

Planning Committee Agenda

31 May 2022 at 7pm

Council Chamber, Civic Centre, Chelmsford

Membership

Councillor J A Sosin (Chair)

and Councillors

L Ashley, S Dobson, P Hughes, R J Hyland, J Lardge,
R Lee, G H J Pooley, R J Poulter, T E Roper,
E Sampson, C Shaw and I Wright

Local people are welcome to attend this meeting remotely, where your elected Councillors take decisions affecting YOU and your City.

There is also an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance and details are on the agenda page. If you would like to find out more, please telephone Brian Mayfield in the Democracy Team on Chelmsford (01245) 606923 email brian.mayfield@chelmsford.gov.uk

PLANNING COMMITTEE

31 May 2022

AGENDA

1. CHAIR'S ANNOUNCEMENTS

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

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

4. MINUTES

To consider the minutes of the meeting on 3 May 2022

5. APPOINTMENT OF VICE CHAIR

6. PUBLIC QUESTION TIME

Any member of the public may ask a question or make a statement at this point in the meeting, provided that they have submitted their question or statement in writing in advance. Each person has two minutes and a maximum of 20 minutes is allotted to public questions/statements, which must be about matters for which the Committee is responsible. The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

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, no further public questions or statements may be submitted.

Any member of the public who wishes to submit a question or statement to this meeting should email it to committees@chelmsford.gov.uk 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting.

7. CIVIC THEATRE, FAIRFIELD ROAD, CHELMSFORD – 22/00707/ADV

8. BEAULIEU SECTION 106 AGREEMENT SECOND VIABILITY REVIEW

9. PLANNING APPEALS

MINUTES
of the
PLANNING COMMITTEE
held on 3 May 2022 at 7:00pm

Present:

Councillor J A Sosin (Chair)

Councillors L Ashley, S Dobson, P Hughes, R J Hyland, J Lardge, R Lee,
G H J Pooley, R J Poulter, T E Roper, E Sampson and C Shaw

Also present: Councillor W Daden and M J Mackrory

1. Chair's Announcements

For the benefit of the public, the Chair explained the arrangements for the meeting.

2. Apologies for Absence

Apologies for absence had been received from Councillor I Wright.

3. Declarations of Interest

All Members were reminded that they must disclose any interests they knew they had 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 became aware of the interest. If the interest was a Disclosable Pecuniary Interest they were also obliged to notify the Monitoring Officer within 28 days of the meeting. Any declarations are recorded in the relevant minute below.

4. Minutes

The minutes of the meeting on 5 April 2022 were confirmed as a correct record.

5. Public Question Time

Statements and questions were submitted by members of the public on Items 6 and 7. Details are recorded under the relevant minute numbers below.

6. Land East of Hill Road South, Chelmsford – 20/00239/FUL

Councillor G H J Pooley declared a non-pecuniary interest in this item. He spoke as a ward councillor on the application but took no part in its consideration.

The Committee considered an application for the erection of a gas pressure reduction station (GPRS) installation on land to the east of Hill Road South, Chelmsford. The application included associated works for a temporary works compound, a means of enclosure, improvements to the access way, and the provision of a new access road from Hill Road South. Permission was also sought for the provision of a medium pressure/low pressure district governor on land adjacent to Wharf Road.

Seven local residents had submitted written statements to the meeting objecting to the application and three attended to put them in person. The objections cited concerns about increased noise and odour, loss of visual amenity, loss of trees and habitat, and potential contamination of the allotment land on which the development would be carried out. They also questioned why other potential sites had been discounted as suitable, why some parts of the ecology report associated with the application had been redacted, whether the results of further habitat surveys should be awaited before the application was decided and whether development should be permitted on statutory allotments. The ward councillor who spoke on the application reiterated a number of the concerns made by the residents.

Responding to those concerns and questions from members of the Committee, officers said that:

- Some parts of the ecology report published on the Council's website had been redacted for data protection reasons and to remove any reference to badgers on the site
- Further surveys of reptiles and bats had been carried out in April, as a result of which the applicant had agreed to retain eight trees between the GPRS and the Lockside residences that had been due to be removed. An ecologist would also be on site to ensure that there was no disturbance to bats during the works
- In terms of alternative sites, the application needed to be considered on its own merits and it was not for the Council to suggest that other sites might be more suitable. The applicant had considered other sites but had ruled them out owing to a number of constraints at each. The Ardleigh site had been mentioned in the report to the meeting because it was comparable to the one planned at Chelmer Waterside and could form a basis for assessing the likely noise levels
- Any allotment plots lost as a result of the development would be replaced and the Chelmer Waterside Development Framework set out a commitment to increase overall the number of allotments on the wider development site
- The GPRS was a sealed system and the applicant was confident that there would be no contamination of the site. The system would, however, be constantly monitored
- The assessment of potential noise from the equipment carried out by the applicant's noise consultant had taken into account the cumulative effect of noise emissions from more than one source and had indicated that levels at residents' properties would be acceptable
- The concerns expressed by Essex Waterways about access to the south side of the canal near the district governor would be overcome by the removal of the present fencing, improving accessibility to the waterway.

The Committee was of the view that the applicant had taken reasonable steps to mitigate the effects of the proposed development and to overcome the concerns expressed during the consultation on the application. It therefore concluded that there were no grounds on which to refuse the application.

RESOLVED that planning application 22/00239/FUL in respect of land to the east of Hill Road South, Chelmsford be approved subject to the conditions detailed in the report to the meeting.

(7.04pm to 7.53pm)

7. Broomfield Mill, Mill Lane, Broomfield – 21/01399/FUL

An application had been received for the construction of a residential annexe in the rear garden of Broomfield Mill, Mill Lane, Broomfield.

The applicant attended the meeting to speak in support of the application, as did a ward councillor for the area. Both argued that the application site had been incorrectly classified as functional flood plain, Flood Zone 3B, that the site had been occupied and developed for centuries without any serious flooding problems, that this development would have no material effect on the risk of flooding and that the applicant was willing to replace any lost flood plain elsewhere on the property. It was also argued that the development would provide additional accommodation and that the Council had discretion to approve the development notwithstanding the flooding classification.

Officers informed the Committee that the Strategic Flood Risk Assessment carried out as part of the adopted Local Plan had identified this site as lying within fluvial Flood Zone 3B, the area at highest risk of flooding, on which no new development would be permitted unless there were material planning considerations to justify otherwise. The Environment Agency concurred with that classification and had said that the applicant had provided no evidence to successfully challenge it. Without that evidence, the Council was required to determine the application in the light of its Local Plan classification.

The Committee accepted that no evidence to overturn the classification of the site in the Local Plan had been provided by the applicant and therefore the Council had no option other than to refuse the application.

RESOLVED that planning application 21/01399/FUL in respect of Broomfield Mill, Mill Lane, Broomfield, Chelmsford be refused for the reasons detailed in the report to the meeting.

(7.53pm to 8.38pm)

8. 259 Baddow Road, Great Baddow, Chelmsford – 22/00274/FUL

The Committee had before it an application in respect of 259 Baddow Road for a two storey side extension and a single storey side/rear extension, raising the height of the existing rear first floor external walls and adding a new pitched roof.

RESOLVED that planning application 22/00274/FUL in respect of 259 Baddow Road, Great Baddow, Chelmsford be approved, subject to the conditions set out in the report to the meeting.

(8.38pm to 8.42pm)

9. Planning Appeals

RESOLVED that the information on appeal decisions between 23 March and 19 April 2022, and on all appeals decided in 2021/22, be noted.

(8.42pm to 8.43pm)

The meeting closed at 8.43pm

Chair

PLANNING POLICY BACKGROUND INFORMATION

The Chelmsford Local Plan 2013 – 2016 was adopted by Chelmsford City Council on 27th May 2020. The Local Plan guides growth and development across Chelmsford City Council's area as well as containing policies for determining planning applications. The policies are prefixed by 'S' for a Strategic Policy or 'DM' for a Development Management policy and are applied across the whole of the Chelmsford City Council Area where they are relevant. The Chelmsford Local Plan 2013-3036 carries full weight in the consideration of planning applications.

SUMMARY OF POLICIES REFERRED TO IN THIS AGENDA

- NPADV** NPPF Part 12 Achieving well-designed places - adverts Paragraph 136 advises that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- DM23** Policy DM23 - High Quality & Inclusive Design - Planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. The design of all new buildings and extensions must be of high quality, well proportioned, have visually coherent elevations, active elevations and create safe, accessible and inclusive environments.
- DM29** Policy DM29 - Protecting Living & Working Environments - 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, unless appropriate mitigation measures can be put in place and permanently maintained.

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 February 2019. 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.



Planning Committee
31st May 2022

Application No	:	22/00707/ADV Advert Application
Location	:	Civic Theatre Civic Centre Theatres Fairfield Road Chelmsford Essex CM1 1JG
Proposal	:	Installation of externally illuminated fascia signage (Halo-lit). Poster boxes, screens and banner signs. (Externally illuminated- Halo lit)
Applicant	:	Ms Louise Goodwin
Agent	:	Mr Nick Scales
Date Valid	:	11th April 2022

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Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

1. Executive summary

- 1.1. This application is referred to Planning Committee as the application relates to development at the Chelmsford Civic and Cramphorn Theatres and an objection has been received.
- 1.2. The site is located on the west side of Fairfield Road within the Urban Area of Chelmsford where commercial development is acceptable in principle. The proposed signage forms part of wider works to the City's theatres to update and enhance their appearance. Externally illuminated signs are common features on performance and theatre establishments and as such the development will complement and enhance both the function and appearance of the theatre complex.
- 1.3. The proposal has been amended within its lifetime to change to type of illumination from internally illuminated to halo lit. Halo lit signage has a softer appearance on the building resulting in an acceptable relationship with the neighbouring flats opposite the theatres. The level of luminance has also been reduced from 1200cd/m² to 600cd/m².
- 1.4. As such, the application is reported to committee with a recommendation that permission be granted.

2. Description of site

- 2.1. The site includes both the Civic theatre and the Cramphorn theatre.
- 2.2. Located within Chelmsford's City Centre.
- 2.3. There are residential flats opposite the site at first floor level and above. These are above ground floor commercial and mixed-use space.
- 2.4. The existing theatres include external illumination.

3. Details of the proposal

- 3.1. The proposal has been amended within the lifetime of the application.
- 3.2. This advert consent application seeks permission for:
 - New signage on the front and side elevation of the Cramphorn theatre to be halo lit maximum luminance of 600 cd/m²
 - New signage to the front of the Civic Theatre to include a large "C" and "Chelmsford Theatre" both to be halo lit at a maximum of 600cd/m²
 - New banner signage of front elevation externally lit from below, lighting the banner at a maximum of 600 cd/m²

- 3 External poster boards to the front of Civic theatre 1200mm x 1800mm back lit to maximum of 600 cd/m2

The signage on all elevations of both theatres is set to be switched off at 11pm. This is the same as the switch-off timing for the existing lighting and signage.

4. Summary of consultations

- Essex County Council Highways – Objected to the original proposal due to the illuminance levels exceeding 600 cd/m2.
- Public Health & Protection Services – No comments with regards to this application
- One Chelmsford BID Ltd – No comments received
- The Theatres Trust – Supports this application
- Local residents – 1 comment on the lighting impacting living conditions for flats opposite.

5. Planning considerations

Main Issues

- 5.1. The impact of lighting on neighbouring flats and impacts to highway safety.

Neighbouring amenity and appearance:

5.2 Paragraph 136 of the National Planning Policy Frameworks (NPPF) states that advertisements are only subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The NPPF recognises that poorly designed and placed advertisements can have a negative impact the quality and character of an area.

5.3 The new signs are to replace existing signage and lighting. As mentioned above the application has been amended during its lifetime to reduce the luminance levels of the signage and the type of lighting for the proposal. The proposed external advertisements are all to be lit by halo lighting. The signs on the front elevation of the theatres would face the first floor flats on the opposite side of the street. These flats already face across to centrally placed external downlighting which illuminate the lettering applied to the front of the Civic theatre and a street light. The lettering and downlights would be removed. The new Civic theatre sign would be placed on the southern end of the frontage incorporating a large 'C' with halo lighting and below smaller halo lit wording 'Chelmsford Theatre'. The reduced luminance and being set behind the signage reduces the lighting impact towards the residential flats. The level of illuminance is typical of an urban location. The lighting would be switched off at 11pm. The relationship with occupiers of neighbouring flats is considered to be acceptable.

5.4 The proposed signage on the Cramphorn theatre would be positioned on both the front facing and side facing elevations. The front facing signage would be halo lit and the distance between this signage and the flats opposite would be similar to that between the Civic theatre signage and flats. The relationship between this signage and flats would also be acceptable. The signage on the side elevation faces Fairfield Road car park. No objections are raised to this signage.

- 5.5 The existing large banner sign and lighting would be replaced with similar. No objection is raised.

5.4 The internally illuminated poster boards are set at street level and will be limited to a maximum luminance of 600 cd/m². As these signs are at ground level, they are located opposite the non-residential spaces within the bus shelter development. These would not have a harmful impact to the neighbouring amenity.

5.5 The proposal is considered compatible with its siting on the theatre buildings, and the amendments to the type of lighting for the signage and the luminance level would not harmfully impact neighbouring amenity.

Highway safety:

5.6 The amended luminance levels would meet the Highway Authority's standards maximum luminance levels for illuminated signage as contained within the Institution of Lighting Professionals PLG05 report, for zone E4 locations, which in this case is '600' Candelas per square metre (600 cd/m²). The proposed signage would not be harmful to highway safety.

Conclusion

5.7 The proposed signage would update and enhance the appearance of the theatres replacing the existing signage without appearing visually intrusive. The relationship with neighbours would be acceptable. There would be no risk to highway safety.

6. Community Infrastructure Levy (CIL)

6.1. This application is not CIL liable.

RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

Condition 1

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Condition 2

No advertisement shall be sited or displayed so as to endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military), obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air, or so as to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Condition 3

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Condition 4

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Condition 5

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Condition 6

The illumination of any advertisement displayed or any site used for the display of advertisements shall not exceed 600 candelas per square metre.

Reason:

In the interests of highway safety and amenities of the neighbouring residential properties in accordance with Policy DM29 of the Chelmsford Local Plan.

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>

Essex County Council Highways

Comments
<p>03.05.2022 - Your Ref: 22/00707/ADV</p> <p>The Highway Authority will protect the principle use of the highway as a right of free and safe passage of all highway users.</p> <p>From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:</p> <p>1. The proposed signage will exceed maximum luminance levels for illuminated signage as contained within the Institution of Lighting Professionals PLG05 report, for zone E4 locations, which in this case is '600' Candelas per square metre (600 cd/m²). If permitted, the luminance levels would cause drivers and other users of the highway to be subjected to excessive glare and dazzle which would be hazardous to the safety of all highway users.</p> <p>The proposal is therefore contrary to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.</p> <p>Notes:</p> <p>The proposal as submitted is to construct 6 internally illuminated poster sheets and 5 externally illuminated signs / banners. The externally illuminated signs / banners shall be externally illuminated with luminance levels of 1200 Candelas per square metre (1200 cd/m²) which is over the maximum luminance levels for externally illuminated signage as contained within the Institution of Lighting Professionals report of 600 cd/m² for signs under 10sqm in E4 locations.</p> <p>The Highway Authority may be able reconsider its position if the proposed signage has luminance levels in accordance with the standards as contained within the Institution of Lighting Professionals report.</p>

Public Health & Protection Services

Comments
<p>19.04.2022 - No PH&PS comments with regard to this application.</p>

One Chelmsford BID Ltd

Comments

No response received

The Theatres Trust

Comments

04.05.2022

Theatres Trust is the national advisory public body for theatres. We were established through The Theatres Trust Act 1976 'to promote the better protection of theatres' and provide statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2015, requiring the Trust to be consulted by local authorities on planning applications which include 'development involving any land on which there is a theatre'.

Thank you for consulting Theatres Trust on this application for advertisement consent at the Civic and Cramphorn Theatres, which seeks installation of new and replacement signage and poster boxes.

The theatre is undergoing a programme of refurbishment and upgrading, part of which was covered by a previous application which the Trust supported. We have also been consulted on a further application covering additional external works alongside this one, for which we have provided comments under separate cover. As part of this project the theatres are being renamed under unified branding, becoming known as Chelmsford Theatre.

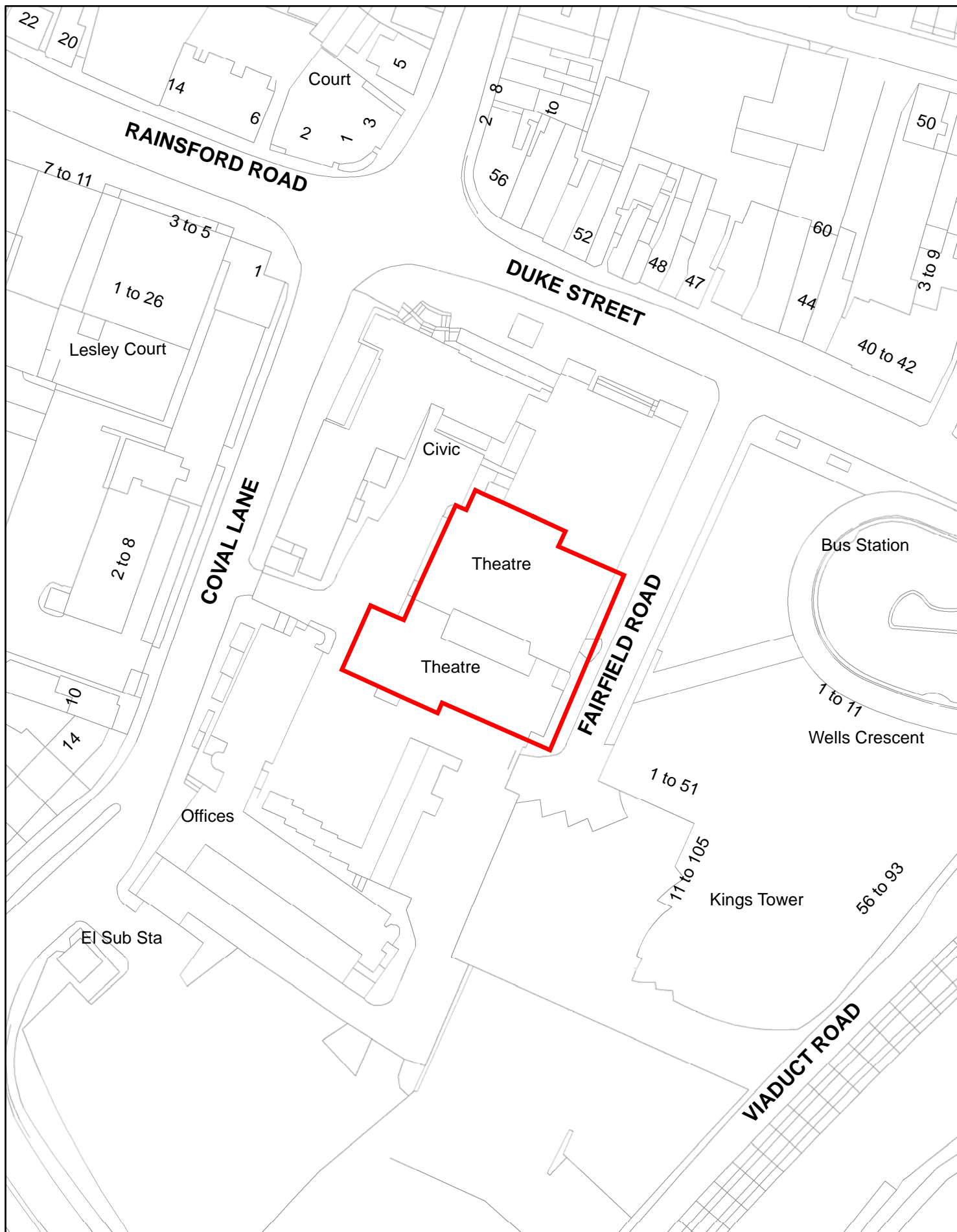
Therefore this application partly responds to the change of name, replacing the respective Civic Theatre and Cramphorn Theatre high-level lettering with Chelmsford Theatre internally-illuminated signage; the latter in broadly the same position and the former in a new location to the left of the main entrance. Additional internally-illuminated logo and lettering will be installed to the south-west elevation facing Marconi Plaza and the Fairfield Road car park. The current banners to the right of the main entrance and on the side south-western elevation will be renewed.

The existing poster boxes either side of the main entrance will be enlarged and replaced. Digital screens will be installed to the central frames of both sets of windows at the current Civic foyer. We would suggest that digital screens might be considered for all locations because these offer operational benefits of greater flexibility, frequency of changes and tailoring of messages. They also do not require manual changes and printing. Many such proposals to alter from posters to digital have come forward in recent times including at sensitive designated and non-designated heritage assets.

We do not consider that these alterations and additions will cause harm to amenity or impact on highway safety. Therefore we are supportive of the granting of advertisement consent.

Local Residents

Comments
Representations received – I have seen the application for the civic theatre to install illuminated signage and I would like this application to be rejected. As a resident in the apartment building opposite, the illuminated signage would be glaring into my bedroom every night and disrupting my sleeping pattern and affecting my health. Working a long full day, a peaceful night in my apartment is all I need and illuminated signage will keep me up affecting my work and health. I would sincerely hope that the council will take this seriously and reject these civic theatres application request for the sake of the residence and families living opposite. Thank you for your time.



0 10 20 40 Metres

1:1,000

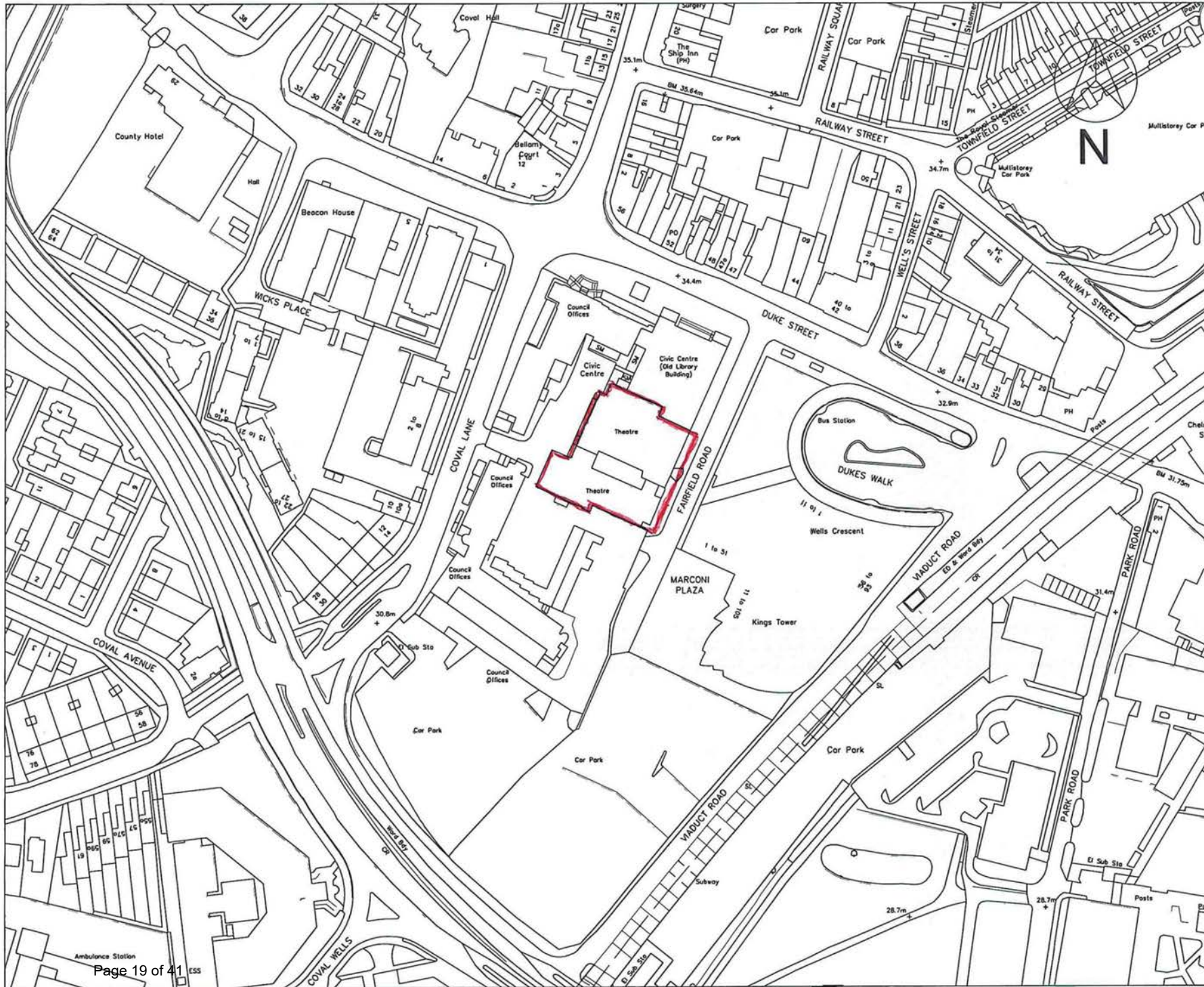


Planning Committee
****22/00707/ADV****

Planning & Development Management
Directorate for Sustainable Communities

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

Telephone: 01245 606826



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Rev	Description	Date

Chelmsford City Council
BUILDING SERVICES
DIRECTORATE OF PUBLIC PLACES
Civic Centre Duke Street Chelmsford Essex CM1 1JE
T: 01245 606606 E: buildadmin@chelmsford.gov.uk

Project
Civic Centre Complex
Duke Street
Chelmsford

Scale
1:1250 @ A3

Date
Jan. 2022

Drawing
Site Location Plan

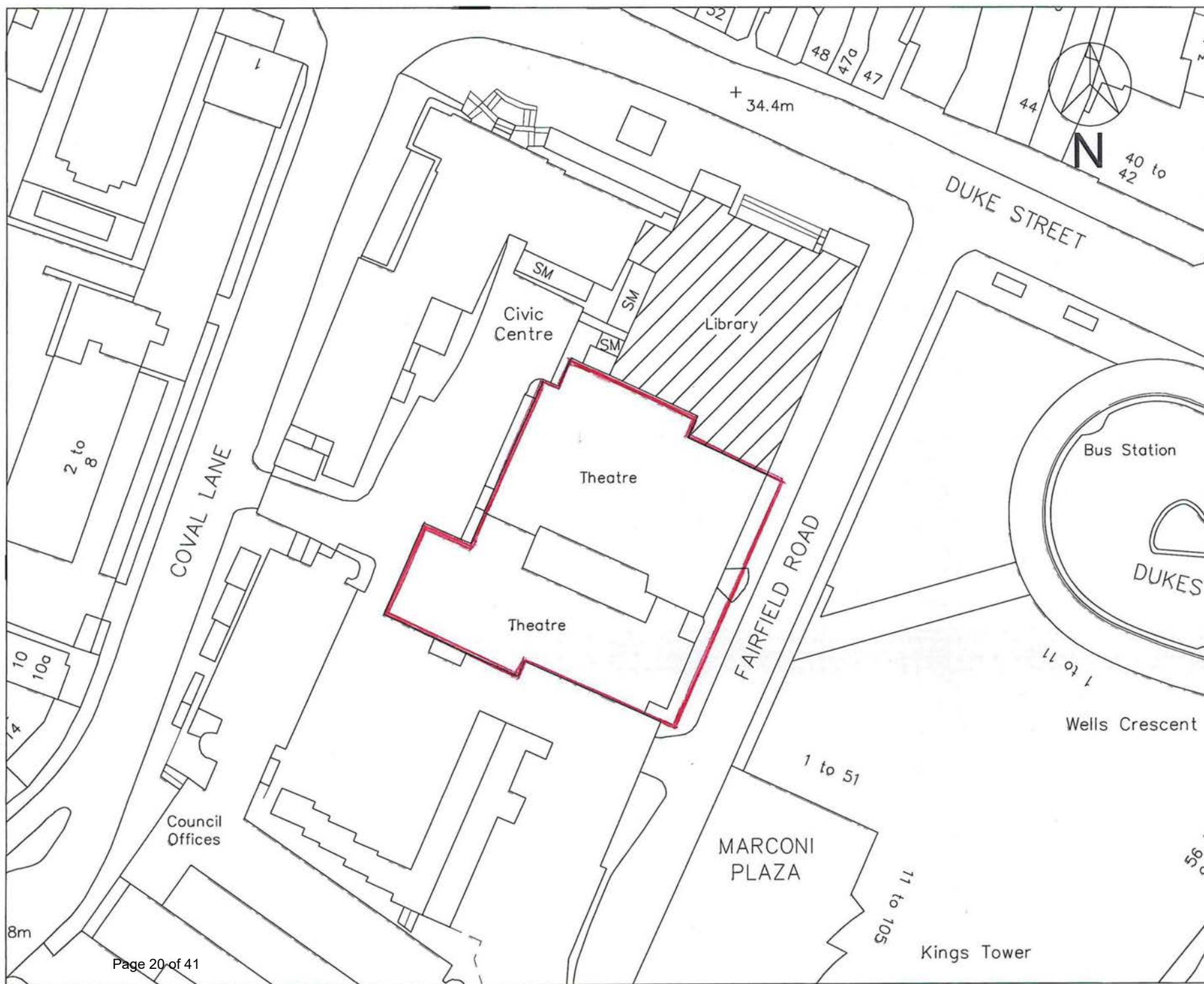
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Approved

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Rev	Description	Date
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BUILDING SERVICES
DIRECTORATE OF PUBLIC PLACES
Civic Centre Duke Street Chelmsford Essex CM1 1JE
T: 01245 606606 E: buildadmin@chelmsford.gov.uk

Project
Civic Centre Complex Duke Street Chelmsford

Scale	Date
1:500 @ A3	Jan. 2022

Drawing
Site Location Plan

Drawn by	Checked	Approved
AW		

Drawing number
R&P.604c/2205/02



Theatre

①
BANNER
SIGN

②
'C' SIGN &
'CHELMSFORD THEATRE'
SIGN BENEATH

③
BANNER SIGN
(AT FIRST FLOOR
ON SIDE ELEVATION)

Theatre
④
'CHELMSFORD
THEATRE'
SIGN

⑤
'CHELMSFORD
THEATRE' SIGN

FAIRFIELD ROAD

Rev	Description	Date
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DIRECTORATE OF PUBLIC PLACES
Civic Centre Duke Street Chelmsford Essex CM1 1JE
T: 01245 606606 E: buildadmin@chelmsford.gov.uk

Project
Civic Centre Complex
Duke Street
Chelmsford

Scale
1:200 @ A3

Date
Jan. 2022

Drawing
Proposed External Signage

Drawn by
AW

Checked

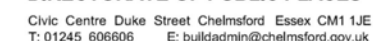
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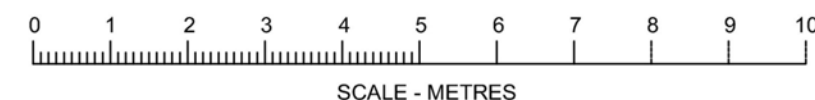
GENERAL NOTES

To be read in conjunction with
coloured images that show
correct fonts and lighting effects
for illuminated signage

Rev	Description	Date
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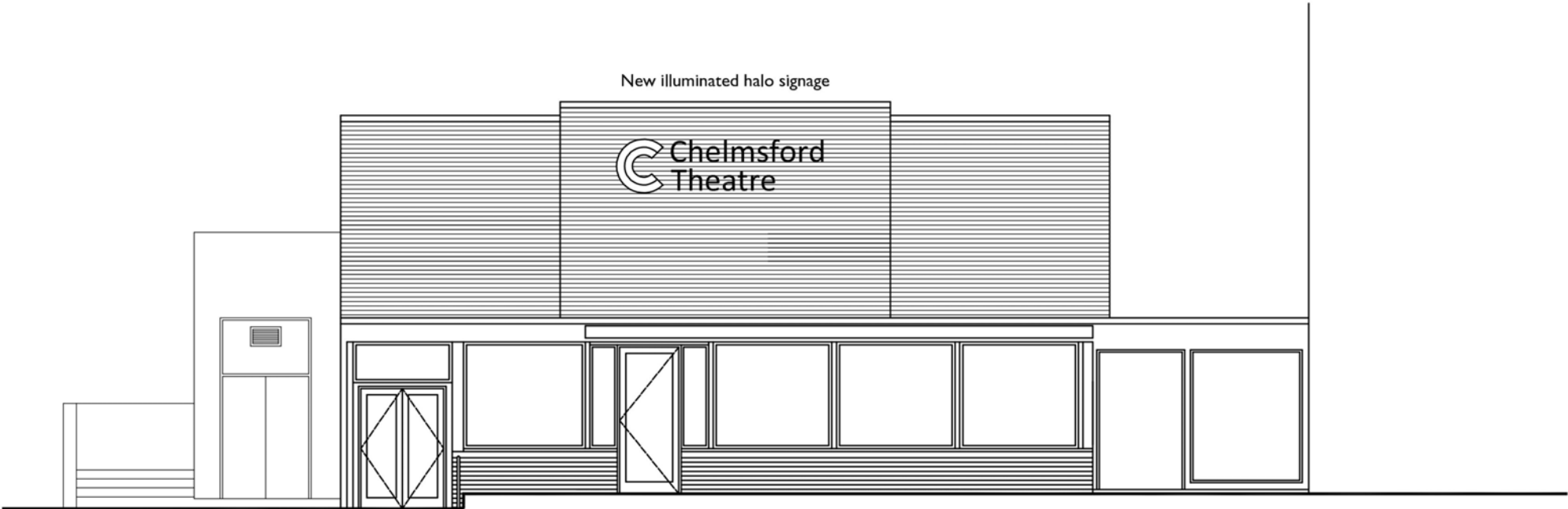


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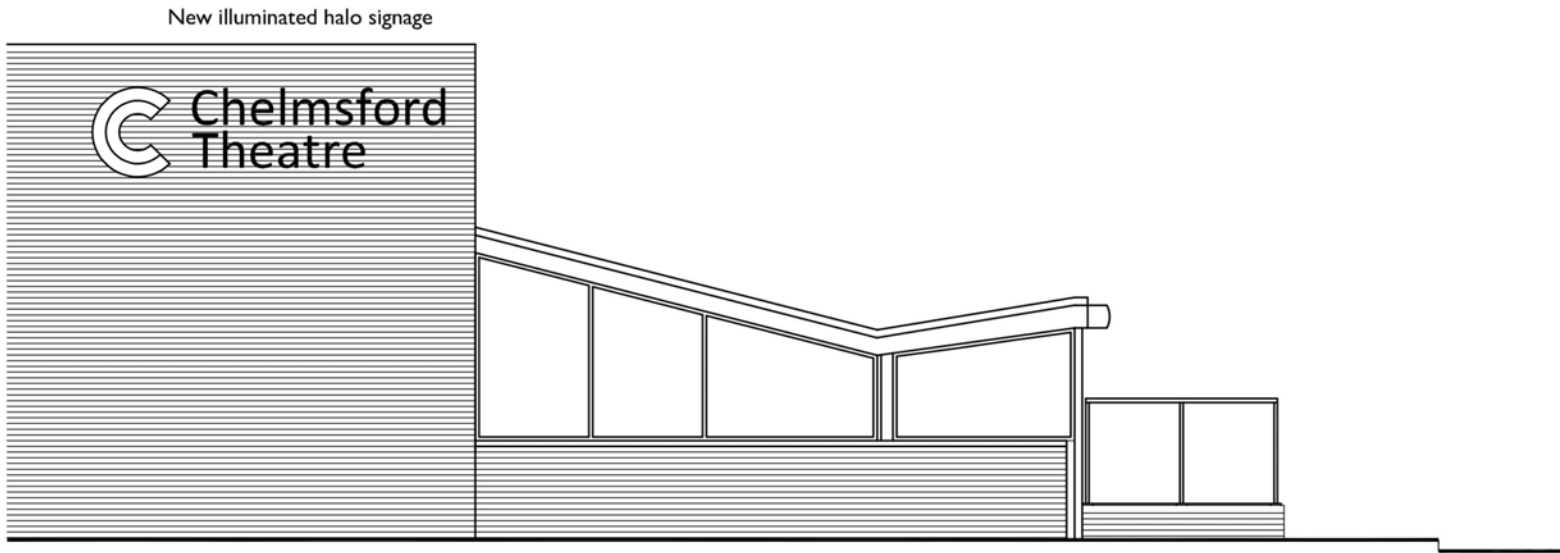


GENERAL NOTES

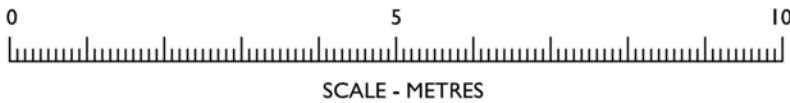
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PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



To be read in conjunction with
coloured images that show
correct fonts and lighting effects
for illuminated signage

PLANNING ISSUE

Rev	Description	Date
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BUILDING SERVICES
DIRECTORATE OF PUBLIC PLACES
Civic Centre Duke Street Chelmsford Essex CM1 1JE
T: 01245 606606 E: buildadmin@chelmsford.gov.uk

Project
Chelmsford Theatres
Fairfield Road
Chelmsford, Essex

Scale
1.100 @ A1

Date
APR 22

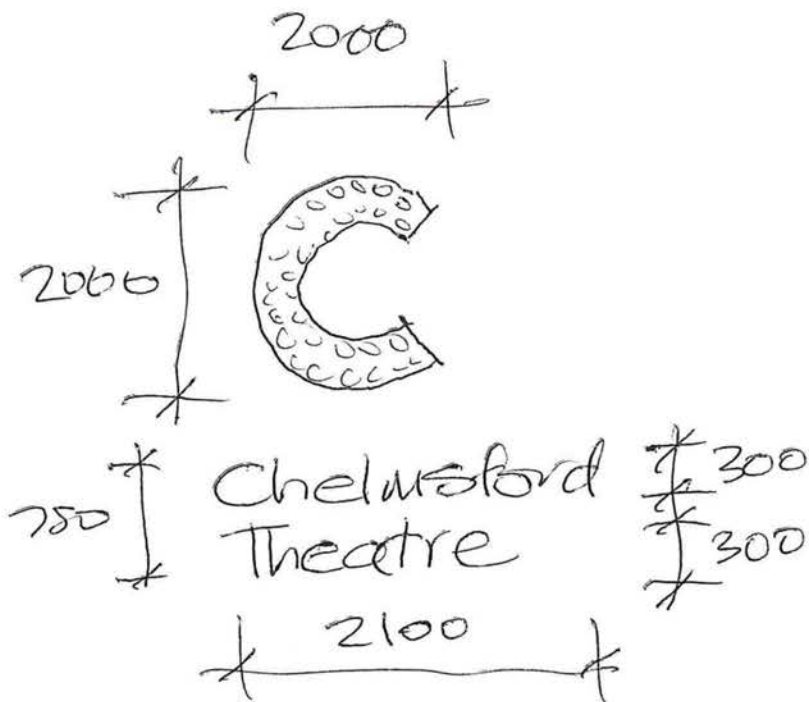
Drawing
Cramphorn Theatre
Proposed Facade Signage

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NS

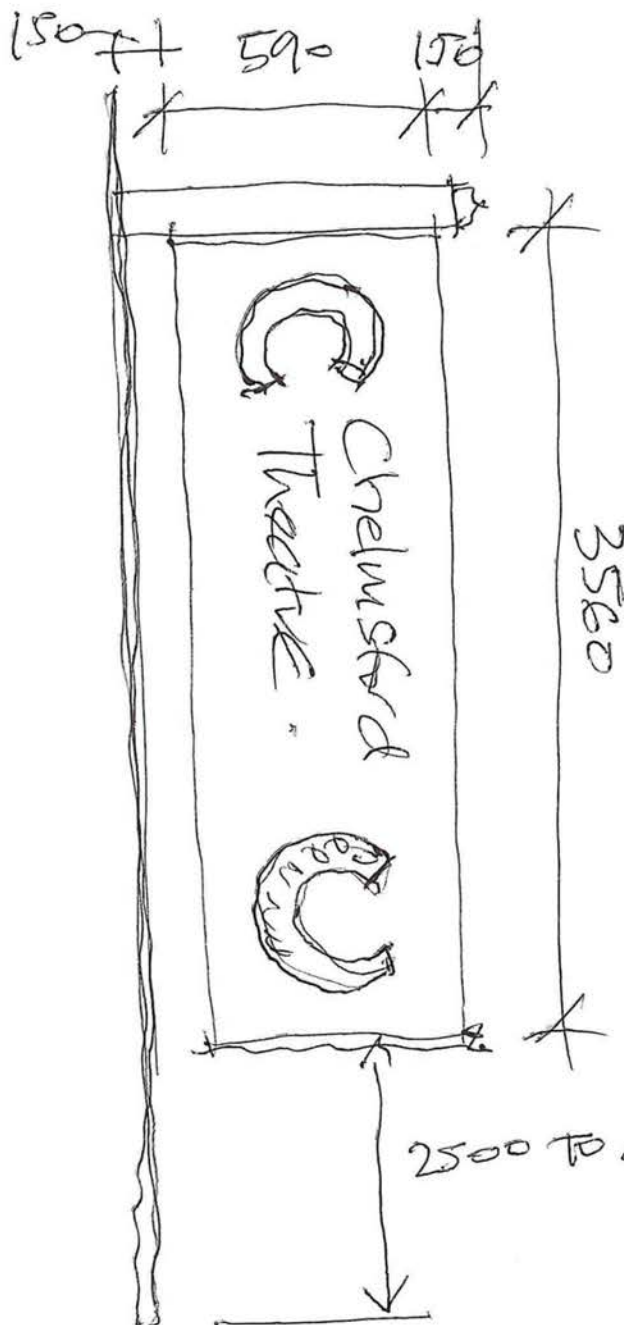
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CIVIC THEATRE
SIGN
CLEFT OF CANOPY.]



CIVIC THEATRE
BANNER SIGNS.

Chelmsford Theatres – Adverts Planning Application

Schedule of Adverts & Signage to be Removed

	Sign & Advert Description	No of Adverts/Signs
1.	Large 'Civic Theatre' high level illuminated fascia sign on front elevation	1
2.	Large 'Cramphorn Theatre' high level illuminated fascia sign on front elevation	1
3.	Large banner sign on Civic Theatre front elevation	1
4.	Large banner sign on Civic Theatre side elevation at boundary with Cramphorn Theatre	1
5.	One sheet illuminated poster boxes on Civic Theatre front elevation	4

Schedule of Proposed Adverts & Signage to be Installed

	Sign & Advert Description	No of Adverts/Signs
1.	Large 'C' sign and 'Chelmsford Theatre' illuminated 'halo' signs to front elevation of Civic Theatre at high level	1
2.	Large 'C' and 'Chelmsford Theatre' illuminated 'halo' signs to front elevation of Cramphorn Theatre at high level	1
3.	Large 'C' and 'Chelmsford Theatre' illuminated 'halo' signs to side elevation of Cramphorn Theatre facing Fairfield Road Car Park	1
4.	Illuminated Banner sign to Civic Theatre front elevation at high level	1
5.	Six sheet poster boxes (size 1200x1800mm) to front elevation of Civic Theatre at low level	3
6.	One sheet poster size Brightsign screens behind ground floor windows on front elevation of the Civic Theatre	2



CHELMSFORD THEATRES EXTERNAL BRANDING

V06 - 12TH MAY 2022





PLANNING COMMITTEE

31st May 2022

ITEM FOR INFORMATION ONLY

Subject	BEAULIEU OUTLINE PLANNING PERMISSION – 09/01314/EIA S106 AGREEMENT – SECOND VIABILITY REVIEW
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Purpose

Outline planning permission for a mixed-use, residential-led development at Beaulieu comprising up to 3,600 dwellings was granted on 7th March 2014; 09/01314/EIA refers.

The s106 Agreement committed the developer to provide at least 27% of the dwellings as affordable housing. Having regard to the long term nature of the scheme and the uncertainties inherent in any viability appraisal undertaken at the start of such a large development, the legal agreement requires the applicant, Countryside Zest, to review the viability of the development at two defined points (the First and Second Viability Reviews). The mechanism was put in place to determine whether an improved economic climate might allow for the delivery of a greater quantum of affordable housing.

The First Viability Review is to be undertaken prior to the implementation of the 1,400th residential unit and the Second Viability Review undertaken prior to the implementation of the 2,400th residential unit. The purpose of this report is to inform members of the outcome of the Second Viability Review.

The review has been carried out in accordance with the requirements of the s106 Agreement and independently scrutinised by the Council's appointed viability consultant.

Members are asked to note the contents of the Non-Technical Summary provided at Appendix 1, and that the scheme will deliver 27% affordable housing provision for the remainder of the development.

1. Introduction

- 1.1 Outline planning permission was granted for a mixed-use residential-led development at Beaulieu on 7th March 2014; 09/01314/EIA refers. Phases 1 and 2 of the development are currently under construction. The scheme will deliver up to 3,600 dwellings, 62,300m² of commercial floorspace including a new Business Park and neighbourhood centre (now complete) together with significant provision of open space, all through school campus and a second primary school, a radial distributor road and a new railway station.

- 1.2 The application was accompanied by a full scheme appraisal (the Initial Viability Assessment). The appraisal concluded that it would not only be impossible for the development to provide the full quantum of affordable housing required by the development plan policy at that time (35%) but achieving even the minimum quantum (27%), would result in a significant deficit relative to an agreed benchmark profit level. The Council's advisors at that time; Peter Brett Associates, accepted the conclusions of the assessment.
- 1.3 The planning permission is subject to a detailed s106 Agreement, which secures the provision of a significant level of physical infrastructure together with contributions towards on-site and off-site works. The agreement commits the applicant to provide at least 27% affordable housing provision, which was justified on grounds of economic viability.
- 1.4 Having regard to the long term nature of the scheme and the uncertainties inherent in any viability appraisal undertaken in relation to a development of this size and strategic significance, the s106 Agreement requires the applicant to review the viability of the development at two points. The mechanism was put in place in order to determine whether an improved economic climate might allow for the delivery of a greater quantum of affordable housing. The First Viability Review is to be undertaken prior to the implementation of the 1,400th residential unit and the Second Viability Review undertaken prior to the implementation of the 2,400th residential unit.
- 1.5 The First Viability Review was initiated in June 2019 and an information paper was presented to Planning Committee in September 2020. 1,185 homes had been the subject of reserved matters applications (856 market homes and 326 affordable homes), although a significantly lower number had been sold. The overall conclusion of the review was that the scheme could not be required to deliver more than 27% affordable housing at that time and was in deficit to the value of £1.1 million.
- 1.6 The Second Viability Review was initiated in June 2021; at that point, 651 market homes had been sold and 400 affordable homes contracted. The scheme is now being delivered by several parties other than Countryside Zest; namely London & Quadrant (independent of Countryside Zest) (Zones K & L), Anchor Hanover (independent assisted living scheme) (Zone J), Cala Homes (Zone V) and Bellway Homes (Zone W). Reserved matters have to date, been approved for 2,197 dwellings. Reserved matters have been submitted for a further 70 units on Zone T Residential and are currently pending consideration. Pre-application discussions are also progressing on two further residential parcels for in excess of 200 units. Officers are satisfied that the review has not been initiated prematurely on that basis. Further, it should be noted that there is no constraint on how early the review can be submitted, and that the trigger for the review is the implementation of development, rather than house sales.
- 1.7 The purpose of this report is to inform members of the outcome of the Second Viability Review.
2. s106 Agreement & Schedule 6: Affordable Housing Obligation
 - 2.1 The s106 Agreement requires that the Second Viability Review is undertaken prior to the implementation of the 2,400th residential unit to ascertain (i) whether the affordable housing can be increased from 27% up to a maximum of 35%, and (ii) in respect of any residential units provided as affordable housing over and above the 27% figure, whether the tenure split of affordable housing units can be altered from that set out within the s106 Agreement.

- 2.2 The s106 Agreement requires the review to follow a format set out in an appendix to the agreement; in this respect the inputs are carefully defined.

3. Reporting Mechanism

- 3.1 The decision to approve the Second Viability Review is a matter which falls to the Director of Sustainable Communities general responsibilities as set out in paragraph 3.4.8.1 of Part 3 of the Council's Constitution ('Development Management including decisions and representations on all planning applications and other applications'); this is because viability reviews are a common feature in the context of local planning authority development management, and there are no express constraints / limitations elsewhere in the Director's delegation that refer to viability reviews.
- 3.2 The function of approving (or not approving) the Second Viability Review does not involve the exercise of a planning or other value judgement, nor the exercise of any discretion; in short it does not involve decision making of the kind that the Planning Committee would take. The consideration of a viability review is a purely technical exercise. The carrying out of the viability review is typically undertaken by a chartered surveyor who has specialist expertise, as it has been in this case. The s106 Agreement, as outlined above, establishes the precise parameters and content of the viability review, in terms of the inputs it must contain and stipulates that the review is to be undertaken by completing pro forma worksheets; there is no scope for deviation, or addition.
- 3.3 The viability review is a mechanical / formulaic exercise, resulting in an accurate and objectively verifiable end product, namely, a deficit or surplus figure, or even a zero figure. The task of approving the viability review is limited to ensuring that (i) all the required inputs have been included, (ii) the pro forma has been adhered to, with nothing omitted or added, (iii) the maths is correct and (iv) the inputted figures (eg: projected revenue from house sales) have integrity, that is to say, they are not based on inadequate or flawed assumptions or projections. Our consultant is satisfied on all counts.

4. The Second Viability Review

- 4.1 The Second Viability Review has been analysed in some detail by an independently appointed viability consultant; Bailey Venning Associates. The scope of the consultant's work was to ensure that the figures submitted to the local planning authority by the applicant's advisors, Turner Morum, accurately reflected the scheme as constructed, and the definitions contained within the s106 Agreement.
- 4.2 The Second Viability Review, as originally submitted, was not accompanied by sufficient supporting information to allow the consultant to provide adequate scrutiny and there were various questions raised. Following further discussion with the applicant's advisors, comprehensive documentation followed, and additional information provided in response to the questions raised, allowing scrutiny to a level, which amounted to an 'open book appraisal'. Several exchanges of emails and phone calls took place before the consultant was able to reach his conclusion.

5. Key Findings

- 5.1 The overall conclusion of the applicant's Second Viability Review was that the scheme remained incapable of delivering more than 27% affordable housing. Changes arising since the

First Viability Review, had increased the deficit from £1.1 million to £20.3 million. The major components of change are set out in Section 2.0 of the Non-Technical Summary but in essence, whilst open market values had increased slightly, and affordable values have increased considerably, the cost of infrastructure had increased by an even larger amount.

- 5.2 The single largest change being in relation to the education contribution. The figure provided in the First Viability Review reflected the baseline figure in the s106, and the 2016 position, to which no indexation had been applied. The figure contained in the Second Viability Review included around 5 years of inflation, resulting in a cost increase of over £9 million.
- 5.3 Amendments had also been made to the scope of works for the Radial Distributor Road to account for changes to the nature of the track permissions granted by Network Rail, and an increase in the works period with consequential implications for costs. Costs had also increased for the Boreham Interchange Works, due to rises in material costs and a requirement for 24 hour working to limit the impact on traffic flow through the junction. The infrastructure cost increases were verified and agreed.
- 5.4 The majority of the consultant's time was spent considering the residential zoning plan and undertaking a variant analysis. Three units had been omitted from the schedule of completed sales for Zone G; this added £1.5 million in value, for no increase in cost.
- 5.5 The assumed construction costs for Zones Z and ZZ, the residential zones to be delivered close to the future Beaulieu Park Station were reviewed, following further information from the applicant; this piece of work, had the effect of reducing the overall deficit.
- 5.6 The assumptions made in relation to land sales were also interrogated. Zones W (Bellway Homes) and V (Cala Homes), both of which now have reserved matters approval were considered to resemble Zones O & P and Zones F & I respectively in density, both of which are now being implemented. The adoption of these proxies generated over £20 million in additional value for a cost increase of just £3 million.
- 5.7 The changes, as outlined above, when taken together, reduced the scale of the deficit from £20.3 million to £2.9 million.
- 5.8 The consultants noted that some residential zones, being delivered by third parties were being developed at slightly lower densities than had initially been anticipated. The proxy being used to determine the cost value relationship for future phases was therefore no longer the most robust available. On that basis, a variant analysis was undertaken for Residential Zones R, S and U, which has yet to be subject to a reserved matters application. The analysis used Zones O & P, which has reserved matters approval as a more appropriate proxy; this was because the consultants considered that Countryside Zest might actually find it more profitable to reduce the density on their own land parcels in a similar fashion to those being built out by other parties. The approach generated £5 million in additional value, but whilst it did reduce costs by almost £8 million, the net effect would still result in a scheme deficit of £5.84 million.
- 5.9 The changes made to the assumptions and the variant analysis, whilst having the effect of reducing the scale of the deficit considerably, do not mean that there is any surplus capable of delivering additional affordable housing.

6. Conclusion

- 6.1 Members are asked to note the conclusions of the report, that under the terms set out in the s106 Agreement, the scheme cannot be required to deliver more than 27% affordable housing for the remainder of the development.

List of Appendices

- Appendix 1 Beaulieu Park Second Stage Viability Review – Non-Technical Summary prepared by Bailey Venning Associates Ltd on behalf of Chelmsford City Council – 1st March 2022.

BEAULIEU PARK SECOND STAGE VIABILITY REVIEW - NON-TECHNICAL SUMMARY

1 March 2022

1.0 Introduction

Beaulieu Park is a major development at White Heart Lane on the outskirts of Chelmsford.

Planning Permission was granted in 2014 for up to 3,600 homes and up to 62,300m² of commercial space – to include a new business park, retail, hotel, and leisure uses. It will also include significant quantities of open space, two new schools, a radial distributor road, and a new railway station.

The S106 agreement associated with the scheme made provision for substantial contributions towards transport infrastructure, and environmental improvements. It also committed the developers to provide at least 27% of the units on the scheme in the form of affordable housing. Although this was some way short of the 35% required by policy, the reduction in the quota had been agreed on the basis of a comprehensive viability assessment and was subject to upwards only review prior to implementation of the 1,200th and 2,400th home.

The First Viability Review was submitted in June 2019. It argued that, based on the value and cost assumptions set out in the S106, the scheme was in deficit to the tune of approximately £40.3m. BVA was instructed to undertake a review of those submissions. In doing so, we raised a number of concerns.

- First, we noted that, although the values ascribed to the affordable housing was consistent with actual contracts concluded with L&Q, the values seemed a little light.
- Second, we noted that, on the definitions set out in the S106 agreement, a large number of items classified as Infrastructure were double counted – they should have appeared in the fees section.
- Third, we raised some concerns in respect of Land Value.
- Fourth, we expressed concerns about the make up of some of the zones covered by land sales.
- Finally, we were not fully satisfied as to the information presented in respect of the cost of the final zone.

Our review concluded in March 2020 that the scheme was in deficit but by a much smaller deficit than had originally been claimed - £1.1m.

2.0 Submission of Stage 2 Appraisal

Fifteen months later, in June 2021, the second viability was submitted. Whilst this was significantly earlier than anticipated, the trigger for the review is implementation rather than sales. We have consulted with officers and are satisfied that the review is not premature.

The new viability analysis used the same pro-forma template and took the conclusion of the previous assessment as its starting point.

The overall conclusion of the review was that, the scheme remained incapable of delivering more than 27% affordable housing and that changes which had occurred in the intervening period, had increased the deficit from £1.1m to £20.3m.

The major components of change are:

Positive Changes

- Private Housing Revenue has increased by £23.9m (approx. 2%)
- Affordable Housing Revenue has increased by £11.9m (approx. 9.6%)

Negative Changes

- Construction costs have increased by £15.7m (approx. 2.6%)
- Infrastructure, S106 and S278 costs have increased by £28.1m (21%)
- Professional Fees have increased by £2.7m
- Finance Costs have increased by £1.8m
- Marketing Fees and Affordable Transfer Fees have increased by £1.0m
- Profit has increased by £5.5m.

Given the limited number of open market sales that took place between the first and second stage reviews, it is to be expected that values would change only a little. We have reviewed the achieved values and related them to the revised projections. We are satisfied that they properly reflect the values in the manner stipulated in the S106.

The increase in affordable housing values is a positive development. We had suggested as part of our Stage One review, that affordable values seemed to be at least 5% too low. The revised projections increase the affordable housing values by 10%. They are now in line with our projections.

However, despite £36m in additional Value, the scheme has also seen significant increases in costs.

Construction costs had risen by £15.7m – an increase of 2.6%. Note that this was on the basis of information received prior to the submission of the review. Construction cost inflation has accelerated dramatically since that time.

The allowance for the cost of infrastructure is the single largest reason for the deterioration in viability between the Stage 1 and Stage 2 Reviews. The increase of almost £30m arises from a number of sources. Some of these are simple increases between the original estimates and the bids actually received for work. However, the majority of the increases come from changes to scope.

The single largest change in the infrastructure schedule relates to the education contribution. The figure in the Stage One Review reflected the base figure in the S106. This reflected a 2016 - to which no indexing had been applied. The figure in the Stage 2 Review therefore included around five years' work of inflation – resulting in a cost increase of over £9m.

We are satisfied that the current infrastructure cost assumption is an accurate or even slightly conservative assessment.

Allowances for Fees, Finance, Marketing and Profit are all defined in the S106 as functions of the major terms discussed above.

3.0 Changes to the Submitted Viability Review

Our investigations initially identified three sales, which had been missed from the schedule of completed sales. This added around £1.5m in values for no increase in cost.

In respect of our concerns about the assumed construction costs on the final Zone (Z,ZZ) we received further information from the applicant in late December 2021 which amounted to a schedule of accommodation for that zone. On the basis of this information, we were able to assess the assumed costs more effectively. Previously and based upon our prior understanding of the proposals for that Zone, we had considered the possibility of a reduction in costs of around £7m. Following receipt of the new information we still consider that there is scope for a reduction of £1.8m.

The majority of our time in undertaking this review has been concerned with understanding the extensive changes to the Zoning Plan. Following the receipt of further information from the applicant's representatives and cross referencing with officers, we are now satisfied that we better understand what is proposed.

On that basis, we concluded that the assumptions made by the applicant in respect of the land sales (that they would have a similar profile of development to the previously

developed zones M, N and Q) was unreliable. We concluded that the parcels known as Zones W and V would more closely resemble Zones O&P and Zones F&I respectively. The adoption of these proxies generates over £20m in additional value for a cost increase of just £3m.

Taken together, the changes we made reduce the scale of the deficit from £20.3m to £2.9m

In assessing the composition of the reconfigured zones, we noted that many parts of the site which are to be sold off to third parties will be developed at slightly lower densities than anticipated. This is why we adopted denser zones as proxies to reflect the development economics of the parcels retained by CZ.

However, we also considered the possibility that, the applicant would actually find it more profitable to reduce the density of their own land parcels in a similar fashion. This was the basis of our variant analysis in which we used Zones O&P as a proxy for zones R,S &U. This approach would generate only £5m in additional Value but it would reduce costs by almost £8m. The net effect then would be a scheme deficit of £5.84m.

In this variant analysis then, the scheme remains unviable and by a wider margin than in our standard analysis. However, that variant appraisal reflects the development of 3,530 homes overall.

It is conceivable that the applicant may seek to relocate any units not provided on Zones R, S & U elsewhere on the scheme. That *could* generate a modest amount of additional revenue but doing so could result in a breach of the parameter plan.

4.0 Conclusion

The Stage One Review submitted by the applicant suggested that the scheme could not provide additional affordable housing and that the development was, in fact, generating a deficit of £40m. Following scrutiny of that document, we concluded that the deficit was real but considerably smaller than the applicant had argued - £1m.

The Applicant's Stage Two Review then argued that, following the conclusion of the Stage One Review, the deficit had widened again – to £20.3m. the reason for this is that, although open market values have increased slightly and affordable values have increased considerably, the cost of infrastructure has increased by an even larger amount.

Our Review confirms the scale of the increase in the cost of infrastructure.

However, following the changes to the Zoning Plan, we concluded that the proxies used to determine the cost:value relationship for future phases were no longer the most robust available. We therefore made some changes to these assumptions, which had the effect of reducing the scale of the deficit considerably but we cannot conclude that there is any surplus capable of delivering additional affordable housing.

Appeals Report

Appeal Decisions received between 20/04/2022 and 19/05/2022

PLANNING APPEALS

Total Appeal Decisions Received	10	
Dismissed	10	100%
Allowed	0	0%
Split	0	0%

Written Reps

Village Hall Common Road Stock Billericay CM4 9NF

Reference	21/00162/S73
Proposal	Removal of condition 1 to approved planning application 21/00162/FUL (Retrospective application for the construction of entrance gate with associated landscaping). To remove the requirement of the landscaping scheme.
Appeal Decision	Appeal Dismissed - 27/04/2022
Key Themes	Impact on setting and character of the conservation area.
Agreed with CCC on	Agreed that removal of the landscaping scheme would be harmful to the setting of the conservation area.
Disagreed with CCC on	None.
Costs Decision	None

Householder

PJ Food Stores 2 Writtle Road Chelmsford CM1 3BX

Reference	21/01001/ADV
Proposal	Retention of an externally illuminated billboard sign.
Appeal Decision	Appeal Dismissed - 11/05/2022
Key Themes	Harm to visual amenity and harm to highway safety
Agreed with CCC on	Harm to visual amenity
Disagreed with CCC on	Harm to highway safety
Costs Decision	None

1 - 2 Corporation Road Chelmsford Essex CM1 2AR

Reference	21/01869/ADV
Proposal	Replacement of existing non-illuminated 48 sheet advertising billboard with illuminated digital advertising billboard.
Appeal Decision	Appeal Dismissed - 27/04/2022
Key Themes	impact of adverts on the setting of nearby designated and non-designated heritage assets.
Agreed with CCC on	agreed that the proposed digital advertising board would be harmful to the setting of nearby non-designated heritage asset.
Disagreed with CCC on	disagreed that the proposed digital advertising board would not be harmful to the nearby designated heritage asset.
Costs Decision	None

Mapletree Cottage Brook Lane Great Baddow Chelmsford CM2 7SX

Reference	21/01376/FUL
Proposal	Demolition of existing conservatory. Roof extension with additional new dormer windows. Construction of single storey rear extension.
Appeal Decision	Appeal Dismissed - 29/04/2022
Key Themes	Green Belt impact; protected species (did not consider)
Agreed with CCC on	Disproportionate extensions; inappropriate development
Disagreed with CCC on	
Costs Decision	None

25 Galleywood Road Great Baddow Chelmsford Essex CM2 8DH

Reference	21/01749/FUL
Proposal	Proposed five brick piers, metal railings and low-level lighting.
Appeal Decision	Appeal Dismissed - 28/04/2022
Key Themes	Impact on the character of the street scene
Agreed with CCC on	Impact on the character of the street scene
Disagreed with CCC on	
Costs Decision	Appellant's application for costs: Costs refused

Wards Lodge Loves Green Highwood Chelmsford Essex CM1 3QJ

Reference	21/01471/FUL
Proposal	Replace 1.3m high 5 bar wooden gate with 2m high ornate metal gate
Appeal Decision	Appeal Dismissed - 05/05/2022
Key Themes	Affect of gates on openness of Green Belt. Inappropriate development in Green Belt. Affect of Gates on setting of Designated heritage asset. Affect on character and appearance of the area.
Agreed with CCC on	Agreed gates would be inappropriate development in the green belt. Agreed would be harmful to character and appearance of the area. Agreed would have harm on the setting of a listed building
Disagreed with CCC on	None
Costs Decision	None

92 Patching Hall Lane Chelmsford Essex CM1 4DB

Reference	21/02202/FUL
Proposal	Installation of Sliding Electric Gate
Appeal Decision	Appeal Dismissed - 26/04/2022
Key Themes	Highway safety
Agreed with CCC on	Gate located 4m from highway would prejudice the safety of highway users
Disagreed with CCC on	
Costs Decision	None

3 Birdie Close Little Waltham Chelmsford CM3 3FW

Reference	21/02401/FUL
Proposal	Retrospective application for replacement timber cladding and construction of brick feature wall
Appeal Decision	Appeal Dismissed - 03/05/2022

Key Themes	Impact on the character of the street scene and poor design
Agreed with CCC on	Impact on the character of the street scene and poor design
Disagreed with CCC on	-
Costs Decision	None

184 Maldon Road Great Baddow Chelmsford Essex CM2 7DG

Reference	21/01941/FUL
Proposal	Restrospective application for brick pillars and wooden gate.
Appeal Decision	Appeal Dismissed - 05/05/2022
Key Themes	design - dominant harm to character and appearance of the areahighway safety
Agreed with CCC on	harmful design, highway safety
Disagreed with CCC on	-
Costs Decision	None

Bechers Watchouse Road Galleywood Chelmsford CM2 8NE

Reference	21/02197/FUL
Proposal	Formation of access and works to front driveway
Appeal Decision	Appeal Dismissed - 29/04/2022
Key Themes	HIGHWAY SAFETY, IMPACT TO CHARACTER AND APPEARANCE
Agreed with CCC on	IMPACT TO CHARACTER AND APPEARANCE, HIGHWAY SAFETY
Disagreed with CCC on	None.
Costs Decision	None