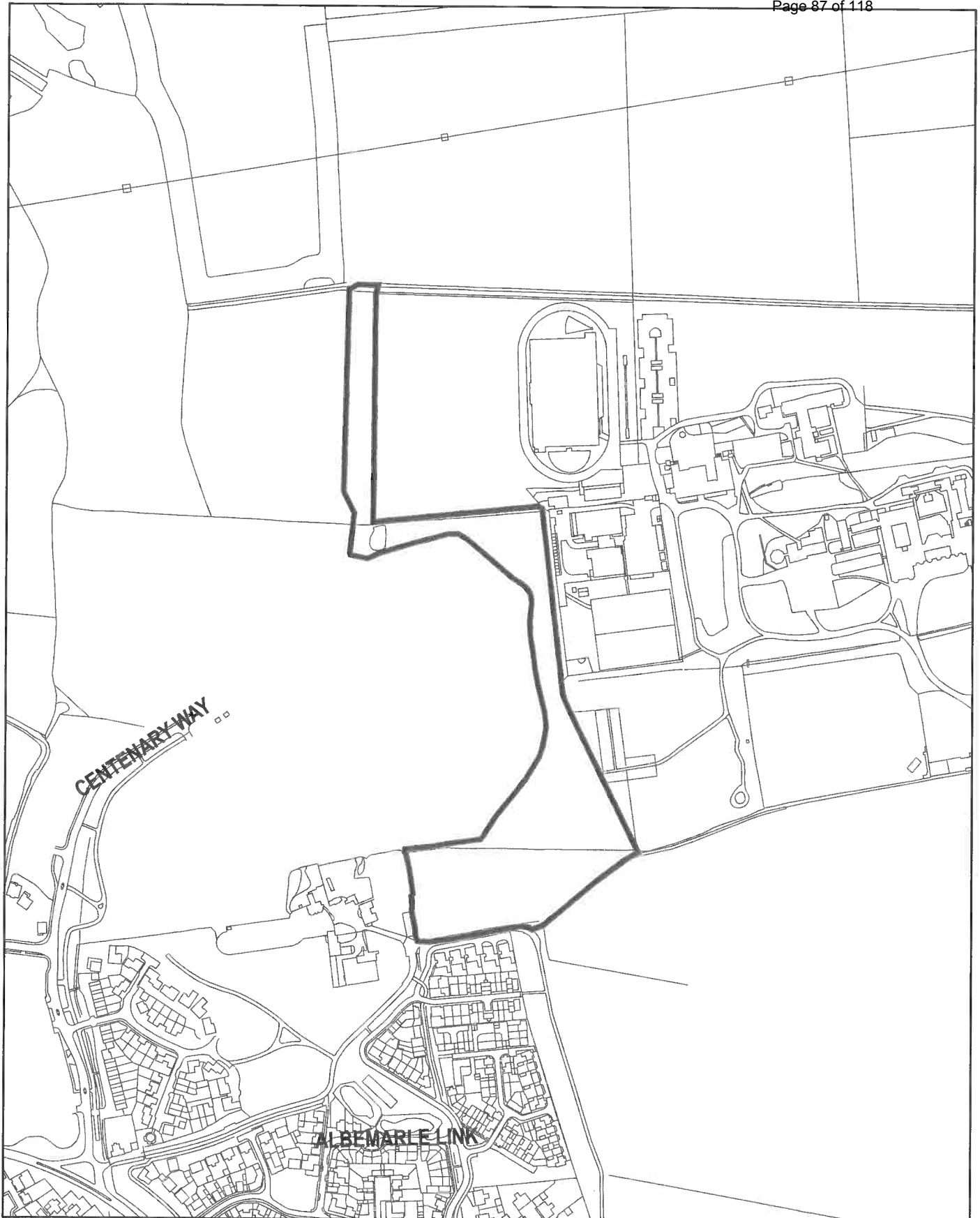
Local Policy HE3 Archaeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances and preserves sites of archaeological interest and their settings.

LPPA1

Local Policy PA1 Protecting Amenity - Development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions

Background Papers

Case File



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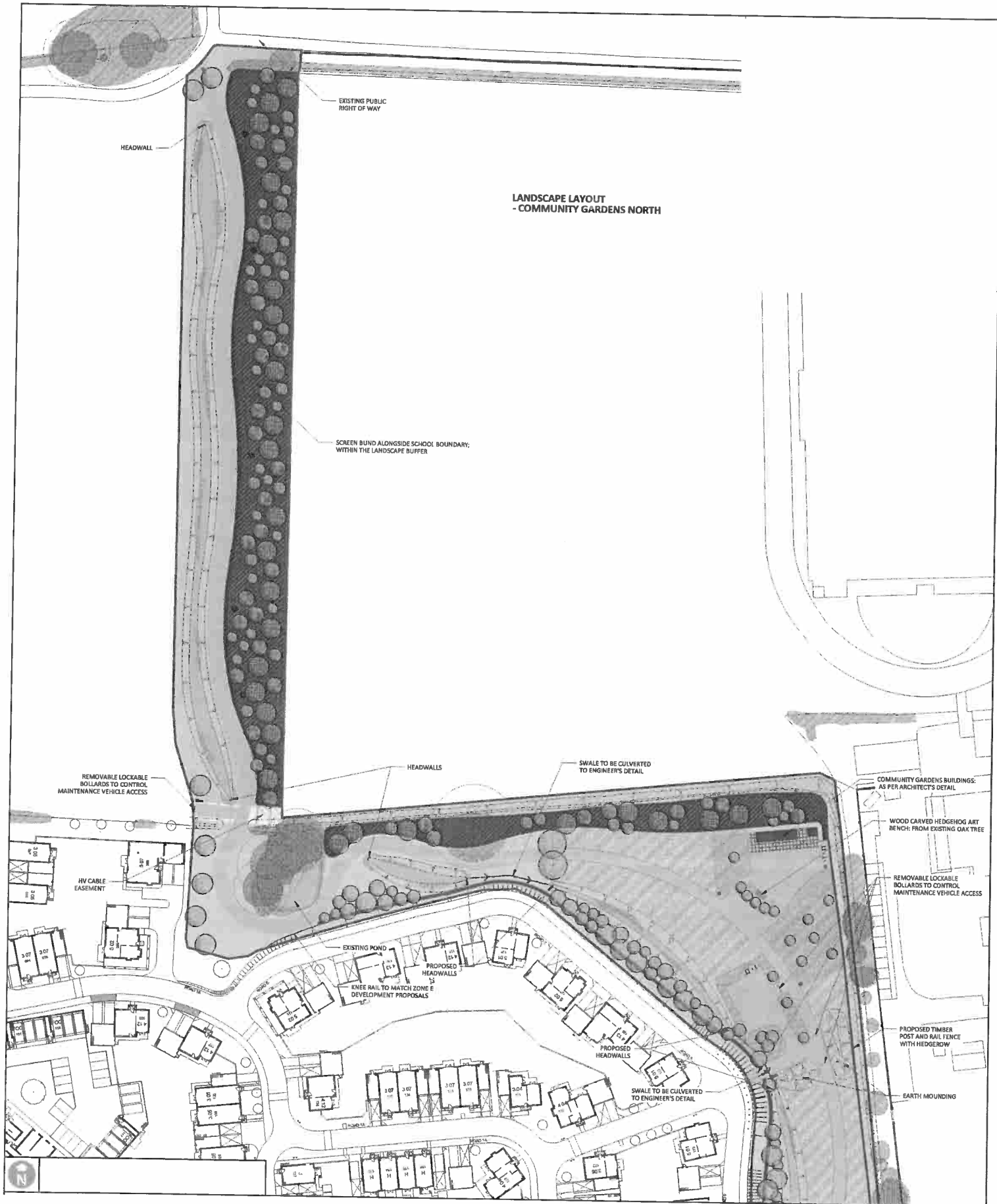


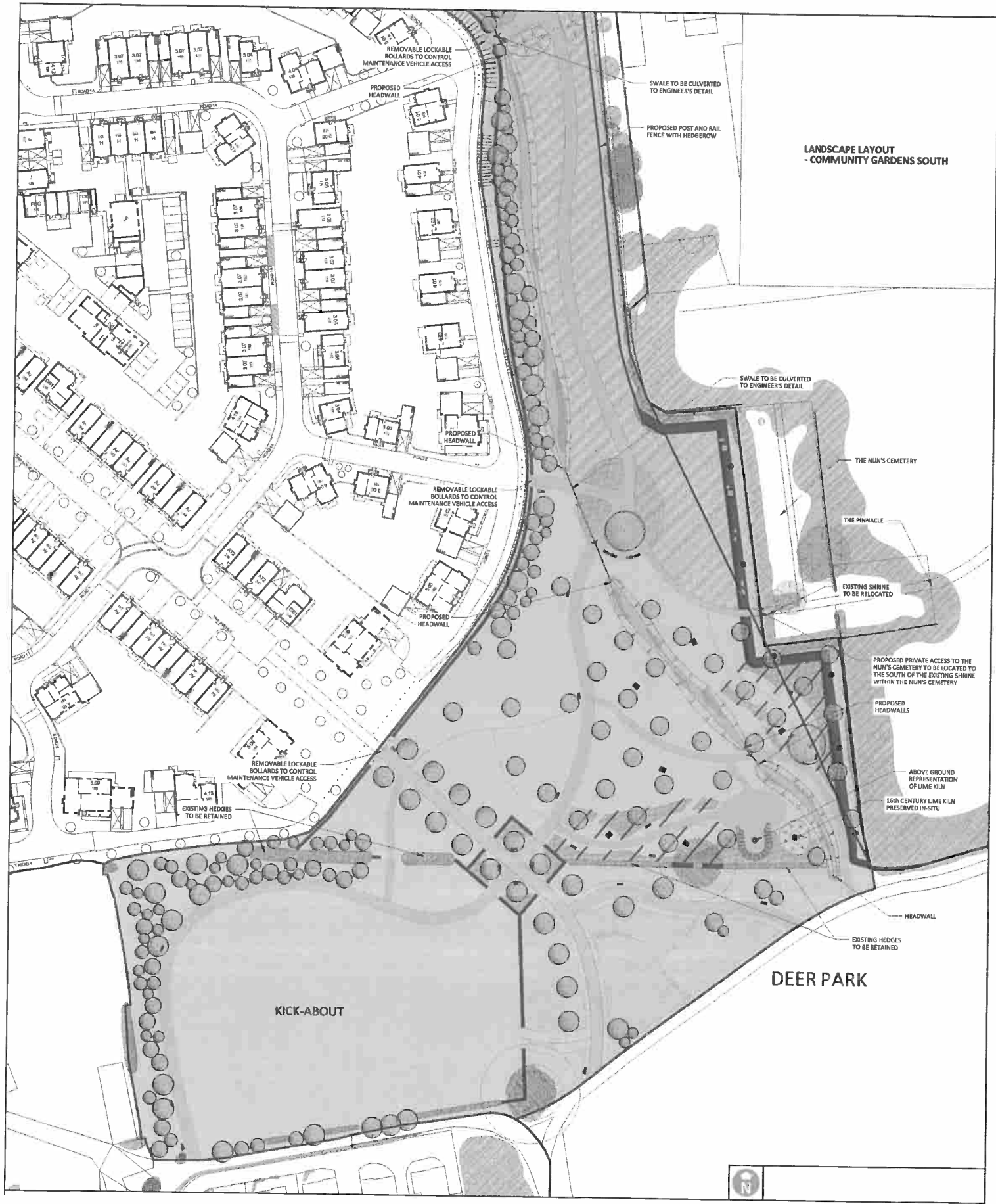
Planning Committee
18/01514/REM

Planning & Development Management
Directorate for Sustainable Communities

PO Box 7544 Civic Centre
Duke Street, Chelmsford, CM1 1XP

Telephone: 01245 606826







Planning Committee

15th January 2019

Application No	:	18/01171/FUL Full Application
Location	:	Land at The Bell 126 Main Road Danbury Chelmsford
Proposal	:	Retain the existing public house and erection of a two storey dwelling, detached car port and bin/cycle store, with associated landscaping and fencing. Provision of replacement pub car park.
Applicant	:	c/o agent Punch Partnerships (PML) Limited
Agent	:	Miss Aimee Cannon
Date Valid	:	5th July 2018

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Appendices

Appendix 1	Consultations
Appendix 2	Drawings

1. Executive summary

- 1.1. This application is referred to the planning committee at the request of a local ward member to support the concerns of the Danbury Parish Council.
- 1.2. The Bell public house is a grade II listed building and lies within the Danbury conservation area. Opposite the site is Danbury Country Park, a grade II Registered Park and Garden. The application seeks permission for the construction of a three bedroom house to the west of The Bell on an open area of land currently used as a car park. The proposal would involve moving the car park from its current location at the front of the site, to an area to the rear of the public house. The existing vehicle access from Main Road would be reconfigured to form a single point of access that would serve both the car park to the rear and the proposed dwelling. Pub deliveries would also use the access and turnaround within the new car park area. The proposal would also include the removal of some trees from the site.
- 1.3. The site lies within the defined settlement and the principle of development is acceptable. The proposal would not have an adverse impact on the conservation area, the setting of the listed building or the Registered Park and Garden opposite. The dwelling is suitably designed so as to appear ancillary to the main pub building and to be in keeping with the existing properties nearby. The proposal would not give rise to a significant adverse effect upon residential amenity and would have an acceptable relationship with neighbouring properties. It would be acceptable in parking and highway safety terms and satisfactory arrangements exist for refuse provision and for receiving delivery vehicles to and from the public house.
- 1.4. The application is recommended for approval.

2. Description of site

- 2.1. The site is located with the Defined Settlement of Danbury. The Bell is a seventeenth and eighteenth century building which is grade II listed and lies within the Danbury conservation area. Opposite the site is Danbury Country Park which is a grade II Registered Park and Garden. The pub building itself is two storey in form with traditional proportions and window features. The western elevation is noticeable in the summer months for its green aesthetic by virtue of the Ivy established along its exterior.
- 2.2. The Bell is a long established public house and sits to the front and side of a broadly L-shape plot that extends backwards from the highway. The Bell is located approximately 10 metres west of a mini-roundabout that forms a three way junction between Main Road and Well Lane to the south. Danbury Park Primary School is accessed from Well Lane about 50 metres from this junction. Main Road is a Main Distributor (A) road carrying traffic from Chelmsford to the west towards Maldon to the east. Well Lane is a Secondary Distributor. There is a zebra crossing present to the west of the site, outside the front of the neighbouring properties Nos 128-132 Main Road.
- 2.3. From a heritage standpoint, the existing site is arranged with car parking at the front on the western side of the pub building and beer garden to the north of the pub building, with overgrown grounds with mature trees beyond. The open appearance of the site contributes to the village character of the site and provides separation of the historic core of the village from the ribbon development along Main Road to the west and modern housing to the north located in Parkdale. Historically there were a group of outbuildings on the car park site, presumably ancillary in scale, stables etc. The open

character of the site forms part of the setting to the listed building and contributes to its significance and also that of the conservation area. There appears to be no historic association between the site of The Bell and the Country Park, formerly part of the Danbury Palace estate, and it makes no contribution to its setting.

- 2.4. The part of the site where the proposed house would be situated is currently used as a loose-surfaced car park accommodating about 15 cars. To the rear of the site there is well-established vegetation comprising a line of trees, a low fence and hedgerow which demarcate an informal beer garden. The beer garden is populated by garden furniture and roughly kempt grass. Further from the highway and public house the condition of the garden is more informal and less manicured. Tall and well-established trees are evident along the rear boundary of the site.
- 2.5. The site backs on to the rear gardens of approximately six residential detached properties located in Parkdale to the north. The closest property to the application site is No. 128 Main Road to the immediate west. There is a sizeable cart lodge structure that sits forward of this neighbour close to the highway.
- 2.6. A public footpath leads north from Main Road between the application site and No. 128. Collectively the development along Main Road to the west of the site is characterised as a built-up frontage of houses served with front driveways. To the east development is more infrequent but Main Road is distinctly linear in its development pattern.

3. Details of the proposal

- 3.1. The proposal would retain the existing public house (Use Class A4) which would remain in operation as part of the proposed development. There are no changes proposed to the exterior nor the structure of the public house.
- 3.2. As part of the proposal, the western vehicular access (to the west of the pub sign) would be closed and the public house would rely on one point of access approximately 20 metres back from the roundabout nearby. The car park would be re-located to the rear of the site and the car park access routed through the site between the proposed dwelling and the public house. The same provision of car parking spaces as currently available would be retained.
- 3.3. The application proposes the construction of a part two part single storey house to the west of the public house. The dwelling would be located 6.1 metres to the east of the boundary of 128 Main Road, 12 metres back from the pavement along Main Road and approximately 6 metres to the west of the public house itself.
- 3.4. The house would have an L-shaped footprint with the two storey element having a ridge height of 7.5 metres with gable ends at both its north and south elevations. The eaves would be 4.5 metres. A subservient smaller wing set down from the main ridge would have a ridge of 5.4 metres and extend 5 metres in width.
- 3.5. The front elevation is detailed with vertically proportioned sliding sash windows and includes a chimney stack. It has been designed to present a traditional appearance and aesthetic so as to respect the heritage and character of the listed building and conservation area.
- 3.6. Two private car parking spaces are proposed at the front of the house. To the front area of the house, the land would be enclosed by post and railing boundary fence, whilst the private garden to

the rear, shown to measure 240 sq. metres, would be enclosed by a 1.8 metre high woven fence. A bin and cycle store would be located within this rear garden.

- 3.7 The access surface between the dwelling and the public house would be bound gravel whilst the car park to the rear is proposed to be surfaced with 50-75mm gravel. Each section of hardstanding would be separated by a Granite sett rumble strip.
- 3.8 The car park to the rear would be enclosed by a 0.9metre timber post and rail fence. The car park would be connected to the public house by virtue of a compacted gravel footpath that would be illuminated by bollard lighting.
- 3.9 Two trees/shrubs are proposed to be planted forward of the dwelling house whilst two more trees are proposed to be planted to the east of the rear car park.
- 3.10 There are no changes proposed to the trading hours of The Bell. It is proposed that all deliveries with vehicles larger than a 'transit' type van would be made outside of the operating hours of the public house. Further delivery vehicles will be limited to 10m in length and the rear car park would be closed outside of the public house opening hours.

4. Planning history

- 4.1. 01/02221/FUL - Refused 28th February 2002. Appeal dismissed 1st November 2002
This proposal related to the construction of 2 detached dwellings and 2 double garages with associated landscaping. The buildings were shown to be constructed in the rear part of the site. Application refused for the following reasons:

The Planning Inspector concluded that the two houses and garages would result in loss of a significant amount of greenery and the development would be a detrimental intervention which would not respect its context or the well-established character and appearance of the conservation area. He also considered that the built form would urbanise and crowd the setting of the listed building and when combined with the loss of greenery behind would not preserve the setting of the listed building. That scheme also involved repositioning of the public footpath which the inspector did not accept.

- 4.2. 03/01432/FUL - Refused 5th September 2003.
This proposal related to 1 detached dwelling and 1 no. double garage located at the rear of the site, sitting behind nos 128-132 Main Road. The application was refused because it would be detrimental to the setting of the listed building and the character and appearance of the conservation area. The development created unsatisfactory backland development, would be harmful to the amenity of nos 128-132 Main Road and created poor vehicle dominated frontage design.

5. Summary of consultations

- 5.1 The following were consulted as part of the application:
 - Essex County Council Highways
 - Economic Development and Implementation
 - Danbury Parish Council
 - Public Health & Protection Services
 - Local Residents

5.2 The initial plans submitted to the Council on 29th June 2018 received 17 letters of representation. Following submission of amended plans received 12th November 2018, 4 additional letters of representation were received. The main comments can be summarised as follows with a further detailed summary contained within the appendix:

- Proposal is situated close to a busy highway which cannot support any more lorries
- Pavement and zebra crossing used by school children
- Traffic situation on Well Lane is already dangerous and application site will make it worse
- Lorries accessing pub will conflict with users of pavement
- Access road between dwelling and public house is too narrow
- If approved application will set precedent for more development
- Dwelling will cause loss of light to neighbour
- Impact on conservation area
 - Harm to Listed building
- Proposal will diminish ecology
- Impact upon natural spring
- Increased pollution from construction traffic
- Car park will cause noise and light pollution affecting neighbouring properties
- Security and privacy concerns from car park
- Loss of community garden
- Negative impact on public footpath
- Collection of waste is unclear

Danbury Parish Council

5.4 Danbury Parish Council objects to the proposal (as amended). The main comments are summarised as follows with the full text of their comments contained in the appendix

- The impact on surrounding properties from car park use, particularly in Parkdale:
- Narrow access to the car park which does not appear to be wide enough for two vehicles to pass each other safely and safety concerns about conflict between vehicles manoeuvres and the busy Main Road in close proximity to zebra crossing used by school children
- The car park is an encroachment into a green area in the village
- The Council is concerned about the impact on and potential loss of trees on site; the ecological study was conducted in June when the weather was dry

Essex County Council Highways

5.5 Essex County Council Highways raise no objection to the proposal (as amended). The full text of their comments is contained within the appendix.

Economic Development and Implementation

5.6 Conclusions set out within the submitted viability report are reasonable and no reason is evident that the proposed will impact the function of the public house

6. Planning considerations

Main Issues

- 6.1 The main issues for consideration are the principle of development; the impact of the development upon the conservation area and the setting of the listed building; design of the dwelling; the impact upon highway safety and parking provision; the impact upon the viability of the public house and the impact upon residential amenity.

Principle of Development

- 6.2 The site is located within the Defined Settlement of Danbury, where the principle of development is acceptable.

Impact upon Conservation Area and Listed Building

- 6.3 The site is located within the Danbury Conservation Area and in the grounds of a Grade II listed building and therefore the impact of the proposal upon both heritage assets is a key consideration. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Listed Buildings Act) requires that special attention has to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, paragraph 193 of the National Planning Policy Framework (NPPF) makes clear that great weight should be given to the conservation of a designated heritage asset, such as a conservation area or listed buildings.
- 6.4 Policy DC 17 states that all development proposals in Conservation Areas must preserve or enhance the character or appearance of the Conservation Area. Planning permission will be refused where a development proposal would prejudice the appearance and surroundings of a Conservation Area or spoil any significant spaces or inward or outward views.
- 6.5 Policy DC 18 states planning permission will be refused where development proposals fail to preserve or enhance the setting of listed buildings. When considering proposals affecting listed buildings, local authorities have a statutory duty to have special regard to the desirability of preserving the building or its setting. Proposals which affect the setting of a Listed Building will also be critically assessed. The setting of a building and its contribution to a local scene may be very important.
- 6.6 The need to preserve the character or appearance of the conservation area, or a listed building or its setting does not equate to no change occurring.
- 6.7 It is pertinent to make reference to the planning history of the application site which has seen two historical planning applications seeking residential development of the site refused planning permission. In 2002, a planning application was refused and dismissed at appeal for two houses (01/02221/FUL refers) and a further application refused for one house in 2003 (03/01432/FUL refers).
- 6.8 While it is acknowledged that the details of these schemes somewhat differ to the application here in unit number and location, and that local and national policy has changed since both these decisions were issued, the considerations forming part of both decisions are relevant to this application. It is of note that the Inspector (in dismissing the scheme for 2 houses) attached weight to the positive contribution made by the green space and open space to the rear, on the conservation area and listed building setting.

- 6.9 In the decision made by the Planning Inspectorate in 2002, it was considered that the construction of two houses to the rear of the public house would reduce the area of green space forming a key contribution to the Conservation Area. The size and location of the dwellings were considered to be a detrimental intervention that would not respect the context of the site nor the well-established character and appearance of the area. The dwellings in this instance would have urbanised the entire rear of the site and were thus considered to crowd the listed building.
- 6.10 The subsequent planning application for one house was refused in 2003 as it failed to address the previous concerns raised. In both of these cases, a key consideration was whether the proposal would diminish the landscape setting of the conservation area.
- 6.11 Firstly, it is noteworthy that there are marked differences within this current proposal than those referred above, as both previous schemes sought to introduce buildings to the rear of the plot. In this current application a building is proposed at the front of the site within land currently used as a car park and the valued green space is proposed to be retained in the main.
- 6.12 The current car park does not in itself make a positive contribution to the special character of the listed building nor conservation area. The open space of the car park together with the open land behind the public house are however important to the setting of the listed building and the character of this part of the Conservation Area.
- 6.13 The proposed dwelling has been amended in its design and positioning within the life of the application. It is now modest in scale, has a traditional design and would be set back from the frontage of the public house. The scale of the building would be read as ancillary to the public house and due to its set back position and small size would not adversely affect key views of the listed building. Further, there would be sufficient open setting retained around it to maintain a breathing space from the modern expansion of the village to the west and north to provide a setting to the listed building. The dwelling is not of a scale or size to adversely impact upon the conservation area, the setting of the listed building or the Registered Park and Garden opposite.
- 6.14 The proposal would see the re-location of the car park to the rear of the site necessitating the removal of a number of trees and a hedge. Such a loss is not considered to be significant and the trees would not be worthy of greater protection from any future Tree Protection Order. Further the trees of most significance to the Conservation Area would be retained.
- 6.15 The need to preserve the character or appearance of the conservation area, or a listed building or its setting does not equate to no change occurring. It is acknowledged that this proposal would alter the appearance of the Conservation Area but it would not be detrimental to its character or appearance. The open setting of the listed building would not be harmed. In this respect the proposal would preserve the Conservation Area and the setting of The Bell in accordance with the provisions of the Listed Buildings Act, the NPPF, and policies DC17 and DC18.

Design and Layout

- 6.16 The urban grain and plan form of Main Road consists of detached houses in a linear arrangement with front driveways and the proposed dwelling would fit with this pattern.
- 6.17 The design of the building would be traditional and of narrow proportions so as to respect the heritage of the surrounding built form. Such a design approach complements the wider character and appearance of the area.

- 6.18 The proposal would provide a built edge alongside the public footpath to the west. The dwelling would include a window close to and facing this path giving a sense of surveillance for users of this public path. The rear garden of the new dwelling would be enclosed by a 1.8m tall woven willow fence. The submitted plans show this to be placed along the eastern edge of the footpath for a length of 18m finishing level with the end point of the enclosed rear garden of no 128 Main Road. The footpath for the most part is quite open along its length. The section closest to Parkdale is enclosed on both sides by garden fencing. The path is then relatively open as it moves southwards towards Main Road as the pub beer garden fencing that runs along the side of the path is low level picket style. The existing 1.8m boundary treatment around the garden of no 128 extends for about 18m until it meets the house and this would be opposite the proposed house's garden. There is room within the site to place the new garden boundary fence further back into the site, behind the existing beer garden trees, to open out the width of the pathway. This would create a more attractive route for walkers to use and can be secured by planning condition. The area of path that would be between the No 128 Main Road and the new house would, even with the set back fencing on the application site, retain clear visibility towards Main Road such that the sense of enclosure would not be threatening or undesirable for footpath users.
- 6.19 The layout of the dwelling is such that adequate private amenity space has been set out to the rear which exceeds the minimum standards required for a house with 3 bedrooms outside Chelmsford City Centre. Two parking spaces are to be provided between the house and the site frontage which would not interfere with the setting of the heritage assets.

Impact upon Parking and Highway Safety

- 6.20 There are currently approximately informal 15 parking spaces serving the public house. The re-located car park to the rear of the site would have 15 spaces. As such the proposal would not result in any loss of parking for the public house, nor extra stress on the existing provision of on-street parking within Well Lane.
- 6.21 This proposal (as amended) has been considered by ECC Highway Officers including swept path analysis and trip data. The scheme proposes to remove the western access and reconfigure the remaining eastern access. The Highway Authority has confirmed that visibility from the site both towards the roundabout and down the hill to the west both meet the required standards for 30mph roads. The internal site access would have a width, at its narrowest part of 5.8m. This is sufficient to allow 2 vehicles to pass simultaneously within the site. Details of the single remaining access are secured by planning conditions.
- 6.22 The application is accompanied by swept path drawings that show that large vehicles won't cross the centre line of the carriageway when turning left out of the site and thereby won't be affected by the existing refuge in the carriageway.
- 6.23 A service and car park management plan to manage deliveries at the site has also been submitted. This seeks to manage how deliveries are managed and compliance with this is secured with a planning condition. The plan requires all deliveries to be undertaken within the site with vehicles entering and exiting in forward gear. Delivery vehicles will be limited to 10m in length. Any deliveries by vehicles larger than a transit type to be made outside of operational hours. And the car park will be unavailable for parking purposes outside of operational hours to allow for deliveries to use this area.
- 6.24 The imposition of a delivery management plan would improve the current situation where full occupation of the current car park by patrons cars leave no space for any delivery vehicle to pull on to the site. The proposal is acceptable to the Highway Authority.

Impact upon Viability of the Public House

- 6.25 A detailed report has been submitted by an independent chartered surveyor specialising in the Licensed trade, this has drawn upon known economic data from commercial activity at The Bell and has concluded that the proposal will not reduce the trade of the public house.
- 6.26 This content of this report has been examined by the Council's Economic Development Planning Team who confirm that there is no evidence to suggest that this report is not a reasonable estimation of the future trade.
- 6.27 On that basis there is no evidence available to suggest that the development proposed would have a negative impact upon the trading ability of the public house.

Impact upon Residential Amenity

- 6.28 The dwelling would be located close to the side wall of 128 Main Road. This house has three ground floor side windows facing the application site which are all obscure glazed. The element of built form closest to this neighbour would be a single storey element and would be 6m from the side wall of the neighbour, with the public footpath in between. A window is proposed in the gable end of the single storey element. The two storey part of the new house would be 11m from the neighbouring house. As such the proposed dwelling will not impact the privacy or the amenity of any this neighbour.
- 6.29 Concern has been raised about the re-location of the car park towards the rear of the site and its proximity to the existing residential properties to the side and rear of the site boundary. The proposal would see the imposition of vehicle movements closer to these residential properties. An area of landscaping at least 8m wide would be retained between the parking area and rear garden boundaries. With the presence of existing boundary fences and additional fencing, which can be secured by a planning condition, and the use of an appropriate surface treatment, activity from the car park is unlikely to cause a level of disturbance harmful to residential amenity.
- 6.30 The application details suggest a loose material surface for the car park however whilst visually appropriate loose gravel can result in noise disturbance as vehicles manoeuvre over it and an alternative surface treatment is sought by condition.

7. Community Infrastructure Levy (CIL)

- 7.1 This application is CIL liable and there will be a CIL charge payable.

8. Conclusion

- 8.1 The development of the site is acceptable in principle and the construction of a dwelling of such a design and scale would not result in an adverse impact upon the listed building, setting of the listed building or character and appearance of the conservation area.
- 8.2 The proposal would not result in any harmful impact upon parking provision within the site or the wider vicinity and would not be detrimental to highway safety.
- 8.3 The proposal would not reduce the economic prosperity.

- 8.4 The new dwelling is acceptably designed and causes no harm the residential amenity of any surrounding property.
- 8.5 The proposal would be acceptable subject to the conditions outlined below.

RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and conditions listed on the decision notice.

Reason:

In order to achieve satisfactory development of the site

Condition 3

Prior to the digging of any foundations, detailed drawings and sections showing the finished levels of the dwellinghouse in relation to the levels of the surrounding area and any neighbouring buildings shall have been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is constructed at suitable levels in relation to its surroundings in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 4

Prior to their use samples of the external materials to be used in the construction of the dwelling hereby permitted shall be submitted to and approved by the local planning authority.

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the Conservation Area in which the development is situated in accordance with Policy DC17 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 5

Prior to their installation large scale drawings shall be submitted to and approved by the local planning authority showing typical details of the following :-

- (i) Fenestration, including elevations, the setback from face brickwork, sections through the head, jamb and cill,
and details of stiles, mullions, meeting rails and glazing bars;

- (ii) Eaves and ridges;
- (iii) Doors, door casings and surrounds;
- (iv) Brick detailing;
- (v) Rainwater goods;
- (vi) Chimneys and flues;
- (vii) Vents;
- (viii) Meter boxes

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the Conservation Area in which the development is situated in accordance with Policy DC17 and does not detract from the setting of the listed building in accordance with Policy DC18 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 6

Prior to their installation large scale drawings shall be submitted to and approved by the local planning authority showing typical details of the following :-

- (i) surfacing and edging of pub car park
- (ii) car park bay marking
- (iii) car park bollards
- (iv) car park lighting

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the Conservation Area in which the development is situated in accordance with Policy DC17 and does not detract from the setting of the listed building in accordance with Policy DC18 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 7

The public house repositioned car park hereby approved shall be completed in accordance with condition 6 and available for use prior to the construction of the dwellinghouse hereby approved and thereafter shall remain available for the use in connection with The Bell public house.

Reason

To ensure that the public house has car parking available at all times in the interests of highway safety.

Condition 8

(i) Details of the proposed treatment of all boundaries relating to the new dwellinghouse, including drawings of any gates, fences, walls, railings or piers, shall be submitted to and approved by the local planning authority.

(ii) The development shall not be occupied until the boundary treatments have been provided in accordance with the approved details.

Reason:

In the interests of the visual amenities of the area and to safeguard the residential amenities of the occupiers of the proposed dwellings and the existing neighbouring dwellings in accordance with Policies DC4 and DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 9

(i) Details of the proposed treatment of all boundaries relating to the new pub car park, shall be submitted to and approved by the local planning authority.

(ii) The agreed boundary treatments shall be in place before the repositioned pub car park is brought in to use and thereafter permanently retained.

Reason:

In the interests the residential amenities of the occupiers of the proposed dwellings and the existing neighbouring dwellings in accordance with Policies DC4 and DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 10

Prior to the first use of the repositioned pub car park full details of all hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved and in accordance with an agreed timetable unless the local planning authority gives its written consent to any variation. The landscaping details shall include

- a) hard surfacing, other hard landscape features and materials
- b) existing trees, hedges or other soft features to be retained
- c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- d) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- e) location of service runs
- f) management and maintenance details

Reason:

In order to add character to the development and safeguard the character of the Conservation Area in accordance with Policy DC 17 and DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 11

All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the repositioned car park, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

Reason:

In order to add character to the development and to integrate the development into the area in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 12

There shall be no discharge of surface water from the development site onto the Highway.

Reason:

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

Condition 13

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason:

To avoid displacement of loose material onto the highway in the interests of highway safety.

Condition 14

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission), including any alterations or extensions to the roof of the dwelling, or freestanding buildings erected within the curtilage of the dwelling without the prior written permission of the local planning authority.

Reason:

In the interests of safeguarding the important characteristics of heritage assets in accordance with Policies DC17 and DC18 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 15

No development shall take place, including any ground works or demolition until a Construction Method Statement has been submitted to and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason:

This information is required prior to the commencement of development to ensure that parking of these vehicles does not occur on nearby streets or on the Common and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

Condition 16

The repositioned pub car park may only be available for patron's use during the trading hours of The Bell public house.

Reason

In the interests of the amenities of the occupiers of neighbouring properties and to ensure the provision of turning space for larger delivery vehicles.

Condition 17

No development or preliminary ground works shall take place within the site until a written scheme of investigation for the programme of archaeological work has been submitted to and approved in writing by the local planning authority.

No development or preliminary ground works shall take place until such time that the programme of archaeological work has been carried out in accordance with the approved Written Scheme of Investigation.

The archaeological work will comprise evaluation by trial trenching initially and may be followed by excavation or monitoring if features are found.

Reason

To ensure potential archaeology sites are afforded protection in accordance with policy DC21 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 18

Prior to the first occupation of the dwelling, the existing easternmost vehicular access to Main Road, at its centre line shall be reprovided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to vehicles approaching from the west. Such vehicular visibility splays shall be retained free of obstruction at all times.

Reason:

To provide adequate inter-visibility between vehicles using the vehicular access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

Condition 19

Prior to the first occupation of the dwelling, the existing easternmost vehicular access to Main Road shall be re-constructed as shown in principle on the 'Proposed Site Layout' drawing no. 17.2480.100 Rev: P5 and the width of the access at its junction with Main Road highway shall not be less than 5.8 metres. The access design must provide a radius on the west side of the vehicular access as shown in the 'Swept Path Analysis of a 10m Rigid Vehicle and Renault Espace', drawing no. SP06.

Reason:

To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass simultaneously clear of the limits of the highway, in the interests of highway safety.

Condition 20

The existing and redundant access to the west of the site to Main Road shall be suitably and permanently closed incorporating the reinstatement to full height of the footway kerbing prior to the first occupation of the dwelling.

Reason:

To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

Condition 21

Prior to the construction of the dwelling house all deliveries to the public house shall take place in accordance with the General Delivery Management Plan, ref: 1806-16/SMP/01.

Reason:

In the interests of highway safety.

Notes to Applicant

- 1 Hours of work during construction

In order to cause minimum nuisance to neighbours, the applicant is strongly advised to follow guidelines for acceptable working hours set out by the Council's Public Health and Protection team.

Noisy work:

- Can be carried out between 0800 and 1800 Monday to Friday
- Limited to 0800-1300 on Saturdays
- At all other times including Sundays and Bank Holidays, no work should be carried out that is audible beyond the boundary of the site

Light work:

- Acceptable outside the hours shown above
- Can be carried out between 0700 and 0800; and 1800-1900 Monday to Friday

In some circumstance further restrictions may be necessary.

For more information, please contact Chelmsford City Council Public Health and Protection Services, or view the Council's website at www.chelmsford.gov.uk/construction-site-noise

Party Wall Act

The Party Wall Act 1996 relates to work on existing walls shared with another property or excavation near another building.

An explanatory booklet is available on the Department for Communities and Local Government website at <http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/partywallact>

- 2 The Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are:
Development Management Team,
Essex Highways,
Springfield Highways Depot,
Colchester Road,
Chelmsford
CM2 5PU.
Telephone: 0845 603 7631. Email: development.management@essexhighways.org.
- 3 The proposed development may be liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended). If applicable, a Liability Notice will be sent as soon as possible to the applicant and any other person who has an interest in the land. This will contain details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.chelmsford.gov.uk/cil, and further information can be requested by emailing cilenquiries@chelmsford.gov.uk. If the scheme involves demolition, for the purposes of the Regulations the development will be considered to have begun on commencement of the demolition works.
- 4 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.
- 5 The applicant is reminded that a grant of planning permission does not override the public's right to pass freely over a public footpath. The public's right and ease of passage over the adjacent public footpath shall be maintained free and unobstructed at all times both during and post construction.

The applicant is advised to contact Essex County Council Highway Authority before development begins, as during the construction phase, it may not be possible to maintain the public footpath(s) free and unobstructed. If this is the case, the applicant may need to seek either the temporary diversion or closure of the footpaths during building works.

- 6 This permission is subject to conditions, which require details to be submitted and approved by the local planning authority. Please note that applications to discharge planning conditions can take up to eight weeks to determine.
- 7 This development will result in the need for a new postal address. Applicants should apply in writing, email or by completing the online application form which can be found at www.chelmsford.gov.uk/streetnaming. Enquires can also be made to the Address Management Officer by emailing streetnaming@chelmsford.gov.uk.
- 8 This planning permission is subject to planning condition(s) that need to be formally discharged by the Council. Applications to discharge planning conditions need to be made in writing to the local planning authority. Forms and information about fees are available on the Council's website.
- 9 This permission is subject to conditions, which require details to be submitted and approved by the local planning authority. Please note that applications to discharge planning conditions can take up to eight weeks to determine.

Positive and Proactive Statement

During the life of the application the Local Planning Authority suggested amendments to the proposal in order to improve the development. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework to promote the delivery of sustainable development and to approach decision taking in a positive way.

Background Papers

Case File

Appendix 1 – Consultations

Consultations

ECC Historic Environment Branch

Comments
<p>The proposed development is within an area of potential archaeological remains. Historic mapping shows that the Inn used to have outbuildings in the area of the proposed development. There is the possibility that archaeological features and deposits may survive in the proposed development area.</p> <p>In view of this, the Full archaeology standard condition is recommended in line with the National Planning</p>

Essex County Council Highways

Comments
<p>The applicant has provided additional information with amendments to the scheme layout. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <ol style="list-style-type: none"> 1. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: <ol style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. wheel and underbody washing facilities <p>Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.</p> 2. Prior to commencement, details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the new vehicular access to Main Road becoming operational and shall be retained at all times. <p>Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.</p> 3. Prior to the public house becoming operational and first occupation of the proposed dwelling, the existing vehicular access to Main Road which will become the principle vehicular access to the site at its centre line shall be reprovided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to vehicles approaching from the west. The foliage to the eastern boundary shall be cut back to restore visibility to vehicles approach from the east and to the Well Lane mini roundabout. Such vehicular visibility splays shall be retained free of obstruction at all times. <p>Reason: To provide adequate inter-visibility between vehicles using the vehicular access and those in the</p>

existing public highway in the interest of highway safety in accordance with policy DM1.

4. Prior to the public house becoming operational and first occupation of the proposed dwelling, the existing vehicular access to Main Road which will become the principle vehicular access to the site, shall be re constructed as shown in principle on the 'Proposed Site Layout' drawing no. 17.2480.100 Rev: P5 and the width of the access at its junction with Main Road highway shall not be less than 5.8 metres. However the access design must be amended to provide a radius on the west side of the vehicular access as shown in the 'Swept Path Analysis of a 10m Rigid Vehicle and Renault Espace', drawing no. SP06. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass simultaneously clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

5. The existing and redundant access to the west of the site to Main Road shall be suitably and permanently closed incorporating the reinstatement to full height of the footway kerbing prior to the public house becoming operational and first occupation of the proposed dwelling. Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

6. Provision of all signing and lining in association with the highway works
Reason: In the interests of highway safety in accordance with policy DM1.

7. Prior to the public house becoming operational, the 15no. vehicle parking area indicated on the 'Proposed Site Layout' drawing no. 17.2480.100 Rev: P5, including any parking spaces for the mobility impaired, has been constructed and marked out in parking bays ready for use. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

8. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

9. Prior to the public house becoming operational the General Delivery Management Plan, ref: 1806-16/SMP/01 shall be adhered to. Reason: In the interests of highway safety to ensure accordance with Policy DM1 and DM19.

General

I. Prior to any works taking place in public highway the developer shall enter into an appropriate agreement with the Highway Authority to regulate construction works. This will include the submission of detailed engineering drawings for approval.

II. The above to be provided at no cost to the Highway Authority

III. The above to be imposed on the planning permission (if granted) by planning obligation or condition, as necessary.

ECC Minerals & Waste Planning

Comments
No response received

Ramblers Association

Comments
No response received

Danbury Parish Council

Comments
<p>Comments were submitted on 31 Jul 2018:</p> <p>The Parish Council Strongly objects to this application for the following reasons:</p> <ol style="list-style-type: none"> 1. The impact on surrounding properties: noise and light pollution from vehicles using the car park; potential impact on security of the surrounding properties due to the car park being secluded and not lit. 2. Highway safety: narrow access to the car park which does not appear to be wide enough for two vehicles to pass each other; the design and layout of the car park may lead to poor parking reducing the number of spaces available and limit the ability of drivers to turn their cars to leave the car park in a forward gear (which may be exacerbated at school drop off and pick up times if parents use the car park to drop off and collect their children); concerns over capacity of the car park and access road to accommodate commercial and delivery vehicles. It would not be acceptable for delivery vehicles to park on the Main Road when making deliveries due to the weight of traffic and proximity of the roundabout and zebra crossing; the proposed fence and hedge lines extend to the front of the property, impacting on site lines for vehicles when leaving the car park. The A414 is a busy road and the footway and nearby zebra crossing are used by children accessing the school opposite. 3. Street Scene and the Conservation Area: the design of the proposed dwelling is not in keeping with the conservation area; the proposed dwelling is forward of the building line of neighbouring properties and would be more in keeping within the street scene if it were set further back; this is an encroachment into a green area in the village. 4. Trees and Ecology: The Council is concerned about the impact on and potential loss of trees on site; the ecological study was conducted in June when the weather was dry - was this the best time of year for an ecological study? 5. Planning policies: DPF policies 4,5,7,8,10,15 and 19 apply; DC policies 12,17 and 18 apply. 6. 5 Year Land Supply: The Parish Council does not believe that this dwelling is required to contribute towards CCC's 5 year land supply. <p>Comments were submitted on 27 Nov 2018:</p> <p>The Parish Council Strongly objects to this application for the following reasons:</p> <ol style="list-style-type: none"> 1. The impact on surrounding properties, particularly in Parkdale: noise and light pollution from vehicles using the car park; potential impact on security of the surrounding properties due to the car park being secluded and not lit.

2. Highway safety: narrow access to the car park which does not appear to be wide enough for two vehicles to pass each other safely; the design and layout of the car park may lead to poor parking reducing the number of spaces available and limit the ability of drivers to turn their cars to leave the car park in a forward gear (which may be exacerbated at school drop off and pick up times if parents use the car park to drop off and collect their children); concerns over capacity of the car park and access road to accommodate commercial and delivery vehicles. The swept path analysis does not show vehicles approaching from the West, neither does it show the zebra crossing; it would not be acceptable for delivery vehicles to park on the Main Road when making deliveries due to the weight of traffic and proximity of the roundabout and zebra crossing; the new shrubs by the front fence may impact sight lines. The post and rail fence should not be enclosed by shrubbery - to preserve sight lines and safety; the A414 is a very busy road and the footway and nearby zebra crossing are used by children accessing and egressing the nearby school and public footpaths.

3. Street Scene and the Conservation Area: the proposed car park is an encroachment into a green area in the village.

4. Trees and Ecology: The Council is concerned about the impact on and potential loss of trees on site; the ecological study was conducted in June when the weather was dry - was this the best time of year for an ecological study?

5. Planning policies: DPF policies 4,7,8,10, and 19 apply; DC policies 12,17 and 18 apply. 6. If planners are mindful to approve the application, please would they remove permitted development rights.

Public Health & Protection Services

Comments

No PH&PS comments with regard to this application.

Local Residents

Comments

Highway safety

- This proposed development is in an area that cannot possibly support the amount of lorries etc that will have to attend the site
- It is very close to an extremely busy roundabout on an increasingly busy road and more importantly is right next to a zebra crossing that is absolutely key for parents and their children to get to and from the primary school directly opposite.
- Well Lane, apart from the parking issues is a very busy thoroughfare for traffic from the main road and surrounding businesses and residential estates.
- Parents are also parking in The Bell car park to drop off and collect their children in light of the lack of parking available at the school. I would like to stress that the traffic situation is already very dangerous along Well Lane and should this application be passed this will definitely create a knock on effect with more and more traffic trying to park along Well Lane and the surrounding estates, especially around school run times.
- The car park itself is often very full - with the current layout this is clear as you approach the pub however if re-sited down a narrow track will potentially lead to chaos aside from the inability for delivery vehicles being unable to turn around resulting in reversing onto/from the busy main road

between a mini-roundabout and a crossing.

- The General Delivery Management document does not make it clear to drivers of large lorries what happens if their arrival is late and falls outside the specified hours.
- I am not clear from the Transport Statement whether the collection of business waste will be done by kerbside collection or the refuse lorries will enter the site. If the latter, does the swept path analysis cover this size of vehicle? I object to the kerbside collection of business waste in this instance as it will be very close to the mini-roundabout.

Use of public footpath

- My daughter uses the footpath to get to and from school. Although part of the footpath is fenced to both sides the fact that the current footpath opens to the pub car park allows for extra viability and light. Where the house to be built I am sure the property would have a fence thereby making the footpath a lot darker and less safe.
- The footpath is very well used both during the day by school children and at night by residents returning home from Chelmsford and Maldon. The erection of the 1.8 metre close-boarded fence will reduce visibility of the footpath making its use less inviting, particularly at night.

Impact on conservation area

- The new property would obscure an attractive listed building and detract from the conservation area scene when approaching Danbury from the west

Impact on listed building

- Trees make a valuable contribution to the landscape and character of the listed building (The Bell) and surrounding area.
- The proposed new dwelling removes the natural habitat that makes a significant contribution to the character of The Bell public house, which is a listed building.
- The new dwelling is not in keeping with the current street scene and will reduce visibility of one of the oldest and most prominent buildings in the village.

Impact on neighbouring amenity

- Loss of light to side windows of no 128 Main Road
- The proposed new car park is directly behind the rear fences of several properties in Parkdale. We will therefore be affected by various sources of noise. Patrons of the public house will be leaving the premises late at night causing voice as well as vehicle engine and gravel noise. This will be very disruptive to sleeping patterns, especially for children. Additionally, there will be potential noise arising from car alarms and locking systems throughout the day. As well as this, delivery lorries will be utilising the space on a regular basis.
- We will no longer be able to enjoy the privacy of our garden with our family and friends due to increased noise levels.
- Car headlights will be clearly visible both from the car park and from the access route leading up to it. This will be evident by the removal of trees and hedgerows dividing the car park and our rear boundary. The existing boundary fence measures 1.2metres in height, which makes it very likely that headlights will shine directly into our windows. This will be exacerbated during the winter months when drivers may require the use of full beams due to the dimly lit area.
- Boundary fence in Parkdale properties measures 1.2 metres high and can therefore easily be looked over and members of the public can have clear visibility to the rears gardens and houses including direct views into bedrooms windows. Additionally, any high-sided vehicles will potentially have full view of our properties.
- -Having lived in Parkdale for a number of years, we are aware of several neighbours who have

been burgled. I strongly object to the new position of the car park as the rear gardens of the neighbouring properties in Parkdale can be easily accessed. The exit route leading directly onto the main road makes it a desirable location for opportunists.

- Security - the new car park will be set back from the main road which will make it more secluded/less public and encourage its use for crime

Impact on trees and ecology

- The proposed development will remove valuable mature trees from the conservation area. A mass of wildlife will diminish due to the destruction of trees and hedgerows. I have lived behind The Bell for 22 years in which time there has always been an abundance of wildlife including owls, bats, frogs, newts, badgers, as well as many species of birds.
- There is evidence of a natural spring within the grounds of The Bell behind our property. Due to the overgrown area and very dry summer this was not detected in the surveys and should be further investigated in view of the protected wildlife that flourishes in this environment including newts and frogs.

Other matters

- Impact on community - the loss of a larger green space will remove a popular and busy community meeting place for both local residents in Parkdale but also parents and children from the village



0 5 10 20 Metres

1:1,250



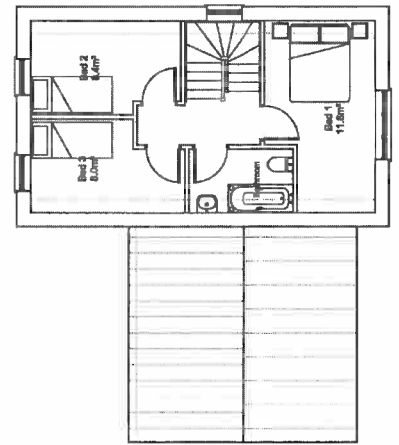
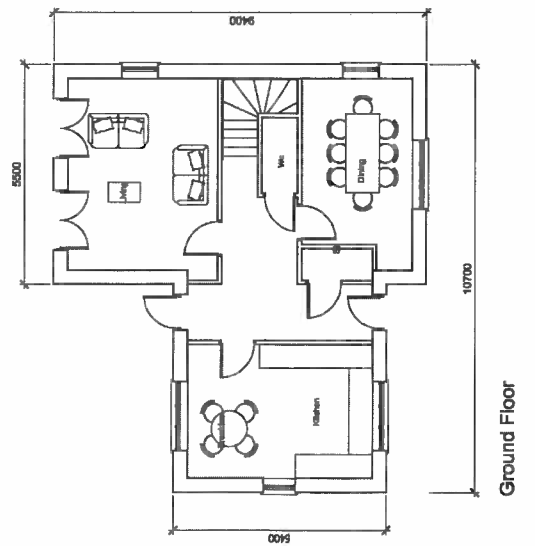
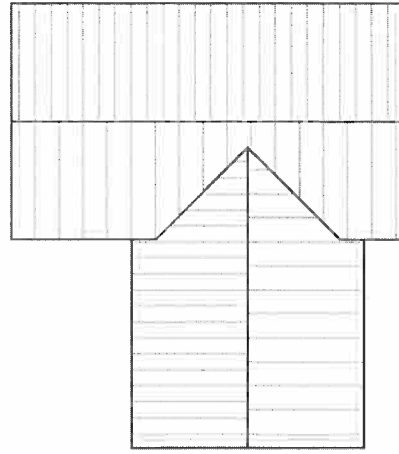
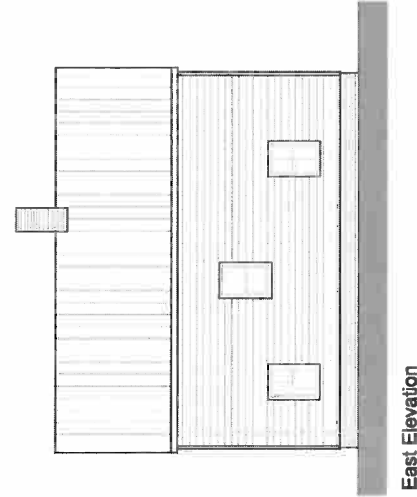
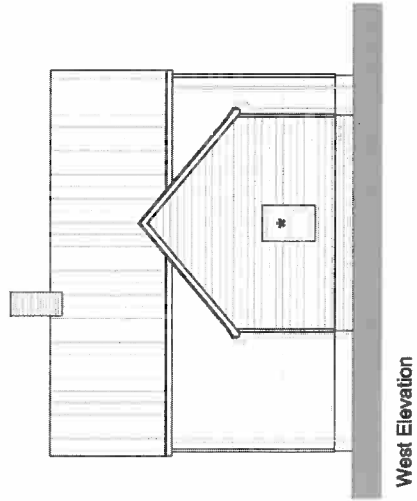
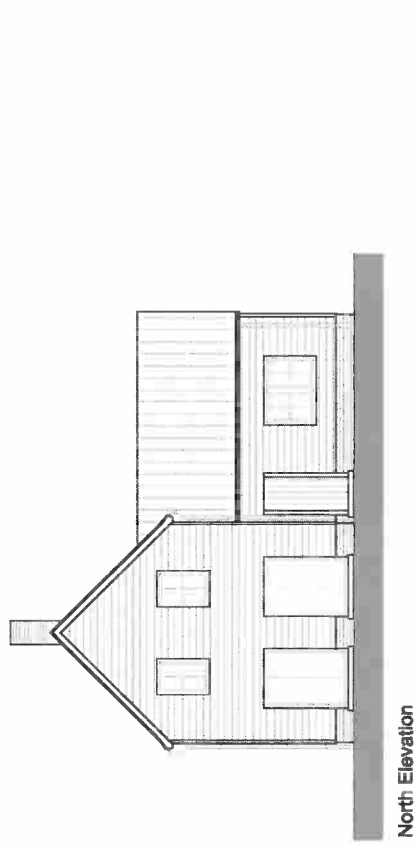
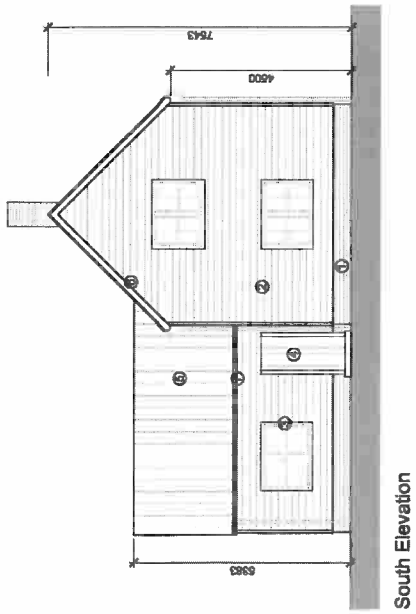
Planning Committee
18/01171/FUL

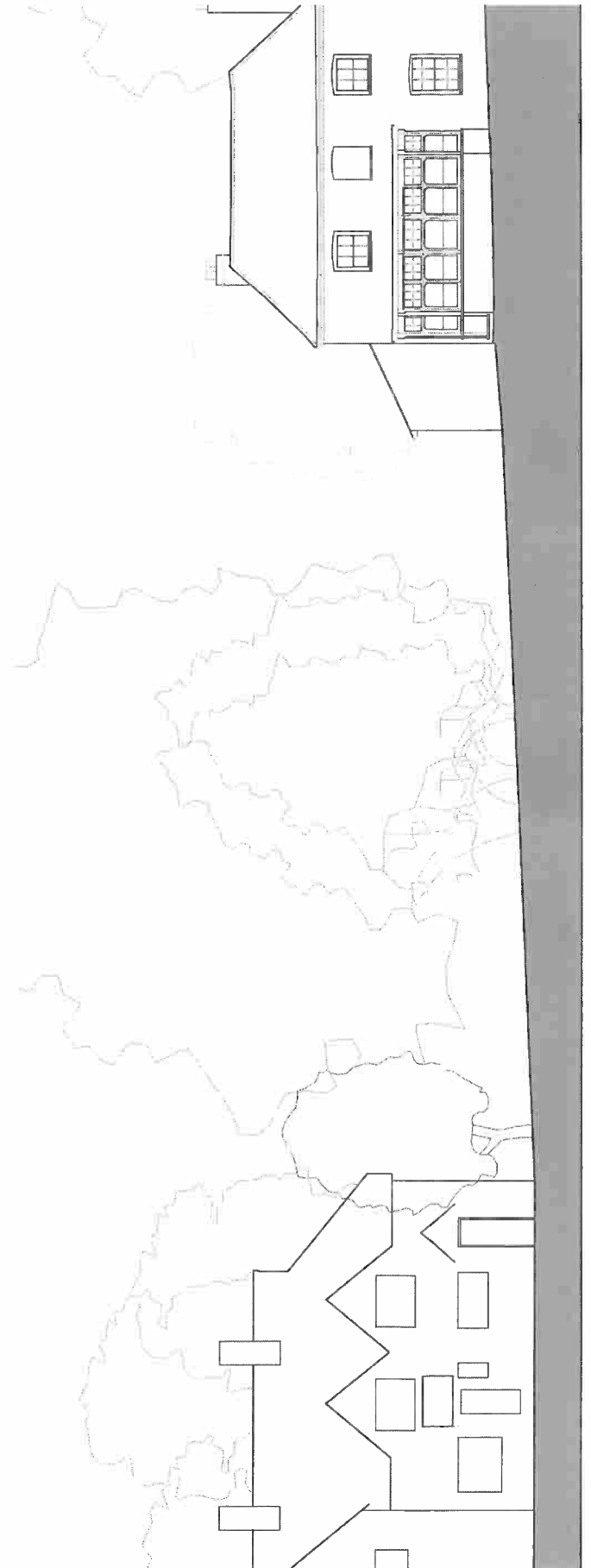
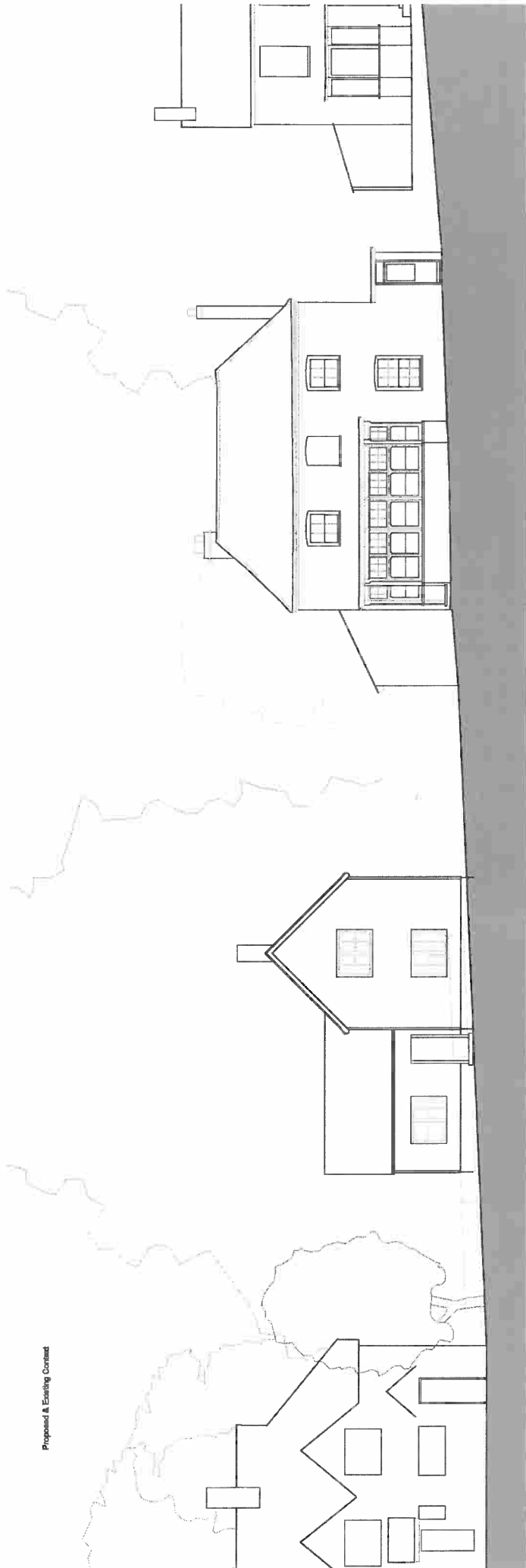
Planning & Development Management
Directorate for Sustainable Communities

PO Box 7544 Civic Centre
Duke Street, Chelmsford, CM1 1XP

Telephone: 01245 606826







Appeals Report



Directorate for Sustainable Communities

Appeal Decisions received between 21/11/2018 and 21/12/2018

PLANNING APPEALS

Total Appeal Decisions Received	4	
Dismissed	4	100%
Allowed	0	0%
Split	0	0%

Written Reps

Bumpsteads Cottage Margaretting Road Writtle Chelmsford CM1 3PJ

Reference	17/02109/FUL
Proposal	Change of use to caravan site consisting 10 Caravans and 3 Shepard's Huts with Ancillary Facilities for holiday purposes.
Appeal Decision	Appeal Dismissed - 12/12/2018
Key Themes	Material Change of use of land in the Green Belt, not a suitable location for the proposal.
Agreed with CCC on	Inappropriate development in the Green Belt, Conflicts with purposes of including land in the Green Belt and harmful to openness, not well connected or suitable site for development.
Disagreed with CCC on	
Costs Decision	None

Caravan Site Mill House Hammonds Road Little Baddow Chelmsford Essex CM3 4BG

Reference	17/01609/CLOPUD
Proposal	Facilities buildings, internal roadway and footpath, caravan and vehicle hardstandings and refuse storage
Appeal Decision	Appeal Dismissed - 27/11/2018
Key Themes	CERTIFICATE OF LAWFULNESS APPEAL - Permitted Development for caravan site facilities.
Agreed with CCC on	facilities building would not be permitted development - decision to not grant certificate was well-founded.
Disagreed with CCC on	none.
Costs Decision	Appellant's application for costs: Costs refused

16 Fox Burrows Lane Writtle Chelmsford Essex CM1 3SS

Reference	18/00213/FUL
Proposal	Application for earth bund maximum 1.5m high
Appeal Decision	Appeal Dismissed - 13/12/2018
Key Themes	Green Belt; Green Wedge
Agreed with CCC on	Harmful to Green Belt; harmful to open character of Green Wedge
Disagreed with CCC on	none.
Costs Decision	None

Land Adjacent And Rear Of 188 Main Road Great Leighs Chelmsford CM3 1NR

Reference	17/02169/FUL
Proposal	Proposed two detached dwellings, garages and associated works.
Appeal Decision	Appeal Dismissed - 04/12/2018
Key Themes	Neighbour Amenity
Agreed with CCC on	Harm to outlook
Disagreed with CCC on	none.
Costs Decision	None

ENFORCEMENT APPEALS

Total Appeal Decisions Received	1	
Dismissed	1	100%
Allowed	0	0%
Split	0	0%

Public Inquiry

Old Chase Farm Hyde Lane Danbury Chelmsford Essex CM3 4LP

Reference	15/00363/ENFB
Proposal	Without planning permission, the material change of use of the land for storage
Appeal Decision	Appeal Dismissed - 17/12/2018
Grounds of Appeal	Appeal grounds - (a) Planning permission should be granted; (c) no breach of planning control; (d) immune from enforcement action; (f) requirements of notice are excessive; (g) time for compliance should be extended.
Agreed with CCC on	(a) Planning permission should not be granted - harmful to character of the countryside; not in a suitably accessible location. (c) Storage use is not lawful across the whole of the planning unit. (d) Storage use did not take place before 2007 and has not achieved immunity from enforcement action. (f) Hardstanding integral to unauthorised storage use; requirement not excessive. (g) First steps could be achieved, overall period increased to 4 months.
Disagreed with CCC on	(g) overall period for compliance increased to 4 months.
Costs Decision	Council's application for costs: Costs allowed - partial

TREES APPEALS

Total Appeal Decisions Received	2	
Dismissed	1	50%
Allowed	0	0%
Split	1	50%

Householder

17 Lodge Road Writtle Chelmsford Essex CM1 3HY

Reference	17/05230/TPO
Proposal	G2 - Sycamore & Yew, T6 - Sycamore and G3 - Turkey Oak & 9x Yew - Reduce lateral spread by 2m and crown raise by 2.5m, prune around powerlines to give 1m clearance and T7 - Yew - Reduce spread by 3.5m and height by 2m and crown lift to 2.5m. Reason: Reduc
Appeal Decision	Appeal Split Decision - 26/11/2018
Key Themes	Removal of Protected Trees (TPO) in Conservation Area
Agreed with CCC on	T2, T4, and the easternmost tree in group G1 - Close to churchyard, no justification for removal.
Disagreed with CCC on	groups G6, G7 and G8, and the westernmost tree in group G1 - trees screened so reduced visual amenity, sufficient justification to remove.
Costs Decision	None

201 Beehive Lane Great Baddow Chelmsford CM2 9SH

Reference	17/05217/TPO
Proposal	Horse Chestnut (T1) - Fell to ground level. Reason: instability risks and structural damage being caused.
Appeal Decision	Appeal Dismissed - 23/11/2018
Key Themes	Removal of Preserved Tree in front garden
Agreed with CCC on	Important contribution to visual amenity, no justification for felling.
Disagreed with CCC on	none.
Costs Decision	None