

Planning Committee Agenda

6 August 2019 at 7pm

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

Membership

Councillor J A Sosin (Chair)

and Councillors

L Ashley, H Ayres, S Dobson, P Hughes, R J Hyland, R Lee,
L Mascot, G H J Pooley, R J Poulter, T E Roper, C Shaw,
R J Shepherd, M Springett and I Wright

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PLANNING COMMITTEE

6 August 2019

AGENDA

PART I

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

1. **CHAIR'S ANNOUNCEMENTS**
2. **APOLOGIES FOR ABSENCE**
3. **MINUTES**

To consider the minutes of the meeting held on 9 July 2019.

4. **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 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 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, those who spoke under public questions at the previous meeting may not repeat their questions or statements.

5. **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.

6. **BEAULIEU PARK, WHITE HART LANE - 19/00581/REM**
7. **PLANNING APPEALS**

PART II (EXEMPT ITEMS)

NIL

MINUTES

of the

PLANNING COMMITTEE

held on 9 July 2019 at 7:00 pm

Present:

Councillor J A Sosin (Chair)

Councillors L Ashley, H Ayres, S Dobson, P V Hughes, R J Hyland, R Lee,
G H J Pooley, R J Poulter, T E Roper, C Shaw, R J Shepherd,
M Springett and I Wright

Also present: Councillors K Bentley and J Lager

Apologies for absence: Councillor L Mascot

1. **Chair's Announcements**

For the benefit of the public, the Chair explained how the arrangements for the meeting and the basis on which the Committee would be making decisions on the applications before it.

2. **Minutes**

The minutes of the meeting held on 16 April 2019 were confirmed as a correct record and signed by the Chair.

3. **Public Question Time**

Members of the public attended to ask questions and make statements on items 6 and 8 on the agenda. Details are recorded under the relevant minute numbers 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. Those declared are referred to in the relevant minute numbers below.

5. **Appointment of Vice Chair**

RESOLVED that Councillor Ian Wright be appointed as the Vice Chair of the Committee for 2019/20.

6. **45-47 New Writtle Street, Chelmsford – 19/00481/FUL**

The Committee considered an application for the demolition of the existing church building on the site of 45-47 New Writtle Street, Chelmsford and the erection of eight single occupancy one-bedroom apartments. A Green Sheet of amendments and alterations was circulated which referred to the receipt of amended plans for the application.

Two members of the public and a local ward councillor attended to speak against the application. Their opposition centred on the following:

- The three-storey element of the development exceeded the height of the adjacent building at 44 New Writtle Street and in its scale and density was not appropriate to the area. It was contrary to Policies DC 37 and 45 and set a precedent for other developments on street corners.
- The design of the scheme and whether it had been assessed by an expert on design was questioned.
- The change of use of the church building represented the loss of a community facility.
- The development would add to pressure on parking in the area.
- There would be disturbance to neighbours from the use of the bin and bike storage areas.

A representative of the applicant said that the application was in a good location for such a development and was sustainable in that it was close to the city centre and transport links. The design was of a good quality and appropriate to its surroundings and there would be no adverse impact on the amenity of residents of nearby properties.

In response to the points made by those who had spoken, the officers told the Committee that:

- The scheme had been seen by a design expert, whose comments were displayed at the meeting. The development would not, in the officers' opinion, be harmful to the area.
- There were examples of other developments in Chelmsford involving adjacent two- and three-storey buildings that worked successfully.
- In relation to the three-storey element being overbearing, the planned building was not significantly larger than the existing structure.
- The site of the church had been marketed in 2017 and expressions of interest invited to continue that use. It had attracted no firm interest, however, mainly because of the lack of parking and the cost of renovating the existing building. The tests in existing policy relating to the loss of community facilities had been met in this case.
- The site was near the city centre and close to bus and rail services as well as shops. Residents of the development would not be eligible for parking permits.

During their discussion of the report, members' concerns and questions focused on the loss of a community facility, the adequacy of the amenity space in the new development; the relationship between the three-storey element and the two-storey buildings nearby; and the lack of parking.

The officers explained that the cost of renovating the present church was a factor in the lack of interest in preserving that use. The amenity area would be for the private use of the residents of the new develop and those living in the three-storey element would access it via the passageway between it and 44 New Writtle Street. The shape and location of it was dictated by the size, shape and location of the site. The one-storey element of the proposed scheme enabled the preservation of adequate light to the properties on New Writtle Street. Although residents of the development would not have parking permits, visitors' permits would be available. Developments of this type without parking had been successful elsewhere in the city.

Despite the reservations of some members about certain aspects of the scheme, the Committee felt that it had no sound policy grounds on which to refuse it.

RESOLVED that application 19/00481/FUL in respect of 45-47 New Writtle Street, Chelmsford be approved, subject to the conditions detailed in the report to the meeting.

(7.06pm to 7.55pm)

7. **Land North of Car Park, Compass Gardens, Creekview Road, South Woodham Ferrers- 19/00279FUL**

Councillor P V Hughes declared a non-pecuniary interest in this application and withdrew from the meeting during its consideration.

An application had been submitted for the construction of a clubhouse and changing rooms on land near Compass Gardens, Creekview Road, South Woodham Ferrers currently used for recreational purposes.

In response to questions from members, officers informed the Committee that Creekview Road and Woodham Ferrers Road were already used for overspill parking when matches were taking place. It was likely that this development would create greater demand for parking. It was not known when future development in South Woodham Ferrers would be taking place and to what extent it would include facilities for sport. Whilst always seeking to be supportive of new recreational provision, the local planning authority required that it be in the correct location, which in this case it was not.

The Committee agreed that the proposal was in the wrong place but said that it could be considered again if a more suitable location was found.

RESOLVED that application 19/00279/FUL in respect of land north of the car park in Compass Gardens, Creekview Road, South Woodham Ferrers be refused for the reasons set out in the report to the meeting.

(7.55pm to 8.15pm)

8. **Ramsden Hall School, Heath Road, Ramsden Heath, Billericay – 19/00633/FUL**

The Committee had before it an application for the extension of the existing teaching block at Ramsden Hall School to provide new replacement and additional teaching facilities; the erection of a new replacement residential accommodation block; and associated soft and hard landscaping and replacement parking. A Green Sheet of amendments and alterations was circulated, which included an amendment to Condition 6 should the application be approved. The applicant's agent attended the meeting to speak in support of the application.

The Committee accepted the very special circumstances detailed in the report and outlined at the meeting for departing in this case from the policy of not granting permission for development that would be harmful to the Green Belt. It expressed the hope that the Victorian building on the site would continue to be used and preserved as a heritage asset.

RESOLVED that:

1. the Committee, being minded not to refuse application 19/00633/FUL in respect of Ramsden Hall School, Ramsden Heath, Billericay, refers it for consultation to the Secretary of State as required by Articles 9 and 10 (as development covered by Article 4) of the Town and Country Planning (Consultation) (England) Direction 2009; and
2. upon expiry of the 21 day period in which the Secretary of State has to respond from the date on which they confirm receipt of the material required under Article 10, or upon notification that the Secretary of State does not intend to intervene (if received sooner than the 21 day period), the Director of Sustainable Communities be authorised to grant the application, subject to the conditions detailed in the report to the meeting, as amended by the Green Sheet.

(8.15pm to 8.41pm)

9. **Planning Appeals**

RESOLVED that the information on appeal decisions between 28 February and 28 June 2019 be noted.

(8.41pm to 8.43pm)

10. **Urgent Business**

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

The meeting closed at 8.43pm.

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

- CP1** Core Policy CP1 Securing Sustainable Development - The City Council will promote and secure sustainable development by linking housing and employment needs and directing development to locations supported by effective transport provision, leisure, community and other essential services, whilst minimising damage to the environment and actively securing environmental enhancements. When considering development proposals the City Council will take a positive approach reflecting the presumption in favour of sustainable development contained in the NPPF.
- CP2** Core Policy CP2 The City-wide Spatial Strategy - All proposals for development will be considered in the context of the City-wide Spatial Strategy which sets out the City Council's vision for development growth in the Borough in the period up to 2021.
- CP3** Core Policy CP3 Phasing of Development - In accordance with City-wide Spatial Strategy, the City Council will seek to make the best use of the opportunities for achieving the intensification of urban areas by promoting the development of previously developed land within the Chelmsford Town Centre Area Action Plan area, the Urban Areas of Chelmsford and South Woodham Ferrers and within the Defined Settlements.
- CP4** Core Policy CP4 - Securing Infrastructure - The Council will require, through the use of planning contributions, that all new development meets the necessary on and off-site infrastructure requirements required to support the development and mitigates the impact of that development on existing community interests. Standard charges and/or standard formulae, as appropriate, will be imposed for payment of financial contributions towards infrastructure, works or facilities.
- CP5** Core Policy CP5 Containing Urban Growth - Urban growth will be contained by defining the physical limit of the urban areas of Chelmsford and South Woodham Ferrers and the Defined Settlements.
- 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.
- CP15** Core Policy CP15 Meeting the Housing Needs of Our Communities - The City Council will require a mix of dwelling types and sizes, including affordable housing, to be provided in each new housing development to accommodate a balance of different household types and contribute to the creation of mixed and inclusive communities.
- 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.
- CP21** Core Policy CP21 Ensuring Buildings are Well Designed - All new buildings should be well designed, fit for purpose, appropriate for the site and its setting and adaptable for long term use. Additionally they should be designed to make best use of sustainable construction techniques.
- DC3** Development Control Policy DC3 Managing Development Density in Different Locations - Proposals for residential development shall optimise the capacity of the site in a manner that is compatible with the use, intensity, scale, character and grain of the surrounding area and the size of the site.
- 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.
- DC6** Development Control Policy DC6 Criteria for Transport Assessments - All developments which are likely to generate significant amounts of vehicle movement or fall within the thresholds set out in appendix E will require a transport assessment. Development will be refused where the residual cumulative impacts of development are severe and no appropriate mitigation measures can be achieved.
- DC7** Development Control Policy DC7 Vehicle Parking Standards at Developments - All development will be required to comply with the vehicle standards as set out at Appendix C of the Core Strategy and Development Control Policies Development Plan Document.
- DC13** Development Control Policy DC13 Site of Biodiversity and Geological Value - The City Council will seek to restore, maintain, and enhance biodiversity and geological conservation interests. Appropriate weight will be attached in respect of designated sites when determining planning applications.
- 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.
- 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.
- DC26** Development Control Policy DC26 Contaminated Land - Planning permission will only be granted for development on, or near to, former landfill sites or on land which is suspected to be contaminated, where the City Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land and that there will be no adverse impact on the quality of local groundwater or surface water quality.
- DC31** Development Control Policy DC31 The Provision of Affordable Housing - The City Council will require the provision of 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential sites, subject to set criteria.
- 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.
- DC41** Development Control Policy DC41 Traffic Management Measures - All developments must include appropriate traffic management measures to facilitate the safe and efficient movement of people and goods by all modes whilst protecting and enhancing the quality of life within communities.
- 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.
- DC43** Development Control Policy DC43 Promoting Public Art in New Development - The City Council will seek the provision of public art in association with all developments of 10 or more dwellings or for more than 1,000 square metres of floorspace or that have significant impact upon the public realm or a high degree of public access.

- 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.

EMERGING CHELMSFORD DRAFT LOCAL PLAN

- 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.
- LPHO1** Local Policy H01 Size and Type of Housing - The Council will protect existing housing from redevelopment to other uses and will require an appropriate mix of dwelling types that contribute to current and future housing needs and create mixed communities. For major developments all dwellings shall be constructed to meet requirement M4 (2) of the Building Regulations. On sites of 30 or more dwellings 5% off the affordable units shall be provided as wheelchair user dwellings.
- LPHO2** Local Policy H02 Affordable Housing and Rural Exception Sites - The Council will require the provision of 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential sites which comprise 11 or more residential units or comprise a maximum floorspace of 1,000sq. Permission will be granted for affordable housing within Designated Rural Areas for local rural housing need subject to compliance with prescribed criteria.
- 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.
- LPMP3** Local Policy MP3 Sustainable Buildings - All new dwellings and non-residential buildings shall incorporate sustainable design features to reduce carbon dioxide and nitrogen dioxide emissions and the use of natural resources. New dwellings and non-residential buildings shall provide convenient access to electric vehicle charging point infrastructure.
- LPMP5** Local Policy MP5 Parking Standards - All development will be required to comply with the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) or as subsequently amended.
- 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.
- 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
- LPPA2** Local Policy PA2 Contamination and Pollution - Permission will only be granted for developments on or near to hazardous land where the Council is satisfied there will be no threat to the health or safety of future users and there will be no adverse impact on the quality of local ground or surface water. Developments must also not have an unacceptable impact on air quality and the health and wellbeing of people.
- SPDMP** The Making Places Supplementary Planning Document (known as Urban Site Guidance at consultation stage) provides design guidance for development of sites within urban areas and defined settlements, to raise the standard of design in residential and mixed-use development.
- 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.
- SPS2** Strategic Policy S2 Securing Sustainable Development - The Council will take a positive approach when considering development proposals that reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. Sustainable Development in Chelmsford will demonstrably contribute to the Local Plan Vision and Spatial Principles and will accord with the policies in this Local Plan and where relevant, Neighbourhood Plan policies
- 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.

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

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

6th August 2019

Application No	:	19/00581/REM Approval of Reserved Matters
Location	:	Beaulieu Park White Hart Lane Springfield Chelmsford
Proposal	:	Development of Zones K and L: Construction of 300 dwellings (92 x 1 bed, 141 x 2 bed and 67 x 3 bed) with associated infrastructure, servicing, landscaping and car parking spaces.
Applicant	:	London & Quadrant Housing Trust
Agent	:	DWD Property & Planning
Date Valid	:	24th April 2019

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Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

1. Executive Summary

- 1.1. The application is referred to planning committee at the request of a local ward member.
- 1.2. Zones K & L Residential form part of the second phase of a mixed use, residential-led development at Beaulieu. The scheme would deliver 300 dwellings, comprising a mix of 1, 2 and 3 bed units including 81 affordable units and 9 wheelchair accessible units.
- 1.3. The layout of the scheme responds to the position of important trees and hedgerows, adjacent areas of public open space, Bridleway 18 Broomfield and Public Footpath 19 Broomfield.
- 1.4. A series of apartment buildings are proposed along the southern edge of the site; these have been arranged to present strong, well-articulated gables to the street and to reflect the gable elements of the existing properties within Regiment Gate. The remainder of the scheme, extending northwards to Bridleway 18 Broomfield, has been designed to be more domestic in scale, in contrast to the apartment buildings along the southern edge. The scheme takes its cue from the Tudor architecture of Beaulieu Palace, (now part of New Hall School), and the gable forms, detailing and materials used in neighbouring zones.
- 1.5. The reserved matters accord with the requirements of the NCAAP and the development principles established by the outline planning permission. The area of non-conformity with Parameter Plans 5 - Landscape Character and 6 - Public Open Space, as outlined within the report, does not raise any issues other than of local significance. Approval is recommended.

2. Description of Site

- 2.1. The application relates to an area of former arable farmland situated adjacent to the northern boundary of the Beaulieu development site. Bridleway 18 Broomfield is located immediately to the north of the site, beyond which extends Phase 1 of the Channels development (Bellway Homes). The bridleway routes south, between Residential Zones K and L, into Residential Zone C. Zone C is currently under construction and units along the northern edge in Regiment Gate are now occupied. An equipped play space lies to the east of the site. Public Footpath 19 Broomfield runs east-west around the edge of this space. Future residential parcels, M, N and Q are located to the east of the area of equipped play and a reserved matters scheme for 271 dwellings is currently under consideration; 19/00586/REM refers.
- 2.2. Identical, part three storey, part two storey, gable fronted dwellings with large windows to their front elevations, form the northern edge of Regiment Gate and front the application site. The properties are all occupied.
- 2.3. Residential Zone J and the 'Crown Deer' public art sphere, lie immediately west of the site. An application for approval of reserved matters for an assisted living scheme of 82 apartments has recently been submitted for this zone; 19/01023/REM refers.
- 2.4. Zones K and L form the northern extent of Phase 2 of the Beaulieu development.

3. Details of the Proposal

- 3.1. Reserved matters approval is sought for the development of Zones K and L consisting of 300 dwellings with associated access, car parking and landscaping.
- 3.2. The scheme proposes the following housing mix:

Type	Private	Shared Ownership	Affordable Rent	Total
1 Bed Apartment	55	15	22	92
2 Bed Apartment	25	7	19	51
3 Bed Maisonette	12	2	4	18
2 Bed House	83	7	0	90
3 Bed House	44	5	0	49
Total	219	36	45	300

- 3.3. A mix of two storey dwellings and three storey apartment buildings are proposed. 27% of the units would be delivered as affordable housing and 9 units as wheelchair accessible properties.
- 3.4. Amended plans have been received in response to comments from the highway authority and the housing standards team (wheelchair units). Amendments have also been made to the southern scheme elevation fronting Regiment Gate. The changes incorporate gable entrances to the parking courtyards, setting back the apartment parking courtyard walls to incorporate additional tree planting adjacent Regiment Gate, the introduction of timber pergolas and revisions to the flat-over-garage units to introduce gables to the street elevation.

4. Other Relevant Applications

- 4.1. 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 and Beaulieu Park, now referred to as Beaulieu.

5. Summary of Consultations

- Springfield Parish Council – Objection on the following grounds:
 - (i) Unacceptable grouping of affordable housing in one area.

- (ii) Design not in keeping, visual appearance should not differ and the size and height of the buildings should be of similar proportion.
- (iii) No account taken of Planning Guidance Note 17 Section 2.7 Privacy and Planning indicates 3 storey properties with facing windows of habitable rooms, including flats or properties where the living room is on the first floor, are to be a minimum of 31m apart (plans indicate a 20m separation).
- Springfield Parish Council (amended plans) – Objection on the following grounds:
 - (i) Enclosed car parking areas – potential vandalism, crime and anti-social behaviour and increased on-street parking.
 - (ii) Affordable housing not evenly distributed.
 - (iii) Affordable housing insufficient; 50 dwellings instead of 80 to meet the 27% requirement.
- Broomfield Parish Council – No comments.
- Little Waltham Parish Council – Objection:
 - (i) Road infrastructure previously envisaged has not been constructed; development would impose an unacceptable burden.
 - (ii) Proposed crossing of Essex Regiment Way yet to be constructed which reduces egress to and from the Beaulieu development by pedestrians and cyclists.
 - (iii) Style of development not in keeping with surrounding developments.
- Housing Standards Team – Acceptable.
- Public Health & Protection Services – Full ground gas protection required due to the proximity of known landfill site.
- Recycling & Waste Collection Services – No objections.
- Essex County Council Highways – Acceptable subject to conditions.
- Essex County Council SuD's – No objections; Condition 45 – Sustainable Drainage Management still to be satisfied.
- Essex County Council – Historic Environment Branch – Condition 21 – Archaeological Evaluation satisfied.
- Essex County Council Minerals & Waste Planning – No comments.
- Essex County Fire & Rescue Service – Advisory comments.
- Essex Police (Designing Out Crime) – Advisory comments regarding Secured By Design accreditation.
- Essex & Suffolk Water – No apparatus, requirement for water connections for new dwellings.
- Anglian Water Services – No response.
- Historic England – No comments; defer to local planning authority specialist advice.
- Cadent Gas – High or intermediate gas pipeline identified within the vicinity of the proposed works; referred to the Pipelines Team, no further response received. HSE advice provided below.
- Health & Safety Executive – HSE does not advise against the grant of planning permission; Cadent Gas to be consulted – see above.
- Essex Bridleways Association – No response.
- Ramblers Association – No response.
- Local Residents – 42 letters of representation raising the following objections:
 - (i) Scale – Apartments dominate the street scene.
 - (ii) Appearance – Red brick at variance with units in Regiment Gate. Style of buildings not in keeping.
 - (iii) Outlook (Beaulieu) – Regiment Gate units have large 2.5m x 2.5m windows with an outlook onto apartments and resultant loss of privacy. Premium paid to overlook green space.
 - (iv) Outlook (Channels) – Outlook over green open space and bridleway, views would be severely restricted with the introduction of apartments and dwellings.
 - (v) Proximity – Regiment Gate units have habitable rooms at first and second floor (living room and bedroom). Reference 2.7 Privacy – Three storey properties with facing windows serving habitable rooms, including flats or properties where the living room is on the first floor to be 31m apart – shown as 22m.

- (vi) Unit Mix – No real mix of unit sizes; 1, 2 and 3 bedroom properties.
- (vii) Density – 300 dwellings within a relatively small area.
- (viii) Green Space – Displacement of wildlife, area needs green spaces.
- (ix) Parking – Insufficient visitor parking provision; 27 parking spaces.
- (x) Walking Routes – Loss of public right of way. No paved or safe walking route along Essex Regiment Way.
- (xi) Infrastructure – The RDR has yet to be completed. Strain on congested adjacent roads. Planning permission should not be granted until the Countryside section of the RDR has been finished. Lack of bus services. No fixed date for the delivery of the station.
- (xii) Affordable Dwelling – Units would be next to the Bellway development; introduction of further affordable properties would bring down the status of both developments.
- (xiii) Pollution – Increased light and noise pollution and during construction.
- (xiv) Marketing – Advised at time of purchase that proposals for development of Zones K and L were for 4 bedroom townhouses to create symmetry; informed by sales advisor that no apartments were proposed and there would be no affordable dwellings opposite Regiment Gate.

6. Planning Considerations

Main Issues

6.1. The main issues are as follows:

- Principle of Development
- Housing Mix & Standards (include Wheelchair Accessible Housing, Lifetime Homes, On- Site Energy Generation)
- Affordable Housing
- Density
- Layout, Scale & Appearance
- Residential Amenity
- Access, Parking, Cycling & Walking
- Effect on the Setting of the Listed Building
- Infrastructure Delivery
- Other Matters – Hard & Soft Landscaping and Trees, Ecology & Biodiversity, Archaeology, Drainage, Contamination

Principle of Development

- 6.2. Outline planning permission for a mixed use, residential-led development at Beaulieu, was granted in March 2014; 09/01314/EIA refers. The principle of development is therefore established.
- 6.3. A series of Parameter Plans, which detailed the principles to be followed throughout the development, were approved as part of the outline planning permission. Parameter Plan 1 – Land Use identifies the site as land for residential-led development; consequently, there can be no objection in principle to the reserved matters scheme.

Housing Mix

North Chelmsford Area Action Plan (NCAAP)

- 6.4. Policy CP15 of the development plan sets out a requirement for residential development to have a mix of dwelling types, sizes and accommodation to contribute towards the creation of mixed

and inclusive communities. The scheme delivers 92 one bed, 141 two bed and 67 three bed units. No four or five bedroom units are proposed. The estimated requirement, based on the Council's Strategic Housing Market Assessment (SHMA) 2015 is for 6.2% one beds, 28% two beds, 46.3% three beds and 19.5% four + beds for private units.

- 6.5. The unit mix within Zones K and L does not fully align with the SHMA estimates but would bring a counter balance to earlier zones, which have delivered larger dwellings.

Wheelchair Accessible Housing, Accessible & Adaptable Dwellings (Previously Lifetime Homes) & On-Site Energy Generation

- 6.6. The scheme incorporates 9 wheelchair units as 3 affordable rented units, 5 private units and 1 shared ownership property; this equates to 3% provision in accordance with the requirements of Condition 13 of the outline planning permission. The Housing Standards Team are content with the submitted scheme, following revisions made to address their initial comments. All other dwellings have been designed to be accessible, and adaptable, in accordance with Part M4 (2) of the Building Regulations 2015 (the equivalent of the Lifetime Homes standard).
- 6.7. A scheme of on-site renewable energy generation measures to achieve at least a 10% reduction in the development's predicted energy demand will be submitted, to satisfy the requirements of Condition 35 of the outline planning permission.

Affordable Housing

- 6.8. The legal agreement requires the developer to provide not less than 27% of all residential units as affordable housing, based on a tenure split of 55.5% affordable rented units and 44.5% shared ownership units.
- 6.9. The tenure split, and unit mix, is summarised below:

Unit Size	Shared Ownership	Affordable Rent	Total
1 Bed Apartment	15	22	37
2 Bed Apartment	7	19	26
3 Bed Maisonette	2	4	6
2 Bed House	7	0	7
3 Bed House	5	0	5
Total	36	45	81

- 6.10. The scheme delivers 81 affordable housing units grouped within four areas as (i) a small cluster of 16 shared ownership properties within the north-western corner of Zone K, (ii) an apartment

block containing 20 shared ownership units fronting Regiment Gate, (iii) a further apartment block containing 22 affordable rented units adjacent to the north-south section of the bridleway and (iv) 12 affordable rented apartments and 8 affordable rented units within two maisonette blocks to the east of Zone L.

- 6.11. The letters of representation raise concern at the introduction of further affordable units; there is support for the shared ownership units but the need for such demand, within a concentrated area is questioned.
- 6.12. The affordable units are spread across the scheme and have been designed on a 'tenure blind' basis so that there is no difference in the elevation treatment of each property. The approach taken assists in ensuring the affordable units are well integrated within the scheme.
- 6.13. The location of affordable housing is acceptable, having regard to the distribution of affordable housing within Channels Phase 1 to the north and Beaulieu Zone C Residential to the south.
- 6.14. The affordable housing mix for this site is acceptable in the context of the current adopted policy and guidance.
- 6.15. The landscaped verges and planting incorporated around the perimeter of the scheme would be managed by the site-wide management company.

Density

- 6.16. Beaulieu Zones K and L fall within Site Allocation 5: Land West of the Green Way in the NCAAP; this specifies a density range of approximately 35-40 dwellings per hectare. The Design and Access Statement, which formed part of the outline planning permission specified a range of 30-50 dwellings per hectare. An appropriate variation in density has been provided across the site, responding to localised context, and reflecting a sustainable range of dwelling types, including detached and linked detached houses and areas with predominantly terraced houses and flats.
- 6.17. Policy DC3 of the development plan refers to the need for compatibility with context and the need for a design-led approach to site development, which is not quantity, or density driven. Site features and context will determine the appropriate layout and form of development on any given site, and this in turn will determine the quantum of development, which is appropriate to preserve, or create, character. The density figure, in this case, 49.9 dwellings per hectare, is artificially high due to the provision of a series of apartments; as discussed below, the scale is appropriate in the context of development opposite along Regiment Gate.

Layout, Scale & Appearance

Layout

- 6.18. Zones K and L form the northernmost part of Site Allocation 5: Land West of the Green Way. Land for housing is provided around the edge of the Beaulieu Park School site and extends northwards across Belsteads Hall Farm to the boundary with the Channels development site.
- 6.19. The layout of the scheme responds to the position of important trees and hedgerows, adjacent areas of public open space, Bridleway 18 Broomfield and Public Footpath 19 Broomfield, the line of an existing high voltage cable and existing development along the southern side of Regiment Gate (Zone C Residential).

- 6.20. Regiment Gate forms the most prominent, public edge to the development. The site fronts a strong linear arrangement of part three, part two storey dwellings of an identical form (Zone C Residential); these properties have a distinct and repetitive rhythm. The scheme responds to this strong built edge by presenting a line of apartment buildings, each with its own landscaped and enclosed parking courtyard, positioned alongside. The walls to these courtyards have been set back from Regiment Gate during the application, to allow for the introduction of additional tree planting forward of the walls to soften their appearance within the street scene.
- 6.21. Development north of the apartment buildings is divided into small streets of semi-detached and terraced properties. The streets provide vehicular and/or pedestrian/cycle connections through to Bridleway 18 Broomfield. The dwellings benefit from an outlook across the route. The northern edge has a slightly more rural character than the inner streets.
- 6.22. The NCAAP requires the retention of existing hedgerows to the north and provision of a west to east footpath and cycle route. The scheme respects this development principle. Clear, legible north-south, and east-west links, extend through the scheme, allowing easy access to the bridleway and to the Channels development beyond. Connections are also provided to the public open spaces, east and west of the site. A route has also been established through to existing residential development to the south enabling an additional pedestrian access to the Linear Park.
- 6.23. Dwellings have been positioned to front and overlook streets, internal parking courtyards and public spaces in accordance with the development principles of Site Allocation 5.
- 6.24. The submitted refuse and recycling strategy is acceptable. Provision is incorporated on plot and acceptable servicing and circulation arrangements are achieved. The apartment blocks are provided with dedicated stores; these have been designed into the fabric of the building and are accessible from the kerbside, pathways or courtyards.
- 6.25. Amenity space is provided for all dwellings as private gardens. The Making Places SPD states that where a unit performs a specific design function it can be delivered without a private garden. Single flat above garage units are proposed across the scheme; these do not have balconies or gardens but perform a key role in enclosing spaces. The design approach for the apartment buildings takes its inspiration from elements of New Hall; in this respect, no private balconies are proposed, this is acceptable. All apartments and flat above garage units, in common with the dwellings, benefit from easy access to adjacent areas of public open space.

Scale

- 6.26. The scheme consists of principally two storey dwellings with taller, three storey apartment buildings positioned along the southern edge. Parameter Plan 2: Building Heights permits 1-3 storey buildings between 3-12m in height, with the opportunity for landmark buildings and groupings of up to 4-5 storeys (12-18m), depending on location and visibility. The building heights, which range between 10.95m and slightly above 12m (12.3m) accord with the Parameter Plan. Justification for the taller apartment buildings which extend above 12m is outlined below.
- 6.27. Regiment Gate is defined along its southern side, by a strong linear arrangement of part three, part two storey dwellings of an identical form (Zone C Residential). The site, and the existing properties opposite, are located a short distance from a key entrance to the Beaulieu development, at Essex Regiment Way. Buildings of scale, in the form of apartment blocks of varying appearance, front Armistice Avenue and the Linear Park, these are viewed against the

backdrop of the public art deer sculpture, which exceeds 10m in height; this part of the development site is one where scale can, and has already been, comfortably and successfully accommodated.

- 6.28. The scheme seeks to respond to the strong built form already present within Regiment Gate, by introducing a series of apartment buildings. The buildings have been arranged to present strong, well-articulated gables to the street, to reflect the gable elements of the properties opposite but not at the same rhythmic consistency. Two storey flat above garage units are introduced between the apartment blocks. A solid brick wall with a hit and miss brick detailing encloses the parking courtyards to the sides of the apartment buildings and provides a continuous built edge to the street. Portal entranceways through the walls provide animation and interest. The entrance features continue the gable theme present within the apartment buildings and in evidence across the Beaulieu development.
- 6.29. Letters of representation have been received from several existing residents in Regiment Gate, which raise concerns with the apartment buildings on three grounds; scale, appearance and residential amenity. The existing properties within Regiment Gate are set back a minimum of 6.7m from the road. A 4m wide verge and 2m wide footpath are situated in front of those properties. The proposed development is intended to be set back a minimum of 8m from Regiment Gate behind a 3m wide verge, the 3.5m wide off-carriageway primary strategic footpath/cyclepath and a 1.5m-2m wide landscaped verge.
- 6.30. The adopted Making Places Supplementary Planning Document advises that the height of buildings should relate to the width and importance of the space they enclose. Comfortable degrees of enclosure are achieved when the width of a space or street, is approximately equal to the combined height of the adjoining buildings. The existing dwellings in Regiment Gate extend to a maximum height of 10.9m. The apartment buildings measure 12.3m in height at their maximum; combined this gives a recommended separation figure of 23.2m. The separation distance between the apartment buildings and dwellings opposite, in this case, range between 22.7m, taken at an angle, and 24.4m, in this context the scale of development is considered appropriate. Furthermore, it is of note that the massing of development is not continuous, with significant gaps present between the taller apartment buildings. Given the surrounding context, the degree of separation proposed, and the function of Regiment Gate as a strategic route, the inclusion of buildings of scale is considered entirely appropriate.
- 6.31. The degree of separation is also consistent with the relationship between buildings approved elsewhere within Beaulieu, including within Zones E and G, and along 'The Avenue' within Zone E, which leads to the future Estate Parkland where distances range between 21m and 25m.
- 6.32. The scheme has been subject to some revision incorporating a tree canopy between the apartment blocks to emphasise the rhythmic gables, and to conceal, and soften, the parking courtyards. The flat above garage units have been revised to incorporate a gable element to the front elevations. The three longer sections of wall enclosing the parking courtyards, and which do not feature a flat above garage unit, now include a gable portal entranceway from the street into the courtyards, with a planted pergola visually shielding the parking areas to either side.
- 6.33. The remainder of the scheme extending northwards to Bridleway 18 Broomfield has been designed to be more domestic in scale, in contrast to the apartment buildings along the southern edge. The dwellings are mostly of a gable form, drawing from the prominence of the gable 'motif', which has been followed in all earlier residential parcels within Beaulieu.

Appearance

- 6.34. The scheme takes its cue from the Tudor architecture of Beaulieu Palace (now part of New Hall School); this is expressed in the apartment buildings, which incorporate strong gable brick forms and orthogonal bay windows. Greater articulation is provided by smaller gable bays, stone detail to the entrances and brick detailing. The tall maisonette units, which sit behind the apartment buildings, follow a similar architectural approach, with strong parapet gable forms, but with lesser brick detailing. Terraced and semi-detached properties within the inner streets are more restrained in their detailing, with recessed entrances and large picture windows, which are evident elsewhere within Beaulieu, including within the existing properties in Regiment Gate. Dwellings along the northern edge respond to the more rural character of the bridleway, drawing from the Essex vernacular, with a predominant use of weatherboarding. The houses continue the gable form, and likewise incorporate recessed entrances and large picture windows.
- 6.35. Several letters of representation refer to comments/statements made by the developer's sales marketing team prior to current occupiers purchasing their property, these indicate that the southern scheme edge would mirror the form and appearance of development already present in Regiment Gate. Paragraph 127 of the NPPF requires that developments are *'sympathetic to local character and history, including the surrounding built environment and landscape setting'*; that is not to say they must entirely replicate the form of existing development.
- 6.36. Good development takes into account the nature of a site and its surroundings, it is not concerned with a style, but the successful co-ordination of proportions, materials and detailing; this does not necessarily mean slavish imitation of buildings within the vicinity of the site. Development should relate to its context and the prevailing character of the immediate neighbourhood, whilst also responding to the positive elements contained within it. The Beaulieu development incorporates a series of distinct residential parcels; some display a more traditional architectural approach, others are more contemporary, but whilst visually distinct, all share a unifying gable form.
- 6.37. The scheme builds upon the use of gables as a key design feature, which is evident across Beaulieu, as well as within the existing properties opposite. The design also incorporates some of the detailing present within the existing dwellings, including the use of large picture windows. The proposed apartments are intended to be constructed in a red brick, whilst this differs from the buff colour brick used within the dwellings opposite, this does not mean it is unacceptable; there are several examples across the wider Beaulieu development, where a mix of red and buff bricks have been used, including dwellings on opposing sides of the Linear Park, south of the site. The scheme reads successfully as a group of buildings, with its own unifying character, but is also reflective of previous residential parcels. No objections are therefore raised.

Residential Amenity

- 6.38. The layout respects the minimum separation distances contained within the Making Places SPD in most cases, where there is a degree of variance, units are orientated at angles to one another, rather than in a conventional parallel back to back arrangement, to prevent direct overlooking.
- 6.39. The letters of representations have raised concerns with the scale and position of the apartment buildings and with a perceived heightened sense of overlooking, due to the inclusion of several properties within each apartment block, with an outlook over Regiment Gate. The residents refer to the large picture windows present within the front elevations of their dwellings; they maintain that enjoyment of these rooms (lounge and bedroom 4 at first floor and master

bedroom at second floor) would be compromised by the introduction of apartments and multiple units opposite.

- 6.40. The degree of separation between new and existing development is considered acceptable, as evidenced under 'Scale' above. The apartments do not present a continuous built form, eight blocks are positioned end on to the street, with three windows to an open plan kitchen/dining room/lounge area at first and second floor. Four blocks present a longer frontage to the street with bedroom windows, and windows to an open plan kitchen/dining room/lounge area at first and second floor. The blocks partially front road junctions and roundabouts along Regiment Gate to terminate views north, in this respect views of the units, opposite would, in some instances be at an angle. The degree of separation, as outlined above, is in any case acceptable. The introduction of additional tree planting as shown on the amended plans, would assist in filtering views.
- 6.41. The letters of representation refer to Planning Guidance Note 17 Section 2.7 Privacy and Planning; this does not form part of national or the local planning authority's adopted guidance. The application has been assessed against development plan policy and 'Making Places', which is this Council's adopted Supplementary Planning Document.

Access, Parking, Cycling & Walking

Access

- 6.42. Vehicular access would be provided to the development in three places from Regiment Gate. Regiment Gate has been designed as a primary bus route and carries an off-carriageway strategic footpath/cyclepath to the north, which forms part of the primary network of routes.
- 6.43. The Highway Authority's response is detailed in full at Appendix 1. The technical points raised regarding the inclusion of traffic calming features within the road along the northern site edge, and the length of kerbs within a section of an internal road in the southern part of the scheme, are all matters which can reasonably be addressed, at technical approval stage in conjunction with the local planning authority. The matters are addressed by an informative.

Car Parking & Cycle Storage

- 6.44. Car parking provision is provided on-plot, either within car ports or driveway spaces to the fronts and sides of the dwellings. Car ports take the form of open timber pergola structures; whilst not providing direct shelter for the car, they lessen the impact of parked vehicles in the street scene. Allocated car parking is provided within overlooked parking courtyards for the apartments. The level of parking provision accords with the Parking Standards for Beaulieu and Channels. 22 visitor parking spaces would be provided across the scheme in small groupings.
- 6.45. Cycle storage is provided on-plot for the dwellings and in the form of dedicated cycle stores within the apartment buildings to standard.

Pedestrian Routes

- 6.46. Bridleway 18 Broomfield extends along the width of the northern site boundary. Phase 1 of the Channels development connects to the bridleway in two places. Public Footpath 19 Broomfield extends to the north-east. Access is provided from the footpath to Channels Phase 2, an equipped area of play within Beaulieu and to the off-carriageway primary strategic footpath/cyclepath.

- 6.47. The scheme has been carefully designed to connect with the existing routes, delivering a series of north-south connections between the development, the remainder of Beaulieu and the Channels development to the north. The routes allow ease of access to the primary and secondary strategic footpath/cyclepath network, the Linear Park, equipped play space, and west to Essex Regiment Way, where an at grade controlled crossing will be delivered in the future. The routes are clearly defined, overlooked and of generous width. The scheme does not result in the loss of a public right of way. A condition is recommended to ensure that the section of the bridleway, where it routes between Zones K and L, is maintained at a minimum width of 3m without gates and stiles, with an acceptable surface finish.

Effect on the Setting of the Listed Building

- 6.48. 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 asset's 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). Beaulieu forms the setting of New Hall, a Grade I listed building, formerly a royal palace and country house with gardens of outstanding significance.
- 6.49. Zones K and L are set some distance away from New Hall, within the historic deer park. The erosion of the rural setting to New Hall will be 'compensated' by the creation of the new parkland setting to the south of New Hall. The line of Bridleway 18 Broomfield, extending from the former Belstead Hall Farm and running north, would be preserved, and the historic field boundary to the east retained. The development accords with the principles of the outline planning permission in this respect.
- 6.50. The scheme meets the requirements of the NPPF, particularly paragraphs 184 and 193. Historic England has been consulted and deferred to the Council's Heritage Officer who has raised no objections.

Infrastructure Delivery

- 6.51. Several letters of representation raise concerns with the delivery of infrastructure; it is suggested that approval of the reserved matters should be withheld until the Radial Distributor Road (RDR) is in place. The Beaulieu s106 Agreement requires delivery of the RDR prior to occupation of 1000 residential units. The agent has confirmed that at March 2019, approximately 600 dwellings were occupied. Reserved matters have been approved for RDR Phase 2, in two parts and construction works have commenced. Completion of Phase 2 of the RDR is expected in June 2020. RDR Phase 3, which incorporates the replacement of the Generals Lane Bridge is due to be completed by October 2021. The local planning authority cannot withhold reserved matters approval. The triggers for delivery of infrastructure are clearly set out within the s106 Agreement and were based upon extensive transport modelling work at outline stage. The applicant is obligated to follow them; there has been no breach of any obligation within the legal agreement.
- 6.52. Delivery of the bus service at Beaulieu is phased. Stages 1 and 2 of the Bus Strategy, which incorporate a route along Centenary Way and Armistice Avenue, past the neighbourhood centre, and north of Beaulieu Park School, are currently in operation with a high level of use. The trigger for Stage 3, which would see the introduction of a new service along Regiment Gate, is 1000 occupations.

- 6.53. Work is progressing with the County and Network Rail on the delivery of the station with opening programmed for 2025.
- 6.54. Little Waltham Parish Council have expressed concern at the absence of any road crossing of Essex Regiment Way. The Parish Council consider this currently reduces the ability for residents to travel by foot, or cycle, westwards to Broomfield, and the hospital. The County are currently progressing a scheme for a Pegasus crossing as part of the Growth Fund Project; this is to be delivered outside of the Beaulieu development.
- 6.55. Infrastructure at Beaulieu is being delivered in accordance with the obligations and triggers contained within the s106 Agreement. The Neighbourhood Centre, which includes retail units, a community centre, day nursery and education and training centre, was delivered significantly ahead of the trigger within the legal agreement, of 1000 occupations. The primary school has been open for nearly a year and the secondary school will open this September.

Other Matters

Hard & Soft Landscaping and Trees

- 6.56. The approach to soft landscaping within Zones K and L, responds to the adjacent areas of formal and structured landscaping, existing trees and hedgerows along the western site boundary and preserved trees and hedgerows along the line of the existing bridleway.
- 6.57. Landscaping is used effectively to define key pedestrian routes and to create attractive streets. The landscaping has a good balance of planting and the tree choices acknowledge fruit drop and sap within the residential areas.
- 6.58. A series of oak trees, form part of the north-south section of Bridleway 18 Broomfield, between Zones K and L Residential; these are protected by TPO/2017/025 and /026. Off-site trees to the east are preserved under TPO/2017/027. Two trees are proposed for removal due to their poor structural condition; this is considered appropriate in terms of tree management. One tree would be retained as a monolith to provide biodiversity value. A veteran oak tree is shown to have minor root encroachment to construct a footpath; an acceptable specialist method statement has been provided. A condition requiring adherence to the Tree Report is recommended.
- 6.59. The approach to hard landscaping is well considered. Pedestrian routes have been incorporated throughout the landscaped spaces to increase permeability.

Ecology & Biodiversity

- 6.60. The site principally consists of former arable fields, of low habitat quality with no evidence of protected species. Two species rich hedgerows run north to south across the site with a further species rich hedge located to the north of Zones K and L.
- 6.61. A section of the northern hedgerow, which is shown on Parameter Plans 5 – Landscape Character and 6 – Public Open Space to be retained, will be removed to accommodate two attenuation basins. The basins will be planted to provide a wetland habitat and maintain a wildlife corridor between the two developments. An approximately 16m length of native species rich hedgerow will be reinstated along the line of the current haul road. The area of non-conformity with Parameter Plans 5 - Landscape Character and 6 - Public Open Space does not raise any issues other than of local significance. The reserved matters otherwise conform with

the Parameter Plans and the landscape masterplanning principles within the Environmental Statement.

- 6.62. The submitted Pre-Construction Ecological Survey, Ecological Management Plan and Biodiversity Statement and the scope of ecological work are acceptable. Conditions are recommended to require adherence to the reports.

Archaeology

- 6.63. Archaeological evaluation has been completed for Zones K and L. The County Historic Environment team are satisfied with the submitted reports and Condition 21 – Archaeological Evaluation of the outline planning permission is discharged for both zones.

Drainage

- 6.64. A site wide SuD's Strategy was approved as part of the outline planning permission; Condition 45 requires the submission of a detailed strategy for each phase or sub-phase of the development. Two attenuation basins form part of the SuD's strategy. An existing ditch, east of Zone K would be utilised as a swale feature. Attenuation tanks are proposed beneath two car parking courtyards.
- 6.65. The County SuD's team do not object to the reserved matters submission but note that further information should be submitted to discharge Condition 45 of the outline planning permission.

Contamination

- 6.66. Condition 56 of the outline planning requires approval to a scheme to deal with the risks associated with contamination prior to the commencement of development. Full ground gas protection would be required for Zones K and L, due to the proximity of a known former landfill site at Channels Phase 1.

Letters of Representation

- 6.67. The letters of representation raise a series of points which have principally been addressed within the report.
- 6.68. Officers acknowledge that existing residents within Regiment Gate have benefitted from a view across former arable fields and towards Bridleway 18 Broomfield, however, the land was never intended to be delivered as open space. The land is shown for residential-led development on approved Parameter Plan 1: Land Use. The outline planning permission was granted in 2014 and there have been no amendments to this Parameter Plan.
- 6.69. Reference has been made to the premium price paid for units within Regiment Gate, their current outlook over open space and a concern at a loss in property value due to the introduction of apartments opposite. Property price and property value are not material planning considerations.
- 6.70. Matters of light and noise pollution are addressed by conditions on the outline planning permission, which require agreement to a Construction Environmental Management Plan and Construction Method Statement prior to the commencement of works together with a scheme of lighting.

Cadent Gas

- 6.71. National Gas Distribution (rebranded as Cadent Gas) owns the gas distribution network in the East of England; it owns the apparatus, including the high pressure gas pipeline, situated below the Linear Park, and its advice is advisory. The Health & Safety Executive is the statutory consultee and has confirmed that it has no objections to the application. Cadent Gas has been provided with a copy of the consultation response from the Health & Safety Executive but has not responded. Zones K & L is separated from the high pressure gas pipeline by Zone C Residential which has been approved and is at an advanced stage of construction, with units occupied. Several other residential zones, which lie within closer proximity of the pipeline, have also been approved and constructed. Cadent Gas and the Health & Safety Executive have been consulted in each case and no objections have been raised.

7. Planning Obligation

Affordable Housing

- 7.1. The outline planning permission is subject to a detailed s106 Agreement and an informative reminding the applicant of the need to comply with its requirements is recommended.
- 7.2. The legal agreement obligates the developer to provide not less than 27% of all residential units as affordable housing, based on a tenure split of 55.5% affordable rented units and 44.5% shared ownership units.
- 7.3. The scheme will deliver 81 affordable units of a compliant tenure mix. The affordable housing mix for this site is acceptable in the context of current adopted policy and guidance.

The UK Conservation of Habitat and Species 2017 Regulations (the Habitat Regulations) and RAMS

- 7.4. The Essex Coast is mostly designated under the UK Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') as part of the European Natura 2000 network. The City Council is one of eleven partner local authorities working together, along with Natural England, on the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Essex RAMS). The Strategy sets out a long-term strategic approach to avoid and mitigate recreational disturbance on European designated sites along the Essex coast, from an increasing residential population arising from new housebuilding across the County.
- 7.5. The RAMS aims to avoid and mitigate bird and habitat disturbance from recreational activities through a series of management measures, which encourage visitors to enjoy their visits responsibly. Natural England has identified the need for a RAMS to ensure compliance with the Habitat Regulations. The mitigation measures identified within the Essex RAMS will be funded from developer contributions unless the developer can agree with the Council and Natural England, alternative 'bespoke mitigation' to fully mitigate the recreational impact of their development.
- 7.6. A unilateral undertaking has been completed to secure the required contribution, to satisfactorily mitigate the impact of development, unless the site wide developer is able to obtain agreement to bespoke mitigation with the City Council and Natural England prior to commencement of the development.

RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

Condition 1 Details: Compliance with Plans & Conditions

The development hereby permitted shall be carried out in accordance with the approved plans and conditions listed on this decision notice.

Reason:

In order to achieve satisfactory development of the site

Condition 2 Compliance with Tree Report

The development hereby permitted shall be constructed wholly in accordance with the tree protection, construction methods and recommendations contained within the Arboricultural Impact Assessment - Beaulieu Park (Zones K & L) prepared by Hallwood Associates dated 2nd April 2019 Ref: HWA10240_APIII 3.0.

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 for Beaulieu Including Zones K & L prepared by Richard Graves Associates dated March 2019; 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 hereby permitted shall be constructed wholly in accordance with the management and enhancement measures and requirements contained within the Biodiversity Statement for Beaulieu Zones K & L prepared by Richard Graves Associates dated March 2019; 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 Visibility Sight Splays

Any boundary planting within 1m of the highway boundary and any planting within a visibility splay shall be a low growing species and limited and maintained to a height of 600mm.

Reason:

To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

Condition 6 Bridleway 18 Broomfield

Bridleway 18 (Broomfield) passing between Zones K and L as shown on Drawing No. 0100L Rev L - Site Plan shall be maintained at a minimum width of 3m without gates and stiles at all access points. A chicane shall be

provided at the crossing point with the Phase 2b Road (Regiment Gate) prior to first occupation of the development. The bridleway shall be surfaced with cedec gravel as outlined in the approved Beaulieu Movement Networks Strategy dated 10th May 2016.

Reason:

To ensure the continued safe passage of users of the public right of way and accessibility in accordance with Policy CP8 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 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 and 47 - Refuse and Recycling Provision for All Building Types.

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 and Boundary Treatments (ii) surface materials panel, 39 - Soft Landscaping Works (i) five year maintenance plan, 41 - Drainage and Service Runs (utility supplies and duct layout), 43 - Road Surface Materials (iii) panel of materials, 46 - Foul Sewage System (awaiting Anglian Water technical approval), 57 - Materials (i) panel of materials, (ii) large scale drawings, (iii) samples of ground surface materials and (iv) scale drawings of the location of each ground surface material and 58 - Lighting Scheme (location and design of all artificial lighting and lighting furniture).

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

25 - Post Excavation Assessment, 34 - Ancillary Infrastructure, 35 - On-Site Energy Generation, 36 - Levels, 44 - Street Signage and Name Plates, 45 - Sustainable Drainage Management, 56 - Contamination, 65 - Construction Environmental Management Plan and 66 - Construction Method Statement.

Conditions 27 - Cycle Routes and 28 - Walking Routes, which require the submission of surfacing and illumination details for any cycle and walking routes to be submitted to and approved by the local planning authority and Condition 44 - Street Signage and Name Plates, which require agreement to the location and design of all street lighting, street name plates and any other signage are not pre-commencement requirements.

Condition 63 - Sustainable Construction was deleted from the outline planning permission by non-material amendment 09/01314/NMAT/1 approved on 12th June 2015.

Condition 26 - Safeguarding Existing Public Rights of Way has been fully satisfied by virtue of discharge of conditions application; 09/01314/DOC/60.

2 **s106 Agreement**

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

3 **Highways Technical Approval**

The applicant is required to obtain technical approval from Essex Highways. The following matters shall be addressed as part of that process:

1. An appropriate form of traffic calming shall be provided along the northern edge estate road to ensure the estate design accords with the Traffic Calming Regulations. The details shall also be provided to the local planning authority to satisfy the requirements of Condition 38 - Hard Landscaping Works & Boundary Treatments of the outline planning permission (09/01314/EIA).
2. A maintenance agreement shall be put in place, which outlines a maintenance regime to be undertaken on behalf of the applicant to ensure the visibility splays and forward visibility splays on the estate roads, which are not hard surfaced are maintained clear of obstruction at all times.
3. The submitted plans show that there is likely to be a length of dropped kerbs required (43m approximately) beyond that permitted on a road with footways (usually a maximum of 10 kerbs) by Plots 83-95; the detail is unlikely to receive technical approval. The parking spaces fronting the road, and serving Plots 94 and 95, together with the visitor space, will need to be re-arranged and re-located, along with the parking spaces for Plots 90 and 91 such that a tandem parking arrangement accessed from within the parking court occurs. One space for Plots 78 and 79 could be re-orientated 90 degrees and accessed via the parking court to enable two additional lengths of full height kerb to be provided to the street. The parking space for Plot 124, and the adjacent visitor parking spaces, should also be re-orientated 90 degrees, and accessed via the parking court, to enable a longer length of full height kerb to be provided to the street.

4 **Highway Works**

All work within or affecting existing and future highways shall be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority. You are advised to contact the Development Management Team by e-mail at development.management@essexhighways.org or by post: SM02 Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU.

5 **Liability**

The Highway Authority cannot accept any liability for cost associated with a developer's improvement; this includes design check safety audits, site supervision, any commuted sum 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 **The Advance Payments Code**

All housing developments in Essex, which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access), will be subject to The Advance Payments Code, Highways Act, 1980. The developer will be served with an appropriate notice within six weeks of building regulations approval being granted, and prior to the commencement of any development, must provide guaranteed deposits which will ensure that the new street is constructed in accordance with an acceptable specification, sufficient to ensure potential future maintenance as a public highway.

- 7 **Bridleway 18 Broomfield**
The public's rights and ease of passage over Bridleway 18 (Broomfield) shall be maintained, free and unobstructed, at all times. An application can be made for a temporary diversion of the bridleway during the affected construction phase.
- 8 **Tree Planting**
Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and of a species sympathetic to the street lighting scheme. All proposed tree planting within the adopted highway must be supported by a commuted sum to cover the cost of future maintenance; to be agreed with the Highway Authority.
- 9 **Essex County Fire and Rescue Service**
You are advised that additional water supplies for fire-fighting may be necessary to serve the development and you are advised to contact the Water Technical Officer at Essex County Fire & Rescue Service Headquarters in this respect; tel: 01376 576342.
- The Service has advised that there is evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires; even when not required under the Building Regulations guidance, a risk based approach to the inclusion of AWSS is strongly recommended. You are encouraged to use AWSS to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.
- 10 **Essex and Suffolk Water**
Essex and Suffolk Water has advised that a new water main will need to be laid within the highway on site and a metered water connection made to the Essex and Suffolk Water network for each dwelling for revenue purposes.
- 11 **Refuse and Recycling Collection**
The refuse and recycling strategy as shown on Drawing No. 0122 Rev D - Refuse Strategy Plan relies upon refuse operatives reversing onto small sections of private drives. The City Council Refuse and Recycling Team are willing to undertake these manoeuvres in order to collect refuse and recyclables from the affected properties, but this is on the strict understanding that there is no liability on the Council for any damage to the road surfaces resulting from such manoeuvres. You are advised that there is an expectation that the residents of the flat over garage units will present their refuse and recycling bins, boxes and bags outside of their refuse stores as they will be treated as households not flats for the purposes of refuse and recycling collection.
- 12 **Net New Dwellings**
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.
- 13 **Unilateral Undertaking**
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).

Positive and Proactive Statement

The Local Planning Authority provided advice to the applicant before the application was submitted and also suggested amendments to the proposal during the life of the application. 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

Springfield Parish Council

Comments
<p>22.05.19</p> <p>Objection on the following grounds:</p> <ol style="list-style-type: none">1. The grouping of social housing in one area within the construction zone is considered unacceptable; there should be a mixture of social and private housing integrated throughout the whole of the development zones.2. The design of the housing should be in keeping with the nearby area, particularly, the visual appearance of properties should not differ, the size and height of buildings should be of similar proportion.3. Observation of planning guidance does not appear to have been taken into account. Planning Guidance Note 17 Section 2.7 Privacy and Planning indicates 3 storey properties with facing windows of habitable rooms, including flats or properties where the living room is on the first floor are to be a minimum of 31m (this application indicates a 20m separation). <p>Objection to the amended plans on the following grounds:</p> <ol style="list-style-type: none">1. The amended plans detail enclosed car park areas that could attract vandalism, crime and anti-social behaviour; it may also increase on-street parking in an already busy area.2. The affordable housing should be more evenly distributed throughout the zones.3. The plans appear to show insufficient shared ownership and affordable rented properties within Zones K and L; it appears to be around 50 dwellings in total, instead of 80 dwellings to meet the requirement of 27% affordable housing as per the s106 Agreement for Beaulieu and NCAAP.

Broomfield Parish Council

Comments
<p>05.06.19</p> <p>No comments.</p>

Little Waltham Parish Council

Comments
<p>05.06.19</p> <p>Objection.</p> <p>The road infrastructure previously envisaged has not been constructed and the development would therefore impose an unacceptable burden on existing roads and infrastructure. The proposed crossing of Essex Regiment Way has also yet to be constructed, which reduces egress to and from the Beaulieu development by pedestrians and cyclists. The style of development is not in keeping with surrounding developments.</p>

Housing Standards

Comments
<p>08.07.19</p> <p>Following amendments to the plans to address comments regarding (i) the need for a level access shower area of 1.2m x 1.2m, rather than a bath, within the bathrooms, (ii) the need for a 1200mm clearance to both sides of the disabled parking spaces (as there may be two disabled persons in a vehicle) and (iii) the isolated location of parking for Plots 55 and 72 in relation to the apartment block entrances, the Housing Standards team are now happy with the submitted scheme.</p>

Public Health & Protection Services

Comments
<p>13.05.19</p> <p>The contamination condition should be imposed. Full ground gas protection should be installed within all buildings due to the proximity of a known landfill site.</p>

Recycling & Waste Collection Services

Comments
<p>16.07.19</p> <p>No objections to the amended residual waste and recycling strategy and plans.</p>

Essex County Council Highways

Comments
<p>10.07.19</p> <p>The Highway Authority has had extensive discussion with the applicant as part of the pre-application process and following submission of the application to ensure that the proposals are acceptable to the Highway Authority.</p> <p>A few outstanding issues remain but the Highway Authority is satisfied that these can be dealt with at the detailed design stage and do not need to delay the planning determination:</p> <ol style="list-style-type: none">1. An inconsistency exists between drawings especially between the highway plans and those detailing the hard and soft landscaping. The proposed build-outs along the northern shared surface are not shown on the landscaping or hard surfacing plans.2. The Highway Authority has concerns with the proposed build-outs (as necessary traffic calming features for the layout to accord with traffic calming regulations) and in the absence of technical details, remains to be convinced that they can be provided to the technical detail required. 100mm upstand kerbs are required, which will necessitate reflective bollards, these are likely to be located adjacent to resident's front doors and a gully is likely to be necessary, also impacting on access to resident's front doors. Despite suggesting that these details should be considered prior to planning approval, no details have been submitted.

3. Visibility splays, in the future, will need to be hard surfaced to avoid unnecessary vegetation trimming maintenance liability; as some visibility splays are proposed to be soft landscaped, it is necessary to ensure a maintenance agreement is in place and a condition is requested to ensure this occurs, without which vegetation, is likely to reduce available visibility as there are now restrictions on the number of cuts the Highway Authority undertake per year.
4. Due to a lack of technical detail provided on the plans, it is not immediately clear, but there is likely to be a length of dropped kerbs required (43m approx.) beyond that permitted on a road with footways (usually a maximum of 10 kerbs) by Plots 83-95. The detail shown is unlikely to be technically approved and therefore it is suggested that parking bays fronting the road for Plots 94 and 95 and the visitor space be rearranged and relocated (along with spaces for Plots 90 and 91 so a tandem parking arrangement accessed from within the parking court area occurs). One space for Plots 78 and 79 could be re-orientated 90 degrees and accessed via the parking court to enable two additional lengths of full height kerb. The space for Plot 124 and the adjacent visitor spaces should also be re-orientated 90 degrees and accessed via the parking court to enable a longer length of full height kerb.

From a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to conditions to cover the following:

1. An appropriate form of traffic calming be provided along the northern edge of the estate road to ensure the estate design accords with Traffic Calming Regulations to be dealt with under the s38 process.
2. A maintenance agreement to be put in place, which outlines a maintenance regime to be undertaken on behalf of the applicant to ensure the visibility splays and forward visibility splays on the estate roads, which are not hard surfaced are maintained clear of obstruction at all times.
3. Any new boundary planting within 1m of the highway boundary and any planting within a visibility splay to be low growing species and limited to a height of 600mm.
4. Bridleway 18 (Broomfield) passing between Zones K and L to be 3m minimum in width without gates and stiles at all access points, with a chicane at the crossing point with the Phase 2b Road and surfacing to be cedec gravel as outlined in the Beaulieu Movement Network Strategy dated 10th May 2016.

Informatives

1. The public's rights and ease of passage over Bridleway 18 (Broomfield) to be maintained free and unobstructed at all times. An application can be made for a temporary diversion of the bridleway during the affected construction phase.
2. All housing developments in Essex, which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits, which will ensure that the new street is constructed in accordance with an acceptable specification sufficient to ensure potential future maintenance as a public highway.
3. All work within, or affecting existing and future highways, is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
4. Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planning must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.
5. 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.

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

Essex County Council SuD's Team

Comments
28.06.19 No objections to the reserved matters which are broadly in line with the outline planning permission, however, prior to the commencement of works, further information should be submitted to discharge Condition 45 of the outline planning permission.

Essex County Council Historic Environment Branch

Comments
16.05.19 The archaeological evaluation has been completed on both Zones K and L. Condition 21 – Archaeological Evaluation of the outline planning permission can be discharged in respect of both zones.

Essex County Council Minerals

Comments
03.05.19 No comments.

Essex County Fire & Rescue Service

Comments
07.06.19 Advisory comments: <ol style="list-style-type: none">1. Access – The scheme has been considered in accordance with the Essex Act 1987 Section 13. The arrangements should accord with the details contained in the Approved Document to Building Regulation B5. Further detailed observations on access and facilities for the Fire Service will be considered at the Building Regulations consultation stage.2. Building Regulations – The applicant is responsible for complying with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector. Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority in accordance with 'Building Regulations and Fire Safety – Procedural Guidance'. Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).

3. Water Supplies – The architect or applicant is reminded that additional water supplies for fire-fighting may be necessary for the development. The applicant is urged to contact the Water Technical Officer at Service Headquarters, tel: 01376 576344.
4. Sprinkler Systems – Clear evidence exists that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, even when not required under Building Regulations guidance, which can substantially reduce the risk to life and of property loss. Developers are also encouraged to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

Essex Police – Architectural Liaison Service

Comments
<p>08.05.19</p> <p>NPPF Section 8 – Promoting Health & Safe Communities and Section 12 – Achieving Well Designed Places as well as Policies CP20 and DC42 of the development plan, advise that design and layouts shall promote a safe and secure environment, where crime and disorder and the fear of crime do not undermine the quality of life, or community cohesion and resilience.</p> <p>The developer is actively engaged with Essex Police on all phases of the development to achieve a safe and accessible environment; to date all phases of the Beaulieu development have achieved Secured by Design accreditation.</p> <p>Essex Police will continue to work with the developer to achieve Secured by Design certification for all phases.</p>

Essex & Suffolk Water

Comments
<p>17.05.19</p> <p>No apparatus located within the area of the proposed development.</p> <p>No objections; consent given on the condition that a water connection for the new dwellings is made to the company network for revenue purposes.</p>

Anglian Water

Comments
<p>No response.</p> <p>Anglian Water will be formally consulted on the subsequent discharge of conditions application for Condition 43 – Foul Sewage System.</p>

Historic England

Comments
17.05.19 No comments; views of the local planning authority's specialist conservation advisor to be sought.

Health & Safety Executive

Comments
<u>PADHI Assessment</u> Health and Safety Executive (HSE) Advice has been produced by PADHI+ (HSE's planning advice software tool) for the authority. The HSE is a statutory consultee for certain developments within the Consultation Distance of major hazard sites/pipelines. The HSE does not advise, on safety grounds, against the granting of planning permission, however, as the proposed development is within the consultation distance of a major hazard pipeline, the HSE has requested that the local planning authority consider contacting the pipeline operator before determining the application for two particular reasons:- <ul style="list-style-type: none">• The operator may have a legal interest (easement, wayleave etc) in the vicinity of the pipeline; this may restrict developments within certain proximity of the pipeline.• The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within certain proximity of the pipeline. Consequently, there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds. HSE's advice is based on the situation as currently exists and will not be altered by the outcome of any consultation with the pipeline operator. Cadent Gas has been consulted; see response below.

Cadent Gas

Comments
08.05.19 A high or intermediate (above 2 bar) gas pipeline and associated equipment has been identified within the vicinity of the proposed works, consequently the enquiry has been referred to the Cadent Pipelines Team. No further action is to be taken until a response has been received within 28 working days of the date of the initial response.

Essex Bridleway Association

Comments
No response.

Comments
No response.

Local Residents

Comments
<p>42 letters of representation have been received, which raise the following objections to the application:</p> <ol style="list-style-type: none"> 1. Layout – Dwellings are positioned next to the pavement, leaving no space. Expectation that the set back from the road would be like properties along Regiment Gate. 2. Scale – Apartments dominate the street scene. No aversion to apartments; block at the entrance to Regiment Gate have been sensitively designed with a combination of balconies, grey windows, mellow stock brickwork and grey cladding. Properties on the south side of Regiment Gate are only partially three storeys (gable elements), remainder are two storeys. Apartment constructed at Centenary Way and at the corner of Regiment Gate and Armistice Avenue have only three storey gable facing elements, reducing to two storeys where the roof faces the road. Gable ends of the apartment buildings are double width and far taller than those on the south side of Regiment Gate. Apartment Block 5 is the only block sensitive to the scale of existing properties. Development should be reorganised so that the housing is accommodated along the northern side of Regiment Gate and the apartment blocks along the northern site edge, of type 5 only. Dwellings should be sited to maintain privacy. Apartment blocks 1, 2, 3 and 4 should be reduced so that only the gable facing elements are three storey and the remainder of the blocks two storeys. Amendments intimate an attempt to appease local residents concerns but are a smoke screen rather than an actual attempt to ensure properties are in keeping with the current development. 3. Appearance – Integration of different residential areas, to date, has been tasteful and discrete. Red brick at variance with units in Regiment Gate and very dominating. Regiment Gate properties have a modern, attractive and innovative style, many architectural details, which are not represented in the proposed apartments. Style of buildings not in keeping. Development should match aesthetically with existing properties or apartment block. Yellow/gault brickwork and/or faux timber cladding should be utilised. Continuous red brick façade is not appropriate for the apartment buildings. All apartment buildings constructed to date have a brick ground floor with additional stories rendered or clad in faux weatherboarding. Façade will look massively monolithic and imposing. Apartment building facades should be revised so that the ground floors are constructed in brick and the upper floors in an alternative material. 4. Outlook (Beaulieu) – Regiment Gate units have large 2.5m x 2.5m windows with an outlook onto apartments and resultant loss of privacy; no other examples across Beaulieu. Huge difference between an apartment vs a house in front of a property; one family vs multiple families. Premium paid to overlook green space. High rise properties on both sides of the road will create a dark and unattractive street. Reduced green views. Setting back of the walls to the parking courtyards does not address the privacy concerns raised which lies with the proximity of multiple apartment windows facing existing properties. High rise apartments will block light. Gardens and paths preserve the privacy and provide greenery between properties in Beaulieu Chase and Beaulieu Keep. 5. Outlook (Channels) – Outlook over green open space and bridleway, views would be severely restricted with the introduction of apartments and dwellings. 6. Proximity – Regiment Gate units have habitable rooms at first and second floor (living room and bedroom). Reference 2.7 Privacy – Three storey properties with facing windows serving habitable rooms, including flats or properties where the living room is on the first floor to be 31m apart – shown as 22m.

7. Unit Mix – No real mix of unit sizes; 1, 2 and 3 bedroom properties. Concept of many one bedroom units in a confined site directly conflicts with neighbouring zones.
8. Density – 300 dwellings within a relatively small area.
9. Green Space – Displacement of wildlife, area needs green spaces. Area should be left as a green space for trees, wildlife and children's play. Proportion of green space will be drastically reduced to unacceptable levels for current residents. Green space is lacking in Beaulieu Keep.
10. Parking – Insufficient visitor parking provision; 27 parking spaces.
11. Walking Routes – Loss of public right of way; route critical for safe access from Channels to Beaulieu, local shops and the new schools. No paved or safe walking route along Essex Regiment Way.
12. Infrastructure – The RDR has yet to be completed and the limit on occupations (1000 units) already exceeded. Countryside section of the road at least 2 years away from completion. Strain on congested adjacent roads. Approval of reserved matters would be a direct contradiction to Liberal Democrat pledge to address local infrastructure issues. Approval should not be granted until the Countryside section of the RDR has been finished. Congestion on the A130, traffic frequently at a stand-still. Lack of bus services. No fixed date for the delivery of the station. Estate road serving the development is directly opposite properties in Regiment Gate. Insufficient infrastructure to cope with the development as it stands. Current traffic conditions and congestion within the area should be observed; the development will cause further misery. Problems on Essex Regiment Way and White Hart Lane. City Council should reconsider the original plans based on changing circumstances where the need arises. Un-coordinated approach to infrastructure delivery should not be allowed to continue. Notwithstanding the reference to 600 occupations, work is currently progressing on three separate residential parcels at Beaulieu. Additional risks to emergency vehicle access to Broomfield Hospital. Developer highlighted the introduction of the school and community centre, but this will compound the existing traffic issues. Bus service very poor. No crossing from Channels and Beaulieu to Back Lane leading to Mill Lane to allow access by foot or cycle to the hospital.
13. Affordable Dwelling – Units would be next to the Bellway development; introduction of further affordable properties would bring down the status of both developments. Supportive of shared ownership but many exist presently, query evidence for such demand in a concentrated area. Affordable housing is grouped on a significant scale; social integration has not been encouraged.
14. Pollution – Increased light and noise pollution and during construction. Beaulieu construction results in considerable disturbance.
15. Marketing – Advised at time of purchase that proposals for development of Zones K and L were for 4 bedroom townhouses to create symmetry; informed by sales advisor that no apartments were proposed and there would be no affordable dwellings opposite Regiment Gate. Dwellings were to be positioned 40m away from properties in Regiment Gate. Plans shown in the marketing suite showed properties like those in Zone C. Informed of the joint venture between Countryside and L&Q but advised there would no distinct zones and the free sale and affordable properties would be mixed.
16. L&Q – Concern parcel of development will be undertaken by L&Q alone and not in partnership with Countryside; leading to less innovative, cheaper construction and design of the façades. Budget housing developer so naturally would not use the same materials/design standards as Countryside. L&Q have erected a sign stating that 255 homes will be shared ownership which does not accord with the plans submitted; suspicion of the company's true intentions. Suggestion that there will be an amendment made to the application and additional units incorporated. Query whether an alternative management company would be used. Countryside need to be involved with the design.
17. Future Direction – Hope newly elected council will take a different view to the conservatives who allowed planning to evolve without any consideration to the living environments and access, which people need to live healthy lives.
18. Timing of Submission – Application submitted when trees are in full bloom.
19. Other Matters – Road water run-off drainage pits dug to the north of Regiment Gate; indicative of the original intention to accommodate a run in parallel with the street as is the case with parcels in Beaulieu Heath.

20. Impact on Property Value – Existing properties upwards of £500,000 – residents would live opposite a row of cheap apartments.



0 30 60 120 Metres

1:7,500



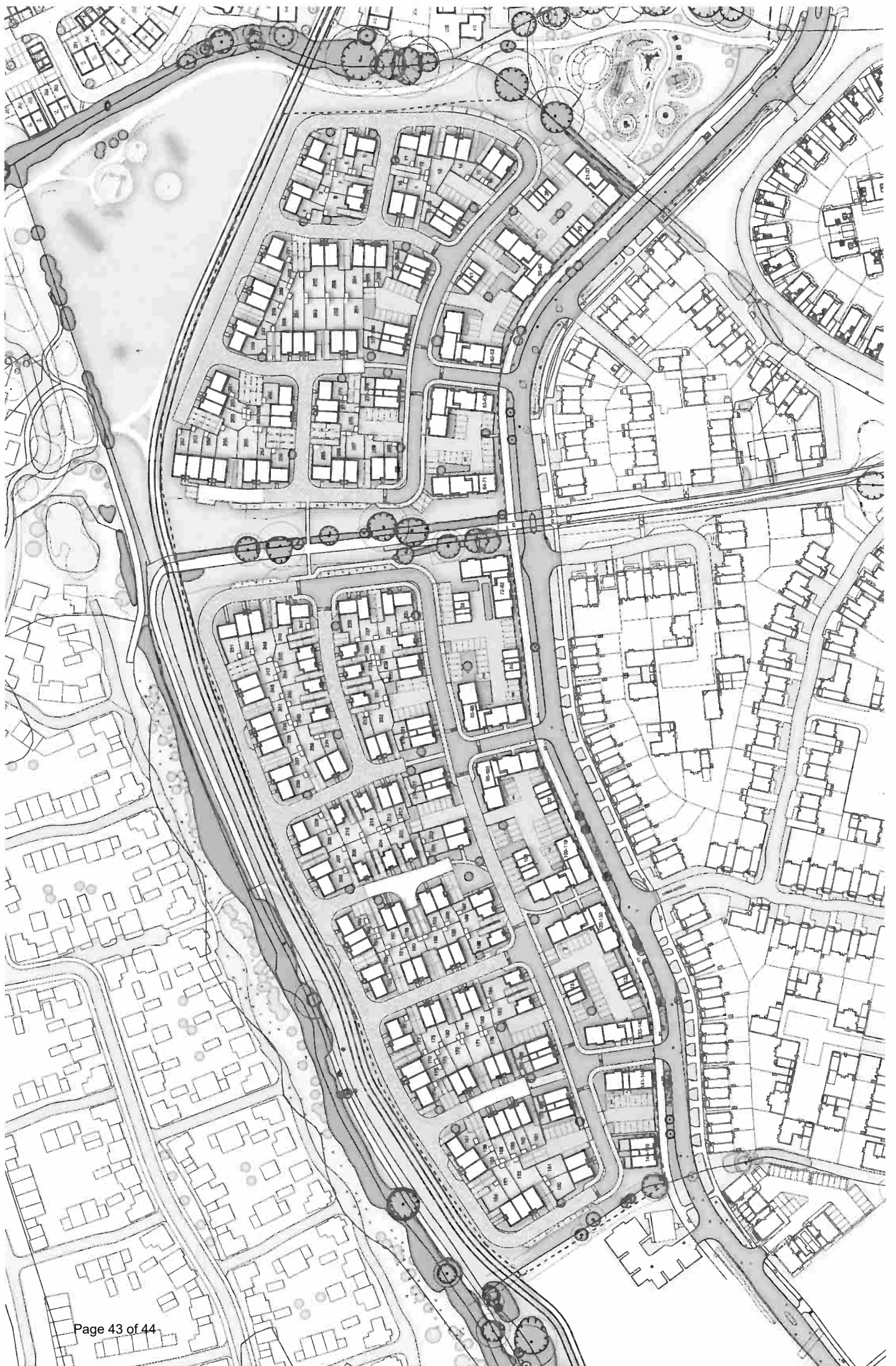
Planning Committee
19/00581/REM

Planning & Development Management
Directorate for Sustainable Communities

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

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Telephone: 01245 606826



Appeals Report

Appeal Decisions received between 28/06/2019 and 24/07/2019

PLANNING APPEALS

Total Appeal Decisions Received	2	
Dismissed	2	100%
Allowed	0	0%
Split	0	0%

Written Reps

Site At The Saracens Head Hotel 3 High Street Chelmsford

Reference	18/00782/FUL
Proposal	Part demolition of first and second floors and new building at first and second floor, internal alterations, new mansard roof extension to front of building, to provide 1 no. studio apartments, 4 no. 1-bed apartments and 8 no. 2-bed apartments.
Appeal Decision	Appeal Dismissed - 11/07/2019
Key Themes	Effect upon character and appearance of area - preservation of listed building, preservation or enhancement of Conservation Area; Effect of proposla upon living conditions of future occupants; Effect upon vibrancy and vitality of City Centre; Overall heritage and planning balance.
Agreed with CCC on	Harm to listed building; Failure to conserve or enhance the character and appearance of the Conservation Area; Harm to living conditions of future residents in terms of outlook, amenity and noise; Harm to the vibrancy and vitality of Chelmsford City Centre; Insufficient public benefit to offset harm; Proposal does not represent sustainbale development.
Disagreed with CCC on	That the provision of limited properties with wheelchair accessibility and to lifetime home standard would represent a public benefit (in the context of a listed building), albeit to a limited degree
Costs Decision	None

Site At The Saracens Head Hotel 3 High Street Chelmsford

Reference	18/00783/LBC
Proposal	Part demolition of first and second floors and new building at first and second floor, internal alterations, new mansard roof extension to front of building, to provide 1 no. studio apartments, 4 no. 1-bed apartments and 8 no. 2-bed apartments.
Appeal Decision	Appeal Dismissed - 11/07/2019
Key Themes	Preservation of listed building
Agreed with CCC on	Harm to special interest of listed building, harm not outweighed by public benefits
Disagreed with CCC on	n/a
Costs Decision	None